

109TH CONGRESS
2D SESSION

H. R. 5161

To establish a commission to study the removal of Mexican-Americans to Mexico during 1929–1941, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2006

Ms. SOLIS (for herself, Mr. GUTIERREZ, Mr. BERMAN, Mr. HONDA, Mr. EMANUEL, Ms. MATSUI, Mr. LEWIS of Georgia, Ms. LEE, and Ms. ZOE LOFGREN of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish a commission to study the removal of Mexican-Americans to Mexico during 1929–1941, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commission on Mexi-
5 can-American Removal during 1929–1941 Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) From 1929 through 1941, Federal, State,
9 and local Government authorities and certain private

1 sector entities throughout the United States under-
2 took an aggressive program to forcibly remove indi-
3 viduals of Mexican ancestry from the United States.

4 (2) As many as two million individuals of Mexi-
5 can ancestry were forcibly removed to Mexico, as
6 many as 1.2 million of whom were United States
7 citizens.

8 (3) These men, women, and children were re-
9 moved outside the United States in response to pub-
10 lic pressure to curtail the employment of Mexican-
11 Americans, most of whom were United States citi-
12 zens or residing legally in the United States, during
13 the Depression.

14 (4) Massive raids were conducted on Mexican-
15 American communities, and many of the people who
16 were removed were never able to return to the
17 United States, their country of birth.

18 (5) These raids targeted individuals of Mexican
19 ancestry, with Federal, State, and local Government
20 authorities and certain private sector entities charac-
21 terizing these individuals as “illegal aliens” even
22 when such individuals were United States citizens or
23 permanent legal residents.

24 (6) These raids also separated such United
25 States citizens and permanent legal residents from

1 their families and deprived them of their livelihoods
2 and constitutional rights.

3 (7) No official inquiry into this matter has been
4 made.

5 (b) PURPOSE.—It is the purpose of this Act to estab-
6 lish a fact finding commission to determine whether
7 United States citizens and permanent legal residents were
8 forcibly removed to Mexico from 1929 to 1941 in violation
9 of law as a result of past directives of Federal, State and
10 local governments and the impact of such removal on
11 those individuals, their families, and the Mexican-Amer-
12 ican community in the United States, and to recommend
13 appropriate remedies.

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

15 There is established a commission to be known as the
16 “Commission on Mexican-American Removal during
17 1929–1941”.

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

19 The Commission shall—

20 (1) review the facts and circumstances sur-
21 rounding the removal of certain United States citi-
22 zens and permanent legal residents to Mexico, and
23 the impact of such actions on these individuals, their
24 families, and the Mexican-American community in
25 the United States;

- 1 (2) review past directives of Federal, State, and
2 local governments that required the removal of these
3 individuals to Mexico and any other information re-
4 lated to these directives; and
- 5 (3) submit to Congress a written report of its
6 findings and recommendations.

7 **SEC. 5. MEMBERSHIP.**

8 (a) **NUMBER AND APPOINTMENT.**—The Commission
9 shall be composed of seven members, who shall be ap-
10 pointed within 90 days after the date of the enactment
11 of this Act as follows:

- 12 (1) Three members appointed by the President.
- 13 (2) Two members appointed by the Speaker of
14 the House of Representatives, in consultation with
15 the minority leader of the House of Representatives.
- 16 (3) Two members appointed by the President
17 pro tempore of the Senate, in consultation with the
18 minority leader of the Senate.

19 (b) **QUALIFICATIONS.**—Members appointed under
20 subsection (a) shall possess knowledge or expertise related
21 to human rights, civil rights, immigration, labor, business,
22 or other pertinent qualifications.

23 (c) **TERM OF OFFICE.**—Each member shall be ap-
24 pointed for the life of the Commission.

1 (d) QUORUM.—Four members of the Commission
2 shall constitute a quorum, but a lesser number may hold
3 hearings.

4 (e) INITIAL MEETING.—The initial meeting of the
5 Commission shall be called by the President within one
6 hundred and twenty days after the date of the enactment
7 of this Act, or within thirty days after the date on which
8 legislation is enacted making appropriations to carry out
9 this Act, whichever is later.

10 (f) CHAIRPERSON AND VICE CHAIRPERSON.—The
11 Commission shall elect a chairperson and vice chairperson
12 from among its members. The term of office of each shall
13 be for the life of the Commission.

14 (g) VACANCIES.—A vacancy in the Commission shall
15 not affect its powers and shall be filled in the same man-
16 ner in which the original appointment was made.

17 (h) BASIC PAY.—

18 (1) RATE OF PAY.—Each member of the Com-
19 mission who is not otherwise employed by the United
20 States shall receive compensation at a rate equal to
21 the daily rate prescribed for level IV of the Execu-
22 tive Schedule under section 5315 of title 5, United
23 States Code, for each day, including travel time,
24 such member is engaged in the actual performance
25 of the duties of the Commission.

1 (2) PROHIBITION OF COMPENSATION OF FED-
2 ERAL EMPLOYEES.—A member of the Commission
3 who is a full-time officer or employee of the United
4 States may not receive additional pay, allowances, or
5 benefits by reason of their service on the Commis-
6 sion.

7 (3) TRAVEL EXPENSES.—Each member of the
8 Commission shall receive travel expenses, including
9 per diem in lieu of subsistence, in accordance with
10 sections 5702 and 5703 of title 5, United States
11 Code.

12 **SEC. 6. POWERS.**

13 (a) HEARINGS.—

14 (1) IN GENERAL.—The Commission or on the
15 authorization of the Commission, any subcommittee
16 or member thereof, may for the purpose of carrying
17 out this Act, hold hearings, sit and act at times and
18 places, take testimony, and receive evidence as the
19 Commission or any subcommittee or member con-
20 siders appropriate.

21 (2) LOCATION.—The Commission may hold
22 public hearings in any city of the United States that
23 it finds appropriate.

24 (b) SUBPOENA POWER.—

1 (1) IN GENERAL.—The Commission may issue
2 subpoenas requiring the attendance and testimony of
3 witnesses and the production of any evidence relat-
4 ing to any matter under investigation by the Com-
5 mission which the Commission is empowered to in-
6 vestigate by this Act.

7 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
8 son refuses to obey a subpoena issued under para-
9 graph (1), the Commission may apply to a United
10 States district court for an order requiring that per-
11 son to appear before the Commission to give testi-
12 mony, produce evidence, or both, relating to the
13 matter under investigation. The application may be
14 made within the judicial district where the hearing
15 is conducted or where such person is found, resides,
16 or transacts business. Any failure to obey the order
17 of the court may be punished by the court as civil
18 contempt.

19 (3) SERVICE OF SUBPOENA.—A subpoena of
20 the Commission shall be served in the manner pro-
21 vided for subpoenas issued by a United States dis-
22 trict court under the Federal Rules of Civil Proce-
23 dure for the United States district courts.

24 (4) SERVICE OF PROCESS.—All process of any
25 court to which application is made under paragraph

1 (2) may be served in the judicial district in which
2 the person required to be served resides or may be
3 found.

4 (c) OBTAINING OFFICIAL DATA.—The Commission
5 may secure directly from any department or agency of the
6 United States, or from any State or local government, in-
7 formation necessary to enable it to carry out this Act.
8 Upon request of any member, the head of such department
9 or agency shall furnish such information to the Commis-
10 sion.

11 (d) CONTRACT AUTHORITY.—To the extent or in the
12 amounts provided in advance in appropriation Acts, the
13 Commission may contract with and compensate govern-
14 ment and private agencies or persons for any services, sup-
15 plies, or other activities necessary to enable the Commis-
16 sion to carry out its duties under this Act.

17 **SEC. 7. STAFF.**

18 (a) IN GENERAL.—The Commission may appoint and
19 fix the pay of such additional staff as it considers appro-
20 priate.

21 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
22 LAWS.—Any staff of the Commission may be appointed
23 without regard to the provisions of title 5, United States
24 Code, governing appointments in the competitive service,
25 and may be paid without regard to the provisions of chap-

1 ter 51 and subchapter III of chapter 53 of such title relat-
2 ing to classification and General Schedule pay rates.

3 (c) EXPERTS AND CONSULTANTS.—The Commission
4 may procure temporary and intermittent services under
5 section 3109(b) of title 5, United States Code.

6 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon re-
7 quest of the Commission, the Administrator of General
8 Services shall provide to the Commission, on a reimburs-
9 able basis, the administrative support services necessary
10 for the Commission to carry out its duties under this Act.

11 **SEC. 8. REPORT.**

12 The Commission shall submit to Congress a written
13 report not later than the date which is one year after the
14 date of the initial meeting called pursuant to section 5(d)
15 of this Act. The report shall contain a detailed statement
16 of the findings and conclusions of the Commission, to-
17 gether with its recommendations for legislative actions
18 that the Commission considers appropriate.

19 **SEC. 9. TERMINATION.**

20 The Commission shall terminate 30 days after sub-
21 mitting the report under section 8.

22 **SEC. 10. DEFINITIONS.**

23 In this Act:

1 (1) COMMISSION.—The term “Commission”
2 means the Commission on Mexican-American Re-
3 moval during 1929–1941.

4 (2) MEMBER.—The term “member” means a
5 member of the Commission.

6 (3) STATE.—The term “State” means any
7 State of the United States, the District of Columbia,
8 the Commonwealth of Puerto Rico, and any other
9 commonwealth, possession, or territory of the United
10 States.

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