

The PRESIDING OFFICER. The Senator from Oklahoma.

**WAR CRIMES ACT OF 1996**

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3680 which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3680) to amend title 18, United States Code, to carry out the international obligations of the United States under the Geneva Conventions to provide criminal penalties for certain war crimes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. INHOFE. Mr. President, this particular act is known as the War Crimes Act of 1996. This was called to my attention by a very articulate young Congressman from North Carolina, Walter Jones, Jr., whose father we served with for many, many years over in the House of Representatives.

He was very observant in discovering something, that after 40 years, after the ratification of the Geneva Conventions, that it was not self-enacting, and we actually have never passed the necessary legislation to accept jurisdiction within our Federal courts to prosecute war crimes that we were aware of.

So this legislation will correct that after this long period of time. It is kind of inconceivable to me that we would send out to battle and to various parts of the world our young troops, trying to equip them properly—I would say properly, that if we ever get our authorization passed—and have these people ready to do the work that they are trained to do, and yet if a crime is perpetrated against them, and that criminal happens to be in the United States, we cannot even prosecute them in our Federal courts. That is all going to come to a stop.

I think also this bill might even address another problem that is taking place right now in this country. As you know, I am from Oklahoma. And one of the worst terrorist acts took place just a little over a year ago in Oklahoma City with the bombing of the Murrah Federal Office Building. And with all of the terrorist acts recently, this could act as a deterrent, this War Crimes Act of 1996, for people who may be considering perpetrating some terrorist act that could be defined as a war crime.

So I believe this is something that should have been done some 40 years ago, but was not. So we will correct that tonight. This has been cleared by both sides.

Mr. HELMS. Mr. President, this bill will help to close a major gap in our Federal criminal law by permitting American servicemen and nationals,

who are victims of war crimes, to see the criminal brought to justice in the United States.

Before addressing the need for this legislation, let me thank and commend the distinguished WALTER JONES, who so ably represents the third district of North Carolina, for his commitment and hard work toward the passage of this bill. I'd also like to thank my distinguished colleague, Senator JAMES INHOFE, for his support of this important bill.

Many have not realized that the U.S. cannot prosecute, in Federal court, the perpetrators of some war crimes against American servicemen and nationals. Currently, if the United States were to find a war criminal within our borders—for example, one who had murdered an American POW—the only options would be to deport or extradite the criminal or to try him or her before an international war crimes tribunal or military commission. Alone, these options are not enough to insure that justice is done.

While the Geneva Convention of 1949 grants the U.S. authority to criminally prosecute these acts, the Congress has never enacted implementing legislation. The War Crimes Act of 1996 corrects this oversight by giving Federal district courts jurisdiction to try individuals charged with committing a grave breach of the Geneva Conventions, whenever the victim or perpetrator is a U.S. serviceman or national.

The bill would also allow an American, who is charged with a war crime, to be tried in an American court and to receive all of the procedural protections afforded by our American justice system.

Mr. President, at a time when American servicemen and women serve our Nation in conflicts around the world, it is important that we give them every protection possible. I urge my colleagues to support this bipartisan bill and reaffirm our commitment to our country's servicemembers.

I ask unanimous consent that an article from the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 25, 1996]

MS. MALONEY AND MR. WALDHEIM

(By A.M. Rosenthal)

For a full half-century, with determination and skill, and with the help of the law, U.S. intelligence agencies have kept secret the record of how they used Nazis for so many years after World War II, what the agencies got from these services—and what they gave as payback.

Despite the secrecy blockade, we do know how one cooperative former Wehrmacht officer and war crimes suspect was treated. We know the U.S. got him the Secretary Generalship of the U.N. as reward and base.

For more than two years, Congress has had legislation before it to allow the public access to information about U.S.-Nazi intelligence relations—a bill introduced by Representative Carolyn B. Maloney, a Manhattan Democrat, and now winding through the legislative process.

If Congress passes her War Crimes Disclosure Act, H.R. 1281, questions critical to history and the conduct of foreign affairs can be answered and the power of government to withhold them reduced. The case of Kurt Waldheim is the most interesting example—the most interesting we know of at the moment.

Did the U.S. know when it backed him for Secretary General that he had been put on the A list of war-crime suspects, adopted in London in 1948, for his work as a Wehrmacht intelligence officer in the Balkans, when tens of thousands of Yugoslavs, Greeks, Italians, Jew and non-Jew, were being deported to death?

If not, isn't that real strange, since the U.S. representative on the War Crimes Commission voted to list him? A report was sent to the State Department. Didn't State give the C.I.A. a copy—a peek?

And when he was running for Secretary General why did State Department biographies omit any reference to his military service—just as he forgot to mention it in his autobiographies?

If all that information was lost by teams of stupid clerks, once the Waldheim name came up for the job why did not the U.S. do the obvious thing—check with Nazi and war-crime records in London and Berlin to see if his name by any chance was among those dearly wanted?

Didn't the British know? They voted for the listing too. And the Russians—Yugoslavia moved to list him when it was a Soviet satellite. Belgrade never told Moscow?

How did Mr. Waldheim repay the U.S. for its enduring fondness to him? Twice it pushed him successfully for the job. The third time it was among few countries that backed him again but lost. Nobody can say the U.S. was not loyal to the end.

Did he also serve the Russians and British? One at a time? Or was he a big-power groupie, serving all?

One thing is not secret any longer, thanks to Prof. Robert Herzstein of the University of South Carolina history department. He has managed through years of perseverance to pry some information loose. He found that while Mr. Waldheim worked for the Austrian bureaucracy, the U.S. Embassy in Vienna year after year sent in blurry reports about his assistance to American foreign policy—friendly, outstanding, cooperative, receptive to American thinking. All the while, this cuddly fellow was on the A list, which was in the locked files or absent with official leave.

On May 24, 1994, I reported on Professor Herzstein's findings and the need for opening files of war-crime suspects. Representative Maloney quickly set to work on her bill to open those files to Freedom of Information requests—providing safeguards for personal privacy, ongoing investigations and national security if ever pertinent.

Her first bill expired in the legislative machinery and in 1995 she tried again. She got her hearing recently thanks to the chairman of her subcommittee of the Government Reform Committee—Stephen Horn, the California Republican.

If the leaders of Congress will it, the Maloney bill can be passed this year. I nominate my New York Senators to introduce it in the Senate. It will be a squeeze to get it passed before the end of the year, so kindly ask your representatives and senators to start squeezing.

If not, the laborious legislative procedure will have to be repeated next session. Questions about the Waldheim connection will go unanswered, and also about other cases that may be in the files or strangely misplaced, which will also be of interest.

Mr. INHOFE. Mr. President, I ask unanimous consent that the bill be

deemed read a third time, and passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The bill (H.R. 3680) was deemed read the third time and passed.

Mr. INHOFE. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD addressed the Chair. The PRESIDING OFFICER. The Senator from Oregon.

#### OREGON RESOURCE CONSERVATION ACT OF 1996 OPAL CREEK WILDERNESS AND OPAL CREEK SCENIC RECREATION AREA ACT OF 1996

Mr. HATFIELD. Mr. President, I ask unanimous consent to bring up S. 1663, which has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1663) to establish areas of wilderness and recreation in the State of Oregon, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Resource Conservation Act of 1996".

##### TITLE I—OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA

###### SEC. 101. SHORT TITLE.

This title may be cited as the "Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996".

###### SEC. 102. DEFINITIONS.

In this title:

(1) **BULL OF THE WOODS WILDERNESS.**—The term "Bull of the Woods Wilderness" means the land designated as wilderness by section 3(4) of the Oregon Wilderness Act of 1984 (Public Law 98-328; 16 U.S.C. 1132 note).

(2) **OPAL CREEK WILDERNESS.**—The term "Opal Creek Wilderness" means certain land in the Willamette National Forest in the State of Oregon comprising approximately 12,800 acres, as generally depicted on the map entitled "Proposed Opal Creek Wilderness and Scenic Recreation Area", dated June 1996.

(3) **SCENIC RECREATION AREA.**—The term "Scenic Recreation Area" means the Opal Creek Scenic Recreation Area, comprising approximately 13,000 acres, established under section 103(a)(3).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

(5) **COUNTIES.**—The term "counties" means Marion and Clackamas Counties in the State of Oregon.

###### SEC. 103. ESTABLISHMENT OF OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

(a) **ESTABLISHMENT.**—On a determination by the Secretary under subsection (b)—

(1) the Opal Creek Wilderness, as depicted on the map described in section 102(2), is hereby designated as wilderness, subject to the Wilderness Act of 1964, shall become a component of the National Wilderness System, and shall be known as the Opal Creek Wilderness;

(2) the part of the Bull of the Woods Wilderness that is located in the Willamette National Forest shall be incorporated into the Opal Creek Wilderness; and

(3) the Secretary shall establish the Opal Creek Scenic Recreation Area in the Willamette National Forest in the State of Oregon, comprising approximately 13,000 acres, as generally depicted on the map entitled "Proposed Opal Creek Wilderness and Scenic Recreation Area", dated June 1996.

(b) **CONDITIONS.**—Subsection (a) shall not take effect unless the Secretary makes a determination, not later than 2 years after the date of enactment of this Act, that:

(1) the following have been donated to the United States in an acceptable condition and without encumbrances:

(A) All right, title, and interest in the following patented parcels of land:

(i) Santiam number 1, mineral survey number 992, as described in patent number 39-92-0002, dated December 11, 1991.

(ii) Ruth Quartz Mine number 2, mineral survey number 994, as described in patent number 39-91-0012, dated February 12, 1991.

(iii) Morning Star Lode, mineral survey number 993, as described in patent number 36-91-0011, dated February 12, 1991.

(B) all right, title, and interest held by any entity other than the Times Mirror Land and Timber Company, its successors and assigns, in and to lands located in section 18, township 8 south, range 5 east, Marion County, Oregon, Eureka numbers 6, 7, and 8, and 13 mining claims.

(C) A public easement across the Hewitt, Starvation, and Poor Boy Mill Sites, mineral survey number 990, as described in patent number 36-91-0017, dated May 9, 1991.

(2) a binding agreement has been executed by the Secretary and the owners of record as of March 29, 1996, of the following parcels, specifying the terms and conditions for the disposition of these parcels to the United States Government:

(A) The lode mining claims known as Princess Lode, Black Prince Lode, and King Number 4 Lode, embracing portions of sections 29 and 32, township 8 south, range 5 east, Willamette Meridian, Marion County, Oregon, the claims being more particularly described in the field notes and depicted on the plat of mineral survey number 887, Oregon.

(B) Ruth Quartz Mine Number 1, mineral survey number 994, as described in patent number 39-91-0012, dated February 12, 1991.

(c) **EXPANSION OF SCENIC RECREATION AREA BOUNDARIES.**—On acquiring all or substantially all of the land located in section 36, township 8 south, range 4 east, of the Willamette Meridian, Marion County, Oregon, by exchange, purchase on a willing seller basis, or donation, the Secretary shall expand the boundary of the Scenic Recreation Area to include the land.

###### SEC. 104. ADMINISTRATION OF THE SCENIC RECREATION AREA.

(a) **IN GENERAL.**—The Secretary shall administer the Scenic Recreation Area in accordance with the laws (including regulations) applicable to the National Forest System.

(b) **OPAL CREEK MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of establishment of the Scenic Recreation Area, the Secretary, in consultation with the advisory committee established under section 105(a), shall prepare a comprehensive Opal Creek Management Plan for the Scenic Recreation Area.

(2) **INCORPORATION IN LAND AND RESOURCE MANAGEMENT PLAN.**—On completion of the Opal Creek Management Plan, the Opal Creek Man-

agement Plan shall become part of the land and resource management plan for the Willamette National Forest and supersede any conflicting provision in the land and resource management plan.

(3) **REQUIREMENTS.**—The Opal Creek Management Plan shall provide a broad range of land uses, including—

(A) recreation;

(B) harvesting of nontraditional forest products, such as gathering mushrooms and material to make baskets; and

(C) educational and research opportunities.

(4) **PLAN AMENDMENTS.**—The Secretary may amend the Opal Creek Management Plan as the Secretary may determine to be necessary, consistent with the procedures and purposes of this title.

(c) **CULTURAL AND HISTORIC RESOURCE INVENTORY.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of establishment of the Scenic Recreation Area, the Secretary shall review and revise the inventory of the cultural and historic resources on the public land in the Scenic Recreation Area that were developed pursuant to the Oregon Wilderness Act of 1984 (Public Law 98-328; 96 Stat. 272).

(2) **INTERPRETATION.**—Interpretive activities shall be developed under the management plan in consultation with State and local historic preservation organizations and shall include a balanced and factually-based interpretation of the cultural, ecological, and industrial history of forestry and mining in the Scenic Recreation Area.

(d) **TRANSPORTATION PLANNING.**—

(1) **IN GENERAL.**—To maintain access to recreation sites and facilities in existence on the date of enactment of this Act, the Secretary shall prepare a transportation plan for the Scenic Recreation Area that evaluates the road network within the Scenic Recreation Area to determine which roads should be retained and which roads closed.

(2) **ACCESS BY PERSONS WITH DISABILITIES.**—The Secretary shall consider the access needs of persons with disabilities in preparing the transportation plan for the Scenic Recreation Area.

(3) **MOTOR VEHICLES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B) and in the transportation plan under paragraph (1), motorized vehicles shall not be permitted in the Scenic Recreation Area.

(B) **EXCEPTION.**—Forest road 2209 beyond the gate to the Scenic Recreation Area, as depicted on the map described in section 103(a)(3), may be used by motorized vehicles only for administrative purposes and for access to a private inholding, subject to such terms and conditions as the Secretary may determine to be necessary.

(4) **ROAD IMPROVEMENT.**—Any construction or improvement of forest road 2209 beyond the gate to the Scenic Recreation Area shall be only for the purpose of maintaining the character of the road at the time of enactment and may not include paving or widening.

(e) **HUNTING AND FISHING.**—

(1) **IN GENERAL.**—Subject to other Federal and State law, the Secretary shall permit hunting and fishing in the Scenic Recreation Area.

(2) **LIMITATION.**—The Secretary may designate zones in which, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(3) **CONSULTATION.**—Except during an emergency, as determined by the Secretary, the Secretary shall consult with the Oregon State Department of Fish and Wildlife before issuing any regulation under this section.

(f) **TIMBER CUTTING.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall prohibit the cutting and/or selling of trees in the Scenic Recreation Area.

(2) **PERMITTED CUTTING.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary may allow the cutting of trees in the Scenic Recreation Area only—