

**Calendar No. 950**

110TH CONGRESS  
2D SESSION

**S. 381**

**[Report No. 110–452]**

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.

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IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2007

Mr. INOUE (for himself, Mr. STEVENS, Mr. LEVIN, Mr. LEAHY, Ms. MURKOWSKI, Mr. AKAKA, Mr. BENNETT, Mr. LIEBERMAN, Mr. CARPER, Mr. FEINGOLD, Mr. SANDERS, Mr. BIDEN, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 11, 2008

Reported by Mr. LIEBERMAN, without amendment

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**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,*

3       **SECTION 1. SHORT TITLE.**

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

7       **SEC. 2. FINDINGS AND PURPOSE.**

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

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

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

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

23           (2) Approximately 2,300 men, women, and chil-  
24      dren of Japanese descent from 13 Latin American

1 countries were held in the custody of the Depart-  
2 ment of State in internment camps operated by the  
3 Immigration and Naturalization Service from 1941  
4 through 1948.

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

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

9 (B) in some cases involving women and  
10 children, voluntarily entered internment camps  
11 to remain with their arrested husbands, fathers,  
12 and other male relatives.

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

20 (5) Despite their involuntary arrival, Latin  
21 American internees of Japanese descent were consid-  
22 ered to be and treated as illegal entrants by the Im-  
23 migration and Naturalization Service. Thus, the in-  
24 ternees became illegal aliens in United States cus-  
25 tody who were subject to deportation proceedings for

1 immediate removal from the United States. In some  
2 cases, Latin American internees of Japanese descent  
3 were deported to Axis countries to enable the United  
4 States to conduct prisoner exchanges.

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

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

1           (8) Latin American internees of Japanese de-  
2           scent were a group not covered by the Civil Liberties  
3           Act of 1988 (50 U.S.C. App. 1989b et seq.), which  
4           formally apologized and provided compensation pay-  
5           ments to former Japanese Americans interned pur-  
6           suant to Executive Order 9066.

7           (b) PURPOSE.—The purpose of this Act is to estab-  
8           lish a fact-finding Commission to extend the study of the  
9           Commission on Wartime Relocation and Internment of Ci-  
10          vilians to investigate and determine facts and cir-  
11          cumstances surrounding the relocation, internment, and  
12          deportation to Axis countries of Latin Americans of Japa-  
13          nese descent from December 1941 through February  
14          1948, and the impact of those actions by the United  
15          States, and to recommend appropriate remedies, if any,  
16          based on preliminary findings by the original Commission  
17          and new discoveries.

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

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

23          (b) COMPOSITION.—The Commission shall be com-  
24          posed of 9 members, who shall be appointed not later than

1 60 days after the date of enactment of this Act, of  
 2 whom—

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

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

10 (3) 3 members shall be appointed by the Presi-  
 11 dent pro tempore of the Senate, on the joint rec-  
 12 ommendation of the majority leader of the Senate  
 13 and the minority leader of the Senate.

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

19 (d) MEETINGS.—

20 (1) FIRST MEETING.—The President shall call  
 21 the first meeting of the Commission not later than  
 22 the later of—

23 (A) 60 days after the date of enactment of  
 24 this Act; or

1 (B) 30 days after the date of enactment of  
 2 legislation making appropriations to carry out  
 3 this Act.

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

7 (e) QUORUM.—Five members of the Commission  
 8 shall constitute a quorum, but a lesser number of members  
 9 may hold hearings.

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

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

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

17 (1) extend the study of the Commission on  
 18 Wartime Relocation and Internment of Civilians, es-  
 19 tablished by the Commission on Wartime Relocation  
 20 and Internment of Civilians Act—

21 (A) to investigate and determine facts and  
 22 circumstances surrounding the United States’  
 23 relocation, internment, and deportation to Axis  
 24 countries of Latin Americans of Japanese de-  
 25 scent from December 1941 through February

1           1948, and the impact of those actions by the  
2           United States; and

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

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

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

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

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

23                 (1) hold such public hearings in such cities and  
24           countries, sit and act at such times and places, take  
25           such testimony, receive such evidence, and admin-



1       ister such oaths as the Commission or such sub-  
2       committee or member considers advisable; and

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

9       (b) ISSUANCE AND ENFORCEMENT OF SUB-  
10      POENAS.—

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

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

1       (c) WITNESS ALLOWANCES AND FEES.—Section  
2 1821 of title 28, United States Code, shall apply to wit-  
3 nesses requested or subpoenaed to appear at any hearing  
4 of the Commission. The per diem and mileage allowances  
5 for witnesses shall be paid from funds available to pay the  
6 expenses of the Commission.

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

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

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

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

1 in the performance of the duties of the Commission. All  
2 members of the Commission who are officers or employees  
3 of the United States shall serve without compensation in  
4 addition to that received for their services as officers or  
5 employees of the United States.

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

13 (c) STAFF.—

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

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

1 level V of the Executive Schedule under section 5316  
2 of such title.

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

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

15 (f) OTHER ADMINISTRATIVE MATTERS.—The Com-  
16 mission may—

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

20 (2) enter into contracts to procure supplies,  
21 services, and property; and

22 (3) enter into contracts with Federal, State, or  
23 local agencies, or private institutions or organiza-  
24 tions, for the conduct of research or surveys, the

1 preparation of reports, and other activities necessary  
2 to enable the Commission to perform its duties.

3 **SEC. 7. TERMINATION.**

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

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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110<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 381**

[Report No. 110-452]

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