

109TH CONGRESS
1ST SESSION

H. R. 893

To allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. BECERRA (for himself, Mr. CASE, Mr. McDERMOTT, Mr. GUTIERREZ, Mr. MORAN of Virginia, Ms. SOLIS, Mr. PAYNE, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. ABERCROMBIE, Mr. DAVIS of Tennessee, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. BERMAN, Mr. HONDA, and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, 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 “Wartime Parity and
5 Justice Act of 2005”.

1 **SEC. 2. ELIGIBILITY OF CERTAIN INDIVIDUALS UNDER**
2 **CIVIL LIBERTIES ACT OF 1988.**

3 (a) **ELIGIBILITY.**—For purposes of the Civil Liberties
4 Act of 1988 (50 U.S.C. App. 1989 et seq.), the following
5 individuals shall be deemed to be eligible individuals:

6 (1) An individual who—

7 (A) is of Japanese ancestry, or is the
8 spouse or parent of an individual of Japanese
9 ancestry;

10 (B) was brought forcibly to the United
11 States from a country in Central America or
12 South America during the evacuation, reloca-
13 tion, and internment period;

14 (C) was living on August 10, 1988;

15 (D) otherwise meets the requirements of
16 subparagraph (B)(i) of section 108(2) of the
17 Civil Liberties Act of 1988 (50 U.S.C. App.
18 1989b–7(2)(B)(i)); and

19 (E) subject to section 4(f) of this Act, has
20 not otherwise received payment under the Civil
21 Liberties Act of 1988.

22 (2) An individual who was an eligible individual
23 under the Civil Liberties Act of 1988 before the en-
24 actment of this Act and who was eligible for, but did
25 not receive, payment under that Act prior to the ter-

mination of the Civil Liberties Public Education Fund under section 104(d) of that Act.

(3) An individual who—

(A) was born to an eligible individual under the Civil Liberties Act of 1988 during the period beginning on January 20, 1945, and ending on February 29, 1948, at a place in which the eligible individual was confined, held in custody, relocated, or otherwise located during the evacuation, relocation, or internment period; and

(B) was living on August 10, 1988.

(4)(A) An individual of Japanese ancestry who, during the evacuation, relocation, or internment period—

(i) was a United States citizen or a permanent resident alien;

(ii) whose employment with a railroad or mining company was terminated on account of the individual's Japanese ancestry; and

(iii) was living on August 10, 1988.

(B) An individual who—

(i) during the evacuation, relocation, or internment period, was a dependent child of an individual described in subparagraph (A); and

1 (ii) was living on August 10, 1988.

2 (5) An individual of Japanese ancestry who—

3 (A) meets the requirements of paragraph
4 (2) of section 108(2) of the Civil Liberties Act
5 of 1988, other than subparagraph (A) of that
6 paragraph; and

7 (B) was legally in the United States during
8 the evacuation, relocation, or internment period
9 but was made ineligible for United States citi-
10 zenship or permanent residence status by law
11 enacted prior thereto, on account of the individ-
12 ual's Japanese ancestry.

13 (b) PRISONER EXCHANGES.—An individual shall not
14 be precluded from being an eligible individual under sub-
15 section (a) if that individual was sent by the United States
16 to Japan or territories occupied by Japan at any time dur-
17 ing the period beginning on December 7, 1941, and ending
18 on September 2, 1945, in exchange for prisoners held by
19 Japan.

20 **SEC. 3. APOLOGY OF THE UNITED STATES.**

21 The United States apologizes to those individuals de-
22 scribed in section 2(a) for the fundamental violations of
23 their basic civil liberties and constitutional rights com-
24 mitted during the evacuation, relocation, or internment
25 period. The President should transmit to each such indi-

1 vidual a personal letter of apology on behalf of the United
2 States.

3 **SEC. 4. PROCEDURES.**

4 (a) **APPLICABILITY OF PROVISIONS OF THE CIVIL**
5 **LIBERTIES ACT.**—Except as otherwise provided in this
6 section, the provisions of section 105 of the Civil Liberties
7 Act of 1988 shall apply with respect to eligible individuals
8 under section 2 of this Act.

9 (b) **RESPONSIBILITIES OF THE ATTORNEY GEN-**
10 **ERAL.**—The Attorney General shall have the responsibility
11 to identify and locate, without requiring any application
12 for payment and using records already in possession of
13 the United States Government, eligible individuals under
14 section 2, within 12 months after the date of the enact-
15 ment of this Act. Failure to be identified and located with-
16 in that 12-month period shall not preclude an eligible indi-
17 vidual under section 2 from receiving payment under the
18 Civil Liberties Act of 1988.

19 (c) **NOTIFICATION BY ELIGIBLE INDIVIDUALS.**—Any
20 eligible individual under section 2 may notify the Attorney
21 General that the individual is an eligible individual, and
22 may provide documentation therefor, within 6 years after
23 the date of the enactment of this Act.

24 (d) **DETERMINATION OF ELIGIBILITY.**—The Attor-
25 ney General shall make a final determination of eligibility

1 of individuals under section 2 not later than 1 year after
2 locating the individual pursuant to subsection (b) or re-
3 ceiving notification from an individual pursuant to sub-
4 section (c), as the case may be.

5 (e) JUDICIAL REVIEW.—An individual seeking pay-
6 ment of compensation under the Civil Liberties Act of
7 1988 as an eligible individual under section 2 may seek
8 judicial review of a denial of compensation in an appro-
9 priate district court of the United States or the United
10 States Court of Federal Claims within 6 years after the
11 date of the denial.

12 (f) PAYMENTS FROM COURT CASES.—Notwith-
13 standing section 2(a)(1)(E) of this Act and paragraph (7)
14 of section 105(a) of the Civil Liberties Act of 1988, an
15 individual described in subparagraphs (A) through (D) of
16 section 2(a)(1) of this Act, or any surviving spouse, child,
17 or parent of such individual to whom section 105(a)(8)
18 of the Civil Liberties Act of 1988 applies, who has accept-
19 ed payment, before the enactment of this Act, pursuant
20 to an award of a final judgment or a settlement on a claim
21 against the United States for acts described in section
22 108(2)(B) of the Civil Liberties Act of 1988 or section
23 2(a)(1)(B) of this Act, may receive payment under the
24 Civil Liberties Act of 1988, except that any amount pay-
25 able to such individual, spouse, child, or parent under sec-

tion 105(a)(1) of that Act shall be reduced by the amount of any payment received pursuant to such final judgment or settlement.

SEC. 5. CORRECTION OF IMMIGRATION STATUS.

Those individuals described in paragraph (1) of section 2(a) shall not be considered to have been present in the United States unlawfully during the evacuation, relocation, or internment period. Each department or agency of the United States shall take the necessary steps to correct any records over which that department or agency has jurisdiction that indicate that such individuals were in the United States unlawfully during such period.

SEC. 6. FULL DISCLOSURE OF INFORMATION.

(a) PUBLIC DISCLOSURE OF INFORMATION.—The appropriate departments and agencies of the United States shall disclose to the public all information (other than information which may not be disclosed under other provisions of law) relating to the forcible removal of individuals from Central and South America during the evacuation, relocation, or internment period and the internment of those individuals in the United States during that period, including information on individuals whose location is unknown.

(b) SHARING OF INFORMATION WITH OTHER COUNTRIES.—The President shall take the necessary steps to

1 share information described in subsection (a) with other
2 countries and encourage those countries to make that in-
3 formation available to people in those countries.

4 **SEC. 7. TRUST FUND.**

5 (a) REESTABLISHMENT OF FUND.—The Civil Lib-
6 erties Public Education Fund (in this Act referred to as
7 the “Fund”) is reestablished in the Treasury of the United
8 States, and shall be administered by the Secretary of the
9 Treasury.

10 (b) INVESTMENT OF AMOUNTS IN THE FUND.—
11 Amounts in the Fund shall be invested in accordance with
12 section 9702 of title 31, United States Code.

13 (c) USES OF THE FUND.—Amounts in the Fund shall
14 be available only—

15 (1) for disbursement of payments by the Attor-
16 ney General, under section 105 of the Civil Liberties
17 Act of 1988 and this Act, to eligible individuals
18 under section 2 of this Act; and

19 (2) for disbursement by the Board of Directors
20 of the Fund under section 8 of this Act.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Fund—

23 (1) such sums as may be necessary to carry out
24 paragraph (1) of subsection (b); and

1 (2) \$45,000,000 for disbursements by the
2 Board of Directors of the Fund under section 8.

3 **SEC. 8. BOARD OF DIRECTORS OF THE FUND.**

4 (a) ESTABLISHMENT.—There is established the Civil
5 Liberties Public Education Fund Board of Directors,
6 which shall be responsible for making disbursements from
7 the Fund in the manner provided in this section.

8 (b) USES OF THE FUND.—The Board may make dis-
9 bursements from the Fund only—

10 (1) to sponsor research and public education ac-
11 tivities so that events surrounding the evacuation,
12 relocation, and internment of individuals of Japa-
13 nese ancestry will be remembered, and so that the
14 causes and circumstances of this and similar events
15 may be illuminated and understood; and

16 (2) for reasonable administrative expenses of
17 the Board, including compensation and expenses of
18 the members and staff of the Board and payment
19 for administrative support services.

20 (c) MEMBERSHIP, STAFF, ETC.—The provisions of
21 subsections (c), (d), (e), (f), and (g) of section 106 of the
22 Civil Liberties Act of 1988 (50 U.S.C. App. 1989b–5 (c),
23 (d), (e), (f), and (g)) shall apply to the Board of the Fund
24 to the same extent as they applied to the Board estab-
25 lished under that section.

1 **SEC. 9. DEFINITIONS.**

2 In this Act, the terms “evacuation, relocation, or in-
3 ternment period” and “permanent resident alien” have the
4 meanings given those terms in section 108 of the Civil Lib-
5 erties Act of 1988 (50 U.S.C. App. 1989b–7).

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