

**Michael J. Kurtz**  
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**National Archives and Records Administration**  
**before the**  
**Committee on Financial Services**  
**U.S. House of Representatives**  
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Chairman Frank, Mr. Bachus, and members of the committee, I wish to thank you for inviting me to testify today.

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. 1746, The Holocaust Insurance Accountability Act of 2007.

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. By the time the Nazi Wart Crimes and Japanese Imperial

Government Records Interagency Working Group completed its work in 2007 over 8.5 million pages relating to Nazi and Japanese war crimes in Federal government records had been identified and opened to the public; these included certain records never before released, such as certain CIA files. Now literally millions of pages of records are now publicly available at the National Archives which are directly relevant to Holocaust-era crimes. The Archives understands that the Administration opposes this legislation, for reasons that have been explained by the Department of State. We wish to raise the following concerns we would have if NARA was in a position to implement this legislation:

1. First is the uncertainty about the size and scope of the Registry. There is no firm number for the size of the registry. We do know that the International Commission on Holocaust Era Insurance Claims (ICHEIC) resolved over 90,000 claims involving more than 48,000 Holocaust survivors and that ICHEIC posted 519,000 names of potential Holocaust era policy holders on its web site. We also know this legislation anticipates that there are vastly more policies and claimants to be discovered under the provisions of this proposed legislation. We have heard estimates in the range of millions of names

and would see the placement of this size data base as a potentially extremely costly undertaking. Also, the number of expected inquiries may overwhelm the NARA homepage.

2. These uncertainties make it difficult to estimate the costs of creating and then maintaining the database for the registry, but the anticipated large scope of the database has led our IT experts to roughly estimate the potential costs to be at least \$28 million. This would make the database a large part of NARA's program and may distract from NARA's core mission of preserving Federal Government records. Also, NARA's information technology capabilities are currently being deployed to oversee the development of the Electronic Records Archives, which will intake Federal electronic records. Right now, NARA and the development contractor are working to build the capability to intake the electronic records of the current Administration. Developing, building and maintaining another IT project could greatly strain NARA's capabilities.

3. What ever the final cost of creating and servicing the registry, the funding for the project is problematic. It is unclear as drafted if the penalty fees charged against non-compliant insurance companies would serve as the main or 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.

4. A stable OE funding source beyond the uncertain revenues from the fines would be needed to avoid diverting funds from other current Archives programs. We fear the cost of the registry might compel further cuts in traditional core services. Also, I want to

reiterate that, at the very least, building this database may be a distraction to NARA's core mission of preserving Federal records.

Right now, NARA continues to perform its work seeking the highest level of customer service and satisfaction. Ninety-three percent of written requests received in 2007 were answered within 10 working days, exceeding a goal of 90 percent. And 88 percent of Freedom of Information Act requests for Federal records were completed within 20 working days, again exceeding a target. Our web site, Archives.gov, continues to expand access to our holdings—with more than 34 million visits this year. At Archives.gov we offer digital versions of many of our most-requested records and online versions of popular exhibits as well as the rich resources of various data bases.

Our concern is that the addition of this new program will diminish our ability to keep maintaining the areas of good performance.

5. The legislation has a 10 year statute of limitations for individuals filing claims under the Act. It 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 date that the statute of limitations applies; after such time we would still retain the electronic information and undertake individual searches when requested.

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