

(5) reporting to the President information involving possible violations by any official or other employee of any law applicable to the performance of official duties or the discharge of official responsibilities that may require referral to appropriate Federal or State authorities.

(d) ANNUAL REPORT.—The Inspector General of the Executive Office of the President shall annually submit a report to the President and the Congress regarding the activities of the Inspector General under this section.

Mrs. MALONEY. Madam Speaker, I reserve the balance of my time.

Mr. HORN. Madam Speaker, how much time do we have left on this side?

The SPEAKER pro tempore (Ms. GREENE of Utah). The gentleman from California [Mr. HORN] has 1½ minutes remaining, and the gentlewoman from New York [Mrs. MALONEY] has 12 minutes remaining.

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

Let me note in response to my colleague from New York the point that the chairman of the full committee made, that the inspector generalship in the White House has been tailored so it does not get into policy areas. It is exactly the relationship the inspector general of the House of Representatives has in terms of not getting into the Members' and policymaking functions here.

I would say that any Chief Executive of the United States, I would think, regardless of party, be they Republicans or Democrats, would want as two basic tools to help in his administration, or her administration, as it might be someday, the chief financial officer and the inspector general.

This legislation is long overdue. It would have saved several Presidents from scandals and, hopefully, it will save future Presidents from scandals. I urge my colleagues to support this measure, which has strong support, I know, by many in both parties. I hope we would have the votes because this is good public policy, and future Presidents will thank us, not condemn us, for passing it.

Mr. GOODLING. Madam Speaker, I rise in support of the Presidential and Executive Office Accountability Act. This act is a logical step following passage of the Congressional Accountability Act [CAA] in the earliest days of this Congress, in that it extends to the Executive Offices of the President the same employment protections which were made applicable to the Congress under the CAA. Passage of the CAA was an important step in showing that the Republican Congress would not proceed with "business as usual" and ended the status of Congress as the "last plantation."

As it turns out, the White House and its related offices are now, in fact, the "last plantation" and the Presidential and Executive Office Accountability Act will end this unacceptable, albeit little known, special status under the law. When we passed the CAA, the hope was that the Congress would learn the practical impact of these laws, therefore have a better understanding of how they really work, and thus be able to give better, more informed consideration to legislation in the employment area.

Hopefully, the Presidential and Executive Office Accountability Act will have the same impact on those who develop policy at the highest level in the executive branch.

With regard to those provisions relating to the Federal Service Labor-Management Relations Act, I simply want to note that these provisions are modeled after those in the CAA and should be interpreted in the same manner. Thus, the Federal Labor Relations Authority should engage in extensive rulemaking to determine whether any employees in the offices cited should be exempted because of any of the three reasons listed—a conflict of interest; and appearance of a conflict of interest; or constitutional responsibilities.

Mr. HORN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MALONEY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 3452, as amended.

The question was taken.

Mr. HORN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1445

GENERAL LEAVE

Mr. HORN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3452, the bill just considered.

The SPEAKER pro tempore (Ms. GREENE of Utah). Is there objection to the request of the gentleman from California?

There was no objection.

WAR CRIMES DISCLOSURE ACT

Mr. HORN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1281) to amend title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act of information regarding certain individuals who participated in Nazi war crimes during the period in which the United States was involved in World War II, as amended.

The Clerk read as follows:

H.R. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) during the 104th Congress, Americans commemorated the 50th anniversary of the conclusion of the Second World War and the end of the Holocaust, one of the worst tragedies in history;

(2) it is important to learn all that we can about this terrible era so that we can pre-

vent such a catastrophe from ever happening again;

(3) the Cold War is over;

(4) numerous nations, including those of the former Soviet Union, are making public their files on Nazi war criminals as well as crimes committed by agencies of their own governments;

(5) on April 17, 1995, President Clinton signed Executive Order 12958, which will make available certain previously classified national security documents that are at least 25 years old;

(6) that Executive Order stated: "Our democratic principles require that the American people be informed of the activities of their Government.";

(7) this year marks the 30th anniversary of the passage of the Freedom of Information Act;

(8) agencies of the United States Government possess information on individuals who ordered, incited, assisted, or otherwise participated in Nazi war crimes;

(9) some agencies have routinely denied Freedom of Information Act requests for information about individuals who committed Nazi war crimes;

(10) United States Government agencies may have been in possession of material about the war crimes facilitated by Kurt Waldheim but did not make this information public;

(11) it is legitimate not to disclose certain material in Government files if the disclosure would seriously and demonstrably harm current or future national defense, intelligence, or foreign relations activities of the United States and if protection of these matters from disclosure outweighs the public interest of disclosure;

(12) the disclosure of most Nazi war crimes information should not harm United States national interests; and

(13) the Office of Special Investigations of the Department of Justice is engaged in vital work investigating and expelling Nazi war criminals from the United States, accordingly, the records created by these investigations and other actions should not be disclosed, and the investigations and other actions should not be interfered with.

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of the Congress that United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war crimes should make these records public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentlewoman from New York [Mrs. MALONEY] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

Over a half century has passed since the ending of the Second World War and the revelation of the horrors of the Holocaust. The War Crimes Disclosure Act authored by my colleague, the gentlewoman from New York [Mrs. MALONEY], is intended to make available under the Freedom of Information Act records in the possession of Federal departments and agencies about individuals believed to have participated in Nazi war crimes. I join the bill's author, Representative MALONEY, in advancing this important legislation.

We are acting just a day after the Jewish high holiday of Yom Kippur,

the Day of Atonement. All people of conscience can benefit from the careful contemplation of the past. Such reflection is a vital step toward a resolve to redress past wrongs and to do good in the future. For governments and their citizens to accomplish this, the facts, even painful facts, must be made public.

If we are not to forget the horrors of the Holocaust, and we must never do so, then we must make the records available, all the records of this dark, dark period in human history.

I am appreciative of the role of historians as stewards of our past. Their work on this terrible period is far from complete. We must assist them by making these records available. Information about contacts once maintained with Nazi war criminals must finally be disclosed.

Some words of clarification are necessary about the amendment before the House. The Committee on Government Reform and Oversight passed a version of H.R. 1281 which provided for the mandatory disclosure of this information pursuant to the provisions of the Freedom of Information Act, or FOIA, as it is called.

Normally under the Freedom of Information Act, national security records are exempt from disclosure. H.R. 1281 as reported by the Committee on Government Reform and Oversight would have required a careful balancing of the public interest when the national security exemption was applied to the records of alleged Nazi war criminals.

Since the committee's action, Mrs. MALONEY, the Representative from New York, and I have worked with the Permanent Select Committee on Intelligence and the Central Intelligence Agency to refine the language of H.R. 1281 to address the national security considerations. Unfortunately, we have not been able to resolve the sensitive questions about the extent and nature of judicial review of agency or Freedom of Information Act determinations and the appropriate treatment of the more recently created records.

Consequently, I join the gentlewoman from New York [Mrs. MALONEY] in proposing an amendment with substitute language which expresses, and I quote:

It is the policy of the Congress that the United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war crimes should make these records public.

I expect in the next Congress to continue to work together with Representative MALONEY and others to advance the release of records held by the Federal Government departments and agencies concerning Nazi war criminals. I am confident that an appropriate balancing of interests can be found.

As the author of H.R. 1281, the gentlewoman from New York [Mrs. MALONEY] has provided active leadership in using the Freedom of Informa-

tion Act to learn more about the information in Federal Government files about Nazi war criminals.

Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield myself such time as I may consume.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Madam Speaker, I first want to thank my friend, the gentleman from California, Chairman HORN, and his fine staff and my fine staff for all of their hard work on bringing this measure to the floor. I want to thank the gentleman from Texas, Chairman COMBEST, and the gentleman from Washington, Mr. DICKS, ranking member of the Permanent Select Committee on Intelligence for their assistance. I also want to thank our former colleague, Elizabeth Holtzman, not only for her efforts on this bill but for a career spent in pursuit of justice and human rights, dating back to her pioneering legislation on Nazi war criminals.

Madam Speaker, this is a somewhat bittersweet moment. Chairman HORN and I had wanted to bring forward H.R. 1281 as reported, which unanimously passed the Committee on Government Reform and Oversight. This bill which I have been working on for nearly 3 years would end a tremendous loophole in the Freedom of Information Act which currently allows Government agencies to block the release of information on Nazi war crimes. Although we have a carefully crafted bill, which protects legitimate national security, the CIA strenuously objected to the legislation and has effectively killed it in this Congress.

Given that half a century has passed since the end of World War II and given that the cold war is over, I find it outrageous that the CIA would block a bill which would help us shed light on the Holocaust, the darkest moment in the history of man's inhumanity to man.

But bringing this substitute sense of Congress resolution to the floor today, we will put the House on record in support of the principles of our bill and we will set the stage for the passage of binding legislation in the next Congress.

Madam Speaker, I am indebted to A.M. Rosenthal of the New York Times for his series of articles he wrote about secret U.S. Nazi war crimes files. I am also thankful for the advice and assistance of professor Robert Herzstein of the University of South Carolina who has cataloged the celebrated case of Kurt Waldheim. For years the CIA was keeping its information on Waldheim a secret, even as the Department of Justice was placing him on the watch list of individuals forbidden to enter the United States. It is not difficult to imagine how history might have been changed if Waldheim's secret past had become public. Most notably, he probably would not have been elected to the

post of Secretary General of the United Nations, one of the most shameful events in the history of that world body.

And Waldheim's outrageous story continues. In his recent autobiography, he continues to whitewash his Nazi past and blames the American Jewish community for his banishment from the United States. I drafted H.R. 1281 to ensure that the entire Waldheim file is finally disclosed. It is also my hope that the enactment of this bill will help those who research the horrors of the Holocaust to ensure that cases like Waldheim do not occur again.

Madam Speaker, some of what we might learn in U.S. Government files may not be pleasant. Evidence exists, for example, that our Nation actively recruited Nazis and facilitated their entry into the country to pursue early cold war objectives. But as we quote in this resolution, President Clinton's Executive Order 1212958, which represents a strong step forward in the declassification of national security documents states, and I quote, "Our democratic principles require that the American people be informed of the activities of their government."

Madam Speaker, this is the spirit of the Freedom of Information Act which this year turns 30 years old. FOIA has been a great tool to historians, studying World War II and the Holocaust. But all too often U.S. intelligence, defense, and foreign relations agencies deny FOIA requests, citing outdated exemptions that are simply no longer valid in the post-cold war era.

Our bill as reported would have required the release of this material but would have exempted disclosure of files that would have seriously harmed current or future national security concerns.

Our bill would have ended the longstanding practice of routine denial by the CIA of freedom of information requests about Nazi war crimes, by placing the CIA under the judicial review requirements of other government agencies. What this means is that researchers who present the CIA with reasonable FOIA requests, only to have them denied, would be able to turn to the Federal courts for final ruling. Our bill would not have interfered with the outstanding work of the Office of Special Investigations, which has a long track record of exposing and expelling Nazi war criminals from our country.

Madam Speaker, during the past several days, as I have been attempting to get H.R. 1281 to the floor, the Nation has learned some very interesting facts from previously classified historical documents. For example, we learned last week from a 40-year-old document that our government knew about U.S. prisoners of war held by North Korea during the Korean war.

We also learned from World War II documents that millions of dollars in gold looted by the Nazis is currently sitting in the Federal Reserve Bank of New York.

These two revelations may be disturbing but learning about our Nation's past, disturbing as it might be, to teach us how to govern in the future is the essence of democracy. And this is the essence of the resolution we are debating today. We can never heed Santayana's warning that, and I quote, "Those who do not remember the past are condemned to repeat it," if we do not have the proper historical tools.

Madam Speaker, yesterday Jews all over the world celebrated Yom Kippur, the Day of Atonement. This is a day of somber reflection about the past. In my district and in countless others, thousands of these individuals are survivors of the Holocaust and their families. These people can never escape the searing memories of what befell them half a century ago.

In passing this resolution, we honor the memory of those who died and the suffering of those who survived. In passing this resolution, we are taking a stand against those who insult humanity by denying the very fact that the Holocaust occurred. And in passing this resolution, we must pledge that before another year goes by, we will ensure that our government's full accounting of this terrible era and its aftermath is made public.

I ask my colleagues to support our resolution calling for the release of Nazi war crime files.

Madam Speaker, I reserve the balance of my time.

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

I received a letter from the chairman of the Permanent Select Committee on Intelligence, our distinguished colleague, the gentleman from Texas [Mr. COMBEST]. I want to include that letter for the RECORD:

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

Washington, DC, September 23, 1996.

Hon. STEPHEN HORN,
Chairman, Subcommittee on Government Management, Information, and Technology,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding the War Crimes Disclosure Act, H.R. 1281. As reported, H.R. 1281, contained a number of provisions that would amend the Freedom of Information Act (FOIA) and would effect long standing federal case law and rule of judicial deference to intelligence and law enforcement executive agency expertise in national security matters.

The Committee is committed to declassifying older intelligence documents, in particular those pertaining to Nazi war criminals. I specifically requested that the Central Intelligence Agency review this legislation to reach an agreement satisfying the concerns of the intelligence agencies as well as meeting the public's right to receive information about Nazi criminals that may be contained within U.S. intelligence files.

I am in receipt of the Sense of Congress substitute for H.R. 1281 that reiterates the commitment we all feel concerning the disclosure of information related to Nazi war crimes. Recognizing that you and Representative Maloney desire to bring this legislation to the House floor expeditiously, the House Permanent Select Committee on Intelligence will forego its right to sequential referral in

this instance. Further, I am committed to working with you to craft new legislation that meets the desire of the American people to know about Nazi criminal acts while protecting legitimate national security interests.

Thank you for your attention to this matter.

Sincerely,

LARRY COMBEST,
Chairman.

Mr. HORN. Madam Speaker, I want to quote two paragraphs there that are relevant to the measure before us. Chairman COMBEST assures me:

The committee is committed to declassifying older intelligence documents, in particular those pertaining to Nazi war criminals. I specifically requested that the Central Intelligence Agency review this legislation to reach an agreement satisfying the concerns of the intelligence agencies as well as meeting the public's right to receive information about Nazi criminals that may be contained within U.S. intelligence files.

He goes on to say:

I am in receipt of the Sense of Congress substitute for H.R. 1281 that reiterates the commitment we all feel concerning the disclosure of information related to Nazi war crimes. Recognizing that you and Representative Maloney desires to bring this legislation to the floor expeditiously, the House Permanent Select Committee on Intelligence will forego its rights to sequential referral in this instance. Further, I am committed to working with you to craft new legislation that meets the desire of the American people to know about Nazi criminal acts while protecting legitimate national security interests.

Madam Speaker, I deeply appreciate the word of the chairman of the Permanent Select Committee on Intelligence. As a citizen and as a Member of this Congress, I cannot imagine any executive branch under any administration wanting, after almost a half century has passed, to keep the files that relate to specific war crimes committed during the Second World War.

□ 1500

Madam Speaker, this is a fine piece of legislation that the gentlewoman from New York [Mrs. Maloney] has offered. We are delighted to support it on this side.

Madam Speaker, I yield back the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. GREENE of Utah). The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 1281, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to express the sense of the Congress that United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war crimes should make these records public."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HORN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 1281, the important legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GRANTING CONSENT OF CONGRESS TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Mr. GEKAS. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 193) granting the consent of Congress to the Emergency Management Assistance Compact.

The Clerk read as follows:

H.J. RES. 193

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Emergency Management Assistance Compact entered into by Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, Missouri, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia. The compact reads substantially as follows:

"Emergency Management Assistance Compact

"ARTICLE I.

"PURPOSE AND AUTHORITIES.

"This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this compact, the term 'states' is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all U.S. territorial possessions.

"The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency disaster that is duly declared by the Governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

"This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

"ARTICLE II.

"GENERAL IMPLEMENTATION.

"Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.