

Union Calendar No. 396

111TH CONGRESS
2^D SESSION

H. R. 42

[Report No. 111-666]

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 HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. BECERRA introduced the following bill; which was referred to the Committee on the Judiciary

NOVEMBER 30, 2010

Additional sponsors: Mr. HONDA, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. SABLAN, Mr. GRIJALVA, Ms. MATSUI, Mr. ISSA, Ms. JACKSON LEE of Texas, Mr. ABERCROMBIE, Mr. AL GREEN of Texas, Mr. DANIEL E. LUNGREN of California, Mr. STARK, Ms. HIRONO, Mr. GUTIERREZ, Mr. BERMAN, and Mr. PIERLUISI

NOVEMBER 30, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on January 6, 2009]

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 Wartime*
5 *Relocation and Internment of Latin Americans of Japanese*
6 *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 ex-*
13 *panded its internment program and national security*
14 *investigations to conduct the program and investiga-*
15 *tions in Latin America.*

16 (2) *Approximately 2,300 men, women, and chil-*
17 *dren of Japanese descent were relocated from their*
18 *homes in Latin America, detained in internment*
19 *camps in the United States, and in some cases, de-*
20 *ported to Axis countries to enable the United States*
21 *to conduct prisoner exchanges.*

22 (3) *The Commission on Wartime Relocation and*
23 *Internment of Civilians studied Federal actions con-*
24 *ducted pursuant to Executive Order 9066 (relating to*
25 *authorizing the Secretary of War to prescribe mili-*

1 *tary areas). Although the United States program of*
2 *interning Latin Americans of Japanese descent was*
3 *not conducted pursuant to Executive Order 9066, an*
4 *examination of that extraordinary program is nec-*
5 *essary to establish a complete account of Federal ac-*
6 *tions to detain and intern civilians of enemy or for-*
7 *ign nationality, particularly of Japanese descent. Al-*
8 *though historical documents relating to the program*
9 *exist in distant archives, the Commission on Wartime*
10 *Relocation and Internment of Civilians did not re-*
11 *search those documents.*

12 *(4) Latin American internees of Japanese de-*
13 *scend were a group not covered by the Civil Liberties*
14 *Act of 1988 (50 U.S.C. App. 1989b et seq.), which for-*
15 *mally apologized and provided compensation pay-*
16 *ments to Japanese Americans interned pursuant to*
17 *Executive Order 9066.*

18 *(b) PURPOSE.—The purpose of this Act is to establish*
19 *a fact-finding commission to extend the study of the Com-*
20 *mission on Wartime Relocation and Internment of Civil-*
21 *ians to investigate and determine facts and circumstances*
22 *surrounding the relocation, internment, and deportation to*
23 *Axis countries of Latin Americans of Japanese descent from*
24 *December 1941 through February 1948, and the impact of*
25 *those actions by the United States, and to recommend ap-*

1 *appropriate remedies, if any, based on preliminary findings*
2 *by the original Commission and new discoveries.*

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

4 (a) *IN GENERAL.*—*There is established the Commis-*
5 *sion on Wartime Relocation and Internment of Latin*
6 *Americans of Japanese descent (in this Act referred to as*
7 *the “Commission”).*

8 (b) *COMPOSITION.*—*The Commission shall be composed*
9 *of 9 members, who shall be appointed not later than 60*
10 *days after the date of the enactment of this Act, of whom—*

11 (1) *3 members shall be appointed by the Presi-*
12 *dent;*

13 (2) *3 members shall be appointed by the Speaker*
14 *of the House of Representatives, on the joint rec-*
15 *ommendation of the majority leader of the House of*
16 *Representatives and the minority leader of the House*
17 *of Representatives; and*

18 (3) *3 members shall be appointed by the Presi-*
19 *dent pro tempore of the Senate, on the joint rec-*
20 *ommendation of the majority leader of the Senate and*
21 *the minority leader of the Senate.*

22 (c) *PERIOD OF APPOINTMENT; VACANCIES.*—*Members*
23 *shall be appointed for the life of the Commission. A vacancy*
24 *in the Commission shall not affect its powers, but shall be*

1 *filled in the same manner as the original appointment was*
 2 *made.*

3 (d) *MEETINGS.*—

4 (1) *FIRST MEETING.*—*The President shall call*
 5 *the first meeting of the Commission not later than the*
 6 *later of—*

7 (A) *60 days after the date of the enactment*
 8 *of this Act; or*

9 (B) *30 days after the date of the enactment*
 10 *of legislation making appropriations to carry*
 11 *out this Act.*

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

15 (e) *QUORUM.*—*Five members of the Commission shall*
 16 *constitute a quorum, but a lesser number of members may*
 17 *hold hearings.*

18 (f) *CHAIRPERSON AND VICE CHAIRPERSON.*—*The*
 19 *Commission shall elect a Chairperson and Vice Chairperson*
 20 *from among its members. The Chairperson and Vice Chair-*
 21 *person shall serve for the life of the Commission.*

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

23 (a) *IN GENERAL.*—*The Commission shall—*

24 (1) *extend the study of the Commission on War-*
 25 *time Relocation and Internment of Civilians, estab-*

lished by the Commission on Wartime Relocation and Internment of Civilians Act—

(A) to investigate and determine the facts and circumstances surrounding the relocation, internment, and deportation to Axis countries, by the United States, of Latin Americans of Japanese descent during the period beginning December 7, 1941, and ending February 28, 1948, and the impact of those actions by the United States; and

(B) in investigating those facts and circumstances, to review directives of the United States Armed Forces and the Department of State, and other relevant information and documents, relating to the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(2) recommend appropriate remedies, if any, based on the findings of the Commission and the preliminary findings by the Commission on Wartime Relocation and Internment of Civilians.

(b) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to section 3(d)(1), the Commission shall submit a written report to

1 *the Congress containing the findings resulting from the in-*
 2 *vestigation conducted under subsection (a)(1) and any rec-*
 3 *ommendations described in subsection (a)(2).*

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

5 *(a) HEARINGS.—The Commission or, at its direction,*
 6 *any subcommittee or member of the Commission, may, for*
 7 *the purpose of carrying out this Act—*

8 *(1) hold such public hearings in such cities and*
 9 *countries, sit and act at such times and places, take*
 10 *such testimony, receive such evidence, and administer*
 11 *such oaths as the Commission or such subcommittee*
 12 *or member considers advisable; and*

13 *(2) require, by subpoena or otherwise, the attend-*
 14 *ance and testimony of such witnesses and the produc-*
 15 *tion of such books, records, correspondence, memo-*
 16 *randa, papers, documents, tapes, and materials as the*
 17 *Commission or such subcommittee or member con-*
 18 *siders advisable.*

19 *(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—*

20 *(1) ISSUANCE.—Subpoenas issued under sub-*
 21 *section (a) shall be approved by a majority of the*
 22 *members present at a meeting, shall bear the signa-*
 23 *ture of the Chairperson of the Commission, and shall*
 24 *be served by any person or class of persons designated*
 25 *by the Chairperson for that purpose.*

1 (2) *ENFORCEMENT.*—*In the case of contumacy or*
2 *failure to obey a subpoena issued under subsection*
3 *(a), the United States district court for the judicial*
4 *district in which the person who is served the sub-*
5 *poena resides, is served, or may be found may issue*
6 *an order requiring such person to appear at any des-*
7 *ignated place to testify or to produce documentary or*
8 *other evidence required by the subpoena. Any failure*
9 *to obey the order of the court may be punished by the*
10 *court as a contempt of that court.*

11 (c) *WITNESS ALLOWANCES AND FEES.*—*Section 1821*
12 *of title 28, United States Code, shall apply to witnesses re-*
13 *quested or required by subpoena to appear at any hearing*
14 *of the Commission. The per diem and mileage allowances*
15 *provided under such section for witnesses shall be paid from*
16 *funds available to pay the expenses of the Commission.*

17 (d) *INFORMATION FROM FEDERAL AGENCIES.*—*The*
18 *Commission may secure directly from any Federal depart-*
19 *ment or agency such information as the Commission con-*
20 *siders necessary to perform its duties. Upon request of the*
21 *Chairperson of the Commission, the head of such depart-*
22 *ment or agency shall furnish such information to the Com-*
23 *mission.*

24 (e) *POSTAL SERVICES.*—*The Commission may use the*
25 *United States mails in the same manner and under the*

1 *same conditions as other departments and agencies of the*
2 *Federal Government.*

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

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

11 (b) *STAFF.*—

12 (1) *IN GENERAL.*—*The Chairperson of the Com-*
13 *mission may, without regard to the civil service laws*
14 *and regulations, appoint and terminate the employ-*
15 *ment of such personnel as may be necessary to enable*
16 *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, relat-*
21 *ing to classification of positions and General Schedule*
22 *pay rates, except that the rate of pay for the per-*
23 *sonnel may not exceed the rate payable for level V of*
24 *the Executive Schedule under section 5316 of such*
25 *title.*

1 (c) *DETAIL OF GOVERNMENT EMPLOYEES.*—Any em-
2 ployee of the Federal Government 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 (d) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
7 *TENT SERVICES.*—The Chairperson of the Commission may
8 procure temporary and intermittent services under section
9 3109(b) of title 5, United States Code, at rates for individ-
10 uals that do not exceed the daily equivalent of the annual
11 rate of basic pay prescribed for level V of the Executive
12 Schedule under section 5316 of such title.

13 (e) *OTHER ADMINISTRATIVE MATTERS.*—The Commis-
14 sion may—

15 (1) *enter into agreements with the Administrator*
16 *of General Services to procure necessary financial*
17 *and administrative services;*

18 (2) *enter into contracts to procure supplies, serv-*
19 *ices, and property; and*

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

1 **SEC. 7. TERMINATION.**

2 *The Commission shall terminate 90 days after the date*
3 *on which the Commission submits its report to the Congress*
4 *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 the*
10 *authorization contained in this section shall remain avail-*
11 *able, without fiscal year limitation, until expended.*

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