

107TH CONGRESS  
1ST SESSION

# H. R. 619

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2001

Mr. BECERRA (for himself, Mr. MATSUI, Mr. WU, Ms. SCHAKOWSKY, Mr. FRANK, Mr. STARK, Ms. PELOSI, Mr. JACKSON of Illinois, Mr. UNDERWOOD, Mr. FILNER, Mr. LANTOS, Mr. GEORGE MILLER of California, Ms. LEE, Ms. ROYBAL-ALLARD, Mr. HORN, Mr. RODRIGUEZ, Mr. BACA, Mr. WAXMAN, Mr. GONZALEZ, Mr. REYES, Ms. ESHOO, Mr. NADLER, Mr. BLAGOJEVICH, Mr. FALEOMAVAEGA, Mr. ORTIZ, Mr. GUTIERREZ, Ms. WATERS, and Mr. HONDA) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wartime Parity and  
3 Justice Act of 2001”.

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

6 (a) **ELIGIBILITY.**—For purposes of the Civil Liberties  
7 Act of 1988 (50 U.S.C. App. 1989 and following), the fol-  
8 lowing individuals shall be deemed to be eligible individ-  
9 uals:

10 (1) An individual who—

11 (A) is of Japanese ancestry, or is the  
12 spouse or parent of an individual of Japanese  
13 ancestry;

14 (B) was brought forcibly to the United  
15 States from a country in Central America or  
16 South America during the evacuation, reloca-  
17 tion, and internment period;

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

19 (D) otherwise meets the requirements of  
20 subparagraph (B)(i) of section 108(2) of the  
21 Civil Liberties Act of 1988 (50 U.S.C. App.  
22 1989b–7(2)(B)(i)); and

23 (E) subject to section 4(f) of this Act, has  
24 not otherwise received payment under the Civil  
25 Liberties Act of 1988.

1           (2) An individual who was an eligible individual  
2 under the Civil Liberties Act of 1988 before the en-  
3 actment of this Act and who was eligible for, but did  
4 not receive, payment under that Act prior to the ter-  
5 mination of the Civil Liberties Public Education  
6 Fund under section 104(d) of that Act.

7           (3) An individual who—

8           (A) was born to an eligible individual  
9 under the Civil Liberties Act of 1988 during  
10 the period beginning on January 20, 1945, and  
11 ending on February 29, 1948, at a place in  
12 which the eligible individual was confined, held  
13 in custody, relocated, or otherwise located dur-  
14 ing the evacuation, relocation, or internment pe-  
15 riod; and

16           (B) was living on August 10, 1988.

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

20           (i) was a United States citizen or a perma-  
21 nent resident alien;

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

25           (iii) was living on August 10, 1988.

1 (B) An individual who—

2 (i) during the evacuation, relocation, or in-  
3 ternment period, was a dependent child of an  
4 individual described in subparagraph (A); and

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

6 (5) An individual of Japanese ancestry who—

7 (A) meets the requirements of paragraph  
8 (2) of section 108(2) of the Civil Liberties Act  
9 of 1988, other than subparagraph (A) of that  
10 paragraph; and

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

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

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

2       The United States apologizes to those individuals de-  
3 scribed in section 2(a) for the fundamental violations of  
4 their basic civil liberties and constitutional rights com-  
5 mitted during the evacuation, relocation, or internment  
6 period. The President should transmit to each such indi-  
7 vidual a personal letter of apology on behalf of the United  
8 States.

9 **SEC. 4. PROCEDURES.**

10       (a) **APPLICABILITY OF PROVISIONS OF THE CIVIL**  
11 **LIBERTIES ACT.**—Except as otherwise provided in this  
12 section, the provisions of section 105 of the Civil Liberties  
13 Act of 1988 shall apply with respect to eligible individuals  
14 under section 2 of this Act.

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

25       (c) **NOTIFICATION BY ELIGIBLE INDIVIDUALS.**—Any  
26 eligible individual under section 2 may notify the Attorney

1 General that the individual is an eligible individual, and  
2 may provide documentation therefor, within 6 years after  
3 the date of the enactment of this Act.

4 (d) DETERMINATION OF ELIGIBILITY.—The Attor-  
5 ney General shall make a final determination of eligibility  
6 of individuals under section 2 not later than 1 year after  
7 locating the individual pursuant to subsection (b) or re-  
8 ceiving notification from an individual pursuant to sub-  
9 section (c), as the case may be.

10 (e) JUDICIAL REVIEW.—An individual seeking pay-  
11 ment of compensation under the Civil Liberties Act of  
12 1988 as an eligible individual under section 2 may seek  
13 judicial review of a denial of compensation in an appro-  
14 priate district court of the United States or the United  
15 States Court of Federal Claims within 6 years after the  
16 date of the denial.

17 (f) PAYMENTS FROM COURT CASES.—Notwith-  
18 standing section 2(a)(1)(E) of this Act and paragraph (7)  
19 of section 105(a) of the Civil Liberties Act of 1988, an  
20 individual described in subparagraphs (A) through (D) of  
21 section 2(a)(1) of this Act, or any surviving spouse, child,  
22 or parent of such individual to whom section 105(a)(8)  
23 of the Civil Liberties Act of 1988 applies, who has accept-  
24 ed payment, before the enactment of this Act, pursuant  
25 to an award of a final judgment or a settlement on a claim

1 against the United States for acts described in section  
2 108(2)(B) of the Civil Liberties Act of 1988 or section  
3 2(a)(1)(B) of this Act, may receive payment under the  
4 Civil Liberties Act of 1988, except that any amount pay-  
5 able to such individual, spouse, child, or parent under sec-  
6 tion 105(a)(1) of that Act shall be reduced by the amount  
7 of any payment received pursuant to such final judgment  
8 or settlement.

9 **SEC. 5. CORRECTION OF IMMIGRATION STATUS.**

10 Those individuals described in paragraph (1) of sec-  
11 tion 2(a) shall not be considered to have been present in  
12 the United States unlawfully during the evacuation, relo-  
13 cation, or internment period. Each department or agency  
14 of the United States shall take the necessary steps to cor-  
15 rect any records over which that department or agency  
16 has jurisdiction that indicate that such individuals were  
17 in the United States unlawfully during such period.

18 **SEC. 6. FULL DISCLOSURE OF INFORMATION.**

19 (a) PUBLIC DISCLOSURE OF INFORMATION.—The  
20 appropriate departments and agencies of the United  
21 States shall disclose to the public all information (other  
22 than information which may not be disclosed under other  
23 provisions of law) relating to the forcible removal of indi-  
24 viduals from Central and South America during the evacu-  
25 ation, relocation, or internment period and the internment

1 of those individuals in the United States during that pe-  
2 riod, including information on individuals whose location  
3 is unknown.

4 (b) SHARING OF INFORMATION WITH OTHER COUN-  
5 TRIES.—The President shall take the necessary steps to  
6 share information described in subsection (a) with other  
7 countries and encourage those countries to make that in-  
8 formation available to people in those countries.

9 **SEC. 7. TRUST FUND.**

10 (a) REESTABLISHMENT OF FUND.—The Civil Lib-  
11 erties Public Education Fund (in this Act referred to as  
12 the “Fund”) is reestablished in the Treasury of the United  
13 States, and shall be administered by the Secretary of the  
14 Treasury.

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

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

20 (1) for disbursement of payments by the Attor-  
21 ney General, under section 105 of the Civil Liberties  
22 Act of 1988 and this Act, to eligible individuals  
23 under section 2 of this Act; and

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

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

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

5 (2) \$45,000,000 for disbursements by the  
6 Board of Directors of the Fund under section 8.

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

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

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

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

20 (2) for reasonable administrative expenses of  
21 the Board, including compensation and expenses of  
22 the members and staff of the Board and payment  
23 for administrative support services.

24 (c) MEMBERSHIP, STAFF, ETC.—The provisions of  
25 subsections (c), (d), (e), (f), and (g) of section 106 of the

1 Civil Liberties Act of 1988 (50 U.S.C. App. 1989b–5 (c),  
2 (d), (e), (f), and (g)) shall apply to the Board of the Fund  
3 to the same extent as they applied to the Board estab-  
4 lished under that section.

5 **SEC. 9. DEFINITIONS.**

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

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