

110TH CONGRESS
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S. 3007

To hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2008

Mr. SMITH (for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. CARDIN, Mr. SPECTER, and Mr. COLEMAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “World War II War
5 Crimes Accountability Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Surviving Nazi war criminals are becoming
2 increasingly rare.

3 (2) The identities of many of the remaining
4 criminals were made known only after the end of the
5 Cold War and the collapse of Communist govern-
6 ments throughout eastern Europe.

7 (3) In most of these formerly communist coun-
8 tries, the volume of available information is enor-
9 mous, and the available resources to study it and
10 identify war crimes suspects is comparatively small.

11 (4) In the United States, the Office of Special
12 Investigations (OSI) of the Department of Justice is
13 responsible for detecting, investigating and taking
14 legal action to denaturalize or deport persons who
15 took part in Nazi-sponsored acts of persecution com-
16 mitted abroad between 1933 and 1945.

17 (5) As of April 2008, OSI had successfully
18 prosecuted more than 100 people involved in Nazi
19 war crimes who were residing in the United States.

20 (6) As a government office with limited re-
21 sources, OSI is under enormous strain to identify
22 and prosecute those criminals identified by newly-re-
23 leased records before it is too late.

24 (7) Some foreign governments hinder the ef-
25 forts of OSI, Congress, and the United States Gov-

1 ernment to extradite or deport convicted Nazi war
2 criminals from the United States to their country of
3 origin or other relevant jurisdiction.

4 (8) Certain nongovernmental organizations have
5 been instrumental in the search for wanted Nazi war
6 crimes suspects for over 60 years.

7 (9) In 2002, the Simon Wiesenthal Center
8 launched Operation: Last Chance to maximize the
9 identification and help facilitate the prosecution of
10 the remaining unprosecuted Nazi war criminals,
11 helping to achieve justice for the victims of the Hol-
12 ocaust.

13 (10) Simon Wiesenthal, a survivor of the Nazi
14 death camps whose work stands as a reminder and
15 a warning for future generations, dedicated his life
16 to—

17 (A) documenting the crimes of the Holo-
18 caust; and

19 (B) hunting down the perpetrators still at
20 large.

21 (11) As founder and head of the Jewish Docu-
22 mentation Center in Vienna, Simon Wiesenthal suc-
23 cessfully brought to justice wanted Nazi war crimi-
24 nals, including—

1 (A) Franz Stangl, the commandant of the
2 Treblinka death camp;

3 (B) Franz Murer, “The Butcher of
4 Wilno”; and

5 (C) Erich Rajakowitsch, who was in charge
6 of the “death transports” in Holland.

7 (12) Mr. Wiesenthal’s work, which contributed
8 enormously to the modern understanding of justice,
9 war crimes, and crimes against humanity, should be
10 continued.

11 (13) Of the most guilty Nazis and Nazi collabo-
12 rators still at large, Operation: Last Chance has
13 identified the following suspects:

14 (A) Dr. Aribert Heim, who served as a
15 medical doctor at the Sachsenhausen, Buchen-
16 wald, and Mauthausen concentration camps, is
17 the most wanted ex-Nazi still at large. His most
18 terrible crimes were committed at Mauthausen,
19 where he murdered hundreds of inmates by ad-
20 ministering lethal injections of phenol to their
21 hearts or by other torturous killing methods
22 during the fall of 1941. His whereabouts are
23 unknown.

24 (B) Dr. Sandor Képiró, who served as an
25 officer in the Hungarian gendarmerie, was 1 of

1 several Hungarian officers convicted in 1944
2 for the mass murder of several thousand civil-
3 ians (mostly Jews) in the city of Novi Sad on
4 January 23, 1942. In the wake of the occupa-
5 tion of Hungary in March 1944, he was par-
6 doned, promoted, and returned to active service.
7 He escaped to Austria in 1945, fled to Argen-
8 tina in 1948, and returned to Hungary in 1996.

9 (C) Milivoj Asner, who served as the police
10 chief of the city of Slavonska Pozega. During
11 1941 and 1942, Mr. Asner orchestrated the
12 robbery, persecution and destruction of the local
13 Serb, Jewish and Gypsy communities, which
14 culminated in the deportation of hundreds of ci-
15 vilians to Ustasha concentration camps, where
16 most of the deportees were murdered. After his
17 exposure in Operation: Last Chance, the former
18 police chief later escaped once again to
19 Klagenfurt, Austria where he currently resides.

20 (D) Charles Zentai is accused of mur-
21 dering 18-year-old Peter Balazs, a Jewish boy
22 he caught riding a Budapest tram without the
23 requisite yellow star on November 8, 1944.
24 After Hungarian requests for his extradition
25 went unanswered, Zentai was able to immigrate

1 to Australia in February 1950, where he cur-
2 rently lives.

3 **SEC. 3. SENSE OF THE SENATE.**

4 It is the sense of the Senate that—

5 (1) the United States should actively encourage
6 extradition and prosecution of the remaining Nazi
7 war criminals (as described by 8 U.S.C. 1182
8 (a)(3)(e));

9 (2) the Simon Wiesenthal Center should be
10 commended for its historic work in bringing to light
11 the atrocities of the Holocaust and in advancing jus-
12 tice for Nazi war criminals through Operation: Last
13 Chance; and

14 (3) the Office of Special Investigation of the
15 Department of Justice is advancing the declared for-
16 eign policy of the United States by bringing wanted
17 World War II criminals to justice and should be
18 commended for its actions.

19 **SEC. 4. DESIGNATION OF VISA WAIVER PROGRAM COUN-**
20 **TRIES.**

21 (a) COOPERATION.—After a country is initially des-
22 ignated as a visa waiver program country under section
23 217(c) of the Immigration and Nationality Act (8 U.S.C.
24 1187(c)), the Attorney General, in evaluating the effect
25 that such designation would have on the law enforcement

1 and security interests of the United States under para-
2 graph (2)(C) of such section, shall consider the extent to
3 which such country is cooperating in—

4 (1) extraditing or prosecuting wanted or in-
5 dicted Nazi war criminals to the relevant jurisdic-
6 tion; and

7 (2) admitting into their territory aliens de-
8 scribed in section 212(a)(3)(E)(i) and ordered re-
9 moved from the United States by a United States
10 immigration judge, the Board of Immigration Ap-
11 peals, or a Federal court.

12 (b) PRESIDENTIAL DISCRETION.—

13 (1) IN GENERAL.—If the President determines
14 that it would not be in the national interest of the
15 United States to terminate a country’s designation
16 as a visa waiver program country based on the eval-
17 uation under subsection (a), the President may de-
18 cline to terminate such designation after providing
19 advance written notification to—

20 (A) the Committee on Foreign Relations of
21 the Senate;

22 (B) the Committee on the Judiciary of the
23 Senate;

24 (C) the Committee on Foreign Affairs of
25 the House of Representatives; and

1 (D) the Committee on the Judiciary of the
2 House of Representatives.

3 (2) CONTENTS.—In providing notification
4 under paragraph (1), the President shall—

5 (A) identify each crime suspect described
6 in subsection (a)(2) whose admission has not
7 been effected; and

8 (B) submit copies of all decisions rendered
9 by United States immigration judges, the
10 Board of Immigration Appeals, and Federal
11 courts that relate to such crime suspects.

12 **SEC. 5. ANNUAL REPORT.**

13 In each of the fiscal years 2009 through 2013, the
14 President shall submit an annual report to the committees
15 listed in section 4(b)(1), which describes, for each country
16 that has a pending application for entry into or renewal
17 of the visa waiver program, whether such country is—

18 (1) cooperating satisfactorily in extraditing or
19 deporting wanted Nazi war crimes suspects to the
20 jurisdiction in which they have been indicted or con-
21 victed;

22 (2) prosecuting wanted Nazi war crimes sus-
23 pects effectively within such country's jurisdiction;
24 and

1 (3) cooperating satisfactorily in admitting to
2 the territory of such country aliens described in sec-
3 tion 212(a)(3)(E)(i) and ordered removed from the
4 United States territory by a United States immigra-
5 tion judge, the Board of Immigration Appeals, or a
6 Federal court.

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