

under this section if the reasonably segregable portion of the matter would otherwise be required to be disclosed under this section.

"(4) In the case of a request under this section for any matter required to be disclosed under this subsection, if the agency receiving such request is unable to locate the records so requested, such agency shall promptly supply, to the person making such a request, a description of the steps which were taken by such agency to search the indices and other locator systems of the agency to determine whether such records are in the possession or control of the agency."

(b) INAPPLICABILITY OF NATIONAL SECURITY ACT OF 1947 EXEMPTION.—Section 701 of the National Security Act of 1947 (50 U.S.C. 431) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) Subsection (a) shall not apply to any operational file, or any portion of any operational file, described under section 552(d) of title 5, United States Code (Freedom of Information Act)."

#### SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to requests made after the expiration of the 180-day period beginning on the date of the enactment of this Act.

#### ADDITIONAL COSPONSORS

S. 607

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 607 a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 1487

At the request of Mr. GRAMM, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1487 a bill to establish a demonstration project to provide that the Department of Defense may receive medicare reimbursement for health care services provided to certain medicare-eligible covered military beneficiaries.

S. 1493

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 1493, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1542

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1542, a bill to amend the Internal Revenue Code of 1986 to provide for the expensing of environmental remediation costs in empowerment zones and enterprise communities.

S. 1662

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 1662, a bill to establish areas of wilderness and recreation in the State of Oregon, and for other purposes.

S. 1735

At the request of Mr. PRESSLER, the name of the Senator from Iowa [Mr.

GRASSLEY] was added as a cosponsor of S. 1735, a bill to establish the United States Tourism Organization as a non-governmental entity for the purpose of promoting tourism in the United States.

S. 1820

At the request of Mr. DASCHLE, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1820, a bill to amend title 5 of the United States Code to provide for retirement savings and security.

S. 1821

At the request of Mr. DASCHLE, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1821, a bill to amend the Internal Revenue Code of 1986 to provide for retirement savings and security.

S. 1832

At the request of Ms. MIKULSKI, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1832, a bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

S. 1892

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois, [Mr. SIMON] was added as a cosponsor of S. 1892, a bill to reward States for collecting medicaid funds expended on tobacco-related illnesses, and for other purposes.

S. 1900

At the request of Mr. DORGAN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1900, a bill to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

S. 1901

At the request of Mr. DORGAN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1901, a bill to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

S. 1944

At the request of Mr. HATFIELD, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1944, a bill to establish a commission to be known as the Harold Hughes Commission on Alcoholism.

#### SENATE RESOLUTION 277

At the request of Mr. CRAIG, the name of the Senator from Kansas [Mrs. FRAHM] was added as a cosponsor of Senate Resolution 277, a resolution to express the sense of the Senate that, to

ensure continuation of a competitive free-market system in the cattle and beef markets, the Secretary of Agriculture and Attorney General should use existing legal authorities to monitor commerce and practices in the cattle and beef markets for potential anti-trust violations, the Secretary of Agriculture should increase reporting practices regarding domestic commerce in the beef and cattle markets (including exports and imports), and for other purposes.

#### SENATE CONCURRENT RESOLUTION 68—TO CORRECT THE ENROLLMENT OF H.R. 3103

Mr. WELLSTONE (for himself, Mr. KENNEDY, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. CON. RES. 68

*Resolved by the Senate (the House of Representatives concurring).* That in the enrollment of the bill (H.R. 3103) entitled "An Act to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes", the Clerk of the House of Representatives shall make the following correction:

Strike subtitle H of title II.

#### SENATE CONCURRENT RESOLUTION 69—RELATIVE TO EUTHANASIA DURING WORLD WAR II

Mr. SANTORUM (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 69

Whereas Dr. Hans Joachim Sewering was a member of the Nazi party beginning on November 11, 1933, as well as a member of the SS;

Whereas Dr. Sewering served as staff physician and medical director at the Schoenbrunn Sanitarium beginning in 1942;

Whereas, between 1943 and 1945, under Dr. Sewering's supervision, 909 German Catholic mentally and physically disabled patients, mainly children, were transferred from the sanitarium to a "Healing Center" at Egfling-Haar;

Whereas, subsequently, these patients were killed by starvation and an overdose of a sleeping drug, Luminal;

Whereas there is documentation with Dr. Sewering's signature on its that transfers a 14-year-old epileptic girl names Babette Frowis from the sanitarium to the healing center on October 26, 1943;

Whereas Babette Frowis was pronounced dead on November 16, 1943, just 15 days after being transferred there by Dr. Sewering;

Whereas Dr. Sewering has enjoyed a successful and lengthy medical career after the war, most recently acting as the President of the Federal Physicians Chamber in Germany;

Whereas 4 Franciscan nuns, who worked in the sanitarium at the time these acts occurred, came forward in January of 1993 to corroborate the accusations against Dr. Sewering made by physicians in Germany;

Whereas these nuns broke a 50-year-long vow of silence at the suggestion of the Bishop of Munich to expose Dr. Sewering and share their accounts of the patients;

Whereas these being elected president-elect of the World Medical Association in 1993, protest by the American Medical Association about his alleged crimes led Dr. Sewering to resign as president-elect;

Whereas the German Government has never conducted a criminal inquiry or indicted Dr. Sewering;

Whereas the German Government has all of the patient records, including the signature of the doctor that ordered the transfers to the "Healing Center", in a government archival center, and these records have never been examined by government prosecutors; and

Whereas the German Government has so far protected this criminal: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of the Congress that the German Government should investigate and prosecute Dr. Hans Joachim Sewering for his war crimes of active euthanasia and crimes against humanity committed during World War II.

Mr. SANTORUM. Mr. President, I rise today to submit a concurrent resolution with my colleague Senator FEINSTEIN and to give a few remarks on the Holocaust. Mr. President, many Americans probably have the opinion that we have closed the door on the Holocaust. In fact, we have a museum here in Washington that stands as a reminder of this black mark in our history. Unfortunately, the very submission of this concurrent resolution tells us that this chapter has not yet been closed.

By way of background, my father-in-law, Dr. Ken and Betty Lee Garver, have done extensive research on the medical history of Nazi war time. In their continued work within the medical community, they have come in contact with Dr. Michael Franzblau from California. It is Dr. Franzblau who brought to our attention the background and history of a German doctor who was a member of the Nazi party and referred many of Germany's disabled and afflicted to "healing centers" or death camps during the 1940's.

Of the millions of victims of World War II, it is the faces of the children we remember most, like the face of Babette Frowis. Babette Frowis was a 14-year-old child who suffered from epilepsy. She was sent to the Schoenbrunn Sanitarium in 1943 when Adolf Hitler began "cleansing" the German race. The Medical Director of the Sanitarium, Dr. Hans Joachim Sewering, then transferred her to the Healing Center at Eglfing-Haar on October 26, 1943. Twenty-one days later, on November 16, 1943, she was pronounced dead.

Babette Frowis was not the only one. It is estimated that between 1942 and 1945, 909 patients, the overwhelming majority of whom were children, were transferred to the "Healing Center" for extermination, under Dr. Sewering's command. At Eglfing-Haar, the children were subjected to a mixture of starvation and an overdose of a sleeping drug, Luminal. Authorities at the

center saw this method as a low cost way of disposing of disabled children.

Dr. Sewering was a member of the Nazi party, as well as the Medical Director of the Sanitarium. When the war ended, Dr. Sewering went on to enjoy a full and rewarding medical career in Bavaria. In 1993 he became the president-elect of the World Medical Association, but after protest he resigned. Shortly after this, the Department of Justice placed Dr. Sewering on the "watch list" thereby preventing his entry into the United States. Dr. Sewering, at the age of 78, still practices medicine in Bavaria.

I have been in contact with the German Ambassador on this matter requesting an explanation and information on behalf of the German Government as to why Dr. Sewering has not been investigated and why the documents regarding the transfer of patients have not been made public. This concurrent resolution expresses the Sense of Congress that the German Government should investigate and prosecute Dr. Sewering for his war crimes of active euthanasia and crimes against humanity committed during World War II.

I appreciate the interest and joint sponsorship of Senator FEINSTEIN, and look forward to working with her as we continue to draw the attention of Congress to this situation and ultimately action by the German Government.

#### SENATE CONCURRENT RESOLUTION 70—DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. MURKOWSKI submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 70

*Resolved by the Senate (the House of Representatives concurring),* That in the enrollment of the bill (H.R. 1975) to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) On page 5, line 23, strike the word "provision" and insert in lieu thereof the word "provisions".

(2) On page 29, line 23, insert the word "so" before the word "demonstrate".

(3) On page 36, line 2, insert the word "not" after the word "shall".

(4) On page 36, line 19, strike the word "rate" and insert in lieu thereof the word "date".

(5) On page 36, line 24, strike the word "owned" and insert in lieu thereof the word "owed".

(6) On page 39, line 8, strike the word "dues" and insert in lieu thereof the word "due".

(7) On page 44, line 24, strike the word "it" and insert in lieu thereof the word "its".

#### SENATE RESOLUTION 287—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following reso-

lution; which was considered and agreed to:

S. RES. 287

Whereas, the Office of the Attorney General of the State of New Jersey has requested that the Permanent Subcommittee on Investigations provide it with copies of Subcommittee records in connection with a licensing investigation that the Office is currently conducting;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved,* That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations, acting jointly, are authorized to provide to the Office of the Attorney General of the State of New Jersey copies of Subcommittee records that the Office has requested for use in connection with its pending licensing investigation.

Mr. LOTT. Mr. President, the Permanent Subcommittee on Investigations has received a request from the New Jersey Attorney General's Office for copies of subcommittee records relevant to a background investigation that the Office is conducting in connection with a solid waste disposal company's licensing application.

In the course of drug enforcement hearings in the mid-1970s, the subcommittee investigated allegations relating to an individual who was then a federal drug enforcement official and is now a principal in the solid waste firm seeking licensure from the State of New Jersey. The Attorney General's Office is seeking access to subcommittee records to enable the Office to fulfill its responsibilities under state law to conduct a thorough background investigation of this individual.

Mr. President, this resolution would authorize the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, to provide subcommittee records in response to this request.

#### AMENDMENTS SUBMITTED

#### THE FOOD AND GROCERY PRODUCTS DONATION ACT OF 1996

##### LEAHY AMENDMENT NO. 5148

Mr. SANTORUM (for Mr. LEAHY) proposed an amendment to the bill (H.R. 2428) to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.

Beginning on page 2, strike line 16 and all that follows through page 3, line 11, and insert the following: