

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

In closing, let me just say that the European Union calls into question its own appropriateness in serving on the quartet, attempting to bring some stability and peace to the Middle East. This is such a clearcut case. We are dealing with a global terrorist organization which has cold-bloodedly massacred large numbers of civilians of many nationalities. There is no earthly reason to continue the defiance of common sense by the European Union in failing to put Hezbollah on the terrorist list.

The European Parliament itself a few days ago called on the union to list Hezbollah as a terrorist organization, and at long last it is our hope that they will do so.

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

Mr. BARRETT of South Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentleman from South Carolina (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 101, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TWO-YEAR EXTENSION OF NAZI WAR CRIMES AND JAPANESE IMPERIAL GOVERNMENT RECORDS INTERAGENCY WORKING GROUP

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 384) to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

The Clerk read as follows:

S. 384

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

SECTION 1. TWO-YEAR EXTENSION OF WORKING GROUP.

Section 802(b)(1) of the Japanese Imperial Government Disclosure Act of 2000 (Public Law 106-567; 114 Stat. 2865) is amended by striking "4 years" and inserting "6 years".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 384, the Senate bill under consideration.

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

There was no objection.

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

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to call for the consideration of S. 384, a bill that extends the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group. I commend the esteemed Senator from Ohio, MIKE DEWINE, and my distinguished colleague in this body, the gentlewoman from New York (Mrs. MALONEY), for working on this bill. I am proud to be a cosponsor of it.

Senate 384 extends by 2 years this worthy working group that was originally created by Congress through Public Law 105-246 in 1998. The group is made up of government agency representatives who are directed to oversee the declassification of U.S. Government records that contain information about Nazi war crimes.

Such information includes trafficking of assets seized by the Nazis and post-war communications between U.S. Government and former Nazi officials, unless declassification would unduly violate personal privacy or harm national security or foreign policy interests. The law also allowed for expedited processing of Freedom of Information, FOIA, requests made by survivors of the Holocaust.

On December 6, 2000, as part of the Intelligence Authorization Act for 2001, Congress changed the group's name to the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group. This action expanded the mission of the group to include the declassification of U.S. Government records related to World War II era war crimes committed by the Japanese Imperial government.

The project has produced some valuable accomplishments. It has allowed the release of over 8 million previously classified documents and generated a great deal of historical research.

However, the CIA has resisted disclosing certain files, preventing the completion of the work within the 3-year time frame anticipated by the original law. Recently, however, the CIA has agreed to modify its position on a number of key issues and work with the National Archives and other groups to declassify remaining relevant information. Accordingly, S. 384 would extend the law for another 2 years, to give all parties sufficient time to complete the project.

Madam Speaker, all in all, the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group is a valuable effort that informs the American people of the actions of their government while bal-

ancing the protection of legitimate national secrets.

Again, I thank the gentlewoman from New York and the Senator from Ohio for seeing this legislation through both Chambers of Congress. I urge strong support for this measure.

Madam Speaker, I reserve the balance of my time.

□ 1630

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

Madam Speaker, I thank the gentleman from Connecticut (Mr. SHAYS) for his leadership on this issue and so many others. I rise in strong support of S. 384 that would extend the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

The 1989 law opened up the government files of Nazi and Japanese war activities. Many, many agencies cooperated and declassified an enormous amount of documents, including the CIA, FBI, NSA, DOD, the Army, and many others. The law resulted in the largest specifically focused declassification effort in American history. It provided important information for historians to better understand World War II and the Cold War. Already, over 100 million documents have been screened and over 8 million have been declassified.

The extension will allow time for the remaining documents to be released and studied. The remaining documents are mainly in the CIA. We thank them for their agreed cooperation as we go forward.

Madam Speaker, I want to make clear that the original legislation required the disclosure of Nazi war criminal records specifically related to individuals. It should in no way be interpreted as inhibiting the release of other more general records such as policy directives or memoranda. If such records are uncovered during the search of files, the bill requires and necessitates that they become public along with the rest of the documents. The intent of the original legislation was to bring to the light information which may be in the files and archives of the U.S. Government. This may well include information from the postwar period showing a relationship between those agencies and Nazi war criminals.

It was not the intent that the exemptions included in the underlying bill be used to shield this type of information from disclosure. We included the exemptions that currently exist in executive order. They should not be revoked simply to protect any agency from embarrassment.

It is important that this move forward, and it is important that we pass this extension today as the terms of the Interagency Working Group were set to expire at the end of March 2005. So we are at a critical juncture which this bill addresses.

Madam Speaker, I first introduced the Nazi War Crimes Disclosure Act in

1994. It was in response to an article that I read in the New York Times written by Mr. Abe Rosenthal. In the article he described the work of a professor from the University of South Carolina who was trying to obtain information on Kurt Waldheim, a former director of the United Nations. Yet our government would not allow him to have access to any information.

The KGB had opened up their files; many governments had opened up their files. It was many years after the war, and I could see no reason why this information should be kept from the public.

I introduced the bill, along with former Congressman Steve Horn. At first there was great opposition to the bill from the intelligence community. In 1996, we passed a sense of Congress in support of the bill because nothing passes without the support of the intelligence community. The bill drew the attention of former Congressman Porter Goss, Senator DEWINE, and then-Senator Moynihan who worked with me and others to finally pass the bill 7 years ago in 1998. It was signed into law by President Clinton in an Oval Office ceremony that year.

In December of 2000, we extended the law for an additional 2 years and expanded it to cover the Japanese crime documents. Then in January of 2004, we extended the term of the Interagency Working Group another year so it would be able to fulfill its charter and produce a comprehensive, historically accurate report on the United States' knowledge of Nazi and Japanese war criminals and their activities.

Now because of the bill, the legislation, millions of pages of U.S. intelligence documents are organized and available to the public through the National Archives. As a result of this law, we are beginning to understand the relationship of the U.S. Government to Nazi war criminals in the aftermath of World War II and during the Cold War.

While it is a difficult subject to address, finding out about the terrible and ugly aspects of the wartime era will help to shed light and bring us closer to the truth. "U.S. Intelligence and the Nazis" is one book that has already resulted from the documents. I know there will be many more in the future. In this book, they talk about the role of intelligence agencies, especially the U.S. of war criminals by U.S. intelligence organizations after the war.

We now understand because of these documents that German spymaster General Reinhard Gehlen, who served as Hitler's most senior military intelligence officer on the Eastern Front, was an officer who became a key U.S. intelligence resource after the war. During the postwar period, he ran an extensive network of spies, some with Nazi collaborationist backgrounds, that made them vulnerable to the Soviet Union during the height of the Cold War.

As we can see, the documents provided thus far to the IWG have revealed

that there was a closer relationship between the U.S. Government and Nazi war criminals than previously known. It is an important fact that is crucial to the understanding of history. This significant knowledge would not have been possible without the cooperation of so many in this body, and so many agencies. But particularly I cite the dedicated work of the Interagency Working Group, former Congresswoman Elizabeth Holtzman, Tom Baer and Richard Ben-Veniste. They served with great dedication, without compensation and are continuing to serve and have been appointed by two Presidents.

Many people worked to bring this bill to the floor, and I want to especially express my gratitude to the gentleman from Virginia (Chairman TOM DAVIS), who went beyond the call of duty to ensure there was a markup so we could get this to the floor to extend it before the time expired. I appreciate the work of his staff, Mason Aligner and Rob Borden; and I also want to thank the ranking member, the gentleman from California (Mr. WAXMAN), and his staff, Michelle Ash and David McMillan, who are always helpful and supportive, and this time was no exception.

I also express my appreciation to the gentleman from Texas (Mr. DELAY), the majority leader, and his staff, Brad Loper. They were extremely helpful in making sure we are debating this bill on the floor today and that the Interagency Task Force will be able to continue its work.

I would also like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and Robert Tracci on his staff who have been extremely accommodating so we could move this forward. But I would especially like to thank my colleague in the other body, Senator DEWINE, and his staff, Peter Levitas, and his former staff member, Louis DePartt, for their tireless and selfless work and for the energy they put forth to ensure that we know as much as we can about our government's past involvement with Nazi war criminals.

I would also like to recognize Ben Chevat and Orly Isaacson of my own staff who have shown tremendous persistence and dedication.

I also thank former Senator Moynihan. Today, I was supposed to be in Syracuse for a dedication to a research facility that bears his name to continue his work. He worked with me on this bill. Part of his devotion was protecting privacy and combating unnecessary confidentiality of government papers. I really feel being here today helps extend and empower the work that he so brilliantly did in this body.

Our work today is extremely important; but it is far surpassed by the persistence that Holocaust survivors, historians, and researchers have shown for their search for the truth. I thank everyone who has worked to make this happen today.

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

Mr. SHAYS. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, again I thank the gentlewoman from New York (Mrs. MALONEY) for her extensive work on this legislation over a long period of time. I reinforce the gentlewoman's thank you and say that the gentleman from Virginia (Chairman TOM DAVIS) wants to be on the record thanking the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Chairman HOEKSTRA) for waiving jurisdiction on S. 384 so we could take it up more quickly, and that was obviously very important.

I just want to say that I know the gentlewoman is going to ask for a roll call vote, and I join in that effort because I think Members want an opportunity to vote on this bill. I urge all Members to support the passage of S. 384.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I include the following exchange of letters between Chairman F. JAMES SENSENBRENNER, Jr., of the Committee on the Judiciary, Chairman PETER HOEKSTRA of the Permanent Select Committee on Intelligence and myself.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 14, 2005.

Hon. TOM DAVIS
Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.

DEAR CHAIRMAN DAVIS: In recognition of the desire to expedite floor consideration of S. 384, "To extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for two years," the Committee on the Judiciary hereby waives consideration of provisions of the legislation within the Committee's Rule X subject matter jurisdiction. Specifically, S. 384 extends the operation of the Nazi War Criminal Interagency Working Group established by Public Law 105-267. Section 3(b) of Public Law 105-267 created certain exceptions for the disclosure of records obtained by the Working Group. Section 3(b)(2)(A) excepts the disclosure of information that would "constitute a clearly unwarranted invasion of personal privacy." This matter falls within the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1)(5) ("Civil liberties"). Section 3(b)(2)(C) also excepts the disclosure of information that would "reveal information that would assist in the development or use of weapons of mass destruction." This matter falls within the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1)(19) ("Subversive activities affecting the internal security of the United States"). In addition, section (3)(c) creates an exception to the National Security Act of 1947. This section implicates the Committee on the Judiciary's jurisdiction under rule X(1)(1)(19) ("Subversive activities affecting the internal security of the United States"). Finally, Section 3(3) pertains to the disclosure of records "related to or supporting any active or inactive investigation, inquiry, or prosecution of the Office of Special Investigations of the Department of Justice." This matter falls with the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1) ("The judiciary and judicial proceedings, civil and criminal.")

S. 384 also extends the operation of the "Japanese Imperial Government Disclosure Act" (Public Law 106-567), which expanded the scope of the Working Group to encompass the examination of crimes committed

by the Japanese government during World War II. Section 803(b)(1) of this legislation excepts the disclosure of information that would “constitute a clearly unwarranted invasion of personal privacy.” This matter falls within the Committee on the Judiciary’s subject matter jurisdiction under rule X(1)(1)(5)(“Civil liberties”). Section 803(b)(3) also excepts the disclosure of information that would “reveal information that would assist in the development or use of weapons of mass destruction.” This matter falls within the Committee on the Judiciary’s subject matter jurisdiction under rule X(1)(1)(10)(“Subversive activities affecting the internal security of the United States”). Finally, Section 803(d) pertains to the disclosure of records “related to or supporting any active or inactive investigation, inquiry, or prosecution of the Office of Special Investigations of the Department of Justice.” This matter falls with the Committee on the Judiciary’s subject matter jurisdiction under rule X(1)(1) (“The judiciary and judicial proceedings, civil and criminal”).

The Committee on the Judiciary takes this action with the understanding that the Committee’s jurisdiction over these provisions is in no way altered or diminished. I would appreciate the inclusion of this letter and your response to it in the Congressional Record during consideration of S. 384 on the House floor. Thank you for your consideration in this matter.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

CONGRESS OF THE UNITED STATES
Washington, DC, March 14, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Judiciary Committee’s jurisdictional interest in S. 384, a bill to extend the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group.

I agree that the Committee on the Judiciary does not waive its jurisdiction over S. 384 or similar bills by waiving further consideration of this bill. I will include a copy of your letter and this response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of S. 384.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES,
March 11, 2005.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of S. 384, a bill to extend the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group. The House Permanent Select Committee on Intelligence has a jurisdictional interest in S. 384.

In the interests of moving this important legislation forward, I do not intend to ask for sequential referral of this bill. However, I do so only with the understanding that this procedural route should not be construed to prejudice the House Permanent Select Committee on Intelligence’s jurisdictional interest over this bill or any similar bill and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

Finally, I would ask that you include a copy of our exchange of letters on this mat-

ter in the Congressional Record during the House debate on S. 384. Thank you for your consideration.

Sincerely,

PETER HOEKSTRA,
Chairman.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 14, 2005.

Hon. PETER HOEKSTRA,
Chairman, House Permanent Select Committee on Intelligence, Capitol Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the House Permanent Select Committee on Intelligence’s jurisdictional interest in S. 384, a bill to extend the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group.

I agree that the House Permanent Select Committee on Intelligence does not waive its jurisdiction over S. 384 or similar bills by waiving further consideration of this bill. I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of S. 384.

Sincerely,

TOM DAVIS,
Chairman.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the Senate bill, S. 384.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MALONEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM TO HAVE UNTIL MIDNIGHT, MARCH 31, 2005, TO FILE REPORT ON OVERSIGHT PLANS

Mr. SHAYS. Madam Speaker, I ask unanimous consent that the Committee on Government Reform have until midnight, March 31, 2005, to file a Report on Oversight Plans under clause 2 of rule X.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o’clock and 42 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 6 o’clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

- H. Res. 135, by the yeas and nays;
- H. Res. 101, by the yeas and nays; and
- S. 384, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

HOUSE DEMOCRACY ASSISTANCE COMMISSION RESOLUTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 135.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 135, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 2, not voting 46, as follows:

[Roll No. 66]
YEAS—386

Abercrombie	Brown (OH)	Davis (CA)
Ackerman	Brown (SC)	Davis (IL)
Aderholt	Burgess	Davis (KY)
Akin	Burton (IN)	Davis (TN)
Allen	Butterfield	Davis, Jo Ann
Andrews	Buyer	Davis, Tom
Baca	Calvert	Deal (GA)
Bachus	Camp	DeFazio
Baker	Cannon	DeGette
Baldwin	Cantor	Delahunt
Barrett (SC)	Capito	DeLauro
Barrow	Capps	DeLay
Bartlett (MD)	Cardin	Dent
Barton (TX)	Cardoza	Diaz-Balart, L.
Bass	Carnahan	Diaz-Balart, M.
Bean	Carson	Dicks
Beauprez	Carter	Dingell
Berkley	Case	Doggett
Berman	Castle	Doolittle
Berry	Chabot	Doyle
Biggert	Chandler	Drake
Bilirakis	Choccola	Dreier
Bishop (GA)	Clay	Duncan
Bishop (NY)	Cleaver	Edwards
Bishop (UT)	Clyburn	Ehlers
Blumenauer	Coble	Emanuel
Blunt	Cole (OK)	Engel
Boehlert	Conaway	English (PA)
Boehner	Conyers	Eshoo
Bonilla	Cooper	Etheridge
Bonner	Costa	Everett
Bono	Costello	Farr
Boozman	Cox	Fattah
Boren	Crenshaw	Ferguson
Boucher	Crowley	Finer
Boyd	Cubin	Fitzpatrick (PA)
Bradley (NH)	Cuellar	Foley
Brady (PA)	Cummings	Forbes
Brady (TX)	Cunningham	Ford