

110TH CONGRESS  
1ST SESSION

# S. 621

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2007

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

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## 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”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) During World War II, the United States  
2           Government deemed 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           and limited their travel and personal property rights.  
7           At that time, these groups were the 2 largest for-  
8           eign-born groups in the United States.

9           (2) During World War II, the United States  
10          Government arrested, interned, or otherwise de-  
11          tained thousands of European Americans, some re-  
12          maining in custody for years after cessation of  
13          World War II hostilities, and repatriated, exchanged,  
14          or deported European Americans, including Amer-  
15          ican-born children, to European Axis nations, many  
16          to be exchanged for Americans held in those nations.

17          (3) Pursuant to a policy coordinated by the  
18          United States with Latin American nations, many  
19          European Latin Americans, including German and  
20          Austrian Jews, were arrested, brought to the United  
21          States, and interned. Many were later expatriated,  
22          repatriated, or deported to European Axis nations  
23          during World War II, many to be exchanged for  
24          Americans and Latin Americans held in those na-  
25          tions.

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

4           (5) The wartime policies of the United States  
5           Government were devastating to the Italian Amer-  
6           ican and German American communities, individ-  
7           uals, and their families. The detrimental effects are  
8           still being experienced.

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

18          (7) The United States Government should con-  
19          duct an independent review to fully assess and ac-  
20          knowledge these actions. Congress has previously re-  
21          viewed the United States Government's wartime  
22          treatment of Japanese Americans through the Com-  
23          mission on Wartime Relocation and Internment of  
24          Civilians. An independent review of the treatment of  
25          German Americans and Italian Americans and of

1 Jewish refugees fleeing persecution and genocide has  
2 not yet been undertaken.

3 (8) Time is of the essence for the establishment  
4 of commissions, because of the increasing danger of  
5 destruction and loss of relevant documents, the ad-  
6 vanced age of potential witnesses and, most impor-  
7 tantly, the advanced age of those affected by the  
8 United States Government's policies. Many who suf-  
9 fered have already passed away and will never know  
10 of this effort.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

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

16 (2) EUROPEAN AMERICANS.—

17 (A) IN GENERAL.—The term “European  
18 Americans” refers to United States citizens and  
19 resident aliens of European ancestry, including  
20 Italian Americans, German Americans, Hun-  
21 garian Americans, Romanian Americans, and  
22 Bulgarian Americans.

23 (B) ITALIAN AMERICANS.—The term  
24 “Italian Americans” refers to United States  
25 citizens and resident aliens of Italian ancestry.

1 (C) GERMAN AMERICANS.—The term  
2 “German Americans” refers to United States  
3 citizens and resident aliens of German ancestry.

4 (3) EUROPEAN LATIN AMERICANS.—The term  
5 “European Latin Americans” refers to persons of  
6 European ancestry, including Italian or German an-  
7 cestry, residing in a Latin American nation during  
8 World War II.

9 (4) LATIN AMERICAN NATION.—The term  
10 “Latin American nation” refers to any nation in  
11 Central America, South America, or the Carribean.

12 **TITLE I—COMMISSION ON WAR-**  
13 **TIME TREATMENT OF EURO-**  
14 **PEAN AMERICANS**

15 **SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME**  
16 **TREATMENT OF EUROPEAN AMERICANS.**

17 (a) IN GENERAL.—There is established the Commis-  
18 sion on Wartime Treatment of European Americans (re-  
19 ferred to in this title as the “European American Commis-  
20 sion”).

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

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

3           (2) Two members shall be appointed by the  
4     Speaker of the House of Representatives, in con-  
5     sultation with the minority leader.

6           (3) Two members shall be appointed by the ma-  
7     jority leader of the Senate, in consultation with the  
8     minority leader.

9           (c) TERMS.—The term of office for members shall be  
10    for the life of the European American Commission. A va-  
11    cancy in the European American Commission shall not af-  
12    fect its powers, and shall be filled in the same manner  
13    in which the original appointment was made.

14          (d) REPRESENTATION.—The European American  
15    Commission shall include 2 members representing the in-  
16    terests of Italian Americans and 2 members representing  
17    the interests of German Americans.

18          (e) MEETINGS.—The President shall call the first  
19    meeting of the European American Commission not later  
20    than 120 days after the date of enactment of this Act.

21          (f) QUORUM.—Four members of the European Amer-  
22    ican Commission shall constitute a quorum, but a lesser  
23    number may hold hearings.

24          (g) CHAIRMAN.—The European American Commis-  
25    sion shall elect a Chairman and Vice Chairman from

1 among its members. The term of office of each shall be  
2 for the life of the European American Commission.

3 (h) COMPENSATION.—

4 (1) IN GENERAL.—Members of the European  
5 American Commission shall serve without pay.

6 (2) REIMBURSEMENT OF EXPENSES.—All mem-  
7 bers of the European American Commission shall be  
8 reimbursed for reasonable travel and subsistence,  
9 and other reasonable and necessary expenses in-  
10 curred by them in the performance of their duties.

11 **SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMIS-**  
12 **SION.**

13 (a) IN GENERAL.—It shall be the duty of the Euro-  
14 pean American Commission to review the United States  
15 Government's wartime treatment of European Americans  
16 and European Latin Americans as provided in subsection  
17 (b).

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

20 (1) A comprehensive review of the facts and cir-  
21 cumstances surrounding United States Government  
22 actions during World War II with respect to Euro-  
23 pean Americans and European Latin Americans  
24 pursuant to the Alien Enemies Acts (50 U.S.C. 21  
25 et seq.), Presidential Proclamations 2526, 2527,

1 2655, 2662, and 2685, Executive Orders 9066 and  
2 9095, and any directive of the United States Gov-  
3 ernment pursuant to such law, proclamations, or ex-  
4 ecutive orders respecting the registration, arrest, ex-  
5 clusion, internment, exchange, or deportation of Eu-  
6 ropean Americans and European Latin Americans.  
7 This review shall include an assessment of the un-  
8 derlying rationale of the United States Government's  
9 decision to develop related programs and policies,  
10 the information the United States Government re-  
11 ceived or acquired suggesting the related programs  
12 and policies were necessary, the perceived benefit of  
13 enacting such programs and policies, and the imme-  
14 diate and long-term impact of such programs and  
15 policies on European Americans and European  
16 Latin Americans and their communities.

17 (2) A comprehensive review of United States  
18 Government action during World War II with re-  
19 spect to European Americans and European Latin  
20 Americans pursuant to the Alien Enemies Acts (50  
21 U.S.C. 21 et seq.), Presidential Proclamations 2526,  
22 2527, 2655, 2662, and 2685, Executive Orders  
23 9066 and 9095, and any directive of the United  
24 States Government pursuant to such law, proclama-  
25 tions, or executive orders, including registration re-



1        requirements, travel and property restrictions, estab-  
2        lishment of restricted areas, raids, arrests, intern-  
3        ment, exclusion, policies relating to the families and  
4        property that excludees and internees were forced to  
5        abandon, internee employment by American compa-  
6        nies (including a list of such companies and the  
7        terms and type of employment), exchange, repatri-  
8        ation, and deportation, and the immediate and long-  
9        term effect of such actions, particularly internment,  
10       on the lives of those affected. This review shall in-  
11       clude a list of—

12                    (A) all temporary detention and long-term  
13                    internment facilities in the United States and  
14                    Latin American nations that were used to de-  
15                    tain or intern European Americans and Euro-  
16                    pean Latin Americans during World War II (in  
17                    this paragraph referred to as “World War II  
18                    detention facilities”);

19                    (B) the names of European Americans and  
20                    European Latin Americans who died while in  
21                    World War II detention facilities and where  
22                    they were buried;

23                    (C) the names of children of European  
24                    Americans and European Latin Americans who

1           were born in World War II detention facilities  
2           and where they were born; and

3           (D) the nations from which European  
4           Latin Americans were brought to the United  
5           States, the ships that transported them to the  
6           United States and their departure and disem-  
7           barkation ports, the locations where European  
8           Americans and European Latin Americans were  
9           exchanged for persons held in European Axis  
10          nations, and the ships that transported them to  
11          Europe and their departure and disembarkation  
12          ports.

13          (3) A brief review of the participation by Euro-  
14          pean Americans in the United States Armed Forces  
15          including the participation of European Americans  
16          whose families were excluded, interned, repatriated,  
17          or exchanged.

18          (4) A recommendation of appropriate remedies,  
19          including how civil liberties can be protected during  
20          war, or an actual, attempted, or threatened invasion  
21          or incursion, an assessment of the continued viabil-  
22          ity of the Alien Enemies Acts (50 U.S.C. 21 et seq.),  
23          and public education programs related to the United  
24          States Government's wartime treatment of European

1 Americans and European Latin Americans during  
2 World War II.

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

6 (d) REPORT.—The European American Commission  
7 shall submit a written report of its findings and rec-  
8 ommendations to Congress not later than 18 months after  
9 the date of the first meeting called pursuant to section  
10 101(e).

11 **SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMIS-**  
12 **SION.**

13 (a) IN GENERAL.—The European American Commis-  
14 sion or, on the authorization of the Commission, any sub-  
15 committee or member thereof, may, for the purpose of car-  
16 rying out the provisions of this title, hold such hearings  
17 and sit and act at such times and places, and request the  
18 attendance and testimony of such witnesses and the pro-  
19 duction of such books, records, correspondence, memo-  
20 randum, papers, and documents as the Commission or  
21 such subcommittee or member may deem advisable. The  
22 European American Commission may request the Attor-  
23 ney General to invoke the aid of an appropriate United  
24 States district court to require, by subpoena or otherwise,  
25 such attendance, testimony, or production.

1 (b) GOVERNMENT INFORMATION AND COOPERA-  
2 TION.—The European American Commission may acquire  
3 directly from the head of any department, agency, inde-  
4 pendent instrumentality, or other authority of the execu-  
5 tive branch of the Government, available information that  
6 the European American Commission considers useful in  
7 the discharge of its duties. All departments, agencies, and  
8 independent instrumentalities, or other authorities of the  
9 executive branch of the Government shall cooperate with  
10 the European American Commission and furnish all infor-  
11 mation requested by the European American Commission  
12 to the extent permitted by law, including information col-  
13 lected under the Commission on Wartime and Internment  
14 of Civilians Act (Public Law 96–317; 50 U.S.C. App.  
15 1981 note) and the Wartime Violation of Italian Ameri-  
16 cans Civil Liberties Act (Public Law 106–451; 50 U.S.C.  
17 App. 1981 note). For purposes of section 552a(b)(9) of  
18 title 5, United States Code (commonly known as the “Pri-  
19 vacy Act of 1974”), the European American Commission  
20 shall be deemed to be a committee of jurisdiction.

21 **SEC. 104. ADMINISTRATIVE PROVISIONS.**

22 The European American Commission is authorized  
23 to—

24 (1) appoint and fix the compensation of such  
25 personnel as may be necessary, without regard to

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

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

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

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

24 (5) procure supplies, services, and property by  
25 contract in accordance with applicable laws and reg-

1       ulations and to the extent or in such amounts as are  
2       provided in appropriation Acts; and

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

10 **SEC. 105. FUNDING.**

11       Of the amounts authorized to be appropriated to the  
12       Department of Justice, \$600,000 shall be available to  
13       carry out this title.

14 **SEC. 106. SUNSET.**

15       The European American Commission shall terminate  
16       60 days after it submits its report to Congress.

17 **TITLE II—COMMISSION ON WAR-**  
18 **TIME TREATMENT OF JEWISH**  
19 **REFUGEES**

20 **SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME**  
21 **TREATMENT OF JEWISH REFUGEES.**

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

1 (b) MEMBERSHIP.—The Jewish Refugee Commission  
2 shall be composed of 7 members, who shall be appointed  
3 not later than 90 days after the date of enactment of this  
4 Act as follows:

5 (1) Three members shall be appointed by the  
6 President.

7 (2) Two members shall be appointed by the  
8 Speaker of the House of Representatives, in con-  
9 sultation with the minority leader.

10 (3) Two members shall be appointed by the ma-  
11 jority leader of the Senate, in consultation with the  
12 minority leader.

13 (c) TERMS.—The term of office for members shall be  
14 for the life of the Jewish Refugee Commission. A vacancy  
15 in the Jewish Refugee Commission shall not affect its pow-  
16 ers, and shall be filled in the same manner in which the  
17 original appointment was made.

18 (d) REPRESENTATION.—The Jewish Refugee Com-  
19 mission shall include 2 members representing the interests  
20 of Jewish refugees.

21 (e) MEETINGS.—The President shall call the first  
22 meeting of the Jewish Refugee Commission not later than  
23 120 days after the date of enactment of this Act.

1 (f) QUORUM.—Four members of the Jewish Refugee  
2 Commission shall constitute a quorum, but a lesser num-  
3 ber may hold hearings.

4 (g) CHAIRMAN.—The Jewish Refugee Commission  
5 shall elect a Chairman and Vice Chairman from among  
6 its members. The term of office of each shall be for the  
7 life of the Jewish Refugee Commission.

8 (h) COMPENSATION.—

9 (1) IN GENERAL.—Members of the Jewish Ref-  
10 ugee Commission shall serve without pay.

11 (2) REIMBURSEMENT OF EXPENSES.—All mem-  
12 bers of the Jewish Refugee Commission shall be re-  
13 imbursed for reasonable travel and subsistence, and  
14 other reasonable and necessary expenses incurred by  
15 them in the performance of their duties.

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

17 (a) IN GENERAL.—It shall be the duty of the Jewish  
18 Refugee Commission to review the United States Govern-  
19 ment's refusal to allow Jewish and other refugees fleeing  
20 persecution or genocide in Europe entry to the United  
21 States as provided in subsection (b).

22 (b) SCOPE OF REVIEW.—The Jewish Refugee Com-  
23 mission's review shall cover the period between January  
24 1, 1933, through December 31, 1945, and shall include,  
25 to the greatest extent practicable, the following:



1           (1) A review of the United States Government's  
2           decision to deny Jewish and other refugees fleeing  
3           persecution or genocide entry to the United States,  
4           including a review of the underlying rationale of the  
5           United States Government's decision to refuse the  
6           Jewish and other refugees entry, the information the  
7           United States Government received or acquired sug-  
8           gesting such refusal was necessary, the perceived  
9           benefit of such refusal, and the impact of such re-  
10          fusal on the refugees.

11          (2) A review of Federal refugee law and policy  
12          relating to those fleeing persecution or genocide, in-  
13          cluding recommendations for making it easier in the  
14          future for victims of persecution or genocide to ob-  
15          tain refuge in the United States.

16          (c) **FIELD HEARINGS.**—The Jewish Refugee Com-  
17          mission shall hold public hearings in such cities of the  
18          United States as it deems appropriate.

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

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

24          (a) **IN GENERAL.**—The Jewish Refugee Commission  
25          or, on the authorization of the Commission, any sub-

1 committee or member thereof, may, for the purpose of car-  
2 rying out the provisions of this title, hold such hearings  
3 and sit and act at such times and places, and request the  
4 attendance and testimony of such witnesses and the pro-  
5 duction of such books, records, correspondence, memo-  
6 randum, papers, and documents as the Commission or  
7 such subcommittee or member may deem advisable. The  
8 Jewish Refugee Commission may request the Attorney  
9 General to invoke the aid of an appropriate United States  
10 district court to require, by subpoena or otherwise, such  
11 attendance, testimony, or production.

12 (b) GOVERNMENT INFORMATION AND COOPERA-  
13 TION.—The Jewish Refugee Commission may acquire di-  
14 rectly from the head of any department, agency, inde-  
15 pendent instrumentality, or other authority of the execu-  
16 tive branch of the Government, available information that  
17 the Jewish Refugee Commission considers useful in the  
18 discharge of its duties. All departments, agencies, and  
19 independent instrumentalities, or other authorities of the  
20 executive branch of the Government shall cooperate with  
21 the Jewish Refugee Commission and furnish all informa-  
22 tion requested by the Jewish Refugee Commission to the  
23 extent permitted by law, including information collected  
24 as a result of the Commission on Wartime and Internment  
25 of Civilians Act (Public Law 96–317; 50 U.S.C. App.

1 1981 note) and the Wartime Violation of Italian Ameri-  
2 cans Civil Liberties Act (Public Law 106–451; 50 U.S.C.  
3 App. 1981 note). For purposes of section 552a(b)(9) of  
4 title 5, United States Code (commonly known as the “Pri-  
5 vacy Act of 1974”), the Jewish Refugee Commission shall  
6 be deemed to be a committee of jurisdiction.

7 **SEC. 204. ADMINISTRATIVE PROVISIONS.**

8 The Jewish Refugee Commission is authorized to—

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

20 (2) obtain the services of experts and consult-  
21 ants in accordance with the provisions of section  
22 3109 of such title;

23 (3) obtain the detail of any Federal Govern-  
24 ment employee, and such detail shall be without re-

1       imbursement or interruption or loss of civil service  
2       status or privilege;

3               (4) enter into agreements with the Adminis-  
4       trator of General Services for procurement of nec-  
5       essary financial and administrative services, for  
6       which payment shall be made by reimbursement  
7       from funds of the Commission in such amounts as  
8       may be agreed upon by the Chairman of the Com-  
9       mission and the Administrator;

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

14              (6) enter into contracts with Federal or State  
15       agencies, private firms, institutions, and agencies for  
16       the conduct of research or surveys, the preparation  
17       of reports, and other activities necessary to the dis-  
18       charge of the duties of the Commission, to the ex-  
19       tent or in such amounts as are provided in appro-  
20       priation Acts.

21 **SEC. 205. FUNDING.**

22       Of the amounts authorized to be appropriated to the  
23       Department of Justice, \$600,000 shall be available to  
24       carry out this title.

1 **SEC. 206. SUNSET.**

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

○