

112TH CONGRESS
1ST SESSION

S. 64

To establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mr. INOUE introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commission on War-
3 time Relocation and Internment of Latin Americans of
4 Japanese Descent Act”.

5 **SEC. 2. FINDINGS AND PURPOSE.**

6 (a) FINDINGS.—Based on a preliminary study pub-
7 lished in December 1982 by the Commission on Wartime
8 Relocation and Internment of Civilians, Congress finds the
9 following:

10 (1) During World War II, the United States—

11 (A) expanded its internment program and
12 national security investigations to conduct the
13 program and investigations in Latin America;
14 and

15 (B) financed relocation to the United
16 States, and internment, of approximately 2,300
17 Latin Americans of Japanese descent, for the
18 purpose of exchanging the Latin Americans of
19 Japanese descent for United States citizens
20 held by Axis countries.

21 (2) Approximately 2,300 men, women, and chil-
22 dren of Japanese descent from 13 Latin American
23 countries were held in the custody of the Depart-
24 ment of State in internment camps operated by the
25 Immigration and Naturalization Service from 1941
26 through 1948.

1 (3) Those men, women, and children either—

2 (A) were arrested without a warrant, hear-
3 ing, or indictment by local police, and sent to
4 the United States for internment; or

5 (B) in some cases involving women and
6 children, voluntarily entered internment camps
7 to remain with their arrested husbands, fathers,
8 and other male relatives.

9 (4) Passports held by individuals who were
10 Latin Americans of Japanese descent were routinely
11 confiscated before the individuals arrived in the
12 United States, and the Department of State ordered
13 United States consuls in Latin American countries
14 to refuse to issue visas to the individuals prior to de-
15 parture.

16 (5) Despite their involuntary arrival, Latin
17 American internees of Japanese descent were consid-
18 ered to be and treated as illegal entrants by the Im-
19 migration and Naturalization Service. Thus, the in-
20 ternees became illegal aliens in United States cus-
21 tody who were subject to deportation proceedings for
22 immediate removal from the United States. In some
23 cases, Latin American internees of Japanese descent
24 were deported to Axis countries to enable the United
25 States to conduct prisoner exchanges.

1 (6) Approximately 2,300 men, women, and chil-
2 dren of Japanese descent were relocated from their
3 homes in Latin America, detained in internment
4 camps in the United States, and in some cases, de-
5 ported to Axis countries to enable the United States
6 to conduct prisoner exchanges.

7 (7) The Commission on Wartime Relocation
8 and Internment of Civilians studied Federal actions
9 conducted pursuant to Executive Order 9066 (relat-
10 ing to authorizing the Secretary of War to prescribe
11 military areas). Although the United States program
12 of interning Latin Americans of Japanese descent
13 was not conducted pursuant to Executive Order
14 9066, an examination of that extraordinary program
15 is necessary to establish a complete account of Fed-
16 eral actions to detain and intern civilians of enemy
17 or foreign nationality, particularly of Japanese de-
18 scend. Although historical documents relating to the
19 program exist in distant archives, the Commission
20 on Wartime Relocation and Internment of Civilians
21 did not research those documents.

22 (8) Latin American internees of Japanese de-
23 scend were a group not covered by the Civil Liberties
24 Act of 1988 (50 U.S.C. App. 1989b et seq.), which
25 formally apologized and provided compensation pay-

1 ments to former Japanese Americans interned pur-
2 suant to Executive Order 9066.

3 (b) PURPOSE.—The purpose of this Act is to estab-
4 lish a fact-finding Commission to extend the study of the
5 Commission on Wartime Relocation and Internment of Ci-
6 vilians to investigate and determine facts and cir-
7 cumstances surrounding the relocation, internment, and
8 deportation to Axis countries of Latin Americans of Japa-
9 nese descent from December 1941 through February
10 1948, and the impact of those actions by the United
11 States, and to recommend appropriate remedies, if any,
12 based on preliminary findings by the original Commission
13 and new discoveries.

14 **SEC. 3. ESTABLISHMENT OF THE COMMISSION.**

15 (a) IN GENERAL.—There is established the Commis-
16 sion on Wartime Relocation and Internment of Latin
17 Americans of Japanese descent (referred to in this Act as
18 the “Commission”).

19 (b) COMPOSITION.—The Commission shall be com-
20 posed of 9 members, who shall be appointed not later than
21 60 days after the date of enactment of this Act, of
22 whom—

23 (1) 3 members shall be appointed by the Presi-
24 dent;

1 (2) 3 members shall be appointed by the Speak-
2 er of the House of Representatives, on the joint rec-
3 ommendation of the majority leader of the House of
4 Representatives and the minority leader of the
5 House of Representatives; and

6 (3) 3 members shall be appointed by the Presi-
7 dent pro tempore of the Senate, on the joint rec-
8 ommendation of the majority leader of the Senate
9 and the minority leader of the Senate.

10 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
11 bers shall be appointed for the life of the Commission. A
12 vacancy in the Commission shall not affect its powers, but
13 shall be filled in the same manner as the original appoint-
14 ment was made.

15 (d) MEETINGS.—

16 (1) FIRST MEETING.—The President shall call
17 the first meeting of the Commission not later than
18 the later of—

19 (A) 60 days after the date of enactment of
20 this Act; or

21 (B) 30 days after the date of enactment of
22 legislation making appropriations to carry out
23 this Act.

1 (2) SUBSEQUENT MEETINGS.—Except as pro-
2 vided in paragraph (1), the Commission shall meet
3 at the call of the Chairperson.

4 (e) QUORUM.—Five members of the Commission
5 shall constitute a quorum, but a lesser number of members
6 may hold hearings.

7 (f) CHAIRPERSON AND VICE CHAIRPERSON.—The
8 Commission shall elect a Chairperson and Vice Chair-
9 person from among its members. The Chairperson and
10 Vice Chairperson shall serve for the life of the Commis-
11 sion.

12 **SEC. 4. DUTIES OF THE COMMISSION.**

13 (a) IN GENERAL.—The Commission shall—

14 (1) extend the study of the Commission on
15 Wartime Relocation and Internment of Civilians, es-
16 tablished by the Commission on Wartime Relocation
17 and Internment of Civilians Act—

18 (A) to investigate and determine facts and
19 circumstances surrounding the United States’
20 relocation, internment, and deportation to Axis
21 countries of Latin Americans of Japanese de-
22 scend from December 1941 through February
23 1948, and the impact of those actions by the
24 United States; and

1 (B) in investigating those facts and cir-
2 cumstances, to review directives of the United
3 States Armed Forces and the Department of
4 State requiring the relocation, detention in in-
5 ternment camps, and deportation to Axis coun-
6 tries of Latin Americans of Japanese descent;
7 and

8 (2) recommend appropriate remedies, if any,
9 based on preliminary findings by the original Com-
10 mission and new discoveries.

11 (b) REPORT.—Not later than 1 year after the date
12 of the first meeting of the Commission pursuant to section
13 3(d)(1), the Commission shall submit a written report to
14 Congress, which shall contain findings resulting from the
15 investigation conducted under subsection (a)(1) and rec-
16 ommendations described in subsection (a)(2).

17 **SEC. 5. POWERS OF THE COMMISSION.**

18 (a) HEARINGS.—The Commission or, at its direction,
19 any subcommittee or member of the Commission, may, for
20 the purpose of carrying out this Act—

21 (1) hold such public hearings in such cities and
22 countries, sit and act at such times and places, take
23 such testimony, receive such evidence, and admin-
24 ister such oaths as the Commission or such sub-
25 committee or member considers advisable; and

1 (2) require, by subpoena or otherwise, the at-
2 tendance and testimony of such witnesses and the
3 production of such books, records, correspondence,
4 memoranda, papers, documents, tapes, and materials
5 as the Commission or such subcommittee or member
6 considers advisable.

7 (b) ISSUANCE AND ENFORCEMENT OF SUB-
8 POENAS.—

9 (1) ISSUANCE.—Subpoenas issued under sub-
10 section (a) shall bear the signature of the Chair-
11 person of the Commission and shall be served by any
12 person or class of persons designated by the Chair-
13 person for that purpose.

14 (2) ENFORCEMENT.—In the case of contumacy
15 or failure to obey a subpoena issued under sub-
16 section (a), the United States district court for the
17 judicial district in which the subpoenaed person re-
18 sides, is served, or may be found may issue an order
19 requiring such person to appear at any designated
20 place to testify or to produce documentary or other
21 evidence. Any failure to obey the order of the court
22 may be punished by the court as a contempt of that
23 court.

24 (c) WITNESS ALLOWANCES AND FEES.—Section
25 1821 of title 28, United States Code, shall apply to wit-

1 nesses requested or subpoenaed to appear at any hearing
2 of the Commission. The per diem and mileage allowances
3 for witnesses shall be paid from funds available to pay the
4 expenses of the Commission.

5 (d) INFORMATION FROM FEDERAL AGENCIES.—The
6 Commission may secure directly from any Federal depart-
7 ment or agency such information as the Commission con-
8 siders necessary to perform its duties. Upon request of
9 the Chairperson of the Commission, the head of such de-
10 partment or agency shall furnish such information to the
11 Commission.

12 (e) POSTAL SERVICES.—The Commission may use
13 the United States mails in the same manner and under
14 the same conditions as other departments and agencies of
15 the Federal Government.

16 **SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.**

17 (a) COMPENSATION OF MEMBERS.—Each member of
18 the Commission who is not an officer or employee of the
19 Federal Government shall be compensated at a rate equal
20 to the daily equivalent of the annual rate of basic pay pre-
21 scribed for level IV of the Executive Schedule under sec-
22 tion 5315 of title 5, United States Code, for each day (in-
23 cluding travel time) during which such member is engaged
24 in the performance of the duties of the Commission. All
25 members of the Commission who are officers or employees

1 of the United States shall serve without compensation in
2 addition to that received for their services as officers or
3 employees of the United States.

4 (b) TRAVEL EXPENSES.—The members of the Com-
5 mission shall be allowed travel expenses, including per
6 diem in lieu of subsistence, at rates authorized for employ-
7 ees of agencies under subchapter I of chapter 57 of title
8 5, United States Code, while away from their homes or
9 regular places of business in the performance of services
10 for the Commission.

11 (c) STAFF.—

12 (1) IN GENERAL.—The Chairperson of the
13 Commission may, without regard to the civil service
14 laws and regulations, appoint and terminate the em-
15 ployment of such personnel as may be necessary to
16 enable the Commission to perform its duties.

17 (2) COMPENSATION.—The Chairperson of the
18 Commission may fix the compensation of the per-
19 sonnel without regard to chapter 51 and subchapter
20 III of chapter 53 of title 5, United States Code, re-
21 lating to classification of positions and General
22 Schedule pay rates, except that the rate of pay for
23 the personnel may not exceed the rate payable for
24 level V of the Executive Schedule under section 5316
25 of such title.

1 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
2 Federal Government employee may be detailed to the
3 Commission without reimbursement, and such detail shall
4 be without interruption or loss of civil service status or
5 privilege.

6 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
7 TENT SERVICES.—The Chairperson of the Commission
8 may procure temporary and intermittent services under
9 section 3109(b) of title 5, United States Code, at rates
10 for individuals that do not exceed the daily equivalent of
11 the annual rate of basic pay prescribed for level V of the
12 Executive Schedule under section 5316 of such title.

13 (f) OTHER ADMINISTRATIVE MATTERS.—The Com-
14 mission may—

15 (1) enter into agreements with the Adminis-
16 trator of General Services to procure necessary fi-
17 nancial and administrative services;

18 (2) enter into contracts to procure supplies,
19 services, and property; and

20 (3) enter into contracts with Federal, State, or
21 local agencies, or private institutions or organiza-
22 tions, for the conduct of research or surveys, the
23 preparation of reports, and other activities necessary
24 to enable the Commission to perform its duties.

1 **SEC. 7. TERMINATION.**

2 The Commission shall terminate 90 days after the
3 date on which the Commission submits its report to Con-
4 gress under section 4(b).

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) **IN GENERAL.**—There are authorized to be appro-
7 priated such sums as may be necessary to carry out this
8 Act.

9 (b) **AVAILABILITY.**—Any sums appropriated under
10 the authorization contained in this section shall remain
11 available, without fiscal year limitation, until expended.

○