Union Calendar No. 415 H.R. 1425

111TH CONGRESS 2D Session

[Report No. 111-679, Part I]

To establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2009

Mr. WEXLER (for himself, Ms. BORDALLO, Mr. GRIJALVA, Mr. HOLT, Mr. HONDA, Mr. KIRK, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. BOS-WELL, Mr. GUTIERREZ, and Mr. MCMAHON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 13, 2010

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

DECEMBER 13, 2010

Referral to the Committee on Appropriations extended for a period ending not later than December 17, 2010

DECEMBER 17, 2010

Referral to the Committee on Appropriations extended for a period ending not later than December 21, 2010

DECEMBER 21, 2010

Referral to the Committee on Appropriations extended for a period ending not later than December 22, 2010

DECEMBER 22, 2010

Additional sponsors: Mr. SERRANO, Mr. FATTAH, Mr. MORAN of Virginia, Mr. MEEKS of New York, Mr. ROSKAM, Mr. WEINER, Ms. WASSERMAN SCHULTZ, Mr. HASTINGS of Florida, Mr. ACKERMAN, Ms. HIRONO, Mr. HODES, Mr. FARR, Mr. PIERLUISI, Mr. BERMAN, and Ms. HERSETH SANDLIN

DECEMBER 22, 2010

The Committee on Appropriations discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 10, 2009]

A BILL

To establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II. Be it enacted by the Senate and House of Representa tives of the United States of America in Congress assembled,
 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Wartime Treatment5 Study Act".

6 SEC. 2. FINDINGS.

7 Congress makes the following findings:

(1) During World War II, the United States 8 9 Government deemed as "enemy aliens" more than 10 Italian-born and 300,000 German-born 600.000 11 United States resident aliens and their families, re-12 quiring them to carry Certificates of Identification 13 and limiting their travel and personal property 14 rights. At that time, these groups were the two largest 15 foreign-born groups in the United States.

16 (2) During World War II, the United States 17 Government arrested, interned, or otherwise detained 18 thousands of European Americans, some remaining 19 in custody for years after cessation of World War II 20 hostilities, and repatriated, exchanged, or deported 21 European Americans, including American-born chil-22 dren, to European Axis nations, many to be ex-23 changed for Americans held in those nations.

24 (3) Pursuant to a policy coordinated by the
25 United States with Latin American nations, thou-

1	sands of European Latin Americans, including Ger-
2	man and Austrian Jews, were arrested, relocated to
3	the United States, and interned. Many were later re-
4	patriated or deported to European Axis nations dur-
5	ing World War II and exchanged for Americans and
6	Latin Americans held in those nations.
7	(4) Millions of European Americans served in
8	the armed forces and thousands sacrificed their lives
9	in defense of the United States.
10	(5) The wartime policies of the United States
11	Government were devastating to the German Amer-
12	ican and Italian American communities, individuals,
13	and families. The detrimental effects are still being
14	experienced.
15	(6) Prior to and during World War II, the
16	United States restricted the entry of Jewish refugees
17	who were fleeing persecution or genocide and sought
18	safety in the United States. During the 1930s and
19	1940s, the quota system, immigration regulations,
20	visa requirements, and the time required to process
21	visa applications affected the number of Jewish refu-
22	gees, particularly those from Germany and Austria,
23	who could gain admittance to the United States.
24	(7) The United States Government should con-
25	duct an independent review to fully assess and ac-

1	knowledge these actions. Congress has previously re-
2	viewed the United States Government's wartime treat-
3	ment of Japanese Americans through the Commission
4	on Wartime Relocation and Internment of Civilians.
5	An independent review of the treatment of German
6	Americans and Italian Americans and of Jewish refu-
7	gees fleeing persecution and genocide has not yet been
8	undertaken.
9	(8) Time is of the essence for the establishment
10	of commissions, because of the increasing danger of

11 destruction and loss of relevant documents, the ad-12 vanced age of potential witnesses and, most impor-13 tantly, the advanced age of those affected by the 14 United States Government's policies. Many who suf-15 fered have already passed away and will never know 16 of this effort.

17 SEC. 3. DEFINITIONS.

18 In this Act:

19 (1) DURING WORLD WAR II.—The term "during
20 World War II" refers to the period beginning Sep21 tember 1, 1939, and ending December 31, 1948.

22 (2) EUROPEAN AMERICANS.—

23 (A) IN GENERAL.—The term "European
24 Americans" refers to United States citizens and
25 resident aliens of European ancestry, including

Italian	Americans,	German	America	ns, Hun-
garian	Americans,	Romanian	n Ameria	cans, and
Bulgar	ian Americar	ıs.		
(B) German A	MERICANS	—The te	erm "Ger-

4	(B) GERMAN AMERICANS.—The term "Ger-
5	man Americans" refers to United States citizens
6	and resident aliens of German ancestry.

7 (C) ITALIAN AMERICANS.—The term
8 "Italian Americans" refers to United States citi9 zens and resident aliens of Italian ancestry.

10 (3) EUROPEAN LATIN AMERICANS.—The term
11 "European Latin Americans" refers to persons of Eu12 ropean ancestry, including German or Italian ances13 try, residing in a Latin American nation during
14 World War II.

15 (4) LATIN AMERICAN NATION.—The term "Latin
16 American nation" refers to any nation in Central
17 America, South America, or the Caribbean.

18 TITLE I—COMMISSION ON WAR19 TIME TREATMENT OF EURO20 PEAN AMERICANS

21 SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME

22 TREATMENT OF EUROPEAN AMERICANS.

23 (a) IN GENERAL.—There is established the Commis24 sion on Wartime Treatment of European Americans (re-

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ferred to in this title as the "European American Commis sion").

3 (b) MEMBERSHIP.—The European American Commis4 sion shall be composed of 7 members, who shall be appointed
5 not later than 90 days after the date of the enactment of
6 this Act as follows:

7 (1) 3 members shall be appointed by the Presi8 dent.

9 (2) 2 members shall be appointed by the Speaker
10 of the House of Representatives, in consultation with
11 the minority leader.

12 (3) 2 members shall be appointed by the major13 ity leader of the Senate, in consultation with the mi14 nority leader.

15 The selections of the members of the European American
16 Commission shall be done to ensure that all of the members
17 are fully able to adequately and fairly review the facts and
18 discharge the duties of the commission without bias.

(c) TERMS.—The term of office for members shall be
for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in
which the original appointment was made.

24 (d) REPRESENTATION.—The European American
25 Commission shall include two members with professional

expertise relating to the treatment of Italian Americans and
 two members with professional expertise relating to the
 treatment of German Americans.

4 (e) FIRST MEETING.—The President shall call the first
5 meeting of the European American Commission not later
6 than 120 days after the date of the enactment of this Act.
7 (f) QUORUM.—Four members of the European Amer8 ican Commission shall constitute a quorum, but a lesser
9 number may hold hearings.

(g) CHAIRS.—The European American Commission
shall elect a Chairperson and Vice Chairperson from among
its members. The term of office of each shall be for the life
of the European American Commission.

14 (h) COMPENSATION.—

15 (1) IN GENERAL.—Members of the European
16 American Commission shall serve without pay.

17 (2) REIMBURSEMENT OF EXPENSES.—All mem18 bers of the European American Commission shall be
19 reimbursed for reasonable travel and subsistence, and
20 other reasonable and necessary expenses incurred by
21 them in the performance of their duties.

22 SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMIS23 SION.

24 (a) IN GENERAL.—The European American Commis25 sion shall review the United States Government's wartime

treatment of European Americans and European Latin
 Americans, as provided in subsection (b).

3 (b) SCOPE OF REVIEW.—The European American
4 Commission's review shall include the following:

5 (1) A comprehensive review of the facts and cir-6 cumstances surrounding action by the United States 7 Government during World War II with respect to European Americans and European Latin Americans 8 9 pursuant to United States laws and directives, in-10 cluding the Alien Enemies Acts (50 U.S.C. 21 et seq.), 11 Presidential Proclamations 2526, 2527, 2655, 2662, 12 and 2685, Executive Orders 9066 and 9095, and any 13 directive of the United States Government pursuant 14 to these and other pertinent laws, proclamations, or 15 executive orders, including registration requirements, 16 travel and property restrictions, establishment of re-17 stricted areas, raids, arrests, internment, exclusion, 18 policies relating to the families and property that 19 excludees and internees were forced to abandon, in-20 ternee employment by American companies (includ-21 ing a list of such companies and the terms and type 22 of employment), exchange, repatriation, and deporta-23 tion, and the immediate and long-term effect of such 24 actions, particularly internment, on the lives of those 25 affected. This review shall also include a list of—

1	(A) all temporary detention and long-term
2	internment facilities in the United States and
3	Latin American nations that were used to detain
4	or intern European Americans and European
5	Latin Americans during World War II (in this
6	paragraph referred to as "World War II deten-
7	tion facilities");
8	(B) the names of European Americans and
9	European Latin Americans who died while in
10	World War II detention facilities and where they
11	were buried;
12	(C) the names of children of European
13	Americans and European Latin Americans who
14	were born in World War II detention facilities
15	and where they were born; and
16	(D) the nations from which European Latin
17	Americans were brought to the United States, the
18	ships that transported them to the United States
19	and their departure and disembarkation ports,
20	the locations where European Americans and
21	European Latin Americans were exchanged for
22	persons held in European Axis nations, and the
23	ships that transported them to Europe and their
24	departure and disembarkation ports.

1 (2) An assessment of the underlying rationale of 2 the decision of the United States Government to de-3 velop the programs and policies described in para-4 graph (1), the information the United States Govern-5 ment received or acquired suggesting these programs 6 and policies were necessary, the perceived benefit of 7 implementing such programs and policies, and the 8 immediate and long-term impact of such programs 9 and policies on European Americans and European 10 Latin Americans and their communities.

(3) A brief review of the participation by European Americans in the United States Armed Forces,
including the participation of European Americans
whose families were excluded, interned, repatriated, or
exchanged.

(4) A recommendation of appropriate remedies,
including public education programs and the creation
of a comprehensive online database by the National
Archives and Records Administration of documents
related to the United States Government's wartime
treatment of European Americans and European
Latin Americans during World War II.

23 (c) FIELD HEARINGS.—The European American Com24 mission shall hold public hearings in such cities in the
25 United States as it considers appropriate.

(d) REPORT.—The European American Commission
 shall submit a written report of its findings and rec ommendations to the Congress not later than 18 months
 after the date of the first meeting called pursuant to section
 101(e).

6 SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMIS7 SION.

8 (a) IN GENERAL.—The European American Commis-9 sion or, on the authorization of the Commission, any sub-10 committee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and 11 sit and act at such times and places, and request the attend-12 ance and testimony of such witnesses and the production 13 of such books, records, correspondence, memorandum, pa-14 15 pers, and documents as the Commission or such sub-16 committee or member considers advisable. The European American Commission may request the Attorney General 17 to invoke the aid of an appropriate United States district 18 court to require, by subpoena or otherwise, such attendance, 19 testimony, or production. 20

(b) GOVERNMENT INFORMATION AND COOPERATION.—
The European American Commission may acquire directly
from the head of any department, agency, independent instrumentality, or other authority of the executive branch of
the Government, available information that the European

1 American Commission considers useful in the discharge of its duties. All departments, agencies, and independent in-2 strumentalities, or other authorities of the executive branch 3 4 of the Government shall cooperate with the European Amer-5 ican Commission and furnish all information requested by the European American Commission to the extent permitted 6 7 by law, including information collected under the Commission on Wartime Relocation and Internment of Civilians 8 9 Act (Public Law 96-317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties 10 Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For 11 purposes of section 552a(b)(9) of title 5, United States Code 12 (commonly known as the "Privacy Act of 1974"), the Euro-13 pean American Commission shall be deemed to be a com-14 15 *mittee of jurisdiction.*

16 SEC. 104. ADMINISTRATIVE PROVISIONS.

17 The European American Commission may—

18 (1) appoint and fix the compensation of such 19 personnel as may be necessary, without regard to the 20 provisions of title 5, United States Code, governing 21 appointments in the competitive service, and without 22 regard to the provisions of chapter 51 and subchapter 23 III of chapter 53 of such title relating to classification 24 and General Schedule pay rates, except that the com-25 pensation of any employee of the Commission may

1	not exceed a rate equivalent to the rate payable under
2	GS-15 of the General Schedule under section 5332 of
3	such title;
4	(2) obtain the services of experts and consultants
5	in accordance with the provisions of section 3109 of
6	such title;
7	(3) obtain the detail of any Federal Government
8	employee, and such detail shall be without reimburse-
9	ment or interruption or loss of civil service status or
10	privilege;
11	(4) enter into agreements with the Administrator
12	of General Services for the procurement of necessary
13	financial and administrative services, for which pay-
14	ment shall be made by reimbursement from funds of
15	the Commission in such amounts as may be agreed
16	upon by the Chairperson of the Commission and the

17 *Administrator*;

(5) procure supplies, services, and property by
contract in accordance with applicable laws and regulations and to the extent or in such amounts as are
provided in appropriation Acts; and

(6) enter into contracts with Federal or State
agencies, private firms, institutions, and agencies for
the conduct of research or surveys, the preparation of
reports, and other activities necessary to the discharge

1 of the duties of the Commission, to the extent or in 2 such amounts as are provided in appropriation Acts. 3 SEC. 105. AUTHORIZATION OF APPROPRIATIONS. 4 There is authorized to be appropriated \$600,000 to 5 carry out this title. SEC. 106. SUNSET. 6 7 The European American Commission shall terminate 8 60 days after it submits its report to the Congress under 9 section 102(d). TITLE II—COMMISSION ON WAR-10 TIME TREATMENT OF JEWISH 11 **REFUGEES** 12 13 SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME 14 TREATMENT OF JEWISH REFUGEES. 15 (a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to 16 in this title as the "Jewish Refugee Commission"). 17 18 (b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not 19 20 later than 90 days after the date of the enactment of this 21 Act as follows: 22 (1) 3 members shall be appointed by the Presi-23 dent.

1	(2) 2 members shall be appointed by the Speaker
2	of the House of Representatives, in consultation with
3	the minority leader.

4 (3) 2 members shall be appointed by the major5 ity leader of the Senate, in consultation with the mi6 nority leader.

7 The selections of the members of the Jewish Refugee Com8 mission shall be done to ensure that all of the members are
9 fully able to adequately and fairly review the facts and dis10 charge the duties of the commission without bias.

(c) TERMS.—The term of office for members shall be
for the life of the Jewish Refugee Commission. A vacancy
in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the
original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include two members with professional expertise
relating to the treatment of Jewish refugees.

(e) FIRST MEETING.—The President shall call the first
meeting of the Jewish Refugee Commission not later than
120 days after the date of the enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee
Commission shall constitute a quorum, but a lesser number
may hold hearings.

1	(g) CHAIRS.—The Jewish Refugee Commission shall
2	elect a Chairperson and Vice Chairperson from among its
3	members. The term of office of each shall be for the life of
4	the Jewish Refugee Commission.
5	(h) Compensation.—
6	(1) IN GENERAL.—Members of the Jewish Ref-
7	ugee Commission shall serve without pay.
8	(2) Reimbursement of expenses.—All mem-
9	bers of the Jewish Refugee Commission shall be reim-
10	bursed for reasonable travel and subsistence, and
11	other reasonable and necessary expenses incurred by
12	them in the performance of their duties.
13	SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION.
14	(a) IN GENERAL.—The Jewish Refugee Commission
15	shall review the United States Government's refusal to allow
16	Jewish and other refugees fleeing persecution or genocide
17	in Europe entry to the United States, as provided in sub-
18	section (b).
19	(b) Scope of Review.—The Jewish Refugee Commis-
20	sion's review shall cover the period beginning January 1,
21	1933, and ending December 31, 1945, and shall include,
22	to the greatest extent practicable, the following:
23	(1) A review of the United States Government's
24	decision to deny Jewish and other refugees fleeing per-
25	constinue on accorda in Ramona antone to the United

25 secution or genocide in Europe entry to the United

1 States, including a review of the underlying rationale 2 of the United States Government's decision to refuse 3 the Jewish and other refugees entry, the information 4 the United States Government received or acquired 5 suggesting such refusal was necessary, the perceived 6 benefit of such refusal, and the impact of such refusal 7 on the refugees. 8 (2) A review of Federal refugee law and policy

(2) A review of Federal refugee law and policy
relating to those fleeing persecution or genocide, including recommendations for making it easier in the
future for victims of persecution or genocide to obtain
refuge in the United States.

13 (c) FIELD HEARINGS.—The Jewish Refugee Commis14 sion shall hold public hearings in such cities in the United
15 States as it considers appropriate.

(d) REPORT.—The Jewish Refugee Commission shall
submit a written report of its findings and recommendations to the Congress not later than 18 months after the
date of the first meeting called pursuant to section 201(e).

20 SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission
or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and
sit and act at such times and places, and request the attend-

ance and testimony of such witnesses and the production 1 of such books, records, correspondence, memorandum, pa-2 pers, and documents as the Commission or such sub-3 4 committee or member considers advisable. The Jewish Ref-5 ugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court 6 7 to require, by subpoena or otherwise, such attendance, testi-8 mony, or production.

9 (b) Government Information and Cooperation.— 10 The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instru-11 12 mentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee 13 Commission considers useful in the discharge of its duties. 14 15 All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Gov-16 ernment shall cooperate with the Jewish Refugee Commis-17 sion and furnish all information requested by the Jewish 18 Refugee Commission to the extent permitted by law. For 19 purposes of section 552a(b)(9) of title 5, United States Code 20 21 (commonly known as the "Privacy Act of 1974"), the Jew-22 ish Refugee Commission shall be deemed to be a committee 23 of jurisdiction.

24 SEC. 204. ADMINISTRATIVE PROVISIONS.

25 The Jewish Refugee Commission may—

1	(1) appoint and fix the compensation of such
2	personnel as may be necessary, without regard to the
3	provisions of title 5, United States Code, governing
4	appointments in the competitive service, and without
5	regard to the provisions of chapter 51 and subchapter
6	III of chapter 53 of such title relating to classification
7	and General Schedule pay rates, except that the com-
8	pensation of any employee of the Commission may
9	not exceed a rate equivalent to the rate payable under
10	GS-15 of the General Schedule under section 5332 of
11	such title;
12	(2) obtain the services of experts and consultants
13	in accordance with the provisions of section 3109 of
14	such title;
15	(3) obtain the detail of any Federal Government
16	employee, and such detail shall be without reimburse-
17	ment or interruption or loss of civil service status or
18	privilege;
19	(4) enter into agreements with the Administrator
20	of General Services for the procurement of necessary
21	financial and administrative services, for which pay-
22	ment shall be made by reimbursement from funds of
23	the Commission in such amounts as may be agreed
24	upon by the Chairman of the Commission and the
25	Administrator;

(5) procure supplies, services, and property by
 contract in accordance with applicable laws and reg ulations and to the extent or in such amounts as are
 provided in appropriation Acts; and

5 (6) enter into contracts with Federal or State 6 agencies, private firms, institutions, and agencies for 7 the conduct of research or surveys, the preparation of 8 reports, and other activities necessary to the discharge 9 of the duties of the Commission, to the extent or in 10 such amounts as are provided in appropriation Acts. 11 SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

12 There is authorized to be appropriated \$600,000 to 13 carry out this title.

14 SEC. 206. SUNSET.

15 The Jewish Refugee Commission shall terminate 60
16 days after it submits its report to the Congress under section
17 202(d).

Union Calendar No. 415

111TH CONGRESS H. R. 1425

[Report No. 111-679, Part I]

A BILL

To establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

December 22, 2010

The Committee on Appropriations discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed