

Calendar No. 135110TH CONGRESS
1ST SESSION**S. 621****[Report No. 110-62]**

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

FEBRUARY 15, 2007

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

MAY 4, 2007

Reported by Mr. LEAHY, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wartime Treatment
3 Study Act”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) During World War II, the United States
7 Government deemed as “enemy aliens” more than
8 600,000 Italian-born and 300,000 German-born
9 United States resident aliens and their families and
10 required them to carry Certificates of Identification
11 and limited their travel and personal property rights.
12 At that time, these groups were the 2 largest for-
13 eign-born groups in the United States.

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

22 (3) Pursuant to a policy coordinated by the
23 United States with Latin American nations, many
24 European Latin Americans, including German and
25 Austrian Jews, were arrested, brought to the United
26 States, and interned. Many were later expatriated,

1 repatriated, or deported to European Axis nations
2 during World War II, many to be exchanged for
3 Americans and Latin Americans held in those na-
4 tions.

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

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

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

22 (7) The United States Government should con-
23 duct an independent review to fully assess and ac-
24 knowledge these actions. Congress has previously re-
25 viewed the United States Government's wartime

1 treatment of Japanese Americans through the Com-
2 mission on Wartime Relocation and Internment of
3 Civilians. An independent review of the treatment of
4 German Americans and Italian Americans and of
5 Jewish refugees fleeing persecution and genocide has
6 not yet been undertaken.

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

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

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

20 (2) EUROPEAN AMERICANS.—

21 (A) IN GENERAL.—The term “European
22 Americans” refers to United States citizens and
23 resident aliens of European ancestry, including
24 Italian Americans, German Americans, Hun-

1 garian Americans, Romanian Americans, and
2 Bulgarian Americans.

3 (B) ITALIAN AMERICANS.—The term
4 “Italian Americans” refers to United States
5 citizens and resident aliens of Italian ancestry.

6 (C) GERMAN AMERICANS.—The term
7 “German Americans” refers to United States
8 citizens and resident aliens of German ancestry.

9 (3) EUROPEAN LATIN AMERICANS.—The term
10 “European Latin Americans” refers to persons of
11 European ancestry, including Italian or German an-
12 cestry, residing in a Latin American nation during
13 World War II.

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

17 **TITLE I—COMMISSION ON WAR-**
18 **TIME TREATMENT OF EURO-**
19 **PEAN AMERICANS**

20 **SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME**
21 **TREATMENT OF EUROPEAN AMERICANS.**

22 (a) IN GENERAL.—There is established the Commis-
23 sion on Wartime Treatment of European Americans (re-
24 ferred to in this title as the “European American Commis-
25 sion”).

1 (b) MEMBERSHIP.—The European American Com-
2 mission shall be composed of 7 members, who shall be ap-
3 pointed not later than 90 days after the date of enactment
4 of this 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 European American Commission. A va-
15 cancy in the European American Commission shall not af-
16 fect its powers, and shall be filled in the same manner
17 in which the original appointment was made.

18 (d) REPRESENTATION.—The European American
19 Commission shall include 2 members representing the in-
20 terests of Italian Americans and 2 members representing
21 the interests of German Americans.

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

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

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

8 (h) COMPENSATION.—

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

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

16 **SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMIS-**
 17 **SION.**

18 (a) IN GENERAL.—It shall be the duty of the Euro-
 19 pean American Commission to review the United States
 20 Government's wartime treatment of European Americans
 21 and European Latin Americans as provided in subsection
 22 (b).

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

1 (1) A comprehensive review of the facts and cir-
2 cumstances surrounding United States Government
3 actions during World War II with respect to Euro-
4 pean Americans and European Latin Americans
5 pursuant to the Alien Enemies Acts (50 U.S.C. 21
6 et seq.), Presidential Proclamations 2526, 2527,
7 2655, 2662, and 2685, Executive Orders 9066 and
8 9095, and any directive of the United States Gov-
9 ernment pursuant to such law, proclamations, or ex-
10 ecutive orders respecting the registration, arrest, ex-
11 clusion, internment, exchange, or deportation of Eu-
12 ropean Americans and European Latin Americans.
13 This review shall include an assessment of the un-
14 derlying rationale of the United States Government's
15 decision to develop related programs and policies,
16 the information the United States Government re-
17 ceived or acquired suggesting the related programs
18 and policies were necessary, the perceived benefit of
19 enacting such programs and policies, and the imme-
20 diate and long-term impact of such programs and
21 policies on European Americans and European
22 Latin Americans and their communities.

23 (2) A comprehensive review of United States
24 Government action during World War II with re-
25 spect to European Americans and European Latin

1 Americans pursuant to the Alien Enemies Acts (50
2 U.S.C. 21 et seq.), Presidential Proclamations 2526,
3 2527, 2655, 2662, and 2685, Executive Orders
4 9066 and 9095, and any directive of the United
5 States Government pursuant to such law, proclama-
6 tions, or executive orders, including registration re-
7 quirements, travel and property restrictions, estab-
8 lishment of restricted areas, raids, arrests, intern-
9 ment, exclusion, policies relating to the families and
10 property that excludees and internees were forced to
11 abandon, internee employment by American compa-
12 nies (including a list of such companies and the
13 terms and type of employment), exchange, repatri-
14 ation, and deportation, and the immediate and long-
15 term effect of such actions, particularly internment,
16 on the lives of those affected. This review shall in-
17 clude a list of—

18 (A) all temporary detention and long-term
19 internment facilities in the United States and
20 Latin American nations that were used to de-
21 tain or intern European Americans and Euro-
22 pean Latin Americans during World War II (in
23 this paragraph referred to as “World War II
24 detention facilities”);

1 (B) the names of European Americans and
2 European Latin Americans who died while in
3 World War II detention facilities and where
4 they were buried;

5 (C) the names of children of European
6 Americans and European Latin Americans who
7 were born in World War II detention facilities
8 and where they were born; and

9 (D) the nations from which European
10 Latin Americans were brought to the United
11 States, the ships that transported them to the
12 United States and their departure and disem-
13 barkation ports, the locations where European
14 Americans and European Latin Americans were
15 exchanged for persons held in European Axis
16 nations, and the ships that transported them to
17 Europe and their departure and disembarkation
18 ports.

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

24 (4) A recommendation of appropriate remedies,
25 including how civil liberties can be protected during

1 war, or an actual, attempted, or threatened invasion
2 or incursion, an assessment of the continued viabil-
3 ity of the Alien Enemies Acts (50 U.S.C. 21 et seq.),
4 and public education programs related to the United
5 States Government's wartime treatment of European
6 Americans and European Latin Americans during
7 World War II.

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

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

16 **SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMIS-**
17 **SION.**

18 (a) IN GENERAL.—The European American Commis-
19 sion or, on the authorization of the Commission, any sub-
20 committee or member thereof, may, for the purpose of car-
21 rying out the provisions of this title, hold such hearings
22 and sit and act at such times and places, and request the
23 attendance and testimony of such witnesses and the pro-
24 duction of such books, records, correspondence, memo-
25 randum, papers, and documents as the Commission or

1 such subcommittee or member may deem advisable. The
2 European American Commission may request the Attor-
3 ney General to invoke the aid of an appropriate United
4 States district court to require, by subpoena or otherwise,
5 such attendance, testimony, or production.

6 (b) GOVERNMENT INFORMATION AND COOPERA-
7 TION.—The European American Commission may acquire
8 directly from the head of any department, agency, inde-
9 pendent instrumentality, or other authority of the execu-
10 tive branch of the Government, available information that
11 the European American Commission considers useful in
12 the discharge of its duties. All departments, agencies, and
13 independent instrumentalities, or other authorities of the
14 executive branch of the Government shall cooperate with
15 the European American Commission and furnish all infor-
16 mation requested by the European American Commission
17 to the extent permitted by law, including information col-
18 lected under the Commission on Wartime and Internment
19 of Civilians Act (Public Law 96–317; 50 U.S.C. App.
20 1981 note) and the Wartime Violation of Italian Ameri-
21 cans Civil Liberties Act (Public Law 106–451; 50 U.S.C.
22 App. 1981 note). For purposes of section 552a(b)(9) of
23 title 5, United States Code (commonly known as the “Pri-
24 vacy Act of 1974”), the European American Commission
25 shall be 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, \$600,000 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 or genocide in Europe entry to the United
2 States as provided 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 decision to deny Jewish and other refugees fleeing
9 persecution or 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 law and policy
18 relating to those fleeing persecution or genocide, in-
19 cluding recommendations for making it easier in the
20 future for victims of persecution or genocide to ob-
21 tain refuge in 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 the Commission on Wartime and Internment
7 of Civilians Act (Public Law 96–317; 50 U.S.C. App.
8 1981 note) and the Wartime Violation of Italian Ameri-
9 cans Civil Liberties Act (Public Law 106–451; 50 U.S.C.
10 App. 1981 note). For purposes of section 552a(b)(9) of
11 title 5, United States Code (commonly known as the “Pri-
12 vacy Act of 1974”), the Jewish Refugee Commission shall
13 be deemed to be a committee of jurisdiction.

14 **SEC. 204. ADMINISTRATIVE PROVISIONS.**

15 The Jewish Refugee Commission is authorized to—

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

1 payable under GS-15 of the General Schedule under
2 section 5332 of such title;

3 (2) obtain the services of experts and consult-
4 ants in accordance with the provisions of section
5 3109 of such title;

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

10 (4) enter into agreements with the Adminis-
11 trator of General Services for procurement of nec-
12 essary financial and administrative services, for
13 which payment shall be made by reimbursement
14 from funds of the Commission in such amounts as
15 may be agreed upon by the Chairman of the Com-
16 mission and the Administrator;

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

21 (6) enter into contracts with Federal or State
22 agencies, private firms, institutions, and agencies for
23 the conduct of research or surveys, the preparation
24 of reports, and other activities necessary to the dis-
25 charge of the duties of the Commission, to the ex-

1 tent or in such amounts as are provided in appro-
2 piation Acts.

3 **SEC. 205. FUNDING.**

4 Of the amounts authorized to be appropriated to the
5 Department of Justice, \$600,000 shall be available to
6 carry out this title.

7 **SEC. 206. SUNSET.**

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

Calendar No. 135

110TH CONGRESS
1ST Session

S. 621

[Report No. 110-62]

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.

MAY 4, 2007

Reported without amendment