

Calendar No. 296

109TH CONGRESS
1ST SESSION

S. 1354

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.

IN THE SENATE OF THE UNITED STATES

JUNE 30, 2005

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

NOVEMBER 17, 2005

Reported by Mr. SPECTER, without amendment

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.

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 Treatment
5 Study Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) During World War II, the United States
4 successfully fought the spread of Nazism and fas-
5 cism by Germany, Italy, and Japan.

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

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

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

1 (5) During World War II, the United States
2 Government branded as “enemy aliens” more than
3 600,000 Italian-born and 300,000 German-born
4 United States resident aliens and their families and
5 required them to carry Certificates of Identification,
6 limited their travel, and seized their personal prop-
7 erty. At that time, these groups were the two largest
8 foreign-born groups in the United States.

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

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

1 exchanged for Americans and Latin Americans held
2 in those nations.

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

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

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

20 (11) Time is of the essence for the establish-
21 ment of commissions, because of the increasing dan-
22 ger of destruction and loss of relevant documents,
23 the advanced age of potential witnesses and, most
24 importantly, the advanced age of those affected by
25 the United States Government's policies. Many who

1 suffered have already passed away and will never
2 know of this effort.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

8 (2) EUROPEAN AMERICANS.—

9 (A) IN GENERAL.—The term “European
10 Americans” refers to United States citizens and
11 permanent resident aliens of European ances-
12 try, including Italian Americans, German Amer-
13 icans, Hungarian Americans, Romanian Ameri-
14 cans, and Bulgarian Americans.

15 (B) ITALIAN AMERICANS.—The term
16 “Italian Americans” refers to United States
17 citizens and permanent resident aliens of
18 Italian ancestry.

19 (C) GERMAN AMERICANS.—The term
20 “German Americans” refers to United States
21 citizens and permanent resident aliens of Ger-
22 man ancestry.

23 (3) EUROPEAN LATIN AMERICANS.—The term
24 “European Latin Americans” refers to persons of
25 European ancestry, including Italian or German an-

1 cestry, residing in a Latin American nation during
2 World War II.

3 **TITLE I—COMMISSION ON WAR-**
4 **TIME TREATMENT OF EURO-**
5 **PEAN AMERICANS**

6 **SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME**
7 **TREATMENT OF EUROPEAN AMERICANS.**

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

12 (b) MEMBERSHIP.—The European American Com-
13 mission shall be composed of 7 members, who shall be ap-
14 pointed not later than 90 days after the date of enactment
15 of this Act as follows:

16 (1) Three members shall be appointed by the
17 President.

18 (2) Two members shall be appointed by the
19 Speaker of the House of Representatives, in con-
20 sultation with the minority leader.

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

24 (c) TERMS.—The term of office for members shall be
25 for the life of the European American Commission. A va-

1 cancy in the European American Commission shall not af-
2 fect its powers, and shall be filled in the same manner
3 in which the original appointment was made.

4 (d) REPRESENTATION.—The European American
5 Commission shall include 2 members representing the in-
6 terests of Italian Americans and 2 members representing
7 the interests of German Americans.

8 (e) MEETINGS.—The President shall call the first
9 meeting of the European American Commission not later
10 than 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 Commis-
15 sion shall elect a Chairman and Vice Chairman from
16 among its members. The term of office of each shall be
17 for the life of 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,
24 and other reasonable and necessary expenses in-
25 curred by 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 Euro-
4 pean American Commission to review the United States
5 Government’s wartime treatment of European Americans
6 and European Latin Americans as provided in subsection
7 (b).

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

10 (1) A comprehensive review of the facts and cir-
11 cumstances surrounding United States Government
12 actions during World War II that violated the civil
13 liberties of European Americans and European
14 Latin Americans pursuant to the Alien Enemies
15 Acts (50 U.S.C. 21–24), Presidential Proclamations
16 2526, 2527, 2655, 2662, Executive Orders 9066
17 and 9095, and any directive of the United States
18 Government pursuant to such law, proclamations, or
19 executive orders respecting the registration, arrest,
20 exclusion, internment, exchange, or deportation of
21 European Americans and European Latin Ameri-
22 cans. This review shall include an assessment of the
23 underlying rationale of the United States Govern-
24 ment’s decision to develop related programs and
25 policies, the information the United States Govern-
26 ment received or acquired suggesting the related

1 programs and policies were necessary, the perceived
2 benefit of enacting such programs and policies, and
3 the immediate and long-term impact of such pro-
4 grams and policies on European Americans and Eu-
5 ropean Latin Americans and their communities.

6 (2) A review of United States Government ac-
7 tion with respect to European Americans pursuant
8 to the Alien Enemies Acts (50 U.S.C. 21–24) and
9 Executive Order 9066 during World War II, includ-
10 ing registration requirements, travel and property
11 restrictions, establishment of restricted areas, raids,
12 arrests, internment, exclusion, policies relating to
13 the families and property that excludees and intern-
14 ees were forced to abandon, internee employment by
15 American companies (including a list of such compa-
16 nies and the terms and type of employment), ex-
17 change, repatriation, and deportment, and the imme-
18 diate and long-term effect of such actions, particu-
19 larly internment, on the lives of those affected. This
20 review shall include a list of all temporary detention
21 and long-term internment facilities.

22 (3) A brief review of the participation by Euro-
23 pean Americans in the United States Armed Forces
24 including the participation of European Americans

1 whose families were excluded, interned, repatriated,
2 or exchanged.

3 (4) A recommendation of appropriate remedies,
4 including how civil liberties can be better protected
5 during war, or an actual, attempted, or threatened
6 invasion or incursion, an assessment of the contin-
7 ued viability of the Alien Enemies Acts (50 U.S.C.
8 21–24), and public education programs related to
9 the United States Government’s wartime treatment
10 of European Americans and European Latin Ameri-
11 cans during World War II.

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

15 (d) REPORT.—The European American Commission
16 shall submit a written report of its findings and rec-
17 ommendations to Congress not later than 18 months after
18 the date of the first meeting called pursuant to section
19 101(e).

20 **SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMIS-**
21 **SION.**

22 (a) IN GENERAL.—The European American Commis-
23 sion or, on the authorization of the Commission, any sub-
24 committee or member thereof, may, for the purpose of car-
25 rying out the provisions of this title, hold such hearings

1 and sit and act at such times and places, and request the
2 attendance and testimony of such witnesses and the pro-
3 duction of such books, records, correspondence, memo-
4 randum, papers, and documents as the Commission or
5 such subcommittee or member may deem advisable. The
6 European American Commission may request the Attor-
7 ney General to invoke the aid of an appropriate United
8 States district court to require, by subpoena or otherwise,
9 such attendance, testimony, or production.

10 (b) GOVERNMENT INFORMATION AND COOPERA-
11 TION.—The European American Commission may acquire
12 directly from the head of any department, agency, inde-
13 pendent instrumentality, or other authority of the execu-
14 tive branch of the Government, available information that
15 the European American Commission considers useful in
16 the discharge of its duties. All departments, agencies, and
17 independent instrumentalities, or other authorities of the
18 executive branch of the Government shall cooperate with
19 the European American Commission and furnish all infor-
20 mation requested by the European American Commission
21 to the extent permitted by law, including information col-
22 lected as a result of Public Law 96–317 and Public Law
23 106–451. For purposes of the Privacy Act (5 U.S.C.
24 552a(b)(9)), the European American Commission shall be
25 deemed to be a committee of jurisdiction.

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
6 the provisions of title 5, United States Code, gov-
7 erning appointments in the competitive service, and
8 without regard to the provisions of chapter 51 and
9 subchapter III of chapter 53 of such title relating to
10 classification and General Schedule pay rates, except
11 that the compensation of any employee of the Com-
12 mission may not exceed a rate equivalent to the rate
13 payable under GS-15 of the General Schedule under
14 section 5332 of such title;

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

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

22 (4) enter into agreements with the Adminis-
23 trator of General Services for procurement of nec-
24 essary financial and administrative services, for
25 which payment shall be made by reimbursement
26 from funds of the Commission in such amounts as

1 may be agreed upon by the Chairman of the Com-
2 mission and the 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
10 of reports, and other activities necessary to the dis-
11 charge of the duties of the Commission, to the ex-
12 tent or in such amounts as are provided in appro-
13 priation Acts.

14 **SEC. 105. FUNDING.**

15 Of the amounts authorized to be appropriated to the
16 Department of Justice, \$500,000 shall be available to
17 carry out this title.

18 **SEC. 106. SUNSET.**

19 The European American Commission shall terminate
20 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
8 to 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
11 not later than 90 days after the date of enactment of this
12 Act 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 con-
17 sultation 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 Com-
2 mission shall include 2 members representing the interests
3 of Jewish refugees.

4 (e) MEETINGS.—The President shall call the first
5 meeting of the Jewish Refugee Commission not later than
6 120 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 num-
9 ber may hold hearings.

10 (g) CHAIRMAN.—The Jewish Refugee Commission
11 shall elect a Chairman and Vice Chairman from among
12 its members. The term of office of each shall be for the
13 life of the 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 re-
19 imbursed 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 Com-
4 mission’s review shall cover the period between January
5 1, 1933, through December 31, 1945, and shall include,
6 to the greatest extent practicable, the following:

7 (1) A review of the United States Government’s
8 refusal to allow Jewish and other refugees fleeing
9 persecution and genocide entry to the United States,
10 including 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
15 benefit of such refusal, and the impact of such re-
16 fusal on the refugees.

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

22 (c) FIELD HEARINGS.—The Jewish Refugee Com-
23 mission shall hold public hearings in such cities of the
24 United 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
10 and sit and act at such times and places, and request the
11 attendance and testimony of such witnesses and the pro-
12 duction of such books, records, correspondence, memo-
13 randum, papers, and documents as the Commission or
14 such subcommittee or member may deem advisable. The
15 Jewish Refugee Commission may request the Attorney
16 General to invoke the aid of an appropriate United States
17 district court to require, by subpoena or otherwise, such
18 attendance, testimony, or production.

19 (b) GOVERNMENT INFORMATION AND COOPERA-
20 TION.—The Jewish Refugee Commission may acquire di-
21 rectly from the head of any department, agency, inde-
22 pendent instrumentality, or other authority of the execu-
23 tive branch of the Government, available information that
24 the Jewish Refugee Commission considers useful in the
25 discharge of its duties. All departments, agencies, and

1 independent instrumentalities, or other authorities of the
2 executive branch of the Government shall cooperate with
3 the Jewish Refugee Commission and furnish all informa-
4 tion requested by the Jewish Refugee Commission to the
5 extent permitted by law, including information collected
6 as a result of Public Law 96-317 and Public Law 106-
7 451. For purposes of the Privacy Act (5 U.S.C.
8 552a(b)(9)), the Jewish Refugee Commission shall be
9 deemed to be a committee of jurisdiction.

10 **SEC. 204. ADMINISTRATIVE PROVISIONS.**

11 The Jewish Refugee Commission is authorized to—

12 (1) appoint and fix the compensation of such
13 personnel as may be necessary, without regard to
14 the provisions of title 5, United States Code, gov-
15 erning appointments in the competitive service, and
16 without regard to the provisions of chapter 51 and
17 subchapter III of chapter 53 of such title relating to
18 classification and General Schedule pay rates, except
19 that the compensation of any employee of the Com-
20 mission may not exceed a rate equivalent to the rate
21 payable under GS-15 of the General Schedule under
22 section 5332 of such title;

23 (2) obtain the services of experts and consult-
24 ants in accordance with the provisions of section
25 3109 of such title;

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

5 (4) enter into agreements with the Adminis-
6 trator of General Services for procurement of nec-
7 essary financial and administrative services, for
8 which payment shall be made by reimbursement
9 from funds of the Commission in such amounts as
10 may be agreed upon by the Chairman of the Com-
11 mission and the 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
19 of reports, and other activities necessary to the dis-
20 charge of the duties of the Commission, to the ex-
21 tent or in such amounts as are provided in appro-
22 priation Acts.

1 **SEC. 205. FUNDING.**

2 Of the amounts authorized to be appropriated to the
3 Department of Justice, \$500,000 shall be available to
4 carry out this title.

5 **SEC. 206. SUNSET.**

6 The Jewish Refugee Commission shall terminate 60
7 days after it submits its report to Congress.

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