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S. 1356

To establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and European refugees during World War II.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2001

Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 14, 2002

Reported by Mr. LEAHY, with an amendment and an amendment to the title

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

A BILL

To establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and European refugees during World War II.

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 Treatment
3 of European Americans and Refugees Study Act”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The United States has long encouraged
7 other nations to acknowledge their wartime offenses
8 against civilians. Now, the United States Govern-
9 ment should fully assess its treatment of European
10 Americans and European Latin Americans during
11 World War II and its effect on Italian American,
12 German American, and other European American
13 communities.

14 (2) The United States Government should also
15 fully assess its treatment of European refugees who
16 fled persecution and genocide in Europe to seek ref-
17 uge in the United States prior to and during World
18 War II.

19 (3) During World War II, the United States
20 Government branded as “enemy aliens” more than
21 600,000 Italian-born and 300,000 German-born
22 United States resident aliens and their families and
23 required them to carry Certificates of Identification,
24 limited their travel, and seized their personal prop-
25 erty. At that time, these groups were the two largest
26 foreign-born groups in the United States.

1 (4) During World War II, the United States
2 Government arrested, interned or otherwise detained
3 thousands of European Americans, some remaining
4 in custody for years after cessation of World War II
5 hostilities, and repatriated, exchanged, or deported
6 European Americans, including American-born chil-
7 dren, to hostile, war-torn European Axis nations;
8 many to be exchanged for Americans held in those
9 nations.

10 (5) Pursuant to a policy coordinated by the
11 United States with Latin American countries, many
12 European Latin Americans, including German and
13 Austrian Jews, were captured, shipped to the United
14 States and interned. Many were later expatriated,
15 repatriated or deported to hostile, war-torn Euro-
16 pean Axis nations during World War II, most to be
17 exchanged for Americans and Latin Americans held
18 in those nations.

19 (6) Millions of European Americans served in
20 the armed forces and thousands sacrificed their lives
21 in defense of the United States.

22 (7) The wartime policies of the United States
23 Government were devastating to the Italian Ameri-
24 cans and German American communities; individuals

1 and their families. The detrimental effects are still
2 being experienced.

3 (8) Prior to and during World War II, the
4 United States restricted the entry of European refu-
5 gees who were fleeing persecution and sought safety
6 in the United States. During the 1930's and 1940's,
7 the quota system, immigration regulations, visa re-
8 quirements, and the time required to process visa
9 applications affected the number of European refu-
10 gees, particularly those from Germany and Austria,
11 who could gain admittance to the United States.

12 (9) Time is of the essence for the establishment
13 of a Commission, because of the increasing danger
14 of destruction and loss of relevant documents, the
15 advanced age of potential witnesses and, most im-
16 portantly, the advanced age of those affected by the
17 United States Government's policies. Many who suf-
18 fered have already passed away and will never know
19 of this effort.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) DURING WORLD WAR II.—The term “during
23 World War II” refers to the period between Sep-
24 tember 1, 1939, through December 31, 1948.

25 (2) EUROPEAN AMERICANS.—

1 (A) IN GENERAL.—The term “European
2 Americans” refers to United States citizens and
3 permanent resident aliens of European ances-
4 try, including Italian Americans, German Amer-
5 icans, Hungarian Americans, Romanian Ameri-
6 cans, and Bulgarian Americans.

7 (B) ITALIAN AMERICANS.—The term
8 “Italian Americans” refers to United States
9 citizens and permanent resident aliens of
10 Italian ancestry.

11 (C) GERMAN AMERICANS.—The term
12 “German Americans” refers to United States
13 citizens and permanent resident aliens of Ger-
14 man ancestry.

15 (3) EUROPEAN REFUGEES.—The term “Euro-
16 pean refugees” refers to European nationals who de-
17 sired to flee persecution and genocide in Europe and
18 to enter the United States during the period between
19 January 1, 1933 and December 31, 1945 but were
20 denied entry.

21 (4) EUROPEAN LATIN AMERICANS.—The term
22 “European Latin Americans” refers to persons of
23 European ancestry, including Italian or German an-
24 cestry, residing in a Latin American nation during
25 World War II.

1 **SEC. 4. ESTABLISHMENT OF COMMISSION.**

2 ~~(a) IN GENERAL.~~—There is established the Commis-
3 sion on Wartime Treatment of European Americans and
4 Refugees (referred to in this Act as the “Commission”).

5 ~~(b) MEMBERSHIP.~~—The Commission shall be com-
6 posed of ~~11~~ members, who shall be appointed not later
7 than 90 days after the date of enactment of this Act as
8 follows:

9 ~~(1)~~ Five members shall be appointed by the
10 President.

11 ~~(2)~~ Three members shall be appointed by the
12 Speaker of the House of Representatives, in con-
13 sultation with the minority leader.

14 ~~(3)~~ Three members shall be appointed by the
15 majority leader of the Senate, in consultation with
16 the minority leader.

17 ~~(c) TERMS.~~—The term of office for members shall be
18 for the life of the Commission. A vacancy in the Commis-
19 sion shall not affect its powers, and shall be filled in the
20 same manner in which the original appointment was made.

21 ~~(d) REPRESENTATION.~~—The Commission shall in-
22 clude 2 members from the Italian American community
23 and 2 members from the German American community
24 representing their wartime treatment interests. The Com-
25 mission shall also include 2 members representing the in-
26 terests of European refugees.

1 (e) MEETINGS.—The President shall call the first
 2 meeting of the Commission not later than 120 days after
 3 the date of enactment of this Act.

4 (f) QUORUM.—Six members of the Commission shall
 5 constitute a quorum, but a lesser number may hold hear-
 6 ings.

7 (g) CHAIRMAN.—The Commission shall elect a Chair-
 8 man and Vice Chairman from among its members. The
 9 term of office of each shall be for the life of the Commis-
 10 sion.

11 (h) COMPENSATION.—

12 (1) IN GENERAL.—Members of the Commission
 13 shall serve without pay.

14 (2) REIMBURSEMENT OF EXPENSES.—All mem-
 15 bers of the Commission shall be reimbursed for rea-
 16 sonable travel and subsistence, and other reasonable
 17 and necessary expenses incurred by them in the per-
 18 formance of their duties.

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

20 (a) IN GENERAL.—It shall be the duty of the Com-
 21 mission to review—

22 (1) the United States Government's wartime
 23 treatment of European Americans and European
 24 Latin Americans as provided in subsection (b)(1);
 25 and

1 (2) the United States Government's refusal to
2 allow European refugees fleeing persecution in Eu-
3 rope entry to the United States as provided in sub-
4 section (b)(2).

5 (b) SCOPE OF REVIEW.—

6 (1) EUROPEAN AMERICANS AND EUROPEAN
7 LATIN AMERICANS.—The Commission's review shall
8 include, but not be limited to, the following:

9 (A) A comprehensive review of the facts
10 and circumstances surrounding United States
11 Government actions during World War II which
12 violated the civil liberties of European Ameri-
13 cans and European Latin Americans pursuant
14 to the Alien Enemy Act (50 U.S.C. 21–24),
15 Presidential Proclamations 2526, 2527, 2655,
16 2662, Executive Orders 9066 and 9095, and
17 any directive of the United States Armed
18 Forces pursuant to such law, proclamations, or
19 executive orders respecting the registration, ar-
20 rest, exclusion, internment, exchange, or deport-
21 ment of European Americans and European
22 Latin Americans. This review shall include an
23 assessment of the underlying rationale of the
24 United States Government's decision to develop
25 related programs and policies; the information

1 the United States Government received or ac-
2 quired suggesting the related programs and
3 policies were necessary; the perceived benefit of
4 enacting such programs and policies; and the
5 immediate and long-term impact of such pro-
6 grams and policies on European Americans and
7 European Latin Americans and their commu-
8 nities.

9 (B) A review of United States Government
10 action with respect to European Americans pur-
11 suant to the Alien Enemy Act (50 U.S.C. 21-
12 24) and Executive Order 9066 during World
13 War II, including registration requirements,
14 travel and property restrictions, establishment
15 of restricted areas, raids, arrests, internment,
16 exclusion, policies relating to the families and
17 property that excludées and internees were
18 forced to abandon, internee employment by
19 American companies (including a list of such
20 companies and the terms and type of employ-
21 ment), exchange, repatriation, and deportment,
22 and the immediate and long-term effect of such
23 actions, particularly internment, on the lives of
24 those affected. This review shall include a list

1 of all temporary detention and long-term in-
 2 termment facilities.

3 (C) A brief review of the participation by
 4 European Americans in the United States
 5 Armed Forces including the participation of
 6 European Americans whose families were ex-
 7 cluded, interned, repatriated, or excluded.

8 (D) A recommendation of appropriate rem-
 9 edies, including how civil liberties can be better
 10 protected during war, or an actual, attempted,
 11 or threatened invasion or inclusion, an assess-
 12 ment of the continued viability of the Alien
 13 Enemy Act (50 U.S.C. 21–24), and public edu-
 14 cation programs related to the United States
 15 Government’s wartime treatment of European
 16 Americans, European Latin Americans, and
 17 European refugees during World War II.

18 (2) EUROPEAN REFUGEES.—The Commission’s
 19 review shall cover the period between January 1,
 20 1933, through December 31, 1945, and shall in-
 21 clude, to the greatest extent practicable, the fol-
 22 lowing:

23 (A) A review of the United States Govern-
 24 ment’s refusal to allow European refugees entry
 25 to the United States, including a review of the

1 underlying rationale of the United States Gov-
2 ernment's decision to refuse the European refu-
3 gees entry; the information the United States
4 Government received or acquired suggesting
5 such refusal was necessary; the perceived ben-
6 efit of such refusal; and the impact of such re-
7 fusal on European refugees.

8 (B) A review of Federal refugee policy re-
9 lating to those fleeing persecution or genocide;
10 including recommendations for making it easier
11 for future victims of persecution or genocide to
12 obtain refuge in the United States.

13 (e) FIELD HEARINGS.—The Commission shall hold
14 public hearings in such cities of the United States as it
15 deems appropriate.

16 (d) REPORT.—The Commission shall submit a writ-
17 ten report of its findings and recommendations to Con-
18 gress not later than 18 months after the date of the first
19 meeting called pursuant to section 4(e).

20 **SEC. 6. POWERS OF THE COMMISSION.**

21 (a) IN GENERAL.—The Commission or, on the au-
22 thorization of the Commission, any subcommittee or mem-
23 ber thereof, may, for the purpose of carrying out the provi-
24 sions of this Act, hold such hearings and sit and act at
25 such times and places, and request the attendance and tes-

1 timony of such witnesses and the production of such
 2 books, records, correspondence, memorandum, papers,
 3 and documents as the Commission or such subcommittee
 4 or member may deem advisable. The Commission may re-
 5 quest the Attorney General to invoke the aid of an appro-
 6 priate United States district court to require, by subpoena
 7 or otherwise, such attendance, testimony, or production.

8 (b) GOVERNMENT INFORMATION AND COOPERA-
 9 TION.—The Commission may acquire directly from the
 10 head of any department, agency, independent instrumen-
 11 tality, or other authority of the executive branch of the
 12 Government, available information that the Commission
 13 considers useful in the discharge of its duties. All depart-
 14 ments, agencies, and independent instrumentalities, or
 15 other authorities of the executive branch of the Govern-
 16 ment shall cooperate with the Commission and furnish all
 17 information requested by the Commission to the extent
 18 permitted by law, including information collected as a re-
 19 sult of Public Law 96–317 and Public Law 106–451. For
 20 purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the
 21 Commission shall be deemed to be a committee of jurisdic-
 22 tion.

23 **SEC. 7. ADMINISTRATIVE PROVISIONS.**

24 The Commission is authorized to—

1 (1) appoint and fix the compensation of such
2 personnel as may be necessary, without regard to
3 the provisions of title 5, United States Code, gov-
4 erning appointments in the competitive service, and
5 without regard to the provisions of chapter 51 and
6 subchapter III of chapter 53 of such title relating to
7 classification and General Schedule pay rates, except
8 that the compensation of any employee of the Com-
9 mission may not exceed a rate equivalent to the rate
10 payable under GS-15 of the General Schedule under
11 section 5332 of such title;

12 (2) obtain the services of experts and consult-
13 ants in accordance with the provisions of section
14 3109 of such title;

15 (3) obtain the detail of any Federal Govern-
16 ment employee, and such detail shall be without re-
17 imbursement or interruption or loss of civil service
18 status or privilege;

19 (4) enter into agreements with the Adminis-
20 trator of General Services for procurement of nec-
21 essary financial and administrative services, for
22 which payment shall be made by reimbursement
23 from funds of the Commission in such amounts as
24 may be agreed upon by the Chairman of the Com-
25 mission and the Administrator;

1 (5) procure supplies, services, and property by
 2 contract in accordance with applicable laws and reg-
 3 ulations and to the extent or in such amounts as are
 4 provided in appropriation Acts; and

5 (6) enter into contracts with Federal or State
 6 agencies, private firms, institutions, and agencies for
 7 the conduct of research or surveys, the preparation
 8 of reports, and other activities necessary to the dis-
 9 charge of the duties of the Commission, to the ex-
 10 tent or in such amounts as are provided in appro-
 11 priation Acts.

12 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

13 From funds currently authorized to the Department
 14 of Justice, there are authorized to be appropriated not to
 15 exceed \$850,000 to carry out the purposes of this Act.

16 **SEC. 9. SUNSET.**

17 The Commission shall terminate 60 days after it sub-
 18 mits its report to Congress.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Wartime Treatment*
 21 *Study Act”.*

22 **SEC. 2. FINDINGS.**

23 *Congress makes the following findings:*

1 (1) *During World War II, the United States suc-*
2 *cessfully fought the spread of Nazism and fascism by*
3 *Germany, Italy, and Japan.*

4 (2) *Nazi Germany persecuted and engaged in*
5 *genocide against Jews and certain other groups. By*
6 *the end of the war, 6,000,000 Jews had perished at*
7 *the hands of Nazi Germany. United States Govern-*
8 *ment policies, however, restricted entry to the United*
9 *States to Jewish and other refugees who sought safety*
10 *from Nazi persecution.*

11 (3) *While we were at war, the United States*
12 *treated the Japanese American, German American,*
13 *and Italian American communities as suspect.*

14 (4) *The United States Government should con-*
15 *duct an independent review to assess fully and ac-*
16 *knowledge these actions. Congress has previously re-*
17 *viewed the United States Government's wartime treat-*
18 *ment of Japanese Americans through the Commission*
19 *on Wartime Relocation and Internment of Civilians.*
20 *An independent review of the treatment of German*
21 *Americans and Italian Americans and of Jewish refu-*
22 *gees fleeing persecution and genocide has not yet been*
23 *undertaken.*

24 (5) *During World War II, the United States*
25 *Government branded as "enemy aliens" more than*

1 600,000 Italian-born and 300,000 German-born
2 United States resident aliens and their families and
3 required them to carry Certificates of Identification,
4 limited their travel, and seized their personal prop-
5 erty. At that time, these groups were the two largest
6 foreign-born groups in the United States.

7 (6) During World War II, the United States
8 Government arrested, interned or otherwise detained
9 thousands of European Americans, some remaining
10 in custody for years after cessation of World War II
11 hostilities, and repatriated, exchanged, or deported
12 European Americans, including American-born chil-
13 dren, to hostile, war-torn European Axis nations,
14 many to be exchanged for Americans held in those na-
15 tions.

16 (7) Pursuant to a policy coordinated by the
17 United States with Latin American countries, many
18 European Latin Americans, including German and
19 Austrian Jews, were captured, shipped to the United
20 States and interned. Many were later expatriated, re-
21 patriated or deported to hostile, war-torn European
22 Axis nations during World War II, most to be ex-
23 changed for Americans and Latin Americans held in
24 those nations.

1 (8) *Millions of European Americans served in*
2 *the armed forces and thousands sacrificed their lives*
3 *in defense of the United States.*

4 (9) *The wartime policies of the United States*
5 *Government were devastating to the Italian Ameri-*
6 *cans and German American communities, individuals*
7 *and their families. The detrimental effects are still*
8 *being experienced.*

9 (10) *Prior to and during World War II, the*
10 *United States restricted the entry of Jewish refugees*
11 *who were fleeing persecution and sought safety in the*
12 *United States. During the 1930's and 1940's, the*
13 *quota system, immigration regulations, visa require-*
14 *ments, and the time required to process visa applica-*
15 *tions affected the number of Jewish refugees, particu-*
16 *larly those from Germany and Austria, who could*
17 *gain admittance to the United States.*

18 (11) *Time is of the essence for the establishment*
19 *of commissions, because of the increasing danger of*
20 *destruction and loss of relevant documents, the ad-*
21 *vanced age of potential witnesses and, most impor-*
22 *tantly, the advanced age of those affected by the*
23 *United States Government's policies. Many who suf-*
24 *fered have already passed away and will never know*
25 *of this effort.*

1 **SEC. 3. DEFINITIONS.**

2 *In this Act:*

3 (1) *DURING WORLD WAR II.*—The term “during
4 *World War II*” refers to the period between September
5 1, 1939, through December 31, 1948.

6 (2) *EUROPEAN AMERICANS.*—

7 (A) *IN GENERAL.*—The term “European
8 *Americans*” refers to United States citizens and
9 permanent resident aliens of European ancestry,
10 including Italian Americans, German Ameri-
11 cans, Hungarian Americans, Romanian Ameri-
12 cans, and Bulgarian Americans.

13 (B) *ITALIAN AMERICANS.*—The term
14 “*Italian Americans*” refers to United States citi-
15 zens and permanent resident aliens of Italian
16 ancestry.

17 (C) *GERMAN AMERICANS.*—The term “*Ger-*
18 *man Americans*” refers to United States citizens
19 and permanent resident aliens of German ances-
20 try.

21 (3) *EUROPEAN LATIN AMERICANS.*—The term
22 “*European Latin Americans*” refers to persons of Eu-
23 ropean ancestry, including Italian or German ances-
24 try, residing in a Latin American nation during
25 *World War II*.

1 ***TITLE I—COMMISSION ON WAR-***
 2 ***TIME TREATMENT OF EURO-***
 3 ***PEAN AMERICANS***

4 ***SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME***
 5 ***TREATMENT OF EUROPEAN AMERICANS.***

6 (a) *IN GENERAL.*—*There is established the Commis-*
 7 *sion on Wartime Treatment of European Americans (re-*
 8 *ferred to in this title as the “European American Commis-*
 9 *sion”).*

10 (b) *MEMBERSHIP.*—*The European American Commis-*
 11 *sion shall be composed of 7 members, who shall be appointed*
 12 *not later than 90 days after the date of enactment of this*
 13 *Act as follows:*

14 (1) *Three members shall be appointed by the*
 15 *President.*

16 (2) *Two members shall be appointed by the*
 17 *Speaker of the House of Representatives, in consulta-*
 18 *tion with the minority leader.*

19 (3) *Two members shall be appointed by the ma-*
 20 *jority leader of the Senate, in consultation with the*
 21 *minority leader.*

22 (c) *TERMS.*—*The term of office for members shall be*
 23 *for the life of the European American Commission. A va-*
 24 *cancy in the European American Commission shall not af-*

1 *fect its powers, and shall be filled in the same manner in*
 2 *which the original appointment was made.*

3 (d) *REPRESENTATION.—The European American*
 4 *Commission shall include 2 members from the Italian*
 5 *American community and 2 members from the German*
 6 *American community representing their wartime treatment*
 7 *interests.*

8 (e) *MEETINGS.—The President shall call the first meet-*
 9 *ing of the European American Commission not later than*
 10 *120 days after the date of enactment of this Act.*

11 (f) *QUORUM.—Four members of the European Amer-*
 12 *ican Commission shall constitute a quorum, but a lesser*
 13 *number may hold hearings.*

14 (g) *CHAIRMAN.—The European American Commission*
 15 *shall elect a Chairman and Vice Chairman from among its*
 16 *members. The term of office of each shall be for the life of*
 17 *the European American Commission.*

18 (h) *COMPENSATION.—*

19 (1) *IN GENERAL.—Members of the European*
 20 *American Commission shall serve without pay.*

21 (2) *REIMBURSEMENT OF EXPENSES.—All mem-*
 22 *bers of the European American Commission shall be*
 23 *reimbursed for reasonable travel and subsistence, and*
 24 *other reasonable and necessary expenses incurred by*
 25 *them in the performance of their duties.*

1 **SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMIS-**
2 **SION.**

3 (a) *IN GENERAL.*—It shall be the duty of the European
4 American Commission to review the United States Govern-
5 ment's wartime treatment of European Americans and Eu-
6 ropean Latin Americans as provided in subsection (b).

7 (b) *SCOPE OF REVIEW.*—The European American
8 Commission's review shall include the following:

9 (1) *A comprehensive review of the facts and cir-*
10 *cumstances surrounding United States Government*
11 *actions during World War II that violated the civil*
12 *liberties of European Americans and European Latin*
13 *Americans pursuant to the Alien Enemies Acts (50*
14 *U.S.C. 21–24), Presidential Proclamations 2526,*
15 *2527, 2655, 2662, Executive Orders 9066 and 9095,*
16 *and any directive of the United States Government*
17 *pursuant to such law, proclamations, or executive or-*
18 *ders respecting the registration, arrest, exclusion, in-*
19 *ternment, exchange, or deportment of European*
20 *Americans and European Latin Americans. This re-*
21 *view shall include an assessment of the underlying ra-*
22 *tionale of the United States Government's decision to*
23 *develop related programs and policies, the informa-*
24 *tion the United States Government received or ac-*
25 *quired suggesting the related programs and policies*
26 *were necessary, the perceived benefit of enacting such*

1 *programs and policies, and the immediate and long-*
2 *term impact of such programs and policies on Euro-*
3 *pean Americans and European Latin Americans and*
4 *their communities.*

5 *(2) A review of United States Government action*
6 *with respect to European Americans pursuant to the*
7 *Alien Enemies Acts (50 U.S.C. 21–24) and Executive*
8 *Order 9066 during World War II, including registra-*
9 *tion requirements, travel and property restrictions,*
10 *establishment of restricted areas, raids, arrests, in-*
11 *ternment, exclusion, policies relating to the families*
12 *and property that excludees and internees were forced*
13 *to abandon, internee employment by American com-*
14 *panies (including a list of such companies and the*
15 *terms and type of employment), exchange, repatri-*
16 *ation, and deportment, and the immediate and long-*
17 *term effect of such actions, particularly internment,*
18 *on the lives of those affected. This review shall include*
19 *a list of all temporary detention and long-term in-*
20 *ternment facilities.*

21 *(3) A brief review of the participation by Euro-*
22 *pean Americans in the United States Armed Forces*
23 *including the participation of European Americans*
24 *whose families were excluded, interned, repatriated, or*
25 *exchanged.*

(d) *REPORT.*—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

(a) *IN GENERAL.*—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production

1 of such books, records, correspondence, memorandum, pa-
2 pers, and documents as the Commission or such sub-
3 committee or member may deem advisable. The European
4 American Commission may request the Attorney General
5 to invoke the aid of an appropriate United States district
6 court to require, by subpoena or otherwise, such attendance,
7 testimony, or production.

8 (b) *GOVERNMENT INFORMATION AND COOPERATION.*—

9 The European American Commission may acquire directly
10 from the head of any department, agency, independent in-
11 strumentality, or other authority of the executive branch of
12 the Government, available information that the European
13 American Commission considers useful in the discharge of
14 its duties. All departments, agencies, and independent in-
15 strumentalities, or other authorities of the executive branch
16 of the Government shall cooperate with the European Amer-
17 ican Commission and furnish all information requested by
18 the European American Commission to the extent permitted
19 by law, including information collected as a result of Public
20 Law 96–317 and Public Law 106–451. For purposes of the
21 Privacy Act (5 U.S.C. 552a(b)(9)), the European American
22 Commission shall be deemed to be a committee of jurisdic-
23 tion.

1 **SEC. 104. ADMINISTRATIVE PROVISIONS.**

2 *The European American Commission is authorized*
3 *to—*

4 (1) *appoint and fix the compensation of such*
5 *personnel as may be necessary, without regard to the*
6 *provisions of title 5, United States Code, governing*
7 *appointments in the competitive service, and without*
8 *regard to the provisions of chapter 51 and subchapter*
9 *III of chapter 53 of such title relating to classification*
10 *and General Schedule pay rates, except that the com-*
11 *penetration of any employee of the Commission may*
12 *not exceed a rate equivalent to the rate payable under*
13 *GS-15 of the General Schedule under section 5332 of*
14 *such title;*

15 (2) *obtain the services of experts and consultants*
16 *in accordance with the provisions of section 3109 of*
17 *such title;*

18 (3) *obtain the detail of any Federal Government*
19 *employee, and such detail shall be without reimburse-*
20 *ment or interruption or loss of civil service status or*
21 *privilege;*

22 (4) *enter into agreements with the Administrator*
23 *of General Services for procurement of necessary fi-*
24 *nancial and administrative services, for which pay-*
25 *ment shall be made by reimbursement from funds of*
26 *the Commission in such amounts as may be agreed*

1 upon by the Chairman of the Commission and the
2 Administrator;

3 (5) procure supplies, services, and property by
4 contract in accordance with applicable laws and reg-
5 ulations and to the extent or in such amounts as are
6 provided in appropriation Acts; and

7 (6) enter into contracts with Federal or State
8 agencies, private firms, institutions, and agencies for
9 the conduct of research or surveys, the preparation of
10 reports, and other activities necessary to the discharge
11 of the duties of the Commission, to the extent or in
12 such amounts as are provided in appropriation Acts.

13 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

14 From funds currently authorized to the Department of
15 Justice, there are authorized to be appropriated not to ex-
16 ceed \$500,000 to carry out the purposes of this title.

17 **SEC. 106. SUNSET.**

18 The European American Commission shall terminate
19 60 days after it submits its report to Congress.

1 ***TITLE II—COMMISSION ON WAR-***
2 ***TIME TREATMENT OF JEWISH***
3 ***REFUGEES***

4 ***SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME***
5 ***TREATMENT OF JEWISH REFUGEES.***

6 *(a) IN GENERAL.—There is established the Commis-*
7 *sion on Wartime Treatment of Jewish Refugees (referred to*
8 *in this title as the “Jewish Refugee Commission”).*

9 *(b) MEMBERSHIP.—The Jewish Refugee Commission*
10 *shall be composed of 7 members, who shall be appointed not*
11 *later than 90 days after the date of enactment of this Act*
12 *as follows:*

13 *(1) Three members shall be appointed by the*
14 *President.*

15 *(2) Two members shall be appointed by the*
16 *Speaker of the House of Representatives, in consulta-*
17 *tion with the Minority Leader.*

18 *(3) Two members shall be appointed by the Ma-*
19 *jority Leader of the Senate, in consultation with the*
20 *minority leader.*

21 *(c) TERMS.—The term of office for members shall be*
22 *for the life of the Jewish Refugee Commission. A vacancy*
23 *in the Jewish Refugee Commission shall not affect its pow-*
24 *ers, and shall be filled in the same manner in which the*
25 *original appointment was made.*

1 (d) *REPRESENTATION.*—*The Jewish Refugee Commis-*
 2 *sion shall include 2 members representing the interests of*
 3 *Jewish refugees.*

4 (e) *MEETINGS.*—*The President shall call the first meet-*
 5 *ing of the Jewish Refugee Commission not later than 120*
 6 *days after the date of enactment of this Act.*

7 (f) *QUORUM.*—*Four members of the Jewish Refugee*
 8 *Commission shall constitute a quorum, but a lesser number*
 9 *may hold hearings.*

10 (g) *CHAIRMAN.*—*The Jewish Refugee Commission shall*
 11 *elect a Chairman and Vice Chairman from among its mem-*
 12 *bers. The term of office of each shall be for the life of the*
 13 *Jewish Refugee Commission.*

14 (h) *COMPENSATION.*—

15 (1) *IN GENERAL.*—*Members of the Jewish Ref-*
 16 *ugee Commission shall serve without pay.*

17 (2) *REIMBURSEMENT OF EXPENSES.*—*All mem-*
 18 *bers of the Jewish Refugee Commission shall be reim-*
 19 *bursed for reasonable travel and subsistence, and*
 20 *other reasonable and necessary expenses incurred by*
 21 *them in the performance of their duties.*

22 **SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION.**

23 (a) *IN GENERAL.*—*It shall be the duty of the Jewish*
 24 *Refugee Commission to review the United States Govern-*
 25 *ment's refusal to allow Jewish and other refugees fleeing*

1 *persecution in Europe entry to the United States as pro-*
2 *vided in subsection (b).*

3 **(b) SCOPE OF REVIEW.**—*The Jewish Refugee Commis-*
4 *sion's review shall cover the period between January 1,*
5 *1933, through December 31, 1945, and shall include, to the*
6 *greatest extent practicable, the following:*

7 *(1) A review of the United States Government's*
8 *refusal to allow Jewish and other refugees fleeing per-*
9 *secution and genocide entry to the United States, in-*
10 *cluding a review of the underlying rationale of the*
11 *United States Government's decision to refuse the*
12 *Jewish and other refugees entry, the information the*
13 *United States Government received or acquired sug-*
14 *gesting such refusal was necessary, the perceived ben-*
15 *efit of such refusal, and the impact of such refusal on*
16 *the refugees.*

17 *(2) A review of Federal refugee policy relating to*
18 *those fleeing persecution or genocide, including rec-*
19 *ommendations for making it easier for future victims*
20 *of persecution or genocide to obtain refuge in the*
21 *United States.*

22 **(c) FIELD HEARINGS.**—*The Jewish Refugee Commis-*
23 *sion shall hold public hearings in such cities of the United*
24 *States as it deems appropriate.*

1 (d) *REPORT.*—*The Jewish Refugee Commission shall*
 2 *submit a written report of its findings and recommenda-*
 3 *tions to Congress not later than 18 months after the date*
 4 *of the first meeting called pursuant to section 201(e).*

5 **SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.**

6 (a) *IN GENERAL.*—*The Jewish Refugee Commission*
 7 *or, on the authorization of the Commission, any sub-*
 8 *committee or member thereof, may, for the purpose of car-*
 9 *rying out the provisions of this title, hold such hearings and*
 10 *sit and act at such times and places, and request the attend-*
 11 *ance and testimony of such witnesses and the production*
 12 *of such books, records, correspondence, memorandum, pa-*
 13 *pers, and documents as the Commission or such sub-*
 14 *committee or member may deem advisable. The Jewish Ref-*
 15 *ugee Commission may request the Attorney General to in-*
 16 *voke the aid of an appropriate United States district court*
 17 *to require, by subpoena or otherwise, such attendance, testi-*
 18 *mony, or production.*

19 (b) *GOVERNMENT INFORMATION AND COOPERATION.*—
 20 *The Jewish Refugee Commission may acquire directly from*
 21 *the head of any department, agency, independent instru-*
 22 *mentality, or other authority of the executive branch of the*
 23 *Government, available information that the Jewish Refugee*
 24 *Commission considers useful in the discharge of its duties.*
 25 *All departments, agencies, and independent instrumental-*

ities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of Public Law 96-317 and Public Law 106-451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 204. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

1 (3) obtain the detail of any Federal Government
2 employee, and such detail shall be without reimburse-
3 ment or interruption or loss of civil service status or
4 privilege;

5 (4) enter into agreements with the Administrator
6 of General Services for procurement of necessary fi-
7 nancial and administrative services, for which pay-
8 ment shall be made by reimbursement from funds of
9 the Commission in such amounts as may be agreed
10 upon by the Chairman of the Commission and the
11 Administrator;

12 (5) procure supplies, services, and property by
13 contract in accordance with applicable laws and reg-
14 ulations and to the extent or in such amounts as are
15 provided in appropriation Acts; and

16 (6) enter into contracts with Federal or State
17 agencies, private firms, institutions, and agencies for
18 the conduct of research or surveys, the preparation of
19 reports, and other activities necessary to the discharge
20 of the duties of the Commission, to the extent or in
21 such amounts as are provided in appropriation Acts.

22 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

23 From funds currently authorized to the Department of
24 Justice, there are authorized to be appropriated not to ex-
25 ceed \$500,000 to carry out the purposes of this title.

1 **SEC. 206. SUNSET.**

2 *The Jewish Refugee Commission shall terminate 60*
3 *days after it submits its report to Congress.*

Amend the title so as to read: “A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.”.

Calendar No. 324

107TH CONGRESS
2D SESSION

S. 1356

A BILL

To establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and European refugees during World War II.

MARCH 14, 2002

Reported by Mr. LEAHY, with an amendment and an amendment to the title