

STATEMENT
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To the
Subcommittee on Government Efficiency, Financial Management and
Intergovernmental Relations
Of the
Committee on Government Reform
House of Representatives
Congress of the United States

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Mr. Chairman, I am Dr. Michael J. Kurtz, Assistant Archivist for Records Services and I am pleased to represent the National Archives and Records Administration (NARA) at this hearing on H.R. 2693, the Holocaust Victims Insurance Act.

For the record, Mr. Chairman, I have been on the NARA staff since 1974, and in my current position since January 1997. I was also the chair of the Nazi War Crimes Interagency Working Group for its first two years of operation. Also for the record, Mr. Chairman, I would like to note that my doctoral dissertation and several subsequent publications have focused on American policy after World War II on the restitution of European and Jewish cultural property looted by the Nazis.

As my colleague Dr. Greg Bradsher has indicated in the testimony he has submitted, NARA has been at the forefront over the past decade in getting records in Federal custody related to the Holocaust declassified and made available for research. Literally millions of pages of records are now publicly available at the National Archives which are directly relevant to Holocaust-era crimes and looted assets. I should also like to note that NARA has begun an extensive microfilm project designed to preserve fragile Holocaust-era records.

If H.R. 2693 becomes law, we are committed to having NARA comply with the provisions calling for the establishment and maintenance of the Holocaust Insurance Registry. This is in keeping with the stated goal in NARA's strategic plan: ready access to essential evidence.

But NARA does have three primary concerns with the legislation, should it become law as written.

1. First is the question of size and scope of the Registry as envisioned. We have heard estimates in the range of millions of names and would see the placement of this size data base a potentially extremely costly undertaking. As regards the number of expected inquiries, a separate web site might even be in order. Estimates in both of these areas would be essential in costing the impact of the legislation.
2. Secondly is the funding source of the Registry. It is unclear as drafted if the penalty fees charged against non-compliant insurance companies would serve as the sole funding mechanism for the development and maintenance of the Registry. If that is the case, the logic in this structure would seem to be reversed. In other words, if insurance companies comply with the law, NARA would have the responsibility of web access to a potentially huge names registry, but would not receive any direct monies to establish and maintain the registry. If, on the other hand, insurance companies do not comply, NARA's costs would be very low, but we would receive monies by way of these fines. If the former situation takes place we would need to rely on increased appropriations to meet the legislative requirement. If the latter situation takes place, proper use of the fines would be somewhat in question.
3. The third issue relates to the fact that the legislation does not have a sunset date for the maintenance of the registry on-line in a web-accessible format. We believe that provision should be made for NARA to maintain the information in a web searchable format until the year 2020 (75 years after the end of World War II) after such time we would still retain the electronic information and undertake individuals searches when requested.

Mr. Chairman, this concludes my testimony and I will be glad to answer any questions.