

103^D CONGRESS
2^D SESSION

H. R. 4955

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.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 12, 1994

Mrs. MALONEY (for herself, Mrs. LOWEY, Mr. NADLER, Mr. WAXMAN, Mr. SAXTON, Mr. PASTOR, and Mr. COOPER) introduced the following bill; which was referred jointly to the Committees on Government Operations, the Judiciary, and the Permanent Select Committee on Intelligence

A BILL

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.

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 “War Crimes Disclosure
5 Act”.

1 **SEC. 2. REQUIREMENT OF DISCLOSURE UNDER FOIA OF IN-**
2 **FORMATION REGARDING INDIVIDUALS WHO**
3 **COMMITTED NAZI WAR CRIMES.**

4 (a) IN GENERAL.—Section 552 of title 5, United
5 States Code, is amended—

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

8 (2) by inserting after subsection (c) the follow-
9 ing new subsection:

10 “(d)(1)(A) Notwithstanding subsection (b), this sec-
11 tion shall apply to any matter that relates to any individ-
12 ual who, because the individual is potentially excludable
13 from the United States under section 212(a)(3)(E)(i) of
14 the Immigration and Nationality Act (8 U.S.C.
15 1182(a)(3)(E)(i)), is listed in a Watch List.

16 “(B) For purposes of subparagraph (A), section
17 212(a)(3)(E)(i) of the Immigration and Nationality Act
18 (8 U.S.C. 1182(a)(3)(E)(i)) shall be applied by substitut-
19 ing ‘December 11, 1941’ for ‘March 23, 1933’.

20 “(2) Paragraph (1) shall not apply to—

21 “(A) any matter that is referred to in sub-
22 section (b)(6);

23 “(B) any matter the disclosure of which
24 would—

25 “(i) reveal an intelligence agent whose
26 identity currently requires protection;

1 “(ii) by revealing the name or identity of
2 a living person who provided confidential infor-
3 mation to the United States, constitute a sub-
4 stantial risk of harm to such person; or

5 “(iii) compromise the existence of an un-
6 derstanding of confidentiality currently requir-
7 ing protection between an agent of the Govern-
8 ment and a cooperating individual or a foreign
9 government, and cause harm that outweighs the
10 public interest in the disclosure;

11 “(C) any matter regarding which there is clear
12 and convincing evidence that the threat to national
13 security, military defense, intelligence operations, or
14 the conduct of foreign relations of the United States
15 outweighs the public interest in disclosure of the
16 matter; or

17 “(D) any portion, of any matter, that—

18 “(i) does not relate to any individual re-
19 ferred to in paragraph (1); and

20 “(ii) is reasonably segregable from any
21 other portions of the matter that relate to an
22 individual referred to in paragraph (1).

23 “(3) Any reasonably segregable portion of a matter
24 referred to in subparagraph (A), (B), or (C) of paragraph
25 (2) shall be provided, after deletion of all portions of the

1 matter that are referred to in such subparagraph, to any
2 person requesting the matter under this section if the rea-
3 sonably segregable portion of the matter would otherwise
4 be required to be disclosed under this section.

5 “(4) For purposes of this subsection, the term ‘Watch
6 List’ means the Automated Visa Lookout System, or any
7 other system or list that maintains information about the
8 excludability of aliens under the Immigration and Nation-
9 ality Act (8 U.S.C. 1101 et seq.) and is maintained by
10 the Department of State or the Department of Justice.”.

11 (b) INAPPLICABILITY OF NATIONAL SECURITY ACT
12 OF 1947 EXEMPTION.—Section 701 of the National Secu-
13 rity Act of 1947 (50 U.S.C. 431) is amended—

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

16 (2) by inserting after subsection (d) the follow-
17 ing new subsection:

18 “(e) Subsection (a) shall not apply to any operational
19 file, or any portion of any operational file, required to be
20 disclosed under section 552(d) of title 5, United States
21 Code (Freedom of Information Act).”.

22 **SEC. 3. EFFECTIVE DATE.**

23 The amendments made by this Act shall take effect
24 180 days after the date of the enactment of this Act.

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