

Japanese Latin American Commission Bill: Background information, by date: 2007, continued-2010

Senator Daniel K. Inouye Papers

Japanese Latin American Internment, Box JL8, Folder 2

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DANIEL K. INOUE
HAWAII

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Subcommittee on Defense—Chairman

COMMERCE, SCIENCE AND TRANSPORTATION,
CHAIRMAN

COMMITTEE ON INDIAN AFFAIRS

DEMOCRATIC STEERING AND COORDINATION
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COMMISSION ON WARTIME RELOCATION AND INTERNMENT LATIN AMERICANS OF JAPANESE DESCENT ACT

STATEMENT BY SENATOR DANIEL K. INOUE
FOR THE RECORD

COPY FOR
VIRG(?)

Mr. PRESIDENT, I rise to speak in support of the Commission on wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

The story of U.S. citizens taken from their homes on the west coast and confined in camps is a story that was made known after a fact-finding study by a Commission that Congress authorized in 1980. That study was followed by a formal apology by President Reagan and a bill for reparations. Far less known, and indeed, I myself did not initially know, is the story of Latin Americans of Japanese descent taken from their homes in Latin America, stripped of their passports, brought to the U.S., and interned in American camps.

This is a story about the U.S. government's act of reaching its arm across international borders, into a community that did not pose an immediate threat to our nation, in order to use them, devoid of passports or any other proof of citizenship, for exchange with Americans with Japan. Between the years 1941 and 1945, our government, with the help of Latin American officials, arbitrarily arrested persons of Japanese descent from streets, homes, and workplaces. Approximately 2,300 undocumented persons were brought to camp sites in the U.S., where they were held under armed watch, and then held in reserve for prisoner exchange. Those used in an exchange were sent to Japan, a foreign country that many had never set foot on since their ancestors' immigration to Latin America.

Mr. President, despite their involuntary arrival, Latin American internees of Japanese descent were considered by the Immigration and Naturalization Service as illegal entrants. By the end of the war, some Japanese Latin Americans had been sent to Japan. Those who were not used in a prisoner exchange were cast out into a new and English-speaking country, and subject to deportation proceedings. Some returned to Latin America. Others remained in the U.S., because their country of

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origin in Latin America refused their re-entry, because they were unable to present a passport.

When I first learned of the wartime experiences of Japanese Latin Americans, it seemed unbelievable, but indeed, it happened. It is a part of our national history, and it is a part of the living histories of the many families whose lives are forever tied to internment camps in our country.

The outline of this story was sketched out in a book published by the Commission on Wartime Relocation and Internment of Civilians formed in 1980. This Commission had set out to learn about Japanese Americans. Towards the close of their investigations, the Commissioners stumbled upon this extraordinary effort by the U.S. government to relocate, intern, and deport Japanese persons formerly living in Latin America. Because this finding surfaced late in its study, the Commission was unable to fully uncover the facts, but found them significant enough to include in its published study, urging a deeper investigation.

I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, which would establish a fact-finding Commission to extend the study of the 1980 Commission. This Commission's task would be to determine facts surrounding the U.S. government's actions in regards to Japanese Latin Americans subject to a program of relocation, internment, and deportation. I believe that examining this extraordinary program would give finality to, and complete the account of federal actions to detain and intern civilians of Japanese ancestry.

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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 “Commission on War-
3 time Relocation and Internment of Latin Americans of
4 Japanese Descent Act”.

5 **SEC. 2. FINDINGS AND PURPOSE.**

6 (a) **FINDINGS.**—Based on a preliminary study pub-
7 lished in December 1982 by the Commission on Wartime
8 Relocation and Internment of Civilians, Congress finds the
9 following:

10 (1) During World War II, the United States—

11 (A) expanded its internment program and
12 national security investigations to conduct the
13 program and investigations in Latin America;
14 and

15 (B) financed relocation to the United
16 States, and internment, of approximately 2,300
17 Latin Americans of Japanese descent, for the
18 purpose of exchanging the Latin Americans of
19 Japanese descent for United States citizens
20 held by Axis countries.

21 (2) Approximately 2,300 men, women, and chil-
22 dren of Japanese descent from 13 Latin American
23 countries were held in the custody of the Depart-
24 ment of State in internment camps operated by the
25 Immigration and Naturalization Service from 1941
26 through 1948.

1 (3) Those men, women, and children either—

2 (A) were arrested without a warrant, hear-
3 ing, or indictment by local police, and sent to
4 the United States for internment; or

5 (B) in some cases involving women and
6 children, voluntarily entered internment camps
7 to remain with their arrested husbands, fathers,
8 and other male relatives.

9 (4) Passports held by individuals who were
10 Latin Americans of Japanese descent were routinely
11 confiscated before the individuals arrived in the
12 United States, and the Department of State ordered
13 United States consuls in Latin American countries
14 to refuse to issue visas to the individuals prior to de-
15 parture.

16 (5) Despite their involuntary arrival, Latin
17 American internees of Japanese descent were consid-
18 ered to be and treated as illegal entrants by the Im-
19 migration and Naturalization Service. Thus, the in-
20 ternees became illegal aliens in United States cus-
21 tody who were subject to deportation proceedings for
22 immediate removal from the United States. In some
23 cases, Latin American internees of Japanese descent
24 were deported to Axis countries to enable the United
25 States to conduct prisoner exchanges.

1 (6) Approximately 2,300 men, women, and chil-
2 dren of Japanese descent were relocated from their
3 homes in Latin America, detained in internment
4 camps in the United States, and in some cases, de-
5 ported to Axis countries to enable the United States
6 to conduct prisoner exchanges.

7 (7) The Commission on Wartime Relocation
8 and Internment of Civilians studied Federal actions
9 conducted pursuant to Executive Order 9066 (relat-
10 ing to authorizing the Secretary of War to prescribe
11 military areas). Although the United States program
12 of interning Latin Americans of Japanese descent
13 was not conducted pursuant to Executive Order
14 9066, an examination of that extraordinary program
15 is necessary to establish a complete account of Fed-
16 eral actions to detain and intern civilians of enemy
17 or foreign nationality, particularly of Japanese de-
18 scend. Although historical documents relating to the
19 program exist in distant archives, the Commission
20 on Wartime Relocation and Internment of Civilians
21 did not research those documents.

22 (8) Latin American internees of Japanese de-
23 scend were a group not covered by the Civil Liberties
24 Act of 1988 (50 U.S.C. App. 1989b et seq.), which
25 formally apologized and provided compensation pay-

1 ments to former Japanese Americans interned pur-
2 suant to Executive Order 9066.

3 (b) PURPOSE.—The purpose of this Act is to estab-
4 lish a fact-finding Commission to extend the study of the
5 Commission on Wartime Relocation and Internment of Ci-
6 vilians to investigate and determine facts and cir-
7 cumstances surrounding the relocation, internment, and
8 deportation to Axis countries of Latin Americans of Japa-
9 nese descent from December 1941 through February
10 1948, and the impact of those actions by the United
11 States, and to recommend appropriate remedies, if any,
12 based on preliminary findings by the original Commission
13 and new discoveries.

14 **SEC. 3. ESTABLISHMENT OF THE COMMISSION.**

15 (a) IN GENERAL.—There is established the Commis-
16 sion on Wartime Relocation and Internment of Latin
17 Americans of Japanese descent (referred to in this Act as
18 the “Commission”).

19 (b) COMPOSITION.—The Commission shall be com-
20 posed of 9 members, who shall be appointed not later than
21 60 days after the date of enactment of this Act, of
22 whom—

23 (1) 3 members shall be appointed by the Presi-
24 dent;

1 (2) 3 members shall be appointed by the Speak-
2 er of the House of Representatives, on the joint rec-
3 ommendation of the majority leader of the House of
4 Representatives and the minority leader of the
5 House of Representatives; and

6 (3) 3 members shall be appointed by the Presi-
7 dent pro tempore of the Senate, on the joint rec-
8 ommendation of the majority leader of the Senate
9 and the minority leader of the Senate.

10 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
11 bers shall be appointed for the life of the Commission. A
12 vacancy in the Commission shall not affect its powers, but
13 shall be filled in the same manner as the original appoint-
14 ment was made.

15 (d) MEETINGS.—

16 (1) FIRST MEETING.—The President shall call
17 the first meeting of the Commission not later than
18 the later of—

19 (A) 60 days after the date of enactment of
20 this Act; or

21 (B) 30 days after the date of enactment of
22 legislation making appropriations to carry out
23 this Act.

1 (2) SUBSEQUENT MEETINGS.—Except as pro-
2 vided in paragraph (1), the Commission shall meet
3 at the call of the Chairperson.

4 (e) QUORUM.—Five members of the Commission
5 shall constitute a quorum, but a lesser number of members
6 may hold hearings.

7 (f) CHAIRPERSON AND VICE CHAIRPERSON.—The
8 Commission shall elect a Chairperson and Vice Chair-
9 person from among its members. The Chairperson and
10 Vice Chairperson shall serve for the life of the Commis-
11 sion.

12 **SEC. 4. DUTIES OF THE COMMISSION.**

13 (a) IN GENERAL.—The Commission shall—

14 (1) extend the study of the Commission on
15 Wartime Relocation and Internment of Civilians, es-
16 tablished by the Commission on Wartime Relocation
17 and Internment of Civilians Act—

18 (A) to investigate and determine facts and
19 circumstances surrounding the United States'
20 relocation, internment, and deportation to Axis
21 countries of Latin Americans of Japanese de-
22 scend from December 1941 through February
23 1948, and the impact of those actions by the
24 United States; and

1 (B) in investigating those facts and cir-
2 cumstances, to review directives of the United
3 States armed forces and the Department of
4 State requiring the relocation, detention in in-
5 ternment camps, and deportation to Axis coun-
6 tries of Latin Americans of Japanese descent;
7 and

8 (2) recommend appropriate remedies, if any,
9 based on preliminary findings by the original Com-
10 mission and new discoveries.

11 (b) REPORT.—Not later than 1 year after the date
12 of the first meeting of the Commission pursuant to section
13 3(d)(1), the Commission shall submit a written report to
14 Congress, which shall contain findings resulting from the
15 investigation conducted under subsection (a)(1) and rec-
16 ommendations described in subsection (a)(2).

17 **SEC. 5. POWERS OF THE COMMISSION.**

18 (a) HEARINGS.—The Commission or, at its direction,
19 any subcommittee or member of the Commission, may, for
20 the purpose of carrying out this Act—

21 (1) hold such public hearings in such cities and
22 countries, sit and act at such times and places, take
23 such testimony, receive such evidence, and admin-
24 ister such oaths as the Commission or such sub-
25 committee or member considers advisable; and

1 (2) require, by subpoena or otherwise, the at-
2 tendance and testimony of such witnesses and the
3 production of such books, records, correspondence,
4 memoranda, papers, documents, tapes, and materials
5 as the Commission or such subcommittee or member
6 considers advisable.

7 (b) ISSUANCE AND ENFORCEMENT OF SUB-
8 POENAS.—

9 (1) ISSUANCE.—Subpoenas issued under sub-
10 section (a) shall bear the signature of the Chair-
11 person of the Commission and shall be served by any
12 person or class of persons designated by the Chair-
13 person for that purpose.

14 (2) ENFORCEMENT.—In the case of contumacy
15 or failure to obey a subpoena issued under sub-
16 section (a), the United States district court for the
17 judicial district in which the subpoenaed person re-
18 sides, is served, or may be found may issue an order
19 requiring such person to appear at any designated
20 place to testify or to produce documentary or other
21 evidence. Any failure to obey the order of the court
22 may be punished by the court as a contempt of that
23 court.

24 (c) WITNESS ALLOWANCES AND FEES.—Section
25 1821 of title 28, United States Code, shall apply to wit-

1 nesses requested or subpoenaed to appear at any hearing
2 of the Commission. The per diem and mileage allowances
3 for witnesses shall be paid from funds available to pay the
4 expenses of the Commission.

5 (d) INFORMATION FROM FEDERAL AGENCIES.—The
6 Commission may secure directly from any Federal depart-
7 ment or agency such information as the Commission con-
8 siders necessary to perform its duties. Upon request of
9 the Chairperson of the Commission, the head of such de-
10 partment or agency shall furnish such information to the
11 Commission.

12 (e) POSTAL SERVICES.—The Commission may use
13 the United States mails in the same manner and under
14 the same conditions as other departments and agencies of
15 the Federal Government.

16 **SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.**

17 (a) COMPENSATION OF MEMBERS.—Each member of
18 the Commission who is not an officer or employee of the
19 Federal Government shall be compensated at a rate equal
20 to the daily equivalent of the annual rate of basic pay pre-
21 scribed for level IV of the Executive Schedule under sec-
22 tion 5315 of title 5, United States Code, for each day (in-
23 cluding travel time) during which such member is engaged
24 in the performance of the duties of the Commission. All
25 members of the Commission who are officers or employees

1 of the United States shall serve without compensation in
2 addition to that received for their services as officers or
3 employees of the United States.

4 (b) TRAVEL EXPENSES.—The members of the Com-
5 mission shall be allowed travel expenses, including per
6 diem in lieu of subsistence, at rates authorized for employ-
7 ees of agencies under subchapter I of chapter 57 of title
8 5, United States Code, while away from their homes or
9 regular places of business in the performance of services
10 for the Commission.

11 (c) STAFF.—

12 (1) IN GENERAL.—The Chairperson of the
13 Commission may, without regard to the civil service
14 laws and regulations, appoint and terminate the em-
15 ployment of such personnel as may be necessary to
16 enable the Commission to perform its duties.

17 (2) COMPENSATION.—The Chairperson of the
18 Commission may fix the compensation of the per-
19 sonnel without regard to chapter 51 and subchapter
20 III of chapter 53 of title 5, United States Code, re-
21 lating to classification of positions and General
22 Schedule pay rates, except that the rate of pay for
23 the personnel may not exceed the rate payable for
24 level V of the Executive Schedule under section 5316
25 of such title.

1 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
2 Federal Government employee may be detailed to the
3 Commission without reimbursement, and such detail shall
4 be without interruption or loss of civil service status or
5 privilege.

6 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
7 TENT SERVICES.—The Chairperson of the Commission
8 may procure temporary and intermittent services under
9 section 3109(b) of title 5, United States Code, at rates
10 for individuals that do not exceed the daily equivalent of
11 the annual rate of basic pay prescribed for level V of the
12 Executive Schedule under section 5316 of such title.

13 (f) OTHER ADMINISTRATIVE MATTERS.—The Com-
14 mission may—

15 (1) enter into agreements with the Adminis-
16 trator of General Services to procure necessary fi-
17 nancial and administrative services;

18 (2) enter into contracts to procure supplies,
19 services, and property; and

20 (3) enter into contracts with Federal, State, or
21 local agencies, or private institutions or organiza-
22 tions, for the conduct of research or surveys, the
23 preparation of reports, and other activities necessary
24 to enable the Commission to perform its duties.

1 **SEC. 7. TERMINATION.**

2 The Commission shall terminate 90 days after the
3 date on which the Commission submits its report to Con-
4 gress under section 4(b).

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated such sums as may be necessary to carry out this
8 Act.

9 (b) AVAILABILITY.—Any sums appropriated under
10 the authorization contained in this section shall remain
11 available, without fiscal year limitation, until expended.

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Mr. President, despite their involuntary arrival, Latin American internees of Japanese descent were considered by the Immigration and Naturalization Service as illegal entrants. By the end of the war, some Japanese Latin Americans had been sent to Japan. Those who were not used in a prisoner exchange were cast out into a new and English-speaking country, and subject to deportation proceedings. Some returned to Latin America. Others remained in the U.S., because their country of

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26 through 1948.

1 (3) Those men, women, and children either—

2 (A) were arrested without a warrant, hear-
3 ing, or indictment by local police, and sent to
4 the United States for internment; or

5 (B) in some cases involving women and
6 children, voluntarily entered internment camps
7 to remain with their arrested husbands, fathers,
8 and other male relatives.

9 (4) Passports held by individuals who were
10 Latin Americans of Japanese descent were routinely
11 confiscated before the individuals arrived in the
12 United States, and the Department of State ordered
13 United States consuls in Latin American countries
14 to refuse to issue visas to the individuals prior to de-
15 parture.

16 (5) Despite their involuntary arrival, Latin
17 American internees of Japanese descent were consid-
18 ered to be and treated as illegal entrants by the Im-
19 migration and Naturalization Service. Thus, the in-
20 ternees became illegal aliens in United States cus-
21 tody who were subject to deportation proceedings for
22 immediate removal from the United States. In some
23 cases, Latin American internees of Japanese descent
24 were deported to Axis countries to enable the United
25 States to conduct prisoner exchanges.

1 (6) Approximately 2,300 men, women, and chil-
2 dren of Japanese descent were relocated from their
3 homes in Latin America, detained in internment
4 camps in the United States, and in some cases, de-
5 ported to Axis countries to enable the United States
6 to conduct prisoner exchanges.

7 (7) The Commission on Wartime Relocation
8 and Internment of Civilians studied Federal actions
9 conducted pursuant to Executive Order 9066 (relat-
10 ing to authorizing the Secretary of War to prescribe
11 military areas). Although the United States program
12 of interning Latin Americans of Japanese descent
13 was not conducted pursuant to Executive Order
14 9066, an examination of that extraordinary program
15 is necessary to establish a complete account of Fed-
16 eral actions to detain and intern civilians of enemy
17 or foreign nationality, particularly of Japanese de-
18 scend. Although historical documents relating to the
19 program exist in distant archives, the Commission
20 on Wartime Relocation and Internment of Civilians
21 did not research those documents.

22 (8) Latin American internees of Japanese de-
23 scend were a group not covered by the Civil Liberties
24 Act of 1988 (50 U.S.C. App. 1989b et seq.), which
25 formally apologized and provided compensation pay-

1 ments to former Japanese Americans interned pur-
2 suant to Executive Order 9066.

3 (b) PURPOSE.—The purpose of this Act is to estab-
4 lish a fact-finding Commission to extend the study of the
5 Commission on Wartime Relocation and Internment of Ci-
6 vilians to investigate and determine facts and cir-
7 cumstances surrounding the relocation, internment, and
8 deportation to Axis countries of Latin Americans of Japa-
9 nese descent from December 1941 through February
10 1948, and the impact of those actions by the United
11 States, and to recommend appropriate remedies, if any,
12 based on preliminary findings by the original Commission
13 and new discoveries.

14 **SEC. 3. ESTABLISHMENT OF THE COMMISSION.**

15 (a) IN GENERAL.—There is established the Commis-
16 sion on Wartime Relocation and Internment of Latin
17 Americans of Japanese descent (referred to in this Act as
18 the “Commission”).

19 (b) COMPOSITION.—The Commission shall be com-
20 posed of 9 members, who shall be appointed not later than
21 60 days after the date of enactment of this Act, of
22 whom—

23 (1) 3 members shall be appointed by the Presi-
24 dent;

1 (2) 3 members shall be appointed by the Speak-
2 er of the House of Representatives, on the joint rec-
3 ommendation of the majority leader of the House of
4 Representatives and the minority leader of the
5 House of Representatives; and

6 (3) 3 members shall be appointed by the Presi-
7 dent pro tempore of the Senate, on the joint rec-
8 ommendation of the majority leader of the Senate
9 and the minority leader of the Senate.

10 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
11 bers shall be appointed for the life of the Commission. A
12 vacancy in the Commission shall not affect its powers, but
13 shall be filled in the same manner as the original appoint-
14 ment was made.

15 (d) MEETINGS.—

16 (1) FIRST MEETING.—The President shall call
17 the first meeting of the Commission not later than
18 the later of—

19 (A) 60 days after the date of enactment of
20 this Act; or

21 (B) 30 days after the date of enactment of
22 legislation making appropriations to carry out
23 this Act.

1 (2) SUBSEQUENT MEETINGS.—Except as pro-
2 vided in paragraph (1), the Commission shall meet
3 at the call of the Chairperson.

4 (e) QUORUM.—Five members of the Commission
5 shall constitute a quorum, but a lesser number of members
6 may hold hearings.

7 (f) CHAIRPERSON AND VICE CHAIRPERSON.—The
8 Commission shall elect a Chairperson and Vice Chair-
9 person from among its members. The Chairperson and
10 Vice Chairperson shall serve for the life of the Commis-
11 sion.

12 **SEC. 4. DUTIES OF THE COMMISSION.**

13 (a) IN GENERAL.—The Commission shall—

14 (1) extend the study of the Commission on
15 Wartime Relocation and Internment of Civilians, es-
16 tablished by the Commission on Wartime Relocation
17 and Internment of Civilians Act—

18 (A) to investigate and determine facts and
19 circumstances surrounding the United States'
20 relocation, internment, and deportation to Axis
21 countries of Latin Americans of Japanese de-
22 scend from December 1941 through February
23 1948, and the impact of those actions by the
24 United States; and

1 (B) in investigating those facts and cir-
2 cumstances, to review directives of the United
3 States armed forces and the Department of
4 State requiring the relocation, detention in in-
5 ternment camps, and deportation to Axis coun-
6 tries of Latin Americans of Japanese descent;
7 and

8 (2) recommend appropriate remedies, if any,
9 based on preliminary findings by the original Com-
10 mission and new discoveries.

11 (b) REPORT.—Not later than 1 year after the date
12 of the first meeting of the Commission pursuant to section
13 3(d)(1), the Commission shall submit a written report to
14 Congress, which shall contain findings resulting from the
15 investigation conducted under subsection (a)(1) and rec-
16 ommendations described in subsection (a)(2).

17 **SEC. 5. POWERS OF THE COMMISSION.**

18 (a) HEARINGS.—The Commission or, at its direction,
19 any subcommittee or member of the Commission, may, for
20 the purpose of carrying out this Act—

21 (1) hold such public hearings in such cities and
22 countries, sit and act at such times and places, take
23 such testimony, receive such evidence, and admin-
24 ister such oaths as the Commission or such sub-
25 committee or member considers advisable; and

1 (2) require, by subpoena or otherwise, the at-
2 tendance and testimony of such witnesses and the
3 production of such books, records, correspondence,
4 memoranda, papers, documents, tapes, and materials
5 as the Commission or such subcommittee or member
6 considers advisable.

7 (b) ISSUANCE AND ENFORCEMENT OF SUB-
8 POENAS.—

9 (1) ISSUANCE.—Subpoenas issued under sub-
10 section (a) shall bear the signature of the Chair-
11 person of the Commission and shall be served by any
12 person or class of persons designated by the Chair-
13 person for that purpose.

14 (2) ENFORCEMENT.—In the case of contumacy
15 or failure to obey a subpoena issued under sub-
16 section (a), the United States district court for the
17 judicial district in which the subpoenaed person re-
18 sides, is served, or may be found may issue an order
19 requiring such person to appear at any designated
20 place to testify or to produce documentary or other
21 evidence. Any failure to obey the order of the court
22 may be punished by the court as a contempt of that
23 court.

24 (c) WITNESS ALLOWANCES AND FEES.—Section
25 1821 of title 28, United States Code, shall apply to wit-

1 nesses requested or subpoenaed to appear at any hearing
2 of the Commission. The per diem and mileage allowances
3 for witnesses shall be paid from funds available to pay the
4 expenses of the Commission.

5 (d) INFORMATION FROM FEDERAL AGENCIES.—The
6 Commission may secure directly from any Federal depart-
7 ment or agency such information as the Commission con-
8 siders necessary to perform its duties. Upon request of
9 the Chairperson of the Commission, the head of such de-
10 partment or agency shall furnish such information to the
11 Commission.

12 (e) POSTAL SERVICES.—The Commission may use
13 the United States mails in the same manner and under
14 the same conditions as other departments and agencies of
15 the Federal Government.

16 **SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.**

17 (a) COMPENSATION OF MEMBERS.—Each member of
18 the Commission who is not an officer or employee of the
19 Federal Government shall be compensated at a rate equal
20 to the daily equivalent of the annual rate of basic pay pre-
21 scribed for level IV of the Executive Schedule under sec-
22 tion 5315 of title 5, United States Code, for each day (in-
23 cluding travel time) during which such member is engaged
24 in the performance of the duties of the Commission. All
25 members of the Commission who are officers or employees

1 of the United States shall serve without compensation in
2 addition to that received for their services as officers or
3 employees of the United States.

4 (b) TRAVEL EXPENSES.—The members of the Com-
5 mission shall be allowed travel expenses, including per
6 diem in lieu of subsistence, at rates authorized for employ-
7 ees of agencies under subchapter I of chapter 57 of title
8 5, United States Code, while away from their homes or
9 regular places of business in the performance of services
10 for the Commission.

11 (c) STAFF.—

12 (1) IN GENERAL.—The Chairperson of the
13 Commission may, without regard to the civil service
14 laws and regulations, appoint and terminate the em-
15 ployment of such personnel as may be necessary to
16 enable the Commission to perform its duties.

17 (2) COMPENSATION.—The Chairperson of the
18 Commission may fix the compensation of the per-
19 sonnel without regard to chapter 51 and subchapter
20 III of chapter 53 of title 5, United States Code, re-
21 lating to classification of positions and General
22 Schedule pay rates, except that the rate of pay for
23 the personnel may not exceed the rate payable for
24 level V of the Executive Schedule under section 5316
25 of such title.

1 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
2 Federal Government employee may be detailed to the
3 Commission without reimbursement, and such detail shall
4 be without interruption or loss of civil service status or
5 privilege.

6 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
7 TENT SERVICES.—The Chairperson of the Commission
8 may procure temporary and intermittent services under
9 section 3109(b) of title 5, United States Code, at rates
10 for individuals that do not exceed the daily equivalent of
11 the annual rate of basic pay prescribed for level V of the
12 Executive Schedule under section 5316 of such title.

13 (f) OTHER ADMINISTRATIVE MATTERS.—The Com-
14 mission may—

15 (1) enter into agreements with the Adminis-
16 trator of General Services to procure necessary fi-
17 nancial and administrative services;

18 (2) enter into contracts to procure supplies,
19 services, and property; and

20 (3) enter into contracts with Federal, State, or
21 local agencies, or private institutions or organiza-
22 tions, for the conduct of research or surveys, the
23 preparation of reports, and other activities necessary
24 to enable the Commission to perform its duties.

1 **SEC. 7. TERMINATION.**

2 The Commission shall terminate 90 days after the
3 date on which the Commission submits its report to Con-
4 gress under section 4(b).

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated such sums as may be necessary to carry out this
8 Act.

9 (b) AVAILABILITY.—Any sums appropriated under
10 the authorization contained in this section shall remain
11 available, without fiscal year limitation, until expended.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2010	\$118,488,000
Budget estimate, 2011 ¹	223,336,000
Committee recommendation	149,565,000

¹ Includes \$10,778,000 for acquisition workforce capacity and capabilities that was requested within title II General Provisions.

The Committee's recommendation provides \$149,565,000 for General Administration salaries and expenses. The recommendation is \$31,627,000 above the fiscal year 2010 enacted level and \$71,771,000 below the budget request.

The General Administration account provides funding for senior policy officials responsible for Departmental management and policy development. The specific offices funded by this account include the following: the immediate Office of the Attorney General; the immediate Office of the Deputy Attorney General; the immediate Office of the Associate Attorney General; Office of Legal Policy; Office of Public Affairs; Office of Legislative Affairs; Office of Professional Responsibility; Office of Intergovernmental and Public Liaison; and the Justice Management Division.

Terrorism Prosecutions of Guantanamo Bay Detainees.—The Committee's recommendation does not include \$72,771,000 requested for the anticipated first year costs for security, litigation, housing, and transportation associated with the civilian trials of the five alleged conspirators of the 9/11 terrorist attacks currently held in detention facilities at Guantanamo Bay. This reduction reflects the fact that the administration has not submitted a plan to prosecute these cases.

Acquisition Improvements.—The Committee supports the goals of the Government-wide request for improvements to acquisition workforce capabilities and capacities. These activities may be funded from within amounts provided, up to \$10,778,000.

Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent.—The Committee's recommendation provides \$1,700,000 for the activities authorized by section 540 of this act.

Section 538 requires agencies to report conference spending to the Inspectors General.

Section 539 prohibits the use of funds to establish or maintain a computer network that does not block pornography, except for law enforcement purposes.

Section 540 authorizes the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent.

Section 541 requires the Legal Services Corporation to comply with audits by the Government Accountability Office [GAO] and the Corporation's Inspector General.

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**Bill Summary & Status****S.69**[Search Results](#) > [S.69](#) > All[Modify Search](#) | [New Search](#) | [Save Search/Alert](#)[Help](#) | [Contact Us](#)**S.69 [111th]****Title:** Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act**Sponsor:** [Sen Inouye, Daniel K.](#) [D-HI] (introduced 1/6/2009) **Cosponsors:** [9](#)**Committees:** Senate Homeland Security and Governmental Affairs**Senate Reports:** [111-112](#)**Related Bills:** [H.R.42](#)**Latest Major Action:** 12/23/2009 Placed on Senate Legislative Calendar under General Orders. Calendar No. 250.

Jump to: [Titles](#), [Major Actions](#), [Status](#), [Committees](#), [Related Bill Details](#), [Cosponsors](#),
[Summary](#), [Subjects](#)

TITLE(S): (*italics indicate a title for a portion of a bill*)

- **SHORT TITLE(S) AS INTRODUCED:**
Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act
- **SHORT TITLE(S) AS REPORTED TO SENATE:**
Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act
- **OFFICIAL TITLE AS INTRODUCED:**
A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

MAJOR ACTIONS: [\[SELECTED\]](#) (*dates in italics indicate Senate actions*) For more details, see: [Bill Status Display](#).*1/6/2009* Introduced in Senate*12/23/2009* Committee on Homeland Security and Governmental Affairs. Reported by Senator Lieberman without amendment. With written report No. [111-112](#).*12/23/2009* Placed on Senate Legislative Calendar under General Orders. Calendar No. 250.**STATUS:** (*dates in italics indicate Senate actions*)See also: [CQ Custom BillTrack Report](#)**1/6/2009:**Sponsor introductory remarks on measure. (CR [S70](#))**1/6/2009:**

Terminates the Commission 90 days after submission of its report to Congress (as required by this Act).

Authorizes appropriations.

SUBJECT(S):

- CRS INDEX TERMS:

Civil rights and liberties, minority issues Advisory bodies

Conflicts and wars

Government investigations

Government liability

Human rights

Immigration status and procedures

Latin America

Racial and ethnic relations

U.S. history

[Search Results](#) > [S.69](#) > [All](#)

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Calendar No. 250

111TH CONGRESS
1ST SESSION

S. 69

[Report No. 111-112]

To establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. INOUE (for himself, Mr. LIEBERMAN, Mr. CARPER, Ms. MURKOWSKI, Mr. LEVIN, Mr. AKAKA, Mr. BENNETT, Mrs. FEINSTEIN, Mr. LEAHY, and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 23, 2009

Reported by Mr. LIEBERMAN, without amendment

A BILL

To establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the

1 countries were held in the custody of the Depart-
2 ment of State in internment camps operated by the
3 Immigration and Naturalization Service from 1941
4 through 1948.

5 (3) Those men, women, and children either—

6 (A) were arrested without a warrant, hear-
7 ing, or indictment by local police, and sent to
8 the United States for internment; or

9 (B) in some cases involving women and
10 children, voluntarily entered internment camps
11 to remain with their arrested husbands, fathers,
12 and other male relatives.

13 (4) Passports held by individuals who were
14 Latin Americans of Japanese descent were routinely
15 confiscated before the individuals arrived in the
16 United States, and the Department of State ordered
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21 American internees of Japanese descent were consid-
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23 migration and Naturalization Service. Thus, the in-
24 ternees became illegal aliens in United States cus-
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*2009 Fraud
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4 formally apologized and provided compensation pay-
5 ments to former Japanese Americans interned pur-
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7 (b) PURPOSE.—The purpose of this Act is to estab-
8 lish a fact-finding Commission to extend the study of the
9 Commission on Wartime Relocation and Internment of Ci-
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13 nese descent from December 1941 through February
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15 States, and to recommend appropriate remedies, if any,
16 based on preliminary findings by the original Commission
17 and new discoveries.

18 **SEC. 3. ESTABLISHMENT OF THE COMMISSION.**

19 (a) IN GENERAL.—There is established the Commis-
20 sion on Wartime Relocation and Internment of Latin
21 Americans of Japanese descent (referred to in this Act as
22 the "Commission").

23 (b) COMPOSITION.—The Commission shall be com-
24 posed of 9 members, who shall be appointed not later than

*1983
P.L. 100-383
If Comm is given \$
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w/ U.S. gov't w/ its own
money.
1.5 mil. author.
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\$ just sits in Treasur*

1 (B) 30 days after the date of enactment of
2 legislation making appropriations to carry out
3 this Act.

4 (2) SUBSEQUENT MEETINGS.—Except as pro-
5 vided in paragraph (1), the Commission shall meet
6 at the call of the Chairperson.

7 (e) QUORUM.—Five members of the Commission
8 shall constitute a quorum, but a lesser number of members
9 may hold hearings.

10 (f) CHAIRPERSON AND VICE CHAIRPERSON.—The
11 Commission shall elect a Chairperson and Vice Chair-
12 person from among its members. The Chairperson and
13 Vice Chairperson shall serve for the life of the Commis-
14 sion.

15 **SEC. 4. DUTIES OF THE COMMISSION.**

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17 (1) extend the study of the Commission on
18 Wartime Relocation and Internment of Civilians, es-
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21 (A) to investigate and determine facts and
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9 (b) ISSUANCE AND ENFORCEMENT OF SUB-
10 POENAS.—

11 (1) ISSUANCE.—Subpoenas issued under sub-
12 section (a) shall bear the signature of the Chair-
13 person of the Commission and shall be served by any
14 person or class of persons designated by the Chair-
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17 or failure to obey a subpoena issued under sub-
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21 sonnel without regard to chapter 51 and subchapter
22 III of chapter 53 of title 5, United States Code, re-
23 lating to classification of positions and General
24 Schedule pay rates, except that the rate of pay for
25 the personnel may not exceed the rate payable for

1 preparation of reports, and other activities necessary
2 to enable the Commission to perform its duties.

3 **SEC. 7. TERMINATION.**

4 The Commission shall terminate 90 days after the
5 date on which the Commission submits its report to Con-
6 gress under section 4(b).

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There are authorized to be appro-
9 priated such sums as may be necessary to carry out this
10 Act.

11 (b) AVAILABILITY.—Any sums appropriated under
12 the authorization contained in this section shall remain
13 available, without fiscal year limitation, until expended.

MEMORANDUM

TO: SENATOR INOUE
FROM: LORI AND VAN
DATE: MAY 7, 2010
RE: INTERVIEW WITH NEIL SIMON

On Monday May 10, 2010, at 11am, you will be interviewed by Neil Simon on the issue of internment camps and the Japanese Latin American (JLA) internment. Neil is currently the communications director for the Helsinki Commission, which Senator Cardin chairs. Completely independent of his work on the Hill, Mr. Simon is working on a documentary to raise awareness on the Japanese American internment camps in World War II, most specifically on a little known camp that was run by the Department of Justice located in Santa Fe, as well as the JLA internment.

The scope of your interview will be to broadly gather more information on how the U.S. conspired to kidnap, receive, process JLAs from Latin America. However, since there are insufficient known facts, you and your colleagues have introduced S.69, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act since 2006, and again in February 2009. S.69 was marked out of the Senate Homeland Security and Governmental Affairs Committee (HSGAC) in February 2009, and the House Judiciary Subcommittee on Immigration held a hearing on March 19, 2009. Pursuant to your suggestion, HSGAC's approval, and preliminary meetings with Appropriations Subcommittees staff, you have included S.69 in your FY11 requests in the Commerce Justice and Science and Financial Services and General Government appropriations bills.

The JLA issue remains outstanding and compelling for two reasons: (1) during the war, the U.S. conflated JLAs and Japanese Americans' race and ancestral country of origin to create a new identity of a dangerous and disloyal foreigner, and the internment was then a logical extension of this conflation, making it politically possible to intern this populace; if this conflation becomes routine in the U.S., what does that mean for current and future international conflicts?; and (2) the JLAs suffered great injustices, most had no ties to Japan, and their Latin American home countries were not engaged in World War II; a Commission study would resolve this last mystery surrounding the Japanese internment.

Attached is a copy of your statement for the Record and a copy of the bill. S.69 does not provide controversial reparations but is limited to establishing a nine-member Commission to study the little known internment of 2,300 JLAs from 1941 to 1948. Three Commission members are to be appointed by the President, House, and

Senate. S.69 has nine co-sponsors: Senators Akaka, Carper, Feinstein, Levin, Murkowski, Bennett, Feingold, Leahy and Lieberman.

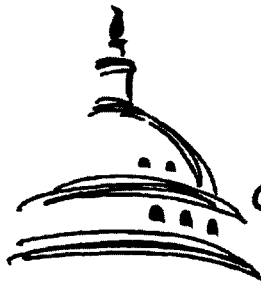
FOR LOCKROOM:

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2 BILL COPIES

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Congressional
Research
Service

Congressional Commissions: Overview, Structure, and Legislative Considerations

Matthew Eric Glassman X 73467
Analyst on the Congress

December 19, 2008

Funded in line with appropriations in 1950^{June} supplemental
Funded directly to the Commission - 41 mil

PL 96-539 - continuing resolution that extended the funding

① State Justice Comm Judiciary (Related Agency)

H.R. 7584 96th Cong Pres. vetoed Dec. 13, 1980

② 4 days later 12/16/1980 [PL 96-536] CR passed
"find amounts in all these acts"

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Prepared for Members and Committees of Congress

Summary

Congressional advisory commissions are formal groups established to provide independent advice; make recommendations for changes in public policy; study or investigate a particular problem, issue, or event; or perform a duty. While no legal definition exists for what constitutes a “congressional commission,” in this report a congressional commission is defined as a multi-member independent entity that (1) is established by Congress, (2) exists temporarily, (3) serves in an advisory capacity, (4) is appointed in part or whole by Members of Congress, and (5) reports to Congress. These five characteristics differentiate a congressional commission from a presidential commission, an executive branch commission, or other bodies with “commission” in their names. Over 80 congressional commissions have been established in the past 20 years.

Throughout American history, Congress has found commissions to be useful entities in the legislative process. By establishing a commission, Congress can provide a highly visible forum for important issues and assemble greater expertise than may be readily available within the legislature. Complex policy issues can be examined over a longer time period and in greater depth than may be practical for legislators. Finally, the non-partisan or bipartisan character of most congressional commissions may make their findings and recommendations more politically acceptable, both in Congress and among the public. Critics argue that many congressional commissions are expensive, often formed to take difficult decisions out of the hands of Congress, and are mostly ignored when they report their findings and recommendations.

The temporary status of congressional commissions and short time period they are often given to complete their work product makes it important that legislators craft statutes creating congressional commissions with care. A wide variety of options are available, and legislators can tailor the composition, organization, and working arrangements of a commission, based on the particular goals of Congress. As a result, individual congressional commissions often have an organizational structure and powers quite different from one another.

This report provides an overview and analysis of congressional advisory commissions, information on the general statutory structure of a congressional commission, and a catalog of congressional commissions created since the 101st Congress.

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Introduction

Congressional commissions are formal groups established by Congress to provide independent advice, make recommendations for changes in public policy, study or investigate a particular problem or event, or perform a specific duty. Usually composed of policy experts chosen by Members of Congress and/or officials in the executive branch, commissions may hold hearings, conduct research, analyze data, investigate policy areas, or make field visits as they perform their duties. Most commissions complete their work by delivering their findings, recommendations, or advice in the form of a written report to Congress. Occasionally, legislation submitted by commissions will be given “fast track” authority in Congress.

Although no legal definition exists for what constitutes a “congressional commission,” in this report, a congressional commission is defined as a multi-member independent entity that (1) is established by Congress, (2) exists temporarily, (3) serves in an advisory capacity, (4) is appointed in part or whole by Members of Congress, and (5) reports to Congress. These five characteristics effectively serve to differentiate a congressional commission from a presidential commission, an executive branch commission, or other bodies with “commission” in their names. Over 80 congressional commissions have been established in the past 20 years.

Throughout American history, Congress has found commissions to be useful tools in the legislative process and legislators continue to use them today. By establishing a commission, Congress can provide a highly visible forum for important issues and assemble greater expertise than may be readily available within the legislature. Complex policy issues can be examined over a longer time period and in greater depth than may be practical for legislators. Finally, the non-partisan or bipartisan character of most congressional commissions may make their findings and recommendations more politically acceptable, both in Congress and among the public.

Critics argue that many congressional commissions are established by legislators seeking “blame avoidance,” and take difficult decisions out of the hands of Congress. Other observers have suggested that commissions are undemocratic, with their members neither electorally accountable to the public nor their meetings and decision-making processes public. Finally, some critics see commissions as financially inefficient, arguing that the costs of establishing a commission outweigh potential benefits, especially since their findings and recommendations may be ignored by Congress.

Congressional commissions can be categorized as either policy commissions, investigatory commissions, or commemorative commissions. Most congressional commissions are policy commissions, such as the United States Commission on North American Energy Freedom,¹ that study particular public policy problems and typically report their findings to Congress along with recommendations for legislative or executive action. Far fewer commissions are investigatory commissions, such as the National Commission on Terrorist Attacks Upon the United States,² that are established to examine past events. A small number of commissions are commemorative

¹ P.L. 109-58, 119 Stat 1064, August 8, 2005.

² P.L. 107-306, 116 Stat. 2408, November 27, 2002.

commissions, such as the Abraham Lincoln Bicentennial Commission,³ that plan, coordinate, and oversee celebrations of people or events, often in conjunction with milestone anniversaries.

The temporary status of congressional commissions and short time period they are often given to complete their work product makes it important that legislators craft statutes creating congressional commissions with care. Statutes establishing congressional policy commissions generally include language that states the mandate of the commission, provides a membership structure and appointment scheme, defines member compensation and other benefits, outlines the commission's duties and powers, authorizes funding, and sets a termination date for the commission.

A variety of options are available for each of these organizational choices. Legislators can tailor the composition, organization, and arrangements of a commission, based on particular goals. As a result, individual commissions often have organizational structures and powers quite different from one another.

Defining “Congressional Commission”

In the past, confusion has arisen over whether particular entities are “congressional commissions.” There are several reasons for this confusion. First, the term “Congressional commission” is not defined by law; observers might disagree as to whether an individual entity should be characterized as such. Second, many different entities within the federal government have the word “commission” in their name, such as regulatory commissions, presidential advisory commissions, and advisory commissions established in executive agencies. Conversely, many congressional commissions do not have the word commission in their name; instead, they are designated as boards, advisory panels, advisory committees, task forces, or by other terms.

In this report, a congressional commission is defined as a multi-member independent entity that (1) is established by Congress, (2) exists temporarily, (3) serves in an advisory capacity, (4) is appointed in part or whole by Members of Congress, and (5) reports to Congress. This definition differentiates a congressional commission from a presidential commission, an executive branch commission, or other bodies with “commission” in their names, while including most entities that fulfill the role commonly perceived for commissions: studying policy problems and reporting findings to Congress.⁴ Each of these characteristics is discussed below.

³ P.L. 106-173, 114 Stat. 14, February 25, 2000.

⁴ Alternative definitions might be equally appealing. The wide variety of boards, task forces, panels, and commissions created by Congress, coupled with the lack of a legal definition for “congressional commission,” results in many gray areas. Consequently, some entities created by Congress that do not meet all five characteristics might be considered congressional commissions by observers using a different criteria. For example, in the 110th Congress, legislation was enacted creating a Committee on Levee Safety (P.L. 110-114, Sec. 9003, November 9, 2007). The committee is a temporary advisory body created by statutory authority, but its membership is determined by executive branch and state officials and it reports to both Congress and the Secretary of the Army. While it is not included in this report, some observers might consider it a congressional commission.

Independent Establishment by Congress

Congressional commissions are established by Congress, usually by statute.⁵ Not all advisory commissions established by statute, however, are congressional commissions. Congress routinely establishes advisory commissions in the executive branch by statute. Conversely, not all advisory commissions serving the federal government are established by Congress. Commissions may be established in the executive branch by the President, department heads, or individual agencies.⁶

Congressional commissions are also independent of Congress in function. This characteristic excludes commission-like entities established *within* Congress, such as congressional observer groups, working groups, and ad hoc commissions and advisory groups created by individual committees of Congress under their general authority to procure the “temporary services” of consultants to “make studies and advise the committee,” pursuant to 2 U.S.C. 72a.⁷

Temporary Existence

Congressional commissions are established to perform specific tasks, with statutory termination dates linked to the completion of the tasks. This restriction excludes entities that typically serve an ongoing administrative purpose, do not have statutory termination dates, and do not produce reports, such as the House Office Building Commission⁸ or Senate Commission on Fine Art.⁹ Also excluded are entities that serve ongoing diplomatic or interparliamentary functions, such as the U.S. Group to the NATO Parliamentary Assembly,¹⁰ or the Canada-United States Interparliamentary Group.¹¹ Finally, Congress has created a number of boards to oversee government entities, such as the United States Holocaust Memorial Council¹² and the John F. Kennedy Center Board of Trustees.¹³ Although these entities could arguably be considered congressional commissions, their lifespan, purpose, and function differs from temporary congressional commissions.

⁵ An example of a commission that was widely considered a congressional commission but not established by Congress was the Iraq Study Group. Congress appropriated money to the U.S. Institute of Peace and informally arranged for the selection of the chairmen, but did not formally establish the group by statute or resolution. In addition, some bodies created by chamber resolution might be considered congressional commissions.

⁶ Many well-known advisory commissions have been established by the President or by an agency. For example, the U.S. Commission on National Security/21st Century (the Hart-Rudman commission) and the National Commission on Social Security Reform (Greenspan Commission) were both established by executive order of the President.

⁷ For example, the Advisory Commission to Study the Consumer Price Index was established by the Senate Committee on Finance in June 1995 and submitted its report to the committee in December, 1996. See U.S. Congress, Senate Committee on Finance, Final Report of the Advisory Commission to Study the Consumer Price Index, committee print, 104th Cong., 2nd sess., S. Prt 104-72 (Washington: GPO, 1996).

⁸ 2 U.S.C. 2001; P.L. 59-253; 34 Stat. 1365.

⁹ 2 U.S.C. 2101; P.L. 100-696; 102 Stat. 4610.

¹⁰ U.S.C. 1928a; P.L. 84-689; 70 Stat. 523.

¹¹ 22 U.S.C. 276(d); P.L. 86-42, 73 Stat. 72.

¹² 36 U.S.C. 2302; P.L. 96-388; 94 Stat. 1547.

¹³ 20 U.S.C. 76h; P.L. 85-874; 72 Stat. 1698.

Advisory Role

Unlike regulatory commissions, congressional commissions are not typically granted administrative authority, and they usually lack the power to implement their findings or recommendations. Instead, advisory commissions typically produce reports that present their findings and offer recommendations for either legislative or executive action.

Inclusion of Members in the Appointment Process

Congressional commissions provide that Members of Congress, particularly the leadership, be intimately involved in the appointment process, either through direct service on a commission, or by appointing or recommending candidates for membership.

Reporting Requirements

Congressional commissions are usually required to submit their reports to Congress, or to Congress and the President. Other advisory commissions, such as Presidential or executive branch commissions, typically submit their reports only to the President or agency head.

Cataloging Congressional Commissions

This report attempts to identify all congressional commissions established between the 101st and 110th Congress. A large number of bills creating congressional commissions are introduced in Congress each session. During the 110th Congress, bills were introduced that would have created more than 30 congressional commissions. Similar numbers of bills have been proposed in previous Congresses. Most of these bills proposing commissions are not enacted.

Methodology

A database search was conducted using the Legislative Information System (LIS) for the 101st through 110th Congresses (1981-2008).¹⁴ Each piece of legislation returned was examined to determine if (1) the legislation contained a commission; and (2) if the commission was an ad hoc congressional commission. If the commission was judged to be an ad hoc congressional commission, the name, public law number, Statutes-at-Large citation, and date of enactment were recorded.

Results

A total of 87 congressional commissions were identified through this search. **Table 1** reports the number of commissions identified by the search in each Congress.

¹⁴ The search was conducted in two iterations. First, a query was run using the subject term "Federal Advisory Bodies." Second, a query was run for various search terms, including commission, board, task force, and advisory committee.

Table 1. Number of Congressional Commissions Created by Congress
101st to 110th Congress

Congress	Number	Congress	Number
101 (1989-1990)	12	106 (1999-2000)	14
102 (1991-1992)	10	107 (2001-2002)	7
103 (1993-1994)	5	108 (2003-2004)	7
104 (1995-1996)	5	109 (2005-2006)	7
105 (1997-1998)	12	110 (2007-2008)	8

Source: Database query of Congressional Legislative Information System (LIS), 101st to 110th Congress.

Two caveats accompany these results. As stated above, identifying congressional commissions involves making judgment calls about particular characteristics. Second, tracking provisions of law that create congressional commissions is an inherently inexact exercise. Although many such bodies are created in easily identifiable freestanding statutes, others are contained within the statutory language of lengthy omnibus legislation.¹⁵ Consequently, individual commissions may have been missed by the search algorithm.

Types of Congressional Commissions

Congressional commissions can be generally placed into one of three categories. Most congressional commissions are *policy commissions*, temporary bodies which study particular policy problems and report their findings to Congress. Less common are *investigative commissions*, which are similar in structure to policy commissions but tasked with reviewing specific events. *Commemorative commissions* are entities established to commemorate a person or event, often to mark an anniversary. **Table 2** reports the total number and percentage of each type of commission identified in the LIS database search of the 101st-110th Congresses.

Table 2. Number of Congressional Commissions Created, by Type
101st to 110th Congress

Commission Type	Total Number	Percentage of All Commissions
Policy	70	80%
Investigative	6	7%
Commemorative	11	13%

Source: CRS analysis of database query of Congressional Legislative Information System (LIS), 101st to 110th Congress

¹⁵ For example, provisions for the establishment of 12 separate advisory bodies were included in the text of the FY1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (P.L. 105-277, 112 Stat. 2681).

Policy Commissions

The vast majority of congressional commissions, 80%, were established to study, examine, or review a particular policy problem. During the 109th and 110th Congresses, policy commissions were established to study a range of issues, including the proliferation of weapons of mass destruction, motor fuel tax enforcement, surface transportation policy, and the threat to the United States from Electromagnetic Pulse (EMP) attacks.¹⁶

Investigative Commissions

Investigative commissions, established for the purpose of reviewing specific events, are much less common than policy commissions. Only six such bodies have been established by Congress during the past 20 years. Investigative commissions, however, such as the National Commission on Terrorist Attacks Upon the United States (the 9/11 commission) often receive substantial public attention. Investigative commissions are often granted broad powers, including the power to subpoena witnesses. Most recently, the Commission on Wartime Contracting in Iraq and Afghanistan and the Congressional Oversight Panel for the Emergency Economic Stabilization Act were established during the 110th Congress.¹⁷

Commemorative Commissions

Since 1989, Congress has created 11 commemorative commissions. Four of the commissions were created to commemorate individuals¹⁸ and coincided with a milestone anniversary of their birth. Six commissions were related to the commemoration of historical events and coincided with a milestone anniversary of the event.¹⁹ One commission—the Dwight D. Eisenhower Memorial Commission—was created to oversee the development of a permanent national memorial.²⁰

Legislative Value of Congressional Commissions

Throughout American history, Congress has found commissions to be useful tools in the legislative process. Commissions may be established, among other things, to cope with increases in the scope and complexity of legislation, to forge consensus, to draft bills, to promote inter-party communication, to address issues that do not fall neatly within the jurisdictional boundaries of congressional committees, and to bring together recommendations.²¹ These goals can be

¹⁶ P.L. 109-163, 119 Stat. 3434, Jan. 6, 2006; P.L. 110-53, 121 Stat. 501, Aug. 3, 2007; P.L. 109-59, 119 Stat. 1959, Aug. 10, 2005; P.L. 109-163, 119 Stat. 3434, Jan. 6, 2006.

¹⁷ P.L. 110-181, Jan. 28, 2008; P.L. 110-343, Oct. 3, 2008.

¹⁸ The individuals are Abraham Lincoln, James Madison, Benjamin Franklin, and Thomas Jefferson.

¹⁹ The events are the ending of the transatlantic slave trade, the construction of the Capitol, the Seneca Falls convention, the first successful airplane flight, the end of the Cold War, and the Supreme Court decision in *Brown v. Board of Education*.

²⁰ P.L. 106-79, 113 Stat. 1274, Oct. 25, 1999.

²¹ Colton Campbell, "Creating an Angel: Congressional Delegation to Ad Hoc Commissions," *Congress and the Presidency*, vol. 25, no. 2 (Autumn 1998), p. 162.

grouped into six categories: expertise, issue and political complexity, consensus building, non-partisanship, solving collective action problems, and visibility.

Obtaining Expertise

Congress may choose to establish a commission when legislators and their staffs do not currently have sufficient knowledge or expertise in a complex policy area.²² By assembling experts with backgrounds in particular policy areas to focus on a specific mission, legislators can efficiently obtain insight into complex public policy problems.²³

Overcoming Issue Complexity

Complex policy issues may cause time management challenges for Congress. Legislators often keep busy schedules and may not have time to deal with intricate or technical policy problems, particularly if the issues require consistent attention over a period of time.²⁴ A commission can devote itself to a particular issue full-time, and can focus on an individual problem without distraction.²⁵

Overcoming Political Complexity

Complex policy issues may also create institutional problems because they do not fall neatly within the jurisdiction of any particular committee in Congress.²⁶ By virtue of their ad hoc status, commissions can circumvent such issues. Similarly, a commission may allow particular legislation or policy solutions to bypass the traditional development process in Congress, potentially removing some of the impediments inherent in a decentralized legislature.²⁷

Consensus Building

Legislators seeking policy changes may be confronted by an array of political interests, some in favor of proposed changes and some against. When these interests clash, the resulting legislation may encounter gridlock in the highly structured political institution of the modern Congress.²⁸ By creating a commission, Congress can place policy debates in a more flexible environment, where congressional and public attention can be developed over time.²⁹

²² *Ibid.*, p. 174. See also Robert L. Chartrand, Jane Bortnick, and James R. Price, *Legislator as User of Information* (Washington, DC: Congressional Research Service, 1987), pp. 11-15.

²³ Colton Campbell, *Discharging Congress: Government by Commission* (Westport, CT: Praeger, 2002), p. 51.

²⁴ *Ibid.*, pp. 55-59.

²⁵ Morris P. Fiorina, "Group Concentration and the Delegation of Legislative Authority," in Roger G. Noll, ed., *Regulatory Policy and the Social Sciences* (Berkeley: University of California Press, 1985), p. 184. See also James E. Katz, "Science, Technology, and Congress," *Science* vol. 30, no. 4 (May 1993), pp. 41-44.

²⁶ George T. Sulzner, "The Policy Process and the uses of National Governmental Study Commissions," *Western Political Quarterly*, vol. 24, no. 3 (Sep. 1971), pp. 438-448.

²⁷ Kenneth R. Mayer, "Closing Military Bases (Finally): Solving Collective Dilemmas Through Delegation," *Legislative Studies Quarterly*, vol. 20, no. 3 (Aug. 1995), pp. 395-397.

²⁸ Campbell, *Discharging Congress*, p. 12.

²⁹ *Ibid.*, p. 13; Newt Gingrich, "Leadership Task Forces: The 'Third Wave' Way to Consider Legislation," *Roll Call*, (continued...)

Reducing Partisanship

Solutions to policy problems produced within the normal legislative process may also suffer politically from charges of partisanship.³⁰ Similar charges may be made against investigations conducted by Congress.³¹ The non-partisan or bipartisan character of most congressional commissions may make their findings and recommendations less susceptible to such charges and more politically acceptable to a diverse viewpoints. The bipartisan or nonpartisan arrangement can give their recommendations strong credibility, both in Congress and among the public, even when dealing with divisive issues of public policy.³² Commissions can also give political factions space to negotiate compromises in good faith, bypassing the short-term tactical political maneuvers that accompany public negotiations.³³ Similarly, because commission members are not elected, they may be better suited to suggesting unpopular, but necessary, policy solutions.³⁴

Solving Collective Action Problems

A commission may allow legislators to solve collective action problems, situations in which all legislators individually seek to protect the interests of their own district, despite widespread agreement that the collective result of such interests is something none of them prefer. Legislators can use a commission to jointly “tie their hands” in such circumstances, allowing general consensus about a particular policy solution to avoid being impeded by individual concerns about the effect or implementation of the solution.³⁵

For example, in 1988 Congress established the Base Closure and Realignment Commission (BRAC) as a politically and geographically neutral body to make independent decisions about closures of military bases.³⁶ The list of bases slated for closure by the commission was required to be either accepted or rejected as a whole by Congress, bypassing internal Congressional politics over which individual bases would be closed, and protecting individual Members from political charges that they didn’t “save” their district’s base.³⁷

Raising Visibility

By establishing a commission, Congress can often provide a highly visible forum for important issues that might otherwise receive scant attention from the public.³⁸ Commissions often are

(...continued)

Nov. 16, 1995, p. 5.

³⁰ Campbell, *Discharging Congress*, p. 10.

³¹ *Ibid.*, p. 9.

³² George T. Sulzner, “The Policy Process and the uses of National Governmental Study Commissions,” pp. 443-445.

³³ John B. Gilmour, “Summits and Stalemates: Bipartisan Negotiations in the Postreform Era,” in Roger H. Davidson, ed., *The Postreform Congress* (New York: St. Martin’s Press, 1993), pp. 247-248.

³⁴ Daniel Bell, “Government by Commission,” *Public Interest*, no. 3 (Spring 1966), p. 7; Campbell, *Discharging Congress*, p. 70.

³⁵ Gary W. Cox and Matthew D. McCubbins, *Legislative Leviathan: Party Government in the House* (Berkeley: University of California Press, 1993), p. 80.

³⁶ Mayer, *Closing Military Bases*, p. 398-399.

³⁷ Charles E. Cook, “Base Closing Furor: Minimal Political Impact for Members,” *Roll Call*, Mar. 18, 1993, p. 1.

³⁸ David S. Brown, “The Public Advisory Board as an Instrument of Government,” *Public Administration Review*, vol. (continued...)

composed of notable public figures, allowing personal prestige to be transferred to policy solutions.³⁹ Meetings and press releases from a commission may receive significantly more attention in the media than corresponding information coming directly from members of congressional committees. Upon completion of a commission's work product, public attention may be temporarily focused on a topic that otherwise would receive scant attention, thus increasing the probability of congressional action within the policy area.⁴⁰

Criticism of Commissions

Congressional commissions have been criticized by both political and scholarly observers. These criticisms chiefly fall into three groups. First, critics often charge that commissions are an "abdication of responsibility" on the part of legislators.⁴¹ Second, commissions are undemocratic, replacing elected legislators with appointed decision-makers. Third, critics also argue that commissions are financially inefficient; they are expensive and their findings often ignored by Congress.

Abdicated Responsibility

Critics of commissions argue that they are primarily created by legislators specifically for "blame avoidance."⁴² In this view, Congress uses commissions to distance itself from risky decisions when confronted with controversial issues. By creating a commission, legislators can take credit for addressing a topic of controversy without having to take a substantive position on the topic. If the commission's work is ultimately popular, legislators can take credit for the work. If the commission's work product is unpopular, legislators can shift responsibility to the commission itself.⁴³

Reduced Democratic Accountability

A second concern about commissions is that they are not democratic. This criticism takes three forms. First, commissions may be unrepresentative of the general population; the members of most commissions are not elected and may not reflect the variety of popular opinion on an issue.⁴⁴ Second, commissions lack popular accountability. Unlike Members of Congress, commission

(...continued)

15, no. 3 (Summer 1955), pp. 197-199.

³⁹ Charles J. Hanser, *Guide to Decision: The Royal Commission* (Totowa, New Jersey: Bedminster Press, 1965), pp. 222-225.

⁴⁰ George T. Sulzner, "The Policy Process and the uses of National Governmental Study Commissions," p. 444.

⁴¹ Sen. Trent Lott, "Special Commissions," Remarks in the Senate. *Congressional Record*, daily edition, vol 148 (Sept. 23, 2002), p. S9050. See also David Schoenbrod, *Power Without Responsibility: How Congress Abuses the People Through Delegation* (New Haven, CT: Yale University Press, 1993), p. 100; R.W. Apple, "Keeping Hot Potatoes Out of the Kitchen," *New York Times*, Feb. 2, 1989, D20.

⁴² R. Kent Weaver, "The Politics of Blame Avoidance," *Journal of Public Policy*, vol. 6, no. 4 (Oct.-Dec. 1986), pp. 373-374. See also Douglas Arnold, *The Logic of Congressional Action* (New Haven: Yale University Press, 1990), p. 101.

⁴³ Campbell, *Discharging Congress*, pp. 68-69; Douglas Arnold, *The Logic of Congressional Action*, p. 101.

⁴⁴ R. Kent Weaver, "Is Congress Abdicating Power to Commissions?" *Roll Call*, Feb. 12, 1989, pp. 5, 25.

members are often insulated from the electoral pressures of popular opinion. Finally, commissions may not operate in public; unlike Congress, their meetings, hearings, and investigations may be held in private.⁴⁵

Financial Inefficiency

A third criticism of commissions is that they have high costs and low returns. Congressional commission costs vary widely, ranging from several hundred thousand dollars to over \$10 million. Coupled with this objection is the problem of congressional response to the work of a commission; in most cases, Congress is under no obligation to act, or even respond to the work of a commission. If legislators disagree with the results or recommendations of a commission's work, they may simply ignore it. In addition, there is no guarantee that any commission will produce a balanced product; commission members may have their own agendas, biases, and pressures. Or they may simply produce a mediocre work product.⁴⁶ Finally, advisory boards create economic and legislative inefficiency if they function as patronage devices, with Members of Congress using commission positions to pay off political debts.⁴⁷

Legislative Options for Commission Structure

Statutes establishing congressional policy commissions generally include language that states the mandate of the commission, provides a membership structure and appointment scheme, defines member compensation and other benefits, outlines the commission's duties and powers, authorizes funding, and sets a termination date for the commission.

A wide variety of options are available for each of these organizational choices. Legislators can tailor the composition, organization, and working arrangements of a commission, based on the particular goals of Congress. As a result, individual congressional commissions often have an organizational structure and powers quite different from one another.

Establishment and Mandate

A commission's establishment is generally prescribed in a brief introductory paragraph. The proposed Commission on Catastrophic Disaster Risk and Insurance was established with a single sentence:

There is established a bipartisan Commission on Catastrophic Disaster Risk and Insurance.⁴⁸

In some instances, the establishment clause will identify the commission as "established in the legislative branch." This can often resolve confusion as to whether certain executive branch personnel and ethics laws apply to employees of the commission. For commissions not

⁴⁵ Natalie Hanlon, "Military Base Closures: A Study of Government by Commission," *Colorado Law Review*, vol. 62, no. 2 (1991), pp. 331-364.

⁴⁶ James Q. Wilson, "A Reader's Guide to the Crime Commission's Report," *Public Interest*, no. 9 (Fall 1967), pp. 64, 82.

⁴⁷ David S. Brown, "The Public Advisory Board as an Instrument of Government," p. 199.

⁴⁸ Sec. 3, H.R. 537 (110th Congress).

specifically established in the legislative or executive branch, the manner in which the members of the commission are appointed may determine the commission's legal status.⁴⁹ A commission with a majority of appointments made by the President may be treated as an executive branch entity for certain purposes; if a majority of appointments are made by Members of Congress, it may be treated as a legislative branch entity.

A bill creating a commission will sometimes provide congressional "findings" identifying the conditions justifying the creation of the panel. The bill proposing the Commission on Catastrophic Disaster Risk and Insurance includes seven specific findings related to hurricane damage and the federal government's role in catastrophe management. In other cases, legislation creating a congressional commission may simply include a short "purpose" section describing the justification for the creation of the commission, in lieu of "findings."

Membership and Appointment

Congressional commissions use a wide variety of membership schemes and appointment structures. The statutory scheme may require that membership of a commission be made up in whole or in part of specifically designated Members of Congress, typically Members in congressional or committee leadership positions. In other cases, selected leaders, often with balance between the parties, appoint commission members, who may or may not be Members of Congress. A third common statutory scheme is to have selected leaders, again often with balance between the parties, recommend members, who may or may not be Members of Congress, for appointment to a commission. These leaders may act either in parallel or jointly, and the recommendation may be made either to other congressional leaders, such as the Speaker of the House and President pro tempore of the Senate, or to the President.

Table 3 presents commission appointment data from the 101st to 110th Congress. For each appointing body, the table reports the percentage of commissions to which appointments are made, the total number of appointments made, and the percentage of total appointments made.

Table 3. Appointment Authority to Congressional Commissions
101st to 110th Congress

Appointing Body	Percentage of Commissions	Total Number of Appointments	Percentage of Total Appointees
Speaker	74%	178	17.2%
President Pro Tempore	17%	48	4.6%
Senate Majority Leader	59%	129	12.4%
House Minority Leader	53%	80	7.7%
Senate Minority Leader	53%	80	7.7%
Committees	23%	185	17.8%

⁴⁹ Office of Legal Counsel, Department of Justice. "Applicability of 18 U.S.C. § 208 to National Gambling Impact Study Commission," Memorandum for the Acting General Counsel, General Services Administration, January 26, 1999. See also *Ameron, Inc. v. U.S. Army Corp of Engineers*, 787 F.2d 875 (3d Cir. 1986); *Bowsher v. Synar*, 478 U.S. 714 (1986).

Appointing Body	Percentage of Commissions	Total Number of Appointments	Percentage of Total Appointees
Total, Legislative Branch	100%	700	67.5%
President	58%	233	22.5%
Other ^a	33%	104	10.0%
Total, Other Sources	79%	337	32.5%

Source: CRS analysis of database query of Congressional Legislative Information System (LIS), 101st to 110th Congress

a. Includes agency and department heads, Supreme Court Members, and state and local officials

Some statutory provisions may have the effect of limiting the degree of autonomy a Member has in appointing or making recommendations for commission membership. For example, statutory language may require the appointing official to select members who are specifically qualified by virtue of their education, knowledge, training, experience, expertise, distinguished service, or recognized eminence in a particular field or fields.⁵⁰

Statutes creating congressional commissions often include deadlines for leaders making appointments. Such deadlines can range from several weeks to several months. For example, the deadline for appointments to the Antitrust Modernization Commission⁵¹ was 60 days after the enactment of the act. The deadline for appointment to the Commission on Wartime Contracting in Iraq and Afghanistan was 120 days from the date of enactment. The deadline for appointment to the National Commission on Terrorist Attacks Upon the United States was December 15, 2002, 18 days after enactment of the act.

Compensation and Travel Expenses

Most statutorily created congressional commissions do not compensate their members, except to reimburse members for expenses directly related to their service, such as travel costs.

For example, Section 201(i) of the statute establishing the United States Commission on International Religious Freedom⁵² reads

(i) Funding.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

Among congressional commissions that compensate their members, the level of compensation is almost always specified statutorily, and is typically set in accordance with one of the federal pay

⁵⁰ For example, P.L. 109-58 prescribes that nominees for the United States Commission on North American Energy Freedom must be “knowledgeable on energy issues, including oil and gas exploration and production, crude oil refining, oil and gas pipelines, electricity production and transmission, coal, unconventional hydrocarbon resources, fuel cells, motor vehicle power systems, nuclear energy, renewable energy, biofuels, energy efficiency, and energy conservation.”

⁵¹ P.L. 107-273, 116 Stat. 1758, (2002).

⁵² P.L. 105-292; 112 Stat. 2787, 2798 (10/27/1998).

scales, prorated to the number of days of service. The most common level of compensation is the daily equivalent of Level IV of the Executive Schedule (EX), which has a basic annual rate of pay of \$149,000⁵³ in 2008.⁵⁴ For example, the statute establishing the Antitrust Modernization Commission states

(a) Pay.—

(1) Nongovernment employees.—Each member of the Commission who is not otherwise employed by a government shall be entitled to receive the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5 United States Code, as in effect from time to time, for each day (including travel time) during which such member is engaged in the actual performance of duties of the Commission.

(2) Government employees.—A member of the Commission who is an officer or employee of a government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Commission.

(b) Travel Expenses.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.⁵⁵

As shown in Table 4, approximately two-thirds of commissions created in the past 20 years have not paid members beyond reimbursement. The remaining commissions have paid members at the daily equivalent of level IV of the Executive schedule.

Table 4. Commission Member Compensation

101st to 110th Congress

Compensation Level	Total Number of Commissions	Percentage of All Commissions
Reimbursement only	60	69%
Daily equivalent of Level IV of the Executive Schedule	26	30%
Daily equivalent of Level I of the Executive Schedule	1	1%

Source: CRS analysis of database query of Congressional Legislative Information System (LIS), 101st to 110th Congress

⁵³ <http://www.opm.gov/oca/08tables/pdf/ex.pdf>.

⁵⁴ Although Level IV of the Executive Schedule is the most common compensation level, commission members could be compensated at other levels of the Executive Schedule or at particular levels of the General Schedule. Members of congressional commissions that fall under the Federal Advisory Committee Act (P.L. 92-463), however, are prohibited from receiving compensation in excess of the rate specified for Executive Schedule Level IV.

⁵⁵ P.L. 107-273, 116 Stat. 1768, 1858, January 2, 2002.

Commission Staffing

Congressional commissions created to study a policy problem or conduct an investigation are usually authorized to hire a staff. Many of these commissions are specifically authorized to appoint a staff director and other personnel as necessary. The size of the staff is not generally specified, allowing the commission flexibility in judging its own staffing requirements. Typically, maximum pay rates will be specified, but the commission will be granted authority to set actual pay rates within those guidelines.

Most of these congressional commissions are also authorized to hire consultants and procure intermittent services. Many commissions are statutorily authorized to request that federal agencies detail personnel to assist the commission. Some commissions are also authorized to accept voluntary services.

Statutes creating congressional commissions often direct the General Services Administration (or another agency) to offer administrative support to the commission:

Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

Duties and Reporting

Congressional commissions are usually statutorily directed to carry out specific tasks. These can include studying a problem, fact-finding, assessing conditions, conducting an investigation, reviewing policy proposals, crafting recommendations, and making feasibility determinations. For example, the proposed Commission on Catastrophic Disaster Risk and Insurance is directed

to assess the condition of the property and casualty insurance and reinsurance markets in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004; and the ongoing exposure of the United States to windstorms, earthquakes, volcanic eruptions, tsunamis, and floods; and recommend and report ... any necessary legislative and regulatory changes that will improve the domestic and international financial health and competitiveness of such markets; and assure consumers of availability of adequate insurance coverage when an insured event occurs.⁵⁶

Final Reports

One of the primary functions of most congressional commissions is to produce a final report for Congress outlining their activities, findings, and legislative recommendations.⁵⁷ Most commissions are required to produce an interim, annual, or final report for transmittal to Congress, and sometimes to the President or executive department or agency heads, usually

⁵⁶ Sec. 5, H.R. 537 (110th Congress).

⁵⁷ Some commissions, such as the Motor Fuel Tax Enforcement Advisory Commission (P.L. 109-59; 119 Stat. 2941) are not required to submit a final report, but instead make annual reports to Congress during the specified lifespan of the commission.

within a specified period of time. A commission may also be authorized to issue other recommendations it considers appropriate.

Table 5. Reporting Requirements of Congressional Commissions

101st to 110th Congress

Recipient	Total Number	Percentage of Total
Congress and the President	50	57%
Congress only	23	27%
Congress and an executive agency	14	16%

Source: CRS analysis of database query of Congressional Legislative Information System (LIS), 101st to 110th Congress

As seen in **Table 5**, the majority of commissions created in the past 20 years have submitted their work product to both Congress and the President. About one-quarter of commissions have submitted their work to Congress only. The remainder have submitted their work to both Congress and an executive branch agency.

Since the recommendations contained in a commission report are only advisory, no changes in public policy occur on the authority of a congressional commission. The implementation of such recommendations is dependent upon future congressional or executive branch action.

Report Deadlines

Most commissions are given statutory deadlines for the submission of their final report. The deadline for the submission of final reports varies from commission to commission. Some commissions, such as the National Commission on the Cost of Higher Education,⁵⁸ have been given less than six months to submit their final report for Congress. Other commissions, such as the Antitrust Modernization Commission,⁵⁹ have been given three or more years to complete their work product. **Table 6** summarizes the deadlines for submission of final reports.

Table 6. Congressional Commission Final Report Deadlines

101st to 110th Congress

Statutory Report Deadline	Number of Commissions
Six months or less	11
Between six months and one year	6
One year	17
Between one year and 18 months	13
Between 18 months and two years	6

⁵⁸ P.L. 105-18; 111 Stat. 207 (June 12, 1997).

⁵⁹ P.L. 107-273; 116 Stat. 1856 (Nov. 2, 2002).

Statutory Report Deadline	Number of Commissions
Two years	14
Between two and three years	6
Three years or more	8
No specified deadline	3
No final report	3

Source: CRS analysis of database query of Congressional Legislative Information System (LIS), 101st to 110th Congress

As shown in **Table 6**, congressional commissions have been given a wide range of deadlines for the completion of the final reports to Congress. For the 87 identified commissions, final report deadlines ranged from 120 days to 4.5 years. Over seventy-five percent of the commissions had a final report deadline of two years or less.

Linking Deadlines to Specific Events

The overall length of time for commissions to complete their final report also varies based on when the specified time limit begins. For the 87 commissions identified by the database search, four different events were used as the start point related to the report deadline: the enactment of the legislation, the appointment of the commission members, the date of the first meeting of the commission, or a specific calendar date. Therefore, a commission with a six month deadline from the first meeting of the commission will have more total time than a commission with a six month deadline linked to the enactment of the legislation. **Table 7** reports the frequency of use of each of these four events as starting points for report deadlines.

Table 7. Frequency of Final Report Deadline Linked to Specific Events
101st to 110th Congress

Event	Number of Commissions With Report Deadline Fixed to Event
Enactment of legislation	11
Appointment of commissioners	12
First meeting of commission	32
Specific calendar date	24
Unspecified	4
No final report	4

Source: CRS analysis of database query of Congressional Legislative Information System (LIS), 101st to 110th Congress

As shown in **Table 7**, most commissions identified by the search linked the deadline for the submission of the final report to either the first meeting of the commission or a specific calendar date.

The length of time granted to a congressional commission for the completion of its work product is arguably one of the most important decisions facing legislators as they design a new commission. If the commission is given a short amount of time, the quality of its work product

may suffer or the commission may not be able to fulfill its statutory mandate. Policymakers should also consider the amount of time necessary for “standing up” a new commission; the selection of commissioners, recruitment of staff, arrangement of office space, and other logistical matters may take six months or more from the date of enactment of commission legislation.

On the other hand, if the commission is given a long amount of time to complete its work product, it may undermine one of the primary legislative advantages of a commission, the timely production of expert advice on a current policy matter. If legislators seek to create a commission to address a pressing policy problem, a short deadline may be appropriate. In addition, the cost of a commission will increase with a longer deadline.

Legislators should also carefully select which event triggers the start of the deadline clock. Selecting a specific calendar date will ensure delivery of a final report at a predictable time, but may leave the commission less time to complete its work product than anticipated if there is a delay in member selection or staff hiring. Linking the deadline to a flexible date, such as the first meeting, will often give the commission a more predictable amount of time to complete its work, but may delay the actual calendar date of submission of the final report.

Commission Powers

Most congressional commissions are directed to hold public meetings to discuss commission matters, usually at the call of the chair or the majority of the commission. In addition, most of these congressional commissions are statutorily empowered to hold fact-finding hearings and take testimony from witnesses.

Commissions are occasionally empowered to subpoena witnesses. For example, the proposed Hurricane Katrina Disaster Inquiry Commission⁶⁰ is authorized to issue subpoenas by agreement of the chair and vice chair, or by the affirmative vote of eight commission members.⁶¹ Additional statutory language provides for the enforcement of the subpoenas in federal court.

Some commissions are empowered to secure information from federal agencies. For example, the proposed Hurricane Katrina Disaster Inquiry Commission would be authorized to

secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the government, information, suggestions, estimates, and statistics ... [e]ach department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information ... upon request made by the chairman.⁶²

In addition, Congress occasionally directs specific executive branch agencies to assist a commission in the completion of its work.

Commissions may also be given the following powers: the authority to contract with public agencies and private firms, the authority to use the mails in the same manner as departments and agencies of the United States, and the authority to accept gifts and donations.

⁶⁰ H.R. 265 (110th Congress).

⁶¹ Sec. 6(a)(2), H.R. 265 (110th Congress).

⁶² Sec. 6(c), H.R. 265 (110th Congress).

Commission Funding

Congressional commission costs vary widely, ranging from several hundred thousand dollars to over \$10 million. Overall expenses for any individual commission are dependent on a variety of factors, the most important of which are the number of paid staff and duration of the commission. Many commissions have few or no full-time staff; others employ large numbers, such as the National Commission on Terrorist Attacks Upon the United States,⁶³ which had a full-time paid staff of 80. Additionally, some commissions provide compensation to members; others only reimburse members for travel expenses. Many commissions finish their work and terminate within a year of creation; in other cases, work may not be completed for several years.

Secondary factors that can affect commission costs include the number of commissioners, how often the commission meets or holds hearings, and the number and size of publications the commission produces. Although congressional commissions are primarily funded through congressional appropriations, many commissions are statutorily authorized to accept donations of money and volunteer labor, which may offset costs.

Rules of Procedure

Most statutes authorizing the creation of congressional commissions do not specify how the commission should conduct its business. Instead, the statutory language is typically either silent on internal commission procedure or specifically empowers the commission to determine its own rules of procedure. For example, the statute authorizing the National Gambling Impact Study Commission provides that

The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this Act or other applicable law.⁶⁴

Certain rules of internal procedure, however, are found in the language of most statutes that establish commissions. For instance, many commission statutes provide that votes taken by the commission will be by simple majority, or that a quorum will consist of a particular number of commissioners.⁶⁵ Similarly, commissions that are given subpoena authority are usually statutorily directed as to who on the commission has the authority to issue the subpoenas.⁶⁶ Many commissions provide that rules regarding staff hires will be determined by the commission. For instance, the statute authorizing the Commission on Protecting and Reducing Government Secrecy states that

⁶³ P.L. 107-306; 116 Stat. 2408.

⁶⁴ P.L. 104-169; 110 Stat. 1482 (Oct. 3, 1996).

⁶⁵ For example, the statute creating the Brown vs. Board of Education 50th Anniversary Commemorative Commission (P.L. 107-41; 115 Stat. 206) provides that "a majority of members" will form a quorum, while the statute creating the Commission on the National Military Museum (P.L. 106-65; 113 Stat. 880) provides that a specific number of commissioners (six) will form a quorum.

⁶⁶ For example, see P.L. 107-306, which created the National Commission on Terrorist Attacks Upon the United States.

The Chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.⁶⁷

Options for Procedural Rules

Absent statutory guidance (either in general statutes or in individual statutes authorizing commissions), commissions vary widely in how they adopt their procedures. In general, three models exist: formal written rules, informal rules, and norms. Any individual commission may make use of all three of these models for different types of decision making.

(1) Formal Written Rules: Some commissions choose to formalize their procedures for meetings and hearings. For example, the United States - China Economic and Security Review Commission⁶⁸ established written rules of procedure for the conduct of both meetings of the commission and for hearings held by the commission. The rules include procedures for: selection of chairpersons, proxy use, budgeting, expenditures of money, hiring and firing of staff, commissioner ethics, and periodic revision of the rules.⁶⁹ Changes to the rules require a majority vote of the commission as well as review by outside counsel.⁷⁰ The commission's written rules for hearings include procedures for: the hearing structure, the selection of panelists, generation of questions, opening statements, and post-hearing recommendations to Congress.⁷¹

(2) Informal Rules: Some commissions adopt set processes for establishing rules piecemeal as the need arises. For example, the National Surface Transportation Policy and Revenue Commission⁷² did not establish formal written rules of procedure.⁷³ However, the members of the commission did take occasional votes to clarify particular procedures that the commission would use for meetings. For example, at the first meetings of the commission, members voted by simple majority as to whether future votes of commission members could be conducted by proxy.⁷⁴ Although the result of this vote was used as precedent for the remainder of the commission's existence, neither the result of the vote, the rule, or the rules governing the vote itself were formalized in a written fashion.⁷⁵

(3) Norms: Many advisory commissions choose not to create formal rules for commission meetings or hearings. Instead, these commissions rely on a collegial relationship between commission members and staff, and conduct the meetings in a procedurally flexible manner. In some cases, deference to the wishes of the chairman is followed for procedural matters. For instance, the Congressional-Executive Commission on China does not operate within a system of

⁶⁷ P.L. 103-236; 108 Stat 255 (Apr. 30, 1994).

⁶⁸ P.L. 106-398; 114 Stat. 1654A-334 (Oct. 30, 2000).

⁶⁹ United States-China Economic and Security Review Commission, Commission Rules, adopted June 6, 2003.

⁷⁰ *Ibid.*, rule 19.

⁷¹ United States-China Economic and Security Review Commission, Procedures and Responsibilities of Hearing Cochairs.

⁷² P.L. 109-59; 119 Stat. 1470 (Aug. 10, 2005).

⁷³ Interview with Susan Binder, former Executive Director, National Surface Transportation Policy and Revenue Commission, July 10, 2008.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

formal rules of procedure.⁷⁶ Commission members make collective agreements about operational issues such as the recording of minutes or voting procedure, but these agreements are created and enforced by collective norms, not formal action or votes.⁷⁷ Similarly, the National Surface Transportation Infrastructure Finance Commission⁷⁸ relied on member collegiality and deference to the chair and co-chair of the commission for procedural decisions.⁷⁹

Operational Considerations

The choice to adopt written rules or rely on informal norms to guide commission procedure may be based on a variety of factors, such as the size of the commission, frequency of meetings, commission member preferences regarding formality, the level of collegiality among members, and the amount of procedural guidance provided by the commission's authorizing statute. Regardless of how procedural issues are handled, procedures for decision-making regarding the following operational issues may be important for the commission to consider at the outset of its existence:

- eligibility to vote and proxy rules
- staff hiring, compensation, and work assignments
- hearings, meetings, and field visits
- non-staff expenditures and contracting
- reports to Congress
- budgeting
- agenda setting
- modification of existing rules

Commission Termination

Congressional commissions are usually statutorily mandated to terminate. Termination dates for most commissions are linked to either a fixed period of time after the establishment of the commission, the selection of members, or the date of submission of the commission's final report. Alternatively, some commissions are given fixed calendar termination dates.

Key Considerations for Congress

The following are key considerations for Congress in forming a commission:

⁷⁶ Interview with Douglas Grob, Staff Director, July 10, 2008.

⁷⁷ *Ibid.*

⁷⁸ P.L. 100-59; 119 Stat. 1962 (Aug. 10, 2005) (50). FAX (202) 224-6747.

⁷⁹ Interview with Jack Wells, staff director, July 10, 2008. WASHINGTON, DC 20510-1102

⁸⁰ *Ibid.*

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General⁸⁰

- What is the purpose of the proposed commission?
- How long will the commission have to complete its mission?

Membership

- How will the members of the commission be appointed?
- Will commission members be compensated?

Staffing

- Will the commission have an executive director?
- Who will have the authority to hire staff?
- Can the commission procure temporary and intermittent labor?
- Can staff be detailed to the commission?

Duties

- Will the commission produce a final report or interim reports?
- Who will receive the work product of the commission?

Powers

- Will the commission have the power to hold hearings?
- Can the commission enter into contracts for services?
- Will the commission have subpoena power?
- Can the commission accept gifts?

Funding

- How much funding will the commission receive?
- Will funding be available on an annual basis or until expended?

Other

- Who will provide administrative support to the commission?
- What procedural rules should be statutory? What will be left to the commission?
- Where will the commission and its staff be located?

⁸⁰ These considerations are based, in part, on Campbell, *Discharging Congress*, p. 7, Table 1.3.

Congressional Commissions, 101st to 110th Congress

The tables that follow provide information on the 87 congressional commissions identified by the database search of the 101st through 110th Congresses. For each commission, the following information is provided: the name of the commission; the type of commission; and the public law creating the commission and date of enactment.

Table 8. Congressional Commissions Created During the 110th Congress

Commission	Type	Authority
Commission on the Abolition of the Transatlantic Slave Trade	Commemorative	P.L. 110-183 Feb. 5, 2008
Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism	Policy	P.L. 110-53 Aug. 3, 2007
Commission on Wartime Contracting in Iraq and Afghanistan	Investigative	P.L. 110-181 Jan. 28, 2008
Congressional Commission on the Strategic Posture of the United States	Policy	P.L. 110-181 Jan. 28, 2008
National Commission on Children and Disasters	Policy	P.L. 110-161 Dec. 26, 2007
Genetic Nondiscrimination Study Commission	Policy	P.L. 110-233 Oct. 3, 2008
Congressional Oversight Panel (Emergency Economic Stabilization Act)	Policy/Investigative	P.L. 110-343 Oct. 3, 2008
Commission to Study the Potential Creation of a National Museum of the American Latino	Policy	P.L. 110-229 May 8, 2008

Source: Database query of the congressional Legislative Information System (LIS)

Table 9. Congressional Commissions Created During the 109th Congress

Commission	Type	Authority
Commission on the Implementation of the New Strategic Posture of the United States	Policy	P.L. 109-163; 119 Stat. 343 Jan 6, 2006
Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack	Policy	P.L. 109-163; 119 Stat. 343 Jan 6, 2006

Commission	Type	Authority
Human Space Flight Independent Investigation Commission	Investigative	P.L. 109-155; 119 Stat. 2941 Dec. 30, 2005
Motor Fuel Tax Enforcement Advisory Commission	Policy	P.L. 109-59; 119 Stat. 1959 Aug. 10, 2005
National Surface Transportation Infrastructure Financing Commission	Policy	P.L. 109-59; 119 Stat. 1962 Aug. 10, 2005
National Surface Transportation Policy and Revenue Commission	Policy	P.L. 109-59; 119 Stat. 1470 Aug. 10, 2005
United States Commission on North American Energy Freedom	Policy	P.L. 109-58; 119 Stat. 1064 Aug. 8, 2005

Source: Database query of the congressional Legislative Information System (LIS)

Table 10. Congressional Commissions Created During the 108th Congress

Commission	Type	Authority
Commission on the Abraham Lincoln Study Abroad Fellowship Program	Policy	P.L. 108-199; 118 Stat. 435 Jan. 23, 2003
Commission on the National Guard and Reserve	Policy	P.L. 108-375; 118 Stat. 1880 Oct. 28, 2004
Commission on Review the Overseas Military Facility Structure of the United States	Policy	P.L. 108-132; 117 Stat. 1382 Nov. 22, 2003
Helping to Enhance the Livelihood of People Around the Globe Commission	Policy	P.L. 108-199; 118 Stat. 101 Jan. 23, 2003
National Commission on Small Community Air Service	Policy	P.L. 108-176; 117 Stat. 2549 Oct. 18, 2003
National Prison Rape Reduction Commission	Policy	P.L. 108-79 ; 117 Stat. 980 Sept. 4, 2003
Veterans' Disability Benefits Commission	Policy	P.L. 108-136; 117 Stat. 1676 Nov. 24, 2003

Source: Database query of the congressional Legislative Information System (LIS)

Table 11. Congressional Commissions Created During the 107th Congress

Commission	Type	Authority
Antitrust Modernization Commission	Policy	P.L. 107-273; 116 Stat. 1856 Nov. 2, 2002
Benjamin Franklin Tercentenary Commission	Commemorative	P.L. 107-202; 116 Stat. 739 July 24, 2002
Brown v. Board of Education 50 th Anniversary Commission	Commemorative	P.L. 107-41; 115 Stat. 226 Sept. 18, 2001
Guam War Claims Review Commission	Investigative	P.L. 107-333; 116 Stat. 2873 Dec. 12, 2002
National Commission for the Review of the Research and Development Programs of the United States Intelligence Community	Policy	P.L. 107-306; 116 Stat. 2437 Nov. 27, 2002
National Commission on Terrorist Attacks Upon the United States	Investigative	P.L. 107-306; 116 Stat. 2408 Nov. 27, 2002
National Museum of African American History and Culture Plan for Action Presidential Commission	Policy	P.L. 107-106; 115 Stat. 1009 Dec. 28, 2001

Source: Database query of the congressional Legislative Information System (LIS)

Table 12. Congressional Commissions Created During the 106th Congress

Commission	Type	Authority
Abraham Lincoln Bicentennial Commission	Commemorative	P.L. 106-173; 114 Stat. 14 Feb. 25, 2000
Commission on Affordable Housing and Health Care Facility Needs in the 21 st Century	Policy	P.L. 106-74; 113 Stat. 1106 Oct. 20, 1999
Commission on Indian and Native Alaskan Health Care	Policy	P.L. 106-310; 114 Stat. 1216 Oct. 17, 2000
Commission on Ocean Policy	Policy	P.L. 106-256; 114 Stat. 645 Oct. 7, 2000
Commission on the National Military Museum	Policy	P.L. 106-65; 113 Stat. 880 Oct. 5, 1999
Commission on Victory in the Cold War	Commemorative	P.L. 106-65; 113 Stat. 765 Oct. 5, 1999

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Commission	Type	Authority
Commission to Assess United States National Security Space Management and Organization	Policy	P.L. 106-65; 113 Stat. 813 Oct. 5, 1999
Dwight D. Eisenhower Memorial Commission	Commemorative	P.L. 106-79; 113 Stat. 1274 Oct. 25, 1999
James Madison Commemoration Commission	Commemorative	P.L. 106-550; 114 Stat. 2745 Dec. 19, 2000
Judicial Review Commission on Foreign Asset Control	Policy	P.L. 106-120; 113 Stat. 1633 Dec. 3, 1999
Lands Title Report Commission	Policy	P.L. 106-568; 114 Stat. 2923 Dec. 27, 2000
Millennial Housing Commission	Policy	P.L. 106-74; 113 Stat. 1070 Oct. 20, 1999
National Commission for the Review of the National Reconnaissance Office	Policy	P.L. 106-120; 113 Stat. 1620 Dec. 3, 1999
National Commission to Ensure Consumer Information and Choice in the Airline Industry	Policy	P.L. 106-181; 114 Stat. 105 Apr. 15, 2000

Source: Database query of the congressional Legislative Information System (LIS)

Table 13. Congressional Commissions Created During the 105th Congress

Commission	Type	Authority
Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development	Policy	P.L. 105-255; 112 Stat. 1889 Oct. 14, 1998
Commission on Military Training and Gender-Related Issues	Policy	P.L. 105-85; 111 Stat. 1750 Nov. 18, 1997
National Bipartisan Commission on the Future of Medicare	Policy	P.L. 105-33; 111 Stat. 347 Oct. 5, 1997
National Commission on the Cost of Higher Education	Policy	P.L. 105-18; 111 Stat. 207 June 12, 1997
National Commission on Terrorism	Policy	P.L. 105-277; 112 Stat. 2681 Oct. 21, 1998

Commission	Type	Authority
National Health Museum Commission	Policy	P.L. 105-78; 111 Stat. 1525 Nov. 13, 1997
Presidential Advisory Commission on Holocaust Assets in the United States	Investigative	P.L. 105-186; 112 Stat. 611 June 23, 1998
Twenty-First Century Workforce Commission	Policy	P.L. 105-220; 112 Stat. 1087 Oct. 7, 1998
Trade Deficit Review Commission	Policy	P.L. 105-277; 112 Stat. 2681 Oct. 21, 1998
United States Commission on International Religious Freedom	Policy	P.L. 105-292; 112 Stat. 2797 Oct. 27, 1998
Web-Based Education Commission	Policy	P.L. 105-244; 112 Stat. 1822 Oct. 7, 1998
Women's Progress Commemoration Commission	Commemorative	P.L. 105-341; 112 Stat. 3196 Oct. 31, 1998

Source: Database query of the congressional Legislative Information System (LIS)

Table 14. Congressional Commissions Created During the 104th Congress

Commission	Type	Authority
Commission on Maintaining United States Nuclear Weapons Expertise	Policy	P.L. 104-201; 110 Stat. 2843 Sept. 23, 1996
Commission on Service members and Veterans Transition Assistance	Policy	P.L. 104-275; 110 Stat. 3346 Oct. 9, 1996
Commission on the Advancement of Federal Law Enforcement	Policy	P.L. 104-132; 110 Stat. 1305 Apr. 24, 1996
Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction	Policy	P.L. 104-293; 110 Stat. 2711 Oct. 11, 1996
National Gambling Impact Study Commission	Policy	P.L. 104-169; 110 Stat. 1482 Oct. 3, 1996

Source: Database query of the congressional Legislative Information System (LIS)

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DEMOCRATIC STEERING AND COORDINATION
COMMITTEE

Table 15. Congressional Commissions Created During the 103rd Congress

Commission	Type	Authority
Commission on Leave	Policy	P.L. 103-3; 107 Stat. 23 Feb. 5, 1993
Commission on Protecting and Reducing Government Secrecy	Policy	P.L. 103-236; 108 Stat. 525 Apr. 30, 1994
Commission on the Roles and Capabilities of United States Intelligence Community	Policy	P.L. 103-359; 108 Stat. 3456 Oct. 14, 1994
National Bankruptcy Review Commission	Policy	P.L. 103-394; 108 Stat. 4147 Oct. 22, 1994
National Commission on Crime Control and Prevention	Policy	P.L. 103-322; 108 Stat. 2089 Sept. 13, 1994

Source: Database query of the congressional Legislative Information System (LIS)

Table 16. Congressional Commissions Created During the 102nd Congress

Commission	Type	Authority
Commission on the Bicentennial of the United States Capitol	Commemorative	P.L. 102-392; 106 Stat. 1726 Oct. 6, 1992
Commission on Broadcasting to the People's Republic of China	Policy	P.L. 102-138; 105 Stat. 705 Oct. 28, 1991
Commission on Child and Family Welfare	Policy	P.L. 102-521; 106 Stat. 3406 Oct. 25, 1992
Congressional Commission on the Evaluation of Defense Industry Base Policy	Policy	P.L. 102-558; 106 Stat. 4198 Oct. 28, 1992
National Education Commission on Time and Learning	Policy	P.L. 102-62; 105 Stat. 306 June 27, 1991
National Commission on Reducing Capital Gains for Emerging Technology	Policy	P.L. 102-245; 106 Stat. 21 Feb. 14, 1992
National Commission on Rehabilitation Services	Policy	P.L. 102-569; 106 Stat. 4344 Oct. 29, 1992
National Commission on the Future Role of United States Nuclear Weapons	Policy	P.L. 102-172; 105 Stat. 1150 Nov. 26, 1991

Commission	Type	Authority
National Commission to Promote a Strong Competitive Airline Industry	Policy	P.L. 102-581; 106 Stat. 4891 Oct. 31, 1992
Thomas Jefferson Commemoration Commission	Commemorative	P.L. 102-343; 106 Stat. 915 Oct. 17, 1992

Source: Database query of the congressional Legislative Information System (LIS)

Table 17. Congressional Commissions Created During the 101st Congress

Commission	Type	Authority
Civil War Sites Advisory Commission	Policy	P.L. 101-628; 104 Stat. 4504 Nov. 28, 1990
National Commission on Manufactured Housing	Policy	P.L. 101-625; 104 Stat. 4413 Nov. 28, 1990
Commission on Legal Immigration Reform	Policy	P.L. 101-649; 104 Stat. 5001 Nov. 29, 1990
Commission on Management of the Agency for International Development Programs	Policy	P.L. 101-513; 104 Stat. 2022 Nov. 5, 1990
Commission on State and Private Forests	Policy	P.L. 101-624; 104 Stat. 3548 Nov. 28, 1990
Defense Base Closure and Realignment Commission	Policy	P.L. 101-510; 104 Stat. 1808 Nov. 5, 1990
Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives	Policy	P.L. 101-379; 104 Stat. 478 Oct. 18, 1990
National Commission on American Indian, Alaska Native, and Native Hawaiian Housing	Policy	P.L. 101-235; 103 Stat. 2052 Dec. 15, 1989
National Commission on Defense and National Security	Policy	P.L. 101-511; 104 Stat. 1899 Nov. 5, 1990
National Commission on Financial Institution Reform, Recovery, and Enforcement	Policy	P.L. 101-647; 104 Stat. 4889 Nov. 29, 1990

National Commission on Judicial Impeachment

Policy

P.L. 101-650; 104 Stat. 5124

Dec. 1, 1990

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DEMOCRATIC STEERING AND COORDINATION
COMMITTEE
COMMITTEE ON RULES AND ADMINISTRATION

Commission	Type	Authority
National Commission on Severely Distressed Public Housing	Policy	P.L. 101-235; 103 Stat. 2048 Dec. 15, 1989

Source: Database query of the congressional Legislative Information System (LIS)

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DANIEL K. INOUE
HAWAII

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CHAIRMAN
SUBCOMMITTEE ON DEFENSE,
CHAIRMAN

COMMITTEE ON COMMERCE,
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Luong, Van (Inouye)

From: Luong, Van (Inouye)
Sent: Wednesday, July 28, 2010 11:23 AM
To: Ching, Anthony (Inouye)
Cc: Krauk, Jamie (Inouye)
Subject: To add to thank you letter to CJS re: JLA

Whenever you're ready. Thank you ☺

-----to add to Anthony's broader CJS thank you letter-----

I especially wish to thank you for your inclusion of language and funding for the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent. Your continued support for this important measure over the years is deeply appreciated, and I stand by my firm belief that examining this extraordinary program will give much-needed finality to a community of people who suffered great injustices during World War II. I am deeply moved by your work and that of your staff on this measure.

*C.R.S. - omnibus procedure
Sinit - ck w/ authorizing committee
ayume - ck w/ approps (efforts?)
PDF over P.L.*

How Not to Read
10/10/10

See
Inter
FVI

The World War II exploits of the Varsity Victory Volunteers, 100th Infantry Battalion/442nd Regimental Combat Team, Military Intelligence Service and the 1399th Engineer Construction Battalion are the stuff of legends and are even more gripping when retold because of the extra burden of race that the Nisei soldiers carried with them into battle. They fought not only fascism and totalitarianism, but hatred and prejudice in their own country.

But knowing that the eyes of America were on them, the Nisei soldiers fought bravely against the armies of Nazi Germany and Imperial Japan.

In Europe, the 100th — the "Purple Heart Battalion" — and the "Go For Broke" 442nd encountered crack paratroopers, the best of Hitler's army and fought toe-to-toe against elite Panzer divisions. The 100th/442 suffered one of the highest casualty rates in the history of the U.S. Army: More than 700 were killed in action, and the wounded made up three times the actual strength of the regiment.

Combined, they received 9,500 Purple Hearts, individual



The 44nd Regimental Combat Team fronting 'Iolani Palace before leaving for training at Camp Shelby, Miss.

decorations for valor numbering 18,143 and seven Presidential Unit Citations, thus making the 100th/442nd the most decorated unit for its size and length of service in U.S. military history.

But Europe wasn't the only theater of battle for the Nisei soldiers.

The Military Intelligence Service operated behind enemy lines with Merrill's Marauders and swept through small Pacific islands, interrogating captured Japanese soldiers and translating recovered Japanese documents, earning them the reputation of being Gen. Douglas MacArthur's "secret weapons." The quality of their intelligence work is credited with having shortened the war in the Pacific by two years.

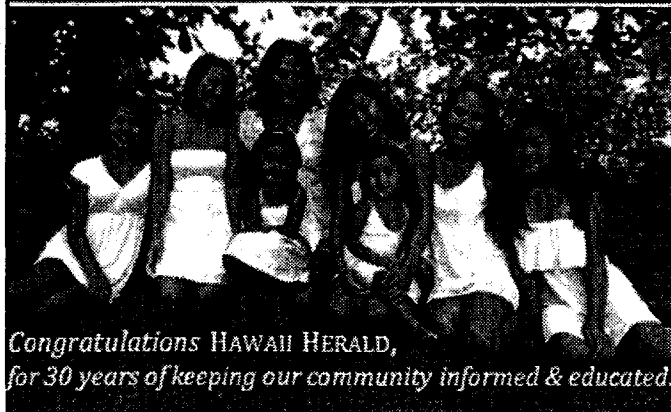
Back home in Hawai'i, another all-Japanese American unit, the 1399th Engineer Construction Battalion, was contributing to the war effort with construction tools. Always standing in the shadows of their combat brothers, these "pineapple soldiers," were so valuable to the war effort that Gen. Douglas MacArthur's request that the 1399th be assigned to the Philippines was twice denied by the War Department, which considered them essential to Hawai'i's defense. The 1399th worked on vital defense projects, including a million-gallon water tank in Wahiawā that is still in use today, jungle-training villages, artillery emplacements, water systems, the Flying Fortress airfield at Kahuku and auxiliary roads in the mountains, among others.

World War II was pivotal in the history of Japanese Americans in Hawai'i. The wartime efforts of the Nisei soldier helped to pry open the doors to higher education, government, professions and other social and economic avenues that once seemed so out of reach for prewar Nikkei. But not before 120,000 Japanese Americans had

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about the importance of educating
a really beautiful human spirit."**

~ Shinichi Suzuki
Violinist &
Teacher

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been banished from their homes on the West Coast of the United States and imprisoned in barbed wire-enclosed camps in the barren wastelands of America.

Vindication came by way of the Civil Liberties Act of 1988, which was signed into law on Aug. 10, 1988. It provided an apology and \$20,000 in monetary redress for the surviving internees of one of the most shameful chapters in American history.

But it had taken America nearly a half-century to acknowledge the injustice it had committed against 120,000 of its own people, including 1,500 from Hawai'i. For so many, the apology came too late: More than 60,000 former internees had already passed on by then.

How do you make a person whole again after inflicting physical and financial injury and, perhaps most damaging, "being an American and branded disloyal?" asked former U.S. Supreme Court Justice Arthur Goldberg at a 1984 forum on redress in Honolulu. Goldberg served on the federal Commission on Wartime Relocation and Internment of Civilians, which, in 1981, heard testimony relating to the internment from more than 750 former internees, public officials, historians, former government officials and others.

The road to redress had been a cathartic journey. Many internees fought back tears as they dredged up painful memories they had kept buried for decades.

Mainland Sansei organized pilgrimages to old internment camp sites, stirring the memories of former internees. Shortly after the signing of The Civil Liberties Act of 1988, the Herald accompanied *Hawaii Hochi* writer Iwao Kosaka on his first journey back to Tule Lake Relocation Center in northern California, where he had been interned along with 19,000 other Japanese Americans.

Kosaka-san recalled that just after victory over Japan had been declared, a *kibei* woman had gone berserk and clubbed her two young sons to death after her husband had left for his job in another part of the camp. It had taken three strong men to drag her out of her barracks and over to the camp hospital, where she was heavily sedated. Kosaka-san was assigned to guard her that night. Japan's surrender had left her depressed and uncertain about her family's future. Would they be deported? Would they be allowed to remain together as a family? She just didn't know.

As Kosaka-san watched her deep in sleep, he wondered, "What's going to happen to her when she regains her sanity and realizes that she killed her children? Would it be more humane for her to never regain her sanity?"

The Sansei generation's proudest legacy may be its work in helping to right the injustice. In the early 1980s, a team of young Sansei attorneys — including two from Hawai'i, Eric Yamamoto and Leigh-Ann Miyasato — led the effort to overturn the wartime convictions of three Nisei. In 1942, Fred Korematsu, Minoru Yasui and Gordon Hirabayashi had defied government orders by evading

internment. In a 1986 interview with the Herald, attorney Eric Yamamoto, a Sansei law professor at the University of Hawai'i's William S. Richardson School of Law, recalled the day in 1983 when Fred Korematsu's conviction was overturned in a San Francisco federal courthouse.

The generations came together that day. "It was the Nisei who had been interned — who had this conflict within them, who never had a chance to resolve it, never talked about it, [not] even to their kids — who saw the younger generation, the Sansei, carrying the flag," recalled Yamamoto.

The overturning of Korematsu's conviction opened the doors to passage of redress by Congress.

Still, it would take another five years of educating and lobbying, as well as 11th-hour political maneuvering by U.S. Sen. Daniel Inouye, before monetary redress would become reality under an entitlement provision. It guaranteed that payments of up to \$500 million would be paid out annually to the surviving internees, as stipulated in the redress law, within three years.

In an October 1989 interview with the Herald, Inouye said not providing any funds for fiscal year '89-'90 would have been criticized because another year would have passed and more survivors — as many as 200 each month — would have died before receiving their redress checks.

"By making it into an entitlement program, we will be assured to pay off everyone in three years," he explained. "Otherwise, it might take 50 years — \$20 million one year, \$10 million the next, \$50 million, \$100 million — it goes on and on and on. Each year, we would have to fight the same battle over and over again."

Inouye credited his colleague and fellow World War II veteran, Sen. Spark Matsunaga, for shepherding the redress legislation through Congress. "He is the one who sponsored the bill and organized the vote on that in the Senate," said Inouye.

In a floor debate on the entitlement provision, Inouye, who lost his right arm in defense of his country, told his

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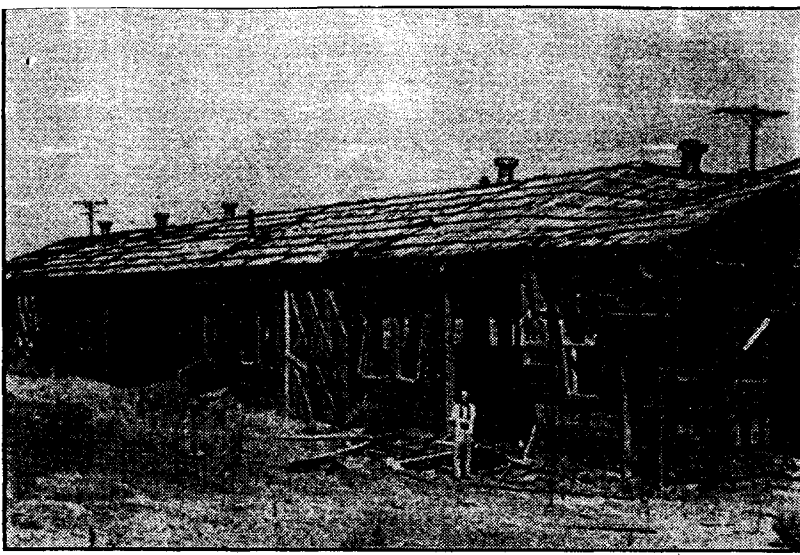
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Hawaii Hochi writer Iwao Kosaka in front of an old mess hall at Tule Lake in 1988.

Senate colleagues about the first time he learned about the internment camps from his fellow 442nd soldiers from the Mainland. He said they spoke about losing their personal belongings, but more importantly, their Constitutional rights. They told him why they had volunteered for military service from the camps while their families were still locked up behind barbed wire. Inouye also told his Senate colleagues about the Mainland soldiers' unrivaled heroism in battle.

"Mr. President, I have oftentimes asked myself the question: 'Would I have volunteered under those circumstances?' In all honesty, I cannot give you a forthright answer."

By the Korean War in the 1950s, Japanese Americans no longer had to prove their "American-ness" in segregated units. They served in regular military units without consideration of their ethnicity. By the '60s and the Vietnam War, AJAs were fully immersed in American society, some serving in the military while others protesting the

controversial war.

Thus, the allure of the Nisei soldiers' story lay in their special destiny: Never before or after had so much depended on one single generation of Japanese Americans, and never in the era of modern warfare did an American ethnic group prove itself so dramatically in battle. In doing so, a bigger and clearer vision of an ideal world emerged — a world where all people would one day be judged as equals.

The Nisei were a special breed of soldier. Born largely to uneducated peasant farmers, the Nisei came from rural upbringings. They had lived simple and honest lives in Hawai'i and on the Mainland. Suddenly they found themselves thrust into a global conflict with huge political implications. It was the synergy of the American ideals of democracy, individualism and creativity learned in school, coupled with Hawai'i's aloha spirit, and complemented with the traditional Japanese virtues of *gōtoku* — the five Confucian values of loyalty, filial piety, humanity,

righteousness and respect — that propelled these small-framed warriors to greatness. That, and the understanding of the special mission they faced — a better life for themselves, their parents and siblings and their community.

AJA soldiers — Nisei, Sansei and Yonsei — have served and fallen in places far from the sun-swept beaches and lush, green mountains of Hawai'i: in Europe, Burma, China, tiny Pacific islands, Korea, Vietnam, Iraq, Afghanistan.

So, what is the Nisei soldiers' legacy? Retired Army chief of staff Gen. Eric Shinseki, a Kaua'i native who grew up to become America's first four-star general of Japanese ancestry, articulated it clearly in his 1997 Joint Memorial Service speech to the veterans of the four World War II Japanese American military units at the National Memorial Cemetery of the Pacific at Punchbowl.

"The boys of American Japanese ancestry who stepped forward in 1942 to demand the right and the privilege to defend their country in time of war set a standard for selfless and courageous service. Because they did, it has made all the difference in how succeeding generations of Americans of Asian ancestry — not just Japanese Americans — Asian ancestry have lived their lives. I am one clear beneficiary of their demonstrated loyalty. I have lived my life without a hint of suspicion, with full freedom to choose my life's work and to compete and to excel in those choices. But for them there would not have been an American of Japanese ancestry who would have had the privilege and the honor of helping to lead this nation's Army. And for that, I am eternally grateful and this is why this journey has been a journey of a lifetime."



*Congratulations to Hawaii Herald
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442nd

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MEMORANDUM

TO: SENATOR INOUE
FROM: VAN
DATE: JULY 21, 2010
RE: JAPANESE LATIN AMERICAN COMMISSION BILL UPDATE

Per your instruction to secure successful passage of S.69, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, your staff pursued the possibility of inserting S.69's authorizing language in a variety of bills, one of which included the FY11 Commerce Justice Science (CJS) Appropriations bill. S.69 proposes to authorize a commission to investigate the internment of over 2,200 persons of Japanese ancestry from thirteen Latin American countries by the U.S. Government during World War II. Both majority and minority staff from the Homeland Security authorizing committee, which had marked the bill out of committee last year, support the bill's passage through any vehicle.

Due to a restructuring in Senate committees of jurisdiction since the 1980s, your staff encountered difficulty in finding the bill a proper jurisdictional home. Your staff researched P.L. 96-317, H.R. 7584, and P.L. 96-536, and posited that CJS, as it is currently configured, is the most rational home for S.69.

Chairwoman Mikulski has recently agreed to include S.69's authorizing language in the FY11 CJS Appropriations Bill. Furthermore, she has agreed to carry funding for the bill as her own, at \$1.7 million. It is not counted against Hawaii as an earmark.

Do you wish to send the Chairwoman a thank you note after Thursday's full committee mark up?

Y
J

Is it in the Mikulski's

Bea?

Senator:

Yes, the JLA authorizing provision and an additional \$1.7 million is in the Mikulski CJS Appropriations FY11 bill.

Van

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2010	\$118,488,000
Budget estimate, 2011 ¹	223,336,000
Committee recommendation	149,565,000

¹ Includes \$10,778,000 for acquisition workforce capacity and capabilities that was requested within title II General Provisions.

The Committee's recommendation provides \$149,565,000 for General Administration salaries and expenses. The recommendation is \$31,627,000 above the fiscal year 2010 enacted level and \$71,771,000 below the budget request.

The General Administration account provides funding for senior policy officials responsible for Departmental management and policy development. The specific offices funded by this account include the following: the immediate Office of the Attorney General; the immediate Office of the Deputy Attorney General; the immediate Office of the Associate Attorney General; Office of Legal Policy; Office of Public Affairs; Office of Legislative Affairs; Office of Professional Responsibility; Office of Intergovernmental and Public Liaison; and the Justice Management Division.

Terrorism Prosecutions of Guantanamo Bay Detainees.—The Committee's recommendation does not include \$72,771,000 requested for the anticipated first year costs for security, litigation, housing, and transportation associated with the civilian trials of the five alleged conspirators of the 9/11 terrorist attacks currently held in detention facilities at Guantanamo Bay. This reduction reflects the fact that the administration has not submitted a plan to prosecute these cases.

Acquisition Improvements.—The Committee supports the goals of the Government-wide request for improvements to acquisition workforce capabilities and capacities. These activities may be funded from within amounts provided, up to \$10,778,000.

Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent.—The Committee's recommendation provides \$1,700,000 for the activities authorized by section 540 of this act.

Section 538 requires agencies to report conference spending to the Inspectors General.

Section 539 prohibits the use of funds to establish or maintain a computer network that does not block pornography, except for law enforcement purposes.

Section 540 authorizes the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent.

Section 541 requires the Legal Services Corporation to comply with audits by the Government Accountability Office [GAO] and the Corporation's Inspector General.

06/24/10 Drama Hamilton x42242

Anti Ethics

Spec Counsel

Privacy & civil liberties

1941-1948

P.L. 96-317 (Jul. 31, 1980) est. Comm.

Rept. 96-949 H.R. 7584 (Sept. 16, 1980) State, Justice, Commerce Ind. &
Related Agencies authorized funding for Comm.
Rept. 96-1472 Conference Rpt included Comm.

H.R. 7584 vetoed by the Pres. (Dec. 13, 1980)

P.L. 96-536 (Dec. 16, 1980) Continuing Reso. incl

Calendar No. 1039

96TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 96-949

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1981

SEPTEMBER 16 (legislative day, JUNE 12), 1980.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Appropriations,
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 7584]

The Committee on Appropriations, to which was referred the bill, (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes recommended.

AMOUNT IN NEW BUDGET (OBLIGATIONAL) AUTHORITY

Amount of bill as passed House.....	\$8,719,198,000
Amount of Senate bill over comparable House.....	—340,218,000
Amount added by Senate for items not considered by House	+674,188,000
<hr/>	
Total bill as reported to Senate.....	9,053,168,000
Amount of appropriations, 1980.....	11,961,047,000
Amount of budget estimates, 1981, as amended.....	9,666,387,000
The bill as reported to the Senate:	
Under the appropriations for 1980.....	—2,907,879,000
Under the estimates for 1981.....	—613,219,000

In addition, the Committee recommends 1980 Supplemental Appropriations to be derived by transfer from existing appropriations.

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SUMMARY OF ESTIMATES AND RECOMMENDATIONS

The budget estimates for the departments and agencies included in the accompanying bill are contained in House Document 96-247 (the 1981 Budget) and budget amendments submitted in House Documents 96-294 and 96-368.

The total amount of new budget authority recommended by the Committee for fiscal year 1981 is \$9,053,168,000. This amount is a net reduction of \$613,219,000 from the total amount considered by the Committee, and is a decrease of \$2,867,319,554 below the appropriations enacted to date for fiscal year 1980 for these departments and agencies, including the amounts in the Supplemental Appropriations and Reversions Act, 1980. This large decrease is primarily due to the non-recurring supplemental appropriations of \$1,177,000,000 for the Disaster Loan Fund of the Small Business Administration, as well as the

\$1,500,000,000 provided for possible defaults in the Chrysler Corporation Loan Guarantee program.

The net decrease of \$613,219,000 from the budget requests is due to reductions totaling \$675,017,000, which are offset by increases of \$61,798,000 above the budget estimates, particularly in the Departments of Justice and Commerce where the Committee found some activities under funded.

The net decrease of \$2,867,319,554 below appropriations enacted to date for fiscal year 1980 is due primarily to the nonrecurring to disaster loan fund supplemental appropriation discussed above, offset by certain nondiscretionary increases necessary to maintain on-going programs at current rates, as well as selected program increases, the largest of which is \$112,125,000 for taking the economic development assistance programs of the Economic Development Administration. The net increase over the House allowance reflects the inclusion of the appropriation for EDA's programs, as well as the \$44,338,000 appropriation recommended for regional development programs that were not included by the House due to lack of authorizing legislation.

HIGHLIGHTS OF THE BILL

As indicated previously the Committee recommends a total of \$9,053,168,000 in new budget authority for fiscal year 1981. The new budget authority recommended is \$446,832,000 less than the allocation to the Subcommittee on State, Justice, Commerce, the Judiciary and Related Agencies Appropriations in the First Concurrent Budget Resolution.

The major changes from the House bill are described in the following:

Department of State.—A total of \$1,591,397,000 is recommended. The amounts recommended generally follow the House bill except that no funds are allowed for Buying Power Maintenance; the 1981 assessment of the International Labor Organization is provided; and \$4,100,000 is recommended for the Asia Foundation. The Committee recommends deletion of a House provision that would have reduced the Department's appropriations by 5%.

Department of Justice.—A total of \$2,212,087,000 is recommended as the Committee has sought to cover many of the high priority items included in the Department's 1981 Authorization Act. This includes funds for the State and local drug task forces; the full \$629,720,000 requested for the FBI; and \$6,000,000 over the budget request of the Border Patrol to maintain the approved 1980 level due to the illegal alien situation on the southwestern border.

Also recommended is a total of \$146,845,000 for the Office of Justice Assistance, Research and Statistics which replaces the former Law Enforcement Assistance Administration. This amount includes full request of the juvenile justice and delinquency prevention program at the current \$100,000,000 level.

Department of Commerce.—A total of \$2,479,594,000 is recommended, including \$684,650,000 for the Economic Development Administration, and \$44,338,000 for the regional development programs not included in the House bill. The U.S. Travel Service has been con-

tinued at the current rate; additions are included for the National Oceanic and Atmospheric Administration; as well as an additional \$6,000,000 over the budget to provide \$27,705,000 for the public telecommunications facilities, planning and construction grants.

The Judiciary.—A total of \$635,228,000 is recommended. The recommendations follow the amounts allowed by the House except for a request of \$4,200,000 to continue the Pre-trial Services Agencies that was transmitted subsequent to House action; and restoration of some of the positions for the bankruptcy courts and assistant circuit court executives that were not allowed by the House.

Related Agencies.—A total of \$2,134,862,000 is recommended for the 20 related agencies funded in this bill. This is an overall decrease of \$330,187,000 to the budget request due mainly to the reduced appropriation requirements of the Small Business Administration's business and disaster loan programs, because of the recent legislation reducing the annual interest payments to the Treasury. The Committee's recommendations provide \$1,000,000 to establish the Commission on War-time Relocation and Internment of Civilians; and the addition of 86 positions and \$3,000,000 to enable the Federal Communications Commission to meet the increased workload of the clear channel decision. The Committee's recommendations include \$300,000,000 for the Legal Services Corporation. The Committee has recommended sufficient funds for the full program budgeted by the Small Business Administration, as well as adding a total of \$44,500,000 for several business loans program that were unfunded or underfunded by the administration and in the House bill. In particular, the amount recommended by the Committee provides \$22,500,000 for the 502 development company direct loans; \$30,000,000 for the 7(1) energy direct loans; and \$42,000,000 for the investment company assistance direct loans.

General Provisions.—The Committee also recommends the deletion of certain provisions inserted by the House and has added new provisions as part of its effort to prevent fraud, abuse, waste, and error.

1980 Supplementals.—The Committee has inserted into the bill supplemental appropriations for the Department of Justice and the Judiciary.

The following table summarizes by department and agency the amounts recommended in the bill compared with the appropriations for fiscal year 1980 and the budget estimates for fiscal year 1981:

SUMMARY OF BUDGET ESTIMATES AND AMOUNTS RECOMMENDED

Department or agency	New budget (obligational) authority, fiscal year 1980	Budget estimates of new (obligational) authority, fiscal year 1981	New budget (obligational) authority allowed in House bill fiscal year 1981	New budget (obligational) authority recommended by committee, fiscal year 1981	Increase (+) or decrease (-), Senate bill compared with—		
					New budget (obligational) authority fiscal year 1980	Budget estimates of new (obligational) authority, fiscal year 1981	New budget (obligational) authority allowed in House bill
Department of State.....	\$1,403,251,000	\$1,649,632,000	\$1,565,608,000	\$1,591,397,000	+\$188,146,000	-\$58,235,000	+\$25,789,000
Department of Justice.....	2,475,400,554	2,747,134,000	2,253,141,000	2,212,087,000	-263,313,554	-35,047,000	-41,054,000
Department of Commerce.....	2,727,035,000	2,653,281,000	1,739,715,000	2,479,594,000	-247,441,000	-173,687,000	+739,879,000
The Judiciary.....	591,306,000	651,291,000	627,688,000	635,228,000	+43,922,000	-16,063,000	+7,540,000
Related Agencies:							
Arms Control and Disarmament Agency.....	17,550,000	19,749,000	18,500,000	18,500,000	+950,000	-1,249,000	---
Board for International Broadcasting.....	89,470,000	93,827,000	99,700,000	99,700,000	+10,230,000	-4,127,000	---
Commission on Civil Rights.....	11,719,000	11,988,000	11,988,000	11,719,000	---	-269,000	-269,000
Commission on Security and Cooperation in Europe..	264,000	450,000	450,000	450,000	+186,000	---	---
Commission on Wartime Relocation and Internment of Civilians.....	---	---	---	1,000,000	+1,000,000	+1,000,000	+1,000,000
Chrysler Corporation Loan Guarantee Program.....	1,501,518,000	1,370,000	1,320,000	1,720,000	-1,500,198,000	---	---
Equal Employment Opportunity Commission.....	124,562,000	43,037,000	141,454,000	140,000,000	+15,438,000	-3,037,000	-1,454,000
Federal Communications Commission.....	76,747,000	76,080,000	76,000,000	79,000,000	+7,253,000	+2,920,000	+3,000,000

projected for fiscal year 1981 of \$478,000, of which \$28,000 is anticipated from carryover funds, which is essentially the same as the 1980 operating level.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

SALARIES AND EXPENSES

1980 appropriations to date.....	
1981 amended budget estimate.....	
House allowance.....	
Committee recommendation.....	\$1, 000, 000

The Committee recommends an appropriation of \$1,000,000, an increase of \$1,000,000 above the 1980 appropriations to date. The amount recommended is \$1,000,000 above the amount allowed by the House.

Public Law 96-317, approved July 31, 1980 establishes this Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order 9066, issued February 19, 1942. It is the purpose of this Commission to review the facts surrounding these circumstances, and to recommend appropriate remedies. The Commission is also charged with reviewing the circumstances surrounding the relocation, and in some cases, internment of the Aleut civilian citizens pursuant to United States military directives during World War II.

The Commission shall terminate on February 1, 1982.

DEPARTMENT OF TREASURY

CHRYSLER CORPORATION LOAN GUARANTEE PROGRAM

ADMINISTRATIVE EXPENSES

1980 appropriations to date..... ¹	\$1, 501, 518, 000
1981 amended budget estimate.....	1, 320, 000
House allowance.....	1, 320, 000
Committee recommendation.....	1, 320, 000

¹ Excludes \$1,500,000,000 appropriated for defaults on loan guarantees.

The Committee recommends an appropriation of \$1,320,000, a decrease of \$1,500,198,000 under the 1980 appropriations to date. The amount recommended is the same as the amended budget estimate and the same as the amount allowed by the House, and will support a total of 20 permanent positions. This appropriation maintains the Office of Chrysler Finance and related support activities in the Department of the Treasury.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

1980 appropriations to date.....	\$ 124, 562, 000
1981 amended budget estimate.....	143, 037, 000
House allowance.....	141, 454, 000
Committee recommendation.....	140, 000, 000

**COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL)
AND AMOUNTS RECOMMENDED IN THE**

[Amounts

Item	1980 Appropriation	Budget estimate
Bankruptcy courts, salaries and expenses..... (Transfer out).....	58,500,000 (-1,988,000)	65,299,000 ---
Subtotal, obligational authority.....	(56,512,000)	(65,299,000)
Services for drug offenders.....	3,500,000	3,645,000
Space and facilities..... (Transfer out).....	117,500,000 (-12,638,000)	126,564,000 ---
Subtotal, obligational authority.....	(104,862,000)	(126,564,000)
Pretrial services agencies (by transfer).....	(900,000)	---
Total, courts of appeals, district courts, and other judicial services.....	543,500,000	599,870,000
Administrative Office of the United States Courts		
Salaries and expenses..... (By transfer).....	15,100,000 (650,000)	16,906,000 ---
Subtotal, obligational authority.....	(15,750,000)	(16,906,000)
Federal Judicial Center		
Salaries and expenses..... (By transfer).....	8,500,000 (117,000)	9,376,000 ---
Subtotal, obligational authority.....	(8,617,000)	(9,376,000)
Total, title IV, new budget (obligational) authority, the Judiciary.....	591,306,000	651,291,000
TITLE V - RELATED AGENCIES		
Arms Control and Disarmament Agency		
Arms control and disarmament activities.....	18,270,000	19,749,000
Arms control and disarmament activities (rescission).. Subtotal, obligational authority.....	-720,000 17,550,000	--- 19,749,000
Board for International Broadcasting		
Grants and expenses.....	89,470,000	103,827,000
Commission on Civil Rights		
Salaries and expenses.....	11,719,000	11,988,000
Commission on Security and Cooperation in Europe		
Salaries and expenses.....	264,000	450,000
Commission on Wartime Relocation and Interment of Civilians		
Salaries and expenses.....	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL)
AND AMOUNTS RECOMMENDED IN THE

[Amounts

Item	1980 Appropriation	Budget estimate
RECAPITULATION		
Grand total:		
New budget (obligational) authority.....	11,920,487,554	9,666,387,000
Appropriations.....	11,961,047,000	9,666,387,000
Rescissions.....	-40,559,446	—
Authority to borrow.....	—	—
(Limitation on expenses).....	(4,966,000)	(4,736,000)
(By transfer).....	(112,188,673)	—
(Transfer out).....	(-110,258,673)	—
Memoranda:		
(Appropriations to liquidate contract authorizations).....	(300,515,000)	(333,196,000)
Total appropriations, including appropriations to liquidate contract authorizations.....	12,221,002,554	9,999,583,000
Department of State.....	1,403,251,000	1,649,632,000
Department of Justice.....	2,475,400,554	2,247,134,000
Department of Commerce.....	2,727,035,000	2,653,281,000
The Judiciary.....	591,306,000	651,291,000
Related Agencies:		
Arms Control and Disarmament Agency.....	17,550,000	19,749,000
Board for International Broadcasting.....	89,470,000	103,827,000
Commission on Civil Rights.....	11,719,000	11,988,000
Commission on Security and Cooperation in Europe..	264,000	450,000
Commission on Wartime Relocation and Internment of Civilians.....	—	—
Chrysler Corporation.....	1,501,518,000	1,320,000
Equal Employment Opportunity Commission.....	124,562,000	143,037,000
Federal Communications Commission.....	76,747,000	76,080,000
Federal Maritime Commission.....	11,300,000	12,056,000
Federal Trade Commission.....	50,700,000	71,631,000
International Communication Agency.....	439,082,000	448,267,000
International Trade Commission.....	15,530,000	16,981,000
Japan - United States Friendship Commission.....	1,500,000	1,998,000
Legal Services Corporation.....	300,000,000	353,000,000
Marine Mammal Commission.....	940,000	634,000
Office of the United States Trade Representative..	8,026,000	9,173,000

MAKING APPROPRIATIONS FOR THE DEPARTMENTS
OF STATE, JUSTICE, AND COMMERCE, THE JUDI-
CIARY, AND RELATED AGENCIES

NOVEMBER 20, 1980.—Ordered to be printed

Mr. SMITH of Iowa, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 7584]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 12, 13, 19, 21, 23, 24, 26, 27, 29, 33, 39, 41, 42, 43, 50, 55, 56, 58, 61, 62, 64, 66, 67, 68, 71, 78, 79, 80, 81, 83, 85, 86, 87, and 88.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 7, 9, 11, 14, 15, 16, 18, 20, 32, 36, 48, 53, 54, 59, 60, 69, 70, 73, and 77, agree to the same.

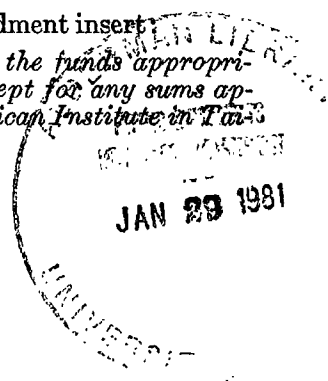
Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

In lieu of the matter stricken by said amendment insert:

Sec. 105. No more than 98 percent of the funds appropriated by this title shall be expended, except for any sums appropriated for the payment to the American Institute in Taiwan.

And the Senate agree to the same.



TITLE V—RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Amendment No. 52: Appropriates \$11,853,000 instead of \$11,988,000 as proposed by the House and \$11,719,000 as proposed by the Senate.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

SALARIES AND EXPENSES

Amendment No. 53: Appropriates \$1,000,000 as proposed by the Senate.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

Amendment No. 54: Appropriates \$140,000,000 as proposed by the Senate instead of \$141,454,000 as proposed by the House.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

Amendment No. 55: Limits the funds available for official reception and representation expenses to \$3,000 as proposed by the House instead of \$9,500 as proposed by the Senate.

Amendment No. 56: Restores language as proposed by the House which provides independent authority for the Federal Communications Commission to rent space in the District of Columbia and elsewhere.

Amendment No. 57: Appropriates \$76,926,000 instead of \$76,000,000 as proposed by the House and \$79,000,000 as proposed by the Senate.

Amendment No. 58: Restores language as proposed by the House which, for purposes of the Communications Act of 1934, expands the boundary of the District of Columbia to include an area within two miles of the present boundary.

INTERNATIONAL COMMUNICATION AGENCY

SALARIES AND EXPENSES

Amendment No. 59: Appropriates \$419,000,000 as proposed by the Senate instead of \$421,100,000 as proposed by the House.

The conferees expect the ICA to increase the resources devoted to programming for Moslem countries by \$2,100,000 above the amount requested for such programming in the FY 1981 budget estimate. These funds should be added to the FY 1981 budget for the Voice of America.

Public Law 96-536
96th Congress

Joint Resolution

Dec. 16, 1980
[H.J. Res. 644]

Making further continuing appropriations for the fiscal year 1981, and for other purposes.

Further
Continuing
appropriations
for fiscal year
1981.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1981, and for other purposes, namely:

Sec. 101. (a)(1) Such amounts as may be necessary for projects or activities (not otherwise specifically provided for in this joint resolution) for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981; and Treasury, Postal Service, and General Government Appropriation Act, 1981.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of October 1, 1980, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1980, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1980, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980.

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1980, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the rate permitted by the action of the House, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980, except section 201 of title II of the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriations Act, 1980 (H.R. 4389) as adopted by the House of Representatives on August 2, 1979.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1980, and which by its terms is applicable to

more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Notwithstanding section 10 of Public Law 91-672, the amendments made by sections 201 and 501 of Public Law 95-118, and section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, such amounts as are necessary to carry out the rates and terms agreed to in the Conference Report 96-1536 as reported and agreed to December 13, 1980, for section 101(b) of H.J. Res. 637.

(c) Such amounts as may be necessary for continuing projects and activities under all the conditions and to the extent and in the manner as provided in H.R. 7593, entitled the "Legislative Branch Appropriation Act, 1981", as passed the House of Representatives, July 21, 1980, and the provisions of H.R. 7593 shall be effective as if enacted into law; except that the provisions of section 309 of H.R. 7593 shall not apply to the General Accounting Office, and the last proviso under the heading "Government Printing Office, Office of Superintendent of Documents, Salaries and Expenses" in H.R. 7593 shall not apply, and the provisions of section 306 (a), (b), and (d) of H.R. 7593 (providing salary pay cap limitations for executive, legislative, and judicial employees and officials) shall apply to any appropriation, fund, or authority made available for the period October 1, 1980, through June 5, 1981, by this or any other Act. Notwithstanding section 102(c) of this joint resolution, for mileage of Members, as authorized by law, \$210,000.

(d) Such amounts as may be necessary for continuing the following activities not otherwise provided for, which were conducted in fiscal year 1980, but at a rate for operations not in excess of the rate for fiscal year 1980: *Provided*, That no appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or authority were not available during fiscal year 1980:

- activities of the Council on Wage and Price Stability;
- activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol;
- activities of the National Health Service Corps under section 338(a) of the Public Health Service Act;
- activities for support of nursing research under section 301 of the Public Health Service Act;
- activities for support of health professions education and nurse training under titles VII and VIII of the Public Health Service Act including authority to guarantee new loans under the Health Education Assistance Loans (HEAL) program;
- activities under the Community Mental Health Centers Act;
- activities of the National Arthritis Advisory Board and the National Diabetes Advisory Board; and
- activities under title IV, part A, subparts 2 and 3, and titles VII and VIII of the Comprehensive Employment and Training Act, except that activities under title VIII shall be conducted at not to exceed an annual rate for new obligations of \$200,000,000.

(e) Such amounts as may be necessary to permit payments and assistance mandated by law for the following activities under the terms, conditions and limitations included in the applicable appropriation Act for 1980:

22 USC 2412.
22 USC 286e-1f,
285a, 285t.
22 USC 2680.

5 USC 5318 note.

42 USC 254k.

42 USC 241.

42 USC 292, 296.

42 USC 2689 *et seq.*

29 USC 891, 893,
899, 907, 981,
991.

30 USC 901.
42 USC 1305.

20 USC 1071.
Effective date.
Ante, p. 1504.
Ante, p. 1442.

activities under title IV of the Federal Mine Health and Safety Act of 1977;

activities under the Social Security Act;
retirement pay and medical benefits for commissioned officers of the Public Health Service;
activities under title IV, part B, of the Higher Education Act; Notwithstanding paragraph 1393(a) of the Education Amendments of 1980, paragraph 446 of such amendments shall be effective on July 1, 1981;

notwithstanding any other provision of this joint resolution except section 102, activities of the Department of Labor, Employment and Training Administration for "Federal unemployment benefits and allowances" and "Advances to the unemployment trust fund and other funds"; and

activities of the Department of Labor, Employment Standards Administration for "Special benefits" and "Black Lung Disability Trust Fund".

(f) Such amounts as may be necessary for Department of Energy, Operating Expenses, Energy Supply, Research and Development Activities, to continue the breeder reactor demonstration project, or such project alternative as may be approved by Congress in authorizing legislation, at the current rate of operations notwithstanding the provisions of section 102 (a) and (b) of this joint resolution.

(g) Activities of the Department of Health and Human Services to process, maintain, return or resettle Cuban and Haitian entrants shall be funded at not to exceed an annual rate provided in the budget estimate.

(h) Notwithstanding any other provision of law, amounts appropriated to the State and Local Government Fiscal Assistance Trust Fund shall be available for payments to units of local government in accordance with the provisions and conditions set forth in the State and Local Fiscal Assistance Act of 1972, as amended and as further amended by H.R. 7112 as enacted by the Congress, for a one-year entitlement period beginning October 1, 1980, but at not to exceed an annual rate for operations of \$4,566,700,000.

31 USC 1221
note.
Post, p. 3516.

Appropriation
authorization.

Ante, p. 1331.
42 USC
1962d-5d.

(i) Notwithstanding any other provision of this joint resolution: There is appropriated an additional amount of \$46,700,000, to remain available until expended, for Department of Energy, Operating Expenses, Atomic Energy Defense Activities, and an additional amount of \$65,300,000, to remain available until expended, for Department of Energy, Plant and Capital Equipment, Atomic Energy Defense Activities, such amounts to be merged with and subject to the same provisions as amounts previously provided for such Activities in Public Law 96-367, Energy and Water Development Appropriation Act, 1981; section 120(b) of the Water Resources Development Act of 1976 (90 Stat. 2924) is amended by striking out "for the fiscal years ending September 30, 1978, and September 30, 1979,"; and appropriations and funds made available to the Appalachian Regional Commission, including the Appalachian Regional Development Programs, by this or any other Act shall be used by the Commission in accordance with the provisions of the applicable appropriation Act and pursuant to the Appalachian Regional Development Act of 1965, as amended, notwithstanding the provisions of section 405 of said Act.

40 USC app. 1.
40 USC app. 405.

(j) Notwithstanding section 101(a) of this joint resolution, not to exceed \$1,850,000,000 shall be available for an annual rate for operations to continue the low-income energy assistance program under the State allocations provided for in H.R. 7998 as passed the House of Representatives August 27, 1980, and in House Report

96-1244, except that the sum of \$50,000,000 shall be reserved for payments to any State which would receive under the above formula an amount less than 75 per centum of the amount it would have received under the State allocation formula for low-income energy assistance as provided in the regulations published on May 30, 1980, in volume 45, numbered 106, Federal Register, pages 36810-36838, such payments to be, to the maximum extent possible, the amount necessary for the allocations to those States to be equal to 75 per centum of their allocation under such regulations; the energy assistance program shall be continued under the terms and conditions of such regulations and any nonformula amendments thereto, except that an eligible household shall also include any single person household at or below 125 per centum of poverty: *Provided*, That none of the funds appropriated in this paragraph shall be used to provide assistance either in cash or in kind to any household during fiscal year 1981 which exceeds a value of \$750, except this \$750 limitation may be waived by the Secretary of Health and Human Services upon request of a State.

Waiver.

(k) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1981 (H.R. 7591), to the extent and in the manner provided for in such Act as enacted by the Congress.

Ante, p. 3095.

(l) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the District of Columbia Appropriation Act, 1981 (H.R. 8061), to the extent and in the manner provided for in such Act as enacted by the Congress.

Ante, p. 3121.

(m) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981 (H.R. 7631), to the extent and in the manner provided for in such Act as enacted by the Congress.

Ante, p. 3044.

(n) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of the Interior and Related Agencies Appropriation Act, 1981 (H.R. 7724) to the extent and in the manner provided for in such Act as enacted by the Congress.

Ante, p. 2957.

(o) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1981 (H.R. 7584), to the extent and in the manner provided for in such Act as enacted by the Congress, except section 606 of such Act.

(p) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of Defense Appropriation Act, 1981 (H.R. 8105) to the extent and in the manner provided for in such Act as enacted by the Congress.

Ante, p. 3068.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from December 15, 1980, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) June 5, 1981, whichever first occurs.

Funding
availability.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 665(d)(2) of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such projects or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 107. No provision in any appropriation Act for the fiscal year 1981 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

Prayer and
meditation in
public schools.

SEC. 108. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Abortions.

SEC. 109. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest when such rape has been reported within seventy-two hours to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy; *Provided, however*, That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

91 Stat. 1460.
20 USC 2565.

SEC. 110. Funds contained in Public Law 95-205 for carrying out section 525 of the Education Amendments of 1976 shall remain available through September 30, 1982.

SEC. 111. Notwithstanding any other provision of this joint resolution, there is appropriated such amounts as are required for allowances and office staff for the former President pursuant to 3 U.S.C. 102 note: *Provided*, That the aggregate amount to be expended for the Allowances and Office Staff for Former Presidents account

shall not exceed \$823,000: *Provided further*, That such amounts as are necessary may be expended under Operating Expenses, National Archives and Records Service for the provision of a temporary repository and essential archival processing of Presidential materials.

SEC. 112. Notwithstanding any other provision of this joint resolution, there is appropriated for settlement of claims against the Coast Guard pursuant to section 646 of title 14, United States Code, \$198,523.41 and for settlement of claims by the Seneca Nation of Indians pursuant to section 10 of the Act of August 31, 1964 (78 Stat. 738), \$19,774.95.

SEC. 113. Notwithstanding the provisions of section 101(a) of this joint resolution, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at \$6,000, except station wagons, for which the maximum shall be \$6,400: *Provided*, That these limits may be exceeded by not to exceed \$1,700 for police-type vehicles, and by not to exceed \$3,600 for special heavy duty vehicles: *Provided further*, That preference should be given for the purchase of American made vehicles.

31 USC 638c.

SEC. 114. The Administrator of the Small Business Administration, pursuant to section 4(c)(5)(A) of the Small Business Act, as amended, is authorized to issue notes to the Secretary of the Treasury in an amount not to exceed \$600,000,000 for the purpose of providing Disaster Loans in addition to the amount provided for such purpose in H.R. 7584 as adopted by the House of Representatives on November 21, 1980, and to transfer an amount not to exceed \$10,000,000 to "Salaries and Expenses".

Ante, p. 842.

SEC. 115. Notwithstanding any other provision of this joint resolution, there is hereby appropriated an additional amount for capital outlay, Panama Canal Commission, of \$10,210,000 for navigation projects to be derived from the Panama Canal Commission Fund and to remain available until expended: *Provided*, That all such funds be derived solely from tolls and other charges for services provided by the Panama Canal Commission.

Appropriation authorization.

SEC. 116. None of the funds appropriated by this joint resolution may be used to disqualify, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

26 USC 411.

None of the funds appropriated by this joint resolution may be used to issue an unfavorable advance determination letter, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, with respect to any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

SEC. 117. Notwithstanding any other provision of law, no funds available to the Secretary of Education shall be used to adopt or enforce any final regulations which replace the current "Lau remedies" for use as a guideline concerning the scope or adequacy of services to be provided to students of limited English-language proficiency, or for defining entry and exit criteria for such services, before June 1, 1981.

SEC. 118. Notwithstanding any other provision of this joint resolution, or Public Law 96-369: For temporary employment assistance under title VI of the Comprehensive Employment and Training Act, no more than \$729,000,000 of new budget authority shall be available during fiscal year 1981; notwithstanding subpart (4) of part A of title

Ante, p. 1351.
29 USC 961.

29 USC 893.

IV of the Comprehensive Employment and Training Act, new budget authority for the youth employment and training program under subpart (3) of part A of title IV of that Act shall be at the annual rate of \$746,000,000.

Publication in
Federal
Register, use of
funds.

SEC. 119. None of these funds may be used for the purpose of publishing in the Federal Register, implementing or enforcing the proposed Conditions of Participation for Skilled Nursing Facilities (SNF's) or Intermediate Care Facilities (ICF's) which were first published as proposed in the Federal Register on July 14, 1980, prior to receipt of revised cost estimates by the Department and the final draft of a General Accounting Office evaluation of the impact of the proposed regulations, and in no case, prior to January 12, 1981.

Approved December 16, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1484 accompanying H.J. Res. 637 (Comm. on Appropriations) and No. 96-1536 accompanying H.J. Res. 637 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 126 (1980):

Dec. 3, H.J. Res. 637 considered and passed House.

Dec. 10, 11, H.J. Res. 637 considered and passed Senate, amended.

Dec. 12, House disagreed to Senate amendments.

Dec. 13, House agreed to conference report; concurred in certain Senate amendments and in others with amendments; Senate agreed to conference report, and insisted on its amendment No. 7; House agreed to further conference; H.J. Res. 644 considered and passed House.

Dec. 15, Senate further insisted on its amendment No. 7 to H.J. Res. 637; H.J. Res. 644 considered and passed Senate, amended; House agreed to Senate amendment with an amendment.

Dec. 16, Senate agreed to House amendment.

Public Law 96-537
96th Congress

An Act

To amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes.

Dec. 17, 1980

[S. 2728]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Indian Health Care Amendments of 1980".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act (90 Stat. 1400).

Indian Health
Care
Amendments
of 1980.
25 USC 1601
note.
25 USC 1601
note.

DEFINITIONS

SEC. 2. (a) Section 4(a) is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

25 USC 1603.

(b) Section 4(h) is amended by striking out "composed of urban Indians" and inserting in lieu thereof "governed by an Indian controlled board of directors".

(c) Section 4 is amended by adding the following new subsections at the end thereof:

"(i) 'Rural Indian' means any individual who resides in a rural community as defined in subsection (j), who is an Indian within the meaning of subsection (c), and who is not otherwise eligible to receive health services from the Service.

"(j) 'Rural community' means any community that—

"(1) is not located on a Federal Indian reservation or trust area;

"(2) is not an Alaskan Native village;

"(3) is not an urban center; and

"(4) has a sufficient rural Indian population with unmet health needs, as determined by the Secretary, to warrant assistance under title V of this Act.

Post, p. 3176.

"(k) 'Rural Indian organization' means a nonprofit corporate body governed by a board of directors controlled by rural Indians and providing for the maximum participation of all interested Indian groups and individuals, which body is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a)."

Post, p. 3177.

INDIAN HEALTH MANPOWER

SEC. 3. (a) Section 102(c) is amended by striking out the last sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section \$2,300,000 for the fiscal year ending September 30, 1981, \$2,600,000 for the fiscal year ending September 30, 1982, \$3,000,000 for the fiscal year ending September 30, 1983, and \$3,500,000 for the fiscal year ending September 30, 1984."

25 USC 1612.

Luong, Van (Inouye)

From: Truong, Henry [Henry.Truong@mail.house.gov]
Sent: Thursday, November 05, 2009 5:04 PM
To: Luong, Van (Inouye); Christine Oh
Cc: Grace Shimizu
Subject: RE: JLA
Attachments: HR 42 Reported by Subcommittee.pdf; King Amendments.PDF; Side-by-Side changes to H.R. 42 FINAL.doc

Here's a rundown of activity in the House:

January 6 – Introduced

March 19 - Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law hearing on the Treatment of Latin Americans of Japanese Descent, European Americans, and Jewish Refugees during World War II. Testimony on JLA's given by Grace Shimizu, Libby Yamamoto, and Professor Dan Masterson.

July 24 - Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law mark up of H.R. 42.

Amendment #1 – Failed 5-4

Amendment #2 – Failed 5-4

Amendment #3 – Failed 5-4

Amendment #4 – Failed 5-4

- Amendments failed by party line vote

- Text is attached

Adoption of Chairwoman Lofgren's Amendment in the Nature of a Substitute – Passed 9 – 0

- Text and Side-by-side of changes attached

Reporting H.R. 42 to the Full Committee – Passed 7-2 (Republican Reps. Lungren and Gallegly joined five Democrats in support)

October 21 – Committee on Judiciary mark up of H.R. 42.

Amendment #1 – Failed 16-14 (identical to amendment #2 in subcommittee)

Amendment #2 – Failed 17-14 (identical to amendment #1 in subcommittee)

- Amendments failed by party line vote

- Text is attached

Reporting H.R. 42 to the House – Passed by 22-10 (Republicans Reps. Lungren, Issa, Gohmert, and Rooney joined 17 Democrats in support)

October 30 – CBO scored H.R. 42 at *below* \$500,000.

Hope this is helpful.

H

From: Luong, Van (Inouye) [mailto:Van_Luong@inouye.senate.gov]
Sent: Thursday, November 05, 2009 4:47 PM

To: 'Christine Oh'
Cc: Grace Shimizu; Truong, Henry
Subject: RE: JLA

Yes strategy, plans, etc.

From: Christine Oh [mailto:ohchristine@gmail.com]
Sent: Thursday, November 05, 2009 4:45 PM
To: Luong, Van (Inouye)
Cc: Grace Shimizu; Truong, Henry
Subject: Re: JLA

Hi Van,

Could you explain "where CFJ is on everything"? Are you talking about the House bill? Henry might have a better idea on the reported bill...

I'm assuming that Sen. Inouye is looking for our strategy and what we've been doing?

Please clarify. THANKS!

CO

On Thu, Nov 5, 2009 at 12:26 PM, Luong, Van (Inouye) <Van_Luong@inouye.senate.gov> wrote:
Hey Christine,

DKI is asking for a 2 page summary on the JLA bill and where CFJ is on everything right now. Can you draft something up for tomorrow afternoon?

Thank you,
Van

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Christine Oh | President, Graduate Policy Administration Community 2009-2010 | Master of Public Administration Candidate 2010 | School of Policy, Planning, and Development | University of Southern California | ohchristine@gmail.com

Christine Oh | Legislative Director | Campaign For Justice: Redress Now For Japanese Latin Americans! | <http://campaignforjusticejla.org/> | 213.500.9346

Luong, Van (Inouye)

From: Jones, Mike (Budget)
Sent: Wednesday, June 20, 2007 4:27 PM
To: Luong, Van (Inouye); Kaguyutan, Janice (Judiciary-Dem)
Cc: Hoy, Serena (Reid)
Subject: RE: JLA Commission Bill

FYI -

This bill/amendment doesn't have a budget point of order.

-----Original Message-----

From: Luong, Van (Inouye)
Sent: Wednesday, June 20, 2007 4:17 PM
To: Kaguyutan, Janice (Judiciary-Dem)
Cc: Jones, Mike (Budget)
Subject: JLA Commission Bill

Alona Janice,

Here is a copy of a CBO's estimates, as I had communicated to Mike Jones, who will contact us after review. In addition, I have attached a copy of the Japanese Latin American Commission Bill in amendment form. Senator Inouye wishes to propose the bill as an amendment to the immigration reform bill, and I have faxed section 9 to the Parliamentarian's office for reference of the Commission Bill's germaneness.

Please feel free to call me. My direct line is 46055.

Thank you very much,

Van

MEMORANDUM

TO: SENATOR INOUE
FROM: LORI AND VAN
DATE: MAY 7, 2010
RE: INTERVIEW WITH NEIL SIMON

On Monday May 10, 2010, at 11am, you will be interviewed by Neil Simon on the issue of internment camps and the Japanese Latin American (JLA) internment. Neil is currently the communications director for the Helsinki Commission, which Senator Cardin chairs. Completely independent of his work on the Hill, Mr. Simon is working on a documentary to raise awareness on the Japanese American internment camps in World War II, most specifically on a little known camp that was run by the Department of Justice located in Santa Fe, as well as the JLA internment.

The scope of your interview will be to broadly gather more information on how the U.S. conspired to kidnap, receive, process JLAs from Latin America. However, since there are insufficient known facts, you and your colleagues have introduced S.69, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act since 2006, and again in February 2009. S.69 was marked out of the Senate Homeland Security and Governmental Affairs Committee (HSGAC) in February 2009, and the House Judiciary Subcommittee on Immigration held a hearing on March 19, 2009. Pursuant to your suggestion, HSGAC's approval, and preliminary meetings with Appropriations Subcommittees staff, you have included S.69 in your FY11 requests in the Commerce Justice and Science and Financial Services and General Government appropriations bills.

The JLA issue remains outstanding and compelling for two reasons: (1) during the war, the U.S. conflated JLAs and Japanese Americans' race and ancestral country of origin to create a new identity of a dangerous and disloyal foreigner, and the internment was then a logical extension of this conflation, making it politically possible to intern this populace; if this conflation becomes routine in the U.S., what does that mean for current and future international conflicts?; and (2) the JLAs suffered great injustices, most had no ties to Japan, and their Latin American home countries were not engaged in World War II; a Commission study would resolve this last mystery surrounding the Japanese internment.

Attached is a copy of your statement for the Record and a copy of the bill. S.69 does not provide controversial reparations but is limited to establishing a nine-member Commission to study the little known internment of 2,300 JLAs from 1941 to 1948. Three Commission members are to be appointed by the President, House, and

Senate. S.69 has nine co-sponsors: Senators Akaka, Carper, Feinstein, Levin, Murkowski, Bennett, Feingold, Leahy and Lieberman.

**COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF
LATIN AMERICANS OF JAPANESE DESCENT ACT**

**STATEMENT BY SENATOR DANIEL K. INOUE
FOR THE RECORD**

Mr. PRESIDENT, I rise to speak in support of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

The story of U.S. citizens taken from their homes on the west coast and confined in camps is a story that was made known after a fact-finding study by a Commission that Congress authorized in 1980. That study was followed by a formal apology by President Reagan and a bill for reparations. Far less known, and indeed, I myself did not initially know, is the story of Latin Americans of Japanese descent taken from their homes in Latin America, stripped of their passports, brought to the U.S., and interned in American camps.

This is a story about the U.S. government's act of reaching its arm across international borders, into a community that did not pose an immediate threat to our nation, in order to use them, devoid of passports or any other proof of citizenship, for exchange with Americans with Japan. Between the years 1941 and 1945, our government, with the help of Latin American officials, arbitrarily arrested persons of Japanese descent from streets, homes, and workplaces. Approximately 2,300 undocumented persons were brought to camp sites in the U.S., where they were held under armed watch, and then held in reserve for prisoner exchange. Those used in an exchange were sent to Japan, a foreign country that many had never set foot on since their ancestors' immigration to Latin America.

Mr. President, despite their involuntary arrival, Latin American internees of Japanese descent were considered by the Immigration and Naturalization Service as illegal entrants. By the end of the war, some Japanese Latin Americans had been sent to Japan. Those who were not used in a prisoner exchange were cast out into a new and English-speaking country, and subject to deportation proceedings. Some returned to Latin America. Others remained in the U.S., because their country of

origin in Latin America refused their re-entry, because they were unable to present a passport.

When I first learned of the wartime experiences of Japanese Latin Americans, it seemed unbelievable, but indeed, it happened. It is a part of our national history, and it is a part of the living histories of the many families whose lives are forever tied to internment camps in our country.

The outline of this story was sketched out in a book published by the Commission on Wartime Relocation and Internment of Civilians formed in 1980. This Commission had set out to learn about Japanese Americans. Towards the close of their investigations, the Commissioners stumbled upon this extraordinary effort by the U.S. government to relocate, intern, and deport Japanese persons formerly living in Latin America. Because this finding surfaced late in its study, the Commission was unable to fully uncover the facts, but found them significant enough to include in its published study, urging a deeper investigation.

I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, which would establish a fact-finding Commission to extend the study of the 1980 Commission. This Commission's task would be to determine facts surrounding the U.S. government's actions in regards to Japanese Latin Americans subject to a program of relocation, interment, and deportation. I believe that examining this extraordinary program would give finality to, and complete the account of federal actions to detain and intern civilians of Japanese ancestry.

Mr. President, I ask unanimous consent that the text of my statement be printed in the RECORD.

Japanese Latin American Commission Bill

Section By Section Analysis

Section 1 SHORT TITLE

The Act is titled the "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act".

Section 2 FINDINGS AND PURPOSE

FINDINGS

Based upon a preliminary study published in December 1982 by the Commission on Wartime Relocation and Internment of Civilians, Congress finds that approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.

The 1982 Report of the Commission on Wartime Relocation and Internment of Civilians recognized that although this program of interning Latin Americans of Japanese descent was not conducted pursuant to Executive Order 9066, examining this program would complete the account of the internment of men, women and children of Japanese ancestry. The 1982 Commission acknowledged that in the latter course of its investigations, it was made aware of internment activities involving Japanese Latin Americans, but did not fully research that body of material related to Japanese Latin American internees, as they were housed in distant archives across thirteen Latin American countries.

The Congress also finds that Latin American internees of Japanese descent were not covered by the Civil Liberties Act of 1988, which formally apologized and provided compensation payments to former Japanese Americans interned pursuant to Executive Order 9066.

PURPOSE

The purpose of this Act is to establish a fact-finding Commission to extend the 1982 Commission's study to investigate facts and circumstances about the relocation, internment, and deportation of Latin Americans of Japanese descent. The Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent ("Commission") will recommend appropriate remedies, if any, based on new discoveries.

Section 3 ESTABLISHMENT OF THE COMMISSION

The Act proposes to establish a Commission composed of 9 members, in which the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint 3 members within 60 days of the Act's enactment. In both the House and Senate, the appointment shall be made upon the joint recommendation of the majority and minority leaders.

Quorum shall consist of five Commission members, but a lesser number of members may hold hearings. The Commission shall elect a Chairperson and Vice Chairperson from among its members. Members of this Commission shall be appointed for the life of the Commission.

The President shall call the first meeting of the Commission within 60 days that this Act is enacted or within 30 days after legislation making appropriations to carry out this Act is enacted.

Section 4 DUTIES OF THE COMMISSION

The Act proposes to establish the following duties of the Commission:

- Extend the study of the 1982 Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation of Latin Americans of Japanese descent, and the impacts of those actions by the United States
- Recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries

Not later than 1 year after the date of the first meeting, the Commission shall submit a written report on its findings and recommendations to Congress.

Section 5 POWERS OF THE COMMISSION

For the purpose of carrying out this Act, the Commission shall hold public hearings, give testimony, receive evidence, and administer oaths. The Commission may also issue and enforce subpoenas requiring the attendance and testimony of witnesses, as well as producing other physical evidence and materials. Witnesses shall be compensated per diem and mileage allowances from funds available to pay the expenses of the Commission.

The Commission may secure information necessary to perform its duties from any Federal department or agency.

Section 6 PERSONNEL AND ADMINISTRATIVE PROVISIONS

A Commission member who is not an officer or employee of the Federal Government shall be compensated for each day, including travel time, during which the member is engaged in Commission duties. A Commission member who is an officer or employee of the United States shall serve without compensation.

Section 7 TERMINATION

The Commission shall terminate its duties and performances 90 days after the date on which the Commission submits its report to Congress.

Section 8 AUTHORIZATION OF APPROPRIATIONS

Funding shall be appropriated for the fiscal year 2007, and shall remain available, without fiscal year limitation, until expended. [Cost estimate pending Congressional Budgeting Office review.]

MEMORANDUM

TO: SENATOR
FROM: Van Luong and Daniel Chun
DATE: June 5, 2007
RE: History of Internment of Latin Americans of Japanese Descent

Summary

Documents reflect that between December 1941 and February 1948, 2,264 Latin American persons of Japanese ancestry were deported from Bolivia (57), Colombia (12), Cuba (5), Dominican Republic (1), Costa Rica (27), Ecuador (11), El Salvador (6), Honduras (1), Mexico (84), Nicaragua (6), Panama (247), and Peru (1799) without legal proceedings, warrants, hearings, or indictments¹. As early as October of 1941, the Justice, State, and War Departments began developing strategies for the internment and deportation within the U.S. and Latin America, and an agreement was struck with Panama, under which "enemy aliens" would be arrested and interned.

On December 7, 1941, Japan attacked Pearl Harbor and the U.S. entered World War II. The following day, the U.S.-Panama agreement was put into effect, and 2264 persons were detained and either interned or deported to the U.S. for internment. These deportations were carried out under provisions adopted by the Meeting of Foreign Ministers (delegates from the United States, Argentina, Brazil, Chile, Mexico, Uruguay and Venezuela), held in Rio de Janeiro from January 15-28, 1942. The meeting established a seven-member Emergency Advisory Committee for Political Defense to make future decisions. State Department documents indicate that the Emergency Advisory Committee was created as a U.S. initiative to give multilateral cover, and to "avoid charges of [U.S.] intervention²" in the deportations.

Leaders

At the time of the 1942 Rio de Janeiro meeting, the President of Argentina was Roberto Maria Ortiz, although his vice-president, Ramón Castillo had assumed executive power due to the President's failing health. In Brazil, Getúlio Vargas ruled in the style of European fascists since the Constitution of 1934 gave him broad powers. In Chile, President Juan Antonio Ríos abandoned his policy of neutrality between the axis and allies, enjoying close relations with the U.S., which proved to be a constant source of domestic problems. Mexico's president, Manuel Ávila Camacho declared war against the Axis powers on May 22, 1942 in response to the sinking of two Mexican oil ships by German submarines. In Uruguay, Alfredo Baldomir assumed the office of President on June 19, 1938 and is most noted for his close relations with the allied powers. During

¹ Appendix I: Latin Americans. Personal Justice Denied Report of the Commission on Wartime Relocation and Internment of Civilians. http://www.cr.nps.gov/history/online_books/personal_justice_denied/app.htm.

² Memorandum from the Department of State Division of the American Republics. Internment of Japanese in Event of War Between the United States and Japan. November 5, 1941.

World War II, Isaías Medina Angarita held the office of Venezuelan President, until his ouster in 1945.

Although not part of the seven-member meeting, the presidents of Panama and Peru also played a significant role. The Panamanian President, Ricardo Adolfo de la Guardia, negotiated an informal oral agreement with the U.S. in October of 1941 for the deportation and internment of Japanese Latin Americans, which was implemented after the U.S. entered World War II. Peru, since 1873, was a destination for large numbers of Japanese contract workers. By 1940, there were about 26,000 Peruvians of Japanese descent, including 17,600 Issei who represented 28.9% of the foreign population of Peru. The Peruvian government, under Manuel Prado Ugarteche, cooperated with the U.S. plans for internment and deportation and continued to do so until spring of 1944.

U.S. Executive Involvement

President Truman issued two proclamations under wartime powers to apprehend and detain all non-naturalized aliens within the United States over the age of fourteen. Proclamation No. 2662, issued on September 8, 1945, authorized the deportation of all alien enemies within the continental limits of the United States who were sent to the U.S. from other American republics. Proclamation No. 2685 was issued on April 10, 1946, which prescribed regulations in effect regarding the detainment and removal of enemy aliens and superseded Proclamation No. 2662³.

Cui Bono

In the wake of Japan's attack on Pearl Harbor, fear and resentment added to racial tensions in the continental U.S., leading to the internment of ethnic Japanese, many of which were American citizens. The primary reasoning for the internment program in Latin America was to protect vital interests, such as the Panama Canal, from possible surveillance or sabotage by Japanese persons. Latin American countries lacked the resources necessary to enact security programs to the satisfaction of the U.S. and thus the policy of deporting Japanese persons to the U.S. began⁴.

Many Latin Americans of Japanese descent were arrested, stripped of their passports or visas, and deported to the U.S.⁵ Once in the United States, they were treated as illegal aliens, subject to deportation and repatriation. The Department of Justice position was clear from deportation hearings convened for some of the interned individuals. One such hearing is recounted in the written testimony of two Peruvian Japanese, Eigo and Elso Kudo:

We were one of those who asked, "Why are we illegal aliens when we were brought under armed MPs and processed by the immigration officers

³ Presidential Proclamation 2685. April 10, 1946. Reproduced in National Archives May 24, 2007.

⁴ Barnhart, Edward N. "Japanese Internees." p. 172.

⁵ Mochizuki Order and Opinion, 1999.

upon arrival in New Orleans?" . . . Again and again they repeated, "You are illegal aliens because you have no passports nor visa . . ."⁶

The internees' vulnerable position under the law basically left their fate in the hands of the State Department and Department of Justice. Those caught in this situation were considered repatriable and thus available for use in hostage exchanges with Japan. It is estimated that Japan had approximately 15,000 repatriable Americans versus the six to seven thousand in U.S. custody.⁷ The internment of Latin American Japanese was a response to the need for hostages to trade for U.S. civilians and military personnel, in which Japan had a decided advantage. According to a State Department document from Acting Secretary of State Breckinridge Long to the U.S. Ambassador to Peru, R. Henry Norweb, "an eventual deficiency of Japanese to be exchanged may develop."⁸ It was due to the U.S. hostage exchange deficit that 2,264 Latin Americans of Japanese descent were interned, deported, and then repatriated to Japan without due process of law.

Latin American nations were motivated to participate in the deportation program through the U.S. Lend-Lease Trade consignments. Under the Lend Lease Act, passed March 11, 1941, the United States awarded Latin American countries war materiel to participant countries in exchange for allowing U.S. military bases on Latin American soil⁹. After war broke out, the United States placed a small military installation near the northern oil fields of Peru in return for \$29 million in war materiel, the largest award to any Latin American country¹⁰. It is also of note that the Peruvian government was apt to be rid of its Japanese population due to racial tensions stemming from economic competition and long-standing racial prejudice.

Peru wished to deport all Japanese and other Axis nationals as well, but the United States recognized its limited need of Latin American Japanese for exchange with Japan; the problems of limited shipping facilities; and the administrative burden of a full-scale enemy alien deportation program¹¹.

It was practical calculations rather than moral considerations that prevented the mass deportation of Peru's 26,000-strong Japanese population.

⁶ Written testimony, Eigo and Elsa Kudo, Chicago, Sept. 22, 1981.

⁷ Memorandum from Acting Secretary of State Breckinridge Long to U.S. Ambassador to Peru R. Henry Norweb. October 22, 1943.

⁸ *Ibid.*

⁹ *Public Laws. Part 1 of United States Statutes at Large Containing the Laws and Concurrent Resolutions Enacted During the First Session of the Seventy-Seventh Congress of the United States of America, 1941-1942, and Treaties, International Agreements Other than Treaties, and Proclamations.* Vol. 55 (Washington: Government Printing Office, 1942): 31-33.

¹⁰ Appendix I: Latin Americans. Personal Justice Denied Report of the Commission on Wartime Relocation and Internment of Civilians.

¹¹ *Ibid.*

Luong, Van (Inouye)

From: Hamamoto, Lori (Inouye)
Sent: Friday, May 07, 2010 9:43 AM
To: Luong, Van (Inouye)
Subject: FW: Questions for Sen. Inouye on Japanese Latin American

These are the questions from the guy doing the documentary on JA internment camps.
First of all, DKI only has 20 minutes for him, so he will not be able to go through all of these questions.
Secondly, he proposed me to he just wanted to get a "comment or two" from DKI about the JLA...not ask a laundry list of questions.

Does DKI know enough to answer these questions comfortably?
Let me know what you think....this is not a high priority, as this documentary is still in the works...he works from Sen. Cardin, so I think DKI feels like he needs to help him out.
But I don't know want it to be more trouble than it's worth, you know?

Let me know your thoughts before I respond.

Thanks!!

*FOCUS ON IMP. OF COMM &
RAISING AWARENESS OF CAMPS.*

From: Neil Simon [mailto:neilhsimon@gmail.com]
Sent: Friday, May 07, 2010 9:36 AM
To: Hamamoto, Lori (Inouye)
Subject: Questions for Sen. Inouye on Japanese Latin American

Lori,

So you know the film is actually going to be seen, I have just received an invite from the Oregon Nikkei Legacy Center, in Portland, to come open an exhibit on the Department of Justice camps during WW2 on December 7 of this year. The event would feature a rough or early director's cut of the film and discussion. They have also asked that in March 2011, when the exhibit ends that a final version of the film be shown. These are the first hard dates for screenings of the film. New Mexico, California and other museums, institutions are interested in similar events with plans in the works for a 2011-2012 major event on internment in Santa Fe.

Questions with some notes for potential answers for easing staff work are below:

What do we know about how the US kidnapped/received/processed the some 2000 JLA's from Peru and elsewhere?

- agreements between US/Peru to cooperate
- stories of kidnappings, fathers going into hiding in Peru

Were all received at New Orleans? And how did their treatment in processing differ from those Japanese arrested in Hawaii or the West Coast?

-I have heard stories of the Japanese being stripped naked and hosed down with DDT, a humiliating experience that stands in contrast to the processing of even POWs, let alone, internees on the West Coast

How were taken, how exchanged, how returned to LAmerica or Japan?

Is redress needed for this community and if so, what should it look like as compared to that received by

Japanese-Americans?

What is the importance of having an official government commission study the JLA internment experience, as you have supported with legislation? And what are prospects for Congressional action on this in the next Congress?

What is the importance of documentaries, like this one, to raise awareness about the Dept of Justice camps during WW2?

-I, of course, would welcome a general endorsement of the documentary project

-The DOJ camps are simply less well-known since they involved only men and far fewer people than the WRA camps

-Considering they had no kids in them, and many elders, there are extremely few people still living to tell the story.

-Neil

Luong, Van (Inouye)

From: Hamamoto, Lori (Inouye)
Sent: Tuesday, March 17, 2009 4:17 PM
To: Luong, Van (Inouye)
Subject: RE: p/c Joe Marks, CQ 2/419-8709

If you want me to get more specific questions from him or if you have questions about his questions, let me know and I'd be glad to call him back!!

Thanks (and sorry!)

From: Luong, Van (Inouye)
Sent: Tuesday, March 17, 2009 4:15 PM
To: Blanco, Marie (Inouye); Hamamoto, Lori (Inouye)
Subject: RE: p/c Joe Marks, CQ 2/419-8709

Argh. Those are tough tea-leaves reading kind of questions. I'll do my best and email you by COB.

From: Blanco, Marie (Inouye)
Sent: Tuesday, March 17, 2009 4:11 PM
To: Hamamoto, Lori (Inouye); Luong, Van (Inouye)
Subject: RE: p/c Joe Marks, CQ 2/419-8709
Importance: High

Van is handling the JLA bill.

Van please provide answers to the questions below so that Lori can return the reporter's call.

From: Hamamoto, Lori (Inouye)
Sent: Tuesday, March 17, 2009 4:05 PM
To: Blanco, Marie (Inouye)
Subject: FW: p/c Joe Marks, CQ 2/419-8709

I spoke to this reporter from Congressional Quarterly. His deadline is tomorrow at 4:30. Jessica said the Senator's schedule is pretty packed, so I don't think I could arrange a phone interview.

Mike suggested that you (or Van?) could answer his questions, and I can return them to the reporter in quotes as comments from the Senator? Let me know how you would like to handle.

These are the questions:

1. Is the goal for this bill public information or is there a restitution component involved?
2. In 2007, there was opposition for this bill – what was the problem then?
3. Do you expect opposition this time around?
4. What is the hope that the commission will accomplish this time around.

Thanks.

-Lori

From: Yuen, Mike (Inouye)
Sent: Monday, March 16, 2009 5:06 PM
To: Hamamoto, Lori (Inouye)
Subject: FW: p/c Joe Marks, CQ 2/419-8709

From: Kwan, Deborah (Inouye)
Sent: Monday, March 16, 2009 5:05 PM
To: Yuen, Mike (Inouye)
Subject: p/c Joe Marks, CQ 2/419-8709

Re: S69 & a Commission to study interned Latin Americans of Jap decent

jmarks@cq.com

Draft 5-1-10: Excerpt from new Chapter 7, Race, Rights and Reparation: Law and the Japanese American Internment (forthcoming second edition) (Yamamoto, Chon, Izumi, Kang and Wu). Do not cite without permission.

II. JAPANESE LATIN AMERICAN REDRESS

A. OVERVIEW

In the midst of World War II wartime hysteria the U.S. kidnapped 2,300 Latin American residents of Japanese ancestry, incarcerated them indefinitely in U.S. internment prisons, and attempted to trade them to the Japanese military for U.S. prisoners of war held in Japan.

Libia Yamamoto was twelve years old when the U.S. kidnapped her father and other Japanese Peruvians from their homes in Peru. She still remembers a “collective weeping” of wives and husbands, of fathers, mothers and children.¹ The U.S. government ripped Libia’s family apart, destroyed their home and business and incarcerated them indefinitely in a barbed wire internment prison in Texas – because of their Japanese ancestry.

Young Libia (also incarcerated in the U.S. soon after her father) and the other detainees endured horrific conditions: in transit the U.S. Army confined them to cramped cabins where they lived among each others’ vomit; upon arrival the State Department sprayed them with toxic pesticides, and forced them to physically dispose of their captors’ human waste. A number of detainees died en route or at the prison from a lack of medical care and starvation.

After the war, the U.S. government ordered Japanese Latin Americans (JLAs) to leave the country because they were “illegal aliens.” JLAs were not “legal” residents, however, because the State Department had confiscated their passports and forcibly brought them to the U.S. With nowhere else to go, many JLAs sought to stay in the U.S, but against their will, the government deported most to war-devastated Japan. All struggled to reassemble the pieces of their broken lives.

Over four decades later, the U.S. Congress authorized redress for Japanese American survivors of the U.S. internment camps. But in the same legislation, Congress intentionally excluded JLAs from redress—no apology, reparations or acknowledgement of the kidnapping and incarceration. For ten years JLAs fought the exclusion in court and eventually settled for an impersonal apology and a largely empty promise of reparations. Another ten years have passed, more than twenty since Japanese American redress and JLAs continue to fight in Congress for genuine redress.

¹ *Treatment of Latin Americans of Japanese Descent, European Americans, and Jewish Refugees During World War II: Hearing on H.R. 1425 and H.R. 42 Before the Subcomm. on Immigration, Citizenship, Refugees, Border Security, and International Law of the H. Comm. on the Judiciary, 111th Cong. 15 (2009) (statement of Libia Yamamoto, former Japanese of Latin American Descent Internee).*

The present-day JLA struggle raises the questions: what's at stake and for whom? For JLAs, for the U.S. government, for the American public? Indeed, JLAs have a vested interest in redress—to heal their wounds. But does their redress serve larger societal goals of group healing and bolstering the U.S.'s legitimacy as a democracy committed to human rights? What insights into social healing and U.S. moral authority might JLAs draw from Japanese American redress to frame their continuing struggle for justice?

B. THE WORLD WAR II ABDUCTION AND INTERNMENT

1. From Dangerous Enemy Aliens to Racial Hostages for Trade

What the U.S. initiated as a plan to protect Latin America from “dangerous enemy combatants” quietly evolved into a “curious wartime triangle trade,” staged in mass kidnappings and racially-based incarcerations at American internment camps.² The U.S. government initially incarcerated ancestral Japanese living in Latin America as part of a larger policy to intern “dangerous Axis agents and nationals for the duration of the emergency.”³ Twelve Latin American countries participated in the U.S. plan and offered their “dangerous” Japanese Latin American residents to the U.S. Quickly, however, the purpose of the incarcerations shifted. Rather than incarcerate only “dangerous” JLAs, the United States sought any hostages of Japanese ancestry to exchange with Japan for American prisoners of war.⁴

While Japan imprisoned many U.S. soldiers, the U.S. had few Japanese prisoners of war. Concerned with the U.S.'s weak bargaining position for prisoner exchanges, the State Department decided to offer the JLAs as hostages in exchange for American prisoners of war. Encouraged by early exchanges, the U.S. government sought more ancestral Japanese hostages from Latin America and took from Latin America individuals of Japanese ancestry who posed no security threat, including Latin American citizens. The U.S. scheme thus tapped law-abiding persons of Japanese ancestry from non-belligerent countries where “the war was a faraway fire,” even though most of them had no, or very little, connection to Japan.⁵

2. Compiling the Hostage Bank

Peru willingly provided the U.S. with eighty percent of its JLA hostages. Many Peruvians resented local Japanese communities because of their economic

² Commission on Wartime Relocation and Internment of Civilians, *PERSONAL JUSTICE DENIED* (1982) at 305.

³ Natsu Taylor Saito, *Justice Held Hostage: U.S. Disregard for International Law in the World War II Internment of Japanese Peruvians – A Case Study*, 19 B.C. THIRD WORLD L.J. 275, 282 (1998) (citing C. Harvey Gardner, *PAWNS IN A TRIANGLE OF HATE: THE PERUVIAN JAPANESE AND THE UNITED STATES* (1981)).

⁴ The U.S. also kidnapped and incarcerated German and Italian Latin Americans to trade for POWs held by Germany and Italy. See *Personal Justice Denied* *supra* note 2, at 305.

⁵ Natsu Taylor Saito, *Justice Held Hostage: U.S. Disregard for International Law in the World War II Internment of Japanese Peruvians – A Case Study*, 19 B.C. THIRD WORLD L.J. 275, 283 (1998).

success and because some retained their Japanese citizenship.⁶ Thus, when the U.S. offered Peru \$29 million in armaments for its cooperation, Peru readily obliged.

At U.S. instruction, the Peruvian government kidnapped JLAs from their homes and shipped them on U.S. transport ships to Texas. Before entering the U.S., the State Department confiscated the JLAs' passports. Then, invoking a previously unenforced statute enacted in 1798, the U.S. attorney general took "temporary custody" of the "dangerous enemy aliens" pending their "repatriation" to Japan and interned them at harsh internment prisons in Texas until the end of the war.⁷ U.S. government never charged the JLAs with any crime. Indeed, they posed no threat to the U.S. or its allies.

3. Termination of the Hostage Trade

The U.S. initially exchanged 1,100 JLAs for U.S. prisoners of war. But shortly thereafter the hostage trade abruptly halted. Some suggest that Japan terminated the exchange at least in part because it discovered the U.S.'s inhumane treatment of both JLAs and Japanese Americans.⁸ The cessation of the prisoner exchange left the U.S. with a human rights debacle; it had the 1,300 remaining JLAs locked away in American internment camps. Nevertheless, the State Department continued to kidnap and incarcerate innocent JLAs. Libia Yamamoto still wonders, "was it really necessary to turn our lives upside down?"

C. AFTER THE WAR

At the end of World War II, the U.S. closed the Japanese American internment prisons and the Department of Justice, citing their "illegal alien" status, ordered the JLAs to leave the country. The State and Justice Departments pointed to their "illegal alien" status and demanded that they "voluntarily" leave or face formal deportation to Japan.

Most Peruvian JLAs wanted to return home, but the Peruvian government remained resentful and suspicious and, without their passports, refused JLAs reentry. As Libia recalls, "it was like we had no rights; we were treated like we were not even human beings."

Although many JLAs opposed deportation, by 1947 the U.S. "repatriated" 1400-1700 JLAs to war-devastated, U.S.-occupied Japan. The Justice Department eventually permitted roughly 300 JLAs to stay in the U.S. under direct Immigration Service supervision.

⁶ Many Japanese Peruvians retained their Japanese citizenship because the Peruvian government strictly restricted their right to Peruvian citizenship.

⁷ GREG ROBINSON, *A TRAGEDY OF DEMOCRACY: JAPANESE CONFINEMENT IN NORTH AMERICA* 149 (2009).

⁸ Natsu Taylor Saito, *Justice Held Hostage: U.S. Disregard for International Law in the World War II Internment of Japanese Peruvians – A Case Study*, 19 B.C. THIRD WORLD L.J. 275, 294-295 (1998).

D. THE LIMITATIONS OF THE CIVIL LIBERTIES ACT AND THE *MOCHIZUKI* SETTLEMENT

1. The Exclusion from the Civil Liberties Act

As a last minute compromise the U.S. Congress purposefully excluded JLAS from the 1988 Civil Liberties Act. How did this happen? Japanese American redress endeavored to remedy U.S. civil rights violations—the discriminatory treatment of American citizens and immigrants of Japanese ancestry on U.S. soil. In addition to these domestic law violations, as documented by the CWRIC, the U.S. violated the JLAS’ international human rights. Initial drafts of the Civil Liberties Act accordingly addressed broad American “moral wrongdoing” and provided redress for JLAS as well as Japanese Americans.⁹ However, political pressure mounted to avoid acknowledgement of past U.S. human rights violations. In 1988 President Reagan needed moral authority internationally to bring down the communist “iron curtain.” Appearing consistently committed to human rights would give the U.S. a “morally persuasive voice in the eyes of other[s].”¹⁰ Congress responded by ignoring U.S. violations of JLAS human rights and narrowed the Civil Liberties Act to authorize redress for only U.S. citizens and “legally present” noncitizens – excluding the “illegal” JLAS.

Most ironic, the U.S. violated international human rights norms and forcibly turned JLAS into “illegal aliens.” Then the U.S. Congress used their “illegal” status to bar the JLAS from redress.

2. The *Mochizuki* Settlement

In 1996 five JLAS filed a class action lawsuit against the U.S. government claiming the U.S. unlawfully excluded JLAS from Civil Liberties Act redress. The federal judge, indicating he was going to dismiss the case, recommended settlement “because of the moral issues involved.” The U.S. offered a standard-form presidential letter of apology and \$5,000 for each interned JLA, but conditioned payment on the availability of funds after the Office of Redress completed all Japanese American reparation payments. Many JLAS accepted the U.S. offer, but the Office of Redress ran out of funds and the government made only a few reparations payments. The *Mochizuki* settlement ultimately provided only an unspecific apology and a largely empty promise of reparations.

a. *JLA Responses*

The JLA response to the settlement varied broadly. For some the *Mochizuki* settlement was the “ending of a chapter,” the “healing of the wounds.” Others condemned the settlement. Isamu Shibayama remarked: “I’m bitter.... Why should we be [again] discriminated against? ... [W]e all went through the

⁹ Eric K. Yamamoto, *Reluctant Redress: The U.S. Kidnapping and Internment of Japanese Latin Americans*, in Martha Minow, *BREAKING THE CYCLES OF HATRED: MEMORY, LAW, AND REPAIR* 132, 134 (Nancy L. Rosenblum ed., 2002).

¹⁰ Eric K. Yamamoto, Sandra Hye Yun Kim, and Abigail M. Holden, *American Theory and Practice at the Crossroads*, 44 CAL. W. L. REV. 1, 63 (2007).

same thing.” For Isamu, the settlement “offered too little and did not come with a sincere apology.” The daughter of a former internee expressed a sense of betrayal: “[my deceased father] would be shocked and disappointed Despite everything, he had such faith in America’s ability to repair the damage it had done.” Still others perceived the settlement as “[a] bittersweet victory,” “incomplete justice,” “empty gestures,” or “compromise injustice.”¹¹ Noticeably absent – the cathartic relief expressed by many Japanese American internees after receiving redress under the Civil Liberties Act. A closer examination of the settlement reveals why.

b. *The Shortcomings of the Mochizuki Settlement*

The U.S. government neither acknowledged nor took responsibility for the full extent of the JLA injustice: neither the U.S. nor Japan was at war with Latin America, but the U.S. took innocent citizens from their countries, families and lives, held them hostage, then made them exiles – because of their race. The U.S. did not acknowledge and take responsibility for the racialized aspects of the kidnapping and incarceration. Nor did the U.S. acknowledge its international law violations. In light of these shortcomings, Professor Natsu Saito poignantly questioned “whether the settlement constitutes acknowledgement and apology or symbolizes disrespect for the harm suffered?” To Professor Saito the significantly lower \$5,000 payment and impersonal apology imply that the U.S. deemed “the harm inflicted on Japanese Latin Americans . . . less significant than that inflicted upon Japanese Americans.”¹² To many, the *Mochizuki* settlement suggested that the U.S. devalued JLA lives because they were not U.S. citizens.

E. THE REDRESS STRUGGLE CONTINUES

Nearly sixty-five years after the end of World War II, the JLAs’ struggle continues. Every year since 2006 Senator Inouye and Representative Xavier Becerra have introduced companion House and Senate bills to establish a fact-finding commission to investigate the JLAs’ “relocation, internment, and deportation” – extending the CWRIC’s findings – and to recommend “appropriate remedies.”¹³ For JLA activists, such as Grace Shimizu, garnering congressional support has required “monumental effort.”¹⁴ But after years of limited progress, in 2009 a congressional committee held a formal hearing and heard Libia’s account of the largely unknown JLA story and several committees endorsed the bill.

¹¹ Eric K. Yamamoto, *Reluctant Redress: The U.S. Kidnapping and Internment of Japanese Latin Americans*, in Martha Minow, *BREAKING THE CYCLES OF HATRED: MEMORY, LAW, AND REPAIR* 132, 136 (Nancy L. Rosenblum ed., 2002).

¹² Natsu Taylor Saito, *Justice Held Hostage: U.S. Disregard for International Law in the World War II Internment of Japanese Peruvians – A Case Study*, 19 B.C. THIRD WORLD L.J. 275, 278 (1998).

¹³ S. 69 111th Cong. (2009); H.R. 42 111th Cong. (2009).

¹⁴ Ayako Hagihara and Grace Shimizu, *The Japanese Latin American Wartime Redress Experience*, 28:2 Amerasia Journal 203, 215 (2002).

Drawing upon Japanese American redress as a model, a fact-finding commission may be the first step toward justice for JLAs. The CWRIC “played a pivotal role in the Japanese American Redress process [and] galvanized the Japanese American reparations movement.”¹⁵ Extended CWRIC findings and new redress recommendations may position the JLAs to similarly use a study commission to impel redress.¹⁶

Meaningful redress entails comprehensive, thoughtful and realistic reparatory justice – the kind of “recognition, responsibility, reconstruction and reparation” needed to heal the deep wounds of injustice and help the U.S. regain its legitimacy as a democracy committed to *civil* and *human rights*.¹⁷ For many, the U.S. injustice continues – from the kidnapping and indefinite incarceration, to the deliberate exclusion from the Civil Liberties Act, to the largely illusory *Mochizuki* settlement reparations. The JLAs’ wounds persist. In contrast, Japanese American redress was cathartic for many, in part, because the internees themselves received a direct apology and reparatory payments. Redress, at least to some extent, repaired damage to those who directly suffered the injustice. Today, even six decades later, the U.S. Congress has the rare opportunity to similarly heal many surviving JLAs’ wounds.

JLA redress can also benefit American society as a whole. As Professor Eric K. Yamamoto and Professor Martha Minow discuss, meaningful redress heals not only those who directly suffered harm, it also repairs the damage to society itself. Professor Yamamoto suggests that social healing is significant because it “enable[s] ... communities to deal with pain, guilt and division linked to its past in order to live peaceably and work productively in the future.”¹⁸ Likewise, Professor Minow advocates for responses to injustice that “enlarge a sense of community and membership.” She suggests that “building communities of support while spreading knowledge of the violations and their meanings in people’s lives[] may be more valuable, ultimately, than a specific victory or offer of a remedy.”¹⁹

The JLA story, rather than promote this kind of social, communal healing may instead “reveals the [U.S.] government’s apparent *realpolitik*, short-term

¹⁵ Eric K. Yamamoto, Margaret Chon, Carol L Izumi, & Frank H. Wu, *RACE, RIGHTS AND REPARATIONS: LAW AND THE JAPANESE AMERICAN INTERNMENT* 406 (2001).

¹⁶ JLAs also pursued redress through international litigation – seeking U.S. accountability for the U.S.’s failure to provide redress for U.S. war crimes and crimes against humanity. For more information see <http://www.campaignforjusticejla.org/whatwedo/litigation.html> (last visited September 3, 2009).

¹⁷ Eric K. Yamamoto and Ashley Kaiao Obrey, *Reframing Redress: A “Social Healing Through Justice” Approach to United States-Native Hawaiian and Japan-Ainu Reconciliation Initiatives* Asian Am. L. J. (2010) (forthcoming).

¹⁸ Eric K. Yamamoto and Ashley Kaiao Obrey, *Reframing Redress: A “Social Healing Through Justice” Approach to United States-Native Hawaiian and Japan-Ainu Reconciliation Initiatives* (forthcoming).

¹⁹ MARTHA MINOW, *BETWEEN VENGEANCE AND FORGIVENESS: FACING HISTORY AFTER GENOCIDE AND MASS VIOLENCE* (1998).

approach to group justice – and group healing – with little apparent appreciation for how to break the cycles of bitterness and recrimination.”²⁰

The U.S.’s JLA reparatory efforts also likely affect the U.S.’s legitimacy and hence its authority to advocate and enforce international law. Its “central message may be that the U.S. government can disregard international law and violate human rights with impunity.”²¹ This raises poignant questions about the U.S.’s moral authority to condemn others for human rights violations without first acknowledging and then redressing its own.

Nearly seven decades after World War II, the JLAs came the closest to congressional redress since their last-minute exclusion from the 1988 Civil Liberties Act. For Ayako Hagihara and JLA advocate Grace Shimizu, JLAs need “proper acknowledgement of the severity of the human rights violations, compensation payments no less than what was granted to the Japanese Americans, and the expungement of the “illegal alien” status from their government files.”²² Perhaps the U.S. too needs JLA redress.

NOTES AND QUESTIONS

1. The Dangerous, Disloyal “Asian” Foreigner

Professor Natsu Taylor Saito observes that “the Japanese American internment . . . [is not] explained merely by race or, alternately, by alienage,” but by a conflation of both. According to Professor Saito, from the late 1800s and through World War II, the U.S. conflated Japanese Americans’ race and ancestral country of origin to create a new identity—dangerous, disloyal “Asian” foreigner. She suggests that the internment then was a “logical, if extreme, extension” of the historic conflation that led to the Japanese Americans’ new identity. This politically constructed identify—foreign and therefore un-American and disloyal—likely provided the cultural underpinnings for the justification of the U.S.’s incarceration of 120,000 innocent Japanese Americans. According to many observers, it made the internment palatable, and indeed desirable, to leaders and the American populace—the internment would “protect[] against espionage and sabotage.”²³

With this in mind, Professor Saito discusses the JLA debacle and points out that “the United States’ ongoing refusal to adequately compensate the Japanese Latin Americans . . . raises questions of racial and national origin

²⁰ Eric K. Yamamoto, *Reluctant Redress: The U.S. Kidnapping and Internment of Japanese Latin Americans*, in Martha Minow, *BREAKING THE CYCLES OF HATRED: MEMORY, LAW, AND REPAIR* 132, 133 (Nancy L. Rosenblum ed., 2002).

²¹ Natsu Taylor Saito, *Justice Held Hostage: U.S. Disregard for International Law in the World War II Internment of Japanese Peruvians – A Case Study*, 19 B.C. THIRD WORLD L.J. 275, 279 (1998).

²² Ayako Hagihara and Grace Shimizu, *The Japanese Latin American Wartime Redress Experience*, 28:2 *Amerasia Journal* 203, 203-216 (2002).

²³ *Korematsu v. U.S.*, 323 U.S. 214, 217 (1944).

discrimination.”²⁴ Recall that the U.S. targeted JLAs because they were ancestrally Japanese. Yet most had no ties to Japan and their actual Latin American home countries were not engaged in the second World War.

A. Conflation of JLAs’ Race and National Origin

Consider the how the conflation of race and national origin informed the U.S.’s treatment of JLAs, from the ploy to trade JLAs for American POWs, to the JLAs’ exclusion from the Civil Liberties Act, to the government’s limited reparations in the *Mochizuki* settlement? What does this reveal about the U.S.’s characterization of JLAs as dangerous foreign enemies of the U.S. and its Latin American allies and therefore properly subject to kidnapping and indefinite U.S. incarceration?

B. Latin Americans of German and Italian Ancestry

During World War II the U.S. also kidnapped and interned a number of German and Italian Latin Americans and attempted to trade them for U.S. POWs held in Germany and Italy.²⁵ In 2009 Senators Russell Feingold and Charles Grassley and Representative Robert Wexler introduced the “Wartime Treatment Study” bill to establish fact-finding commissions to investigate the “injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.” The bills recognized that the U.S., in collaboration with Latin American countries, arrested “thousands of European Latin Americans, including German and Austrian Jews” and interned them in U.S. internment prisons. To what extent might they be entitled to a U.S. apology and reparations?

2. International Law and Human Rights Violations

The U.S. governments’ treatment of JLAs likely violated established international law and what later became “human rights law” (in the aftermath of World War II).²⁶ When the CWRIC reported in 1982 that the U.S. government kidnapped, incarcerated and forcibly deported JLAs, was the U.S. then “put on notice” of a *legal* obligation to provide redress? The federal judge in the *Mochizuki* class action indicated that he was likely to dismiss the JLAs’ legal claims, suggesting that the U.S. had no *legal* obligation under American law. The judge, however, highlighted strong moral considerations supporting redress. At that point did human rights norms generate a *moral* obligation to confer redress to JLAs?

3. Moral Authority and Democratic Legitimacy

²⁴ Natsu Taylor Saito, *Model Minority, Yellow Peril: Functions of “Foreignness” in the Construction of Asian American Legal Identity*, 4 ASIAN L.J. 71, 76 (1997).

²⁵ See e.g., Commission on Wartime Relocation and Internment of Civilians, PERSONAL JUSTICE DENIED 305-309 (1982).

²⁶ Natsu Taylor Saito, *Justice Held Hostage: U.S. Disregard for International Law in the World War II Internment of Japanese Peruvians – A Case Study*, 19 B.C. THIRD WORLD L.J. 275, 303 (1998). Human Rights law was not officially established until after World War II, but the U.S.’s actions violated those agreed upon provisions.

Professor Derrick Bell's interest-convergence theory illuminates the international *realpolitik* setting for Japanese American redress. Professor Bell proposes that dominant groups will only concede 'rights' to minorities when it benefits the dominant groups' interests.²⁷ According to some observers, Japanese American redress for domestic civil rights violations served a significant U.S. interest near the end of the Cold War: enhancing the U.S.'s image as a democracy committed to equality on its own soil and "bolstering an ostensible moral foundation for military incursions abroad, for mediation of Middle East conflicts and for the continuing struggle with the Soviet Union."²⁸

Turning to JLA redress, consider whether Professor Bell's interest-convergence theory similarly explains why the U.S. ultimately excluded JLAs from Japanese American redress. As discussed in section IV.A., "adhering to international human rights norms . . . can advance the government's . . . long-term interest by 'allowing the . . . [nation] to have legitimacy and a morally persuasive voice in the eyes of other[s].'"²⁹ The corollary then is that a country loses moral suasion when it transgresses human rights, particularly when chastising others for their human rights violations.

From one perspective, incorporating JLAs into the Civil Liberties Act would have amounted to U.S. admission of international human rights violations at precisely the moment the Reagan administration sought to exert maximum global moral authority to "take down the iron curtain."

When the U.S. Congress passed the Civil Liberties Act in 1988, how might the exclusion of JLAs have affected the U.S.'s moral authority as a democracy professedly committed to human rights? Nearly a decade later, how might the *Mochizuki* settlement's limited recognition of—but still inadequate redress for—JLAs also have affected U.S. moral authority internationally? What kinds of arguments might JLAs make, addressed to bolstering the U.S.'s image, to impel redress in the 21st century's second decade?

4. The JLA Commission Bill

Mentioned in section V., every year since 2006 U.S. Senator Inouye and U.S. Representative Becerra proposed companion bills to establish a fact-finding congressional commission to investigate JLA's "relocation, internment and deportation" and recommend "appropriate remedies." The commission would suggest remedies based on its findings and the original findings of CWRIC.

The bills acknowledged that the CWRIC's 1982 report reflected incomplete research and truncated findings on the U.S.'s treatment of JLAs; that the Civil Liberties Act redress did not cover JLAs; and that further examination of JLAs "is necessary to establish a complete account of Federal actions to detain and intern civilians of enemy or foreign nationality, particularly of Japanese descent." In

²⁷ Derrick A. Bell Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. R. 518, 523 (1980).

²⁸ Eric K. Yamamoto, *Friend, Foe or Something Else: Social Meanings of Redress*, 20 DENV. J. INT'L L. POL'Y 223, 231 (1992).

²⁹ Eric K. Yamamoto, Sandra Hye Yun Kim, and Abigail M. Holden, *American Theory and Practice at the Crossroads*, 44 CAL. W. L. REV. 1, 63 (2007).

2009 several congressional committees seriously considered the bill, but again, it failed.

A. A Redress Framework: *Social Healing Through Justice*

Designing and assessing redress initiatives often produces confusion about how best to repair the continuing harms of injustice. Refer to the redress framework – *Social Healing Through Justice* (discussed in section I, Notes and Question). How might the Four Rs guide and assess the JLAs' continuing struggle for redress?

With the Four Rs in mind, consider if a commission's fact-finding reveals significant World War II human rights violations with persisting JLA harms. What kinds of U.S. redress might the commission recommend to genuinely heal the JLAs wounds and to repair the damage to American society, including the harm to its international reputation as a democracy committed to human rights?

B. *Coram Nobis* Team's Support

In 2009 the Fred Korematsu, Gordon Hirabayashi and Minoru Yasui *coram nobis* legal teams sent the members of U.S. Congress a letter urging them to actively support Senator Inouye and Representative Becerra's JLA commission bills. Citing the U.S. government's violations of Japanese Latin Americans' "civil and human rights," the *coram nobis* team called for Congress "to provide a full investigation and appropriate remedies for our nation's wartime treatment of Japanese Latin American abductees and their families." In closing the letter stated:

The political and moral corruption underlying the mass abduction and imprisonment of Japanese Latin Americans in no less condemnable [than the Japanese American internment]. This violation of civil and human rights, infected by the racism, anti-foreign prejudice and political oppression of the times, constitutes a tragic stain on the integrity of our nation's commitment to human dignity and freedom. The time is now to cleanse that stain and provide a measure of justice to people so terribly wronged.

What impact, if any, might the letter have on the public consciousness of the JLA story, particularly in light of the U.S.'s diminished stature in the international community?

As discussed in the "Emerging Redress Theory" section for many, Japanese American Redress remains "unfinished business" and its legacy depends on "whether it productively fosters reparatory justice for others in the U.S. and in democracies worldwide." How might the *coram nobis* teams' letter reflect efforts to continue to shape the Japanese American redress legacy?

MEMORANDUM

TO: SENATOR INOUE
FROM: Van and Marie
DATE: March 30, 2009
RE: Strategy options for the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act

S.69, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act was marked out of the Senate Homeland Security and Governmental Affairs Committee (HSGAC) in February, and the House Judiciary Subcommittee on Immigration held a hearing on March 19, 2009. Pursuant to a preliminary meeting between the Commerce Justice Science (CJS) Appropriations Subcommittee staff, Marie and myself, this memo lays out some strategy options to moving this measure, and seeks indication of your favored approach.

- **Authorize as a stand-alone bill.** This approach requires you to talk to Leadership to put it on their schedule and move the bill. The drawback is that Senator Coburn's office has placed a hold on the bill, though there is some doubt whether the Senator himself is actually aware of the hold. This may require a call from you to Senator Coburn to persuade him that the bill is worthy of passage. Funding for the bill would have to be appropriated at a later date.
- **Authorize and appropriate under a FY 10 Appropriations bill.** This is the most expedient yet difficult approach, and requires clearance from HSGAC, the authorizing committee. HSGAC Chairman Lieberman's staff has stated that he would not object the bill's forward movement on an appropriations vehicle. While Ranking Member Collins has not yet been approached, she is likely to clear the bill because she has not objected to the bill in the past, unless she chooses to now oppose it on Senator Coburn's behalf. This approach presents several issues:
 - S.69 was estimated by the Congressional Budget Office to cost approximately \$1 million dollars for a one year commission. Attachment to an appropriations bill may require an offset. A solution to this problem is to amend the bill language in the Chairman's Mark to have the commission funded at a *de minimus* amount requiring no offset of \$500,000 per year for two years. Senator Mikulski was very sympathetic to this issue during the 110th Congress and was helpful to the extent possible when you offered the bill as an amendment to the CJS appropriations bill, but withdrew it when Senator DeMint put a

hold on the amendment and would have held up the appropriations bill's passage.

- Finding a natural home for the independent commission may be an issue, because it arguably falls under several appropriations bills. CJS may argue that there is no nexus to the current Justice Department, because though Justice might be subject to investigation of its historical records, immigration issues that were once under Justice during World War II were transferred to the Department of Homeland Security (DHS) in 2002. The DHS Appropriations Subcommittee may argue that S.69 should be attached through either the CJS, Financial Services and General Government (independent commissions may be a general government function) or the Defense Appropriations bill.
- Finally, there is sensitivity that you are the Chairman of Appropriations, and an attempt to legislate on appropriations may cause problems, and encourage others to do the same.

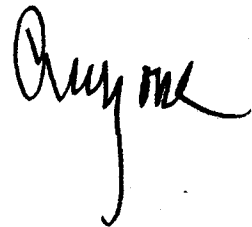
Do you wish to pursue movement of S.69 as a stand-alone bill, or as attached to an appropriations bill? If you favor the latter approach, which appropriations bill would you like us to pursue this matter under?

CJS (Senator Mikulski) _____

DHS (Senator Byrd) _____

Financial Services (Senator Durbin) _____

Defense (Senator Inouye) X _____

A handwritten signature in black ink, appearing to read "Any one", is written to the right of the list of appropriations bills.

House Judiciary Committee: Subcommittee on Immigration
Questions for H.R. 42

“Commission on Wartime Relocation and
Internment of Latin Americans of Japanese Descent Act”

Dem Questions

1. How many Latin Americans of Japanese descent were relocated and interned by the U.S. government?
2. How many other congressmembers are supporting this bill? Who are some of the prominent ones?
3. Will this Commission’s studies have any impact on the German and Italian Americans, as well?
4. How many survivors are still alive today and how old are they, on average?
5. What do you expect the Commission to uncover from its studies?
6. How will the full investigation and recommendations to Congress benefit your cause?
7. What groups support this bill?
8. What’s the status of this bill in the Senate?
9. Who will appoint the commissioners? Will they be compensated?
10. What’s the average amount of time these JLAs spent in the United States?
11. Why 1948 chosen? (a) Why 1948 as an investigatory end date, and (b) Is there anything in writing from the Commission or otherwise that directs that we MUST/SHOULD look at JLA’s?
 - a. 1948 because that was when Crystal City Internment Camp closed (2/27).
 - b. Also August 1948 was when last internee (German American) was released from Ellis Island (which might mean close of WWII enemy alien program. Need more research to confirm ending date of program).
 - c. Page 305 “...an examination of the extraordinary program of interning aliens from Latin America in the U.S. completes the account of federal actions to detain and intern....”
 - d. Page 314 “Historical documents....are....housed in distant archives, and the Commission has not researched that body of material...”
 - e. Judge Smith from the Mochizuki case wrote that “...the court hopes that the Congress and the President will give due consideration to fully funding the settlement so that all identified class members may be paid the modest

amount that will serve as a symbol of restitution rather than actual monetary damages.”

Rep Questions

12. Did these Japanese Latin Americans already receive reparations from the U.S. government?
13. How many other Congressmembers are not supporting this bill? Any prominent ones?
14. Are there any groups that are fighting to prevent the passage of your bill?
15. How much money do you anticipate it will cost to create a commission to investigate the experiences of Japanese Latin Americans? What is the fiscal impact of this bill?
16. If you don't know how many JLA's are still around, isn't it possible that the Commission won't be able to find any, either?
17. Do you hope that it will lead to an apology or reparations for the JLA community?
18. Were there any known cases of sabotage or espionage of JLA's during World War II?
19. Have there been any attempts to introduce similar legislation in those Latin American countries where these JLA's came from?
20. This occurred over 60 years ago, why should we worry about it now?
21. Is the goal for this bill public information or is there a restitution component involved?
 - a. The goal of this bill is to complete the historical narrative on a very troubling period in our nation's history. JLA's were only mentioned in the appendix of the Commission on Wartime Relocation and Internment of Civilians' report, but their issue was not thoroughly investigated because of the limited scope and timing of the commission. Surviving internees and their families continue to wait to tell their story and to have their experience recognized by the government.
22. In 2007, there was opposition for this bill – what was the problem then?
 - a. I would avoid any mention of what happened in the subcommittee and members and just cite scheduling delays over here.

23. Do you expect opposition this time around?

- a. Once members learn more about the issue and about what the bill actually does (creates a commission to study issues surrounding the internment and deportation of JLAs) more members will be inclined to support.

24. Why should we support a redress bill when the economic times are hurting people?

- a. The bill establishes a commission to study the facts and circumstances surrounding the relocation, internment and deportation of JLAs
- b. It will be up to the commission to make recommendations to Congress on remedies, if any
- c. Congress is not bound by these recommendations

25. What is the hope that the commission will accomplish this time around?

Luong, Van (Inouye)

From: Christine Oh [ohchristine@gmail.com]
Sent: Friday, March 13, 2009 11:10 PM
To: bwang1@gmail.com; Grace Shimizu; Chiappe, Cristina; jacl.dc.office@gmail.com; rminami@ix.netcom.com; jlacampaign@googlegroups.com; elinordvs@yahoo.com
Cc: Henry Truong; Luong, Van (Inouye)
Subject: March 19th JLA Hearing and Reception
Attachments: Media Contact revised.xls

Follow Up Flag: Follow up
Flag Status: Flagged

Hi all--

I apologize for any confusion there might be about the reception. I hope this email clarifies some of your questions. Since we are less than a week away, let us find a time to talk over a conference call to make sure everyone is on the same page. Please respond to the Time Bridge email that I will send out shortly after this email. For those who won't be able to attend the hearing, if you are still interested in helping out with things that can be done remotely, please join us on the call.

Hearing: Thursday at 12pm in Rayburn House Office Building. Brian will send out an invite inviting our supporters in the area to the hearing AND the reception. So far, I've sent him email addresses of all our partner organizations in the DC area and those on our listserve residing in DC, MD, and VA. Please send him (bwang1@gmail.com) additional names. Brian, we need to also send the invite to some of the congressional staff as well (henry.truong@mail.house.gov, van_luong@inouye.senate.gov, ayame.nagatani@mail.house.gov, mr.jaddou@mail.house.gov, kanya.bennett@mail.house.gov, - I'm sure I'm missing some folks. Please advise.).

Witnesses: Grace Shimizu, Dan Masterson, Libby Yamamoto. We need help constructing and editing their statements. Please let me know if you're able to help (any of the LA people can help as well).

Visuals: We still need to blow up some of the docs and pictures for the hearing.

Reception: Thursday at the OCA Headquarters at 6pm. Since it is too expensive for us to cater on the Hill, we will go with Floyd's recommendation on the OCA HQ. Floyd-- how many does the OCA HQ hold? Would Cristina or someone else be able to take care of the food for this reception? We need to discuss the agenda for the reception. Additionally, because the German/Italian Study bill is also having a hearing on the same day as us, we might consider having a combined reception with them. Please let me know if you have any concerns or comments about this.

Press: We need to discuss whether or not we'll have a press conference and if it's feasible/likeable. If not, then what are alternatives to ensure that our issue becomes visible in the national media. It looks like we might take Roger's advice about getting it out on local papers. Roger, we have email addresses of some contacts in the California region (attached). If you can take a stab at the press release, some of us can help edit, and you can send it out to the contacts attached on this email. In addition, please touch base with Elinor Davis (elinordvs@yahoo.com) since she offered to help with email/fax out press release. Let me know if others would like to help out with this task.

Lobbying: We plan to visit Members of the subcommittee (both Dems and Republicans) on Tues. and Wed.

Meeting in Person: We plan to meet on Monday at the JACL Nat office. Time TBD.

Let me know if you should have any questions.

THANKS!

Christine

213-500-9346

-

Christine Oh | Legislative Campaign Manager | Campaign For Justice: Redress Now For Japanese Latin Americans! | <http://campaignforjusticejla.org/>

Lungren ran for gov in 1998
Made some his work w/AA comm
ated his work w/comm.

But opposed comm in 1982 comm
valited comm to explore \$s that
Japanese Ams (H) talced to Am.

Bob Matsui enraged, put
his own press release,
debunking Lungren's \$s

12/17/08

Henry Tung

Lungren can use his name but
Matsui has issues w/him, maj. hurdle

CIV RTS

SubComm July on calendar, good to go.

imm Subcomm & jax w/c 108th Congr
war &, intl law jax (Lofgren)

Matsui stuff sub this is a membr issue - no actual mte

Jud chairman onboard (Conyers) on board

Lofgren thought Becerra going over her head

R concentrat this is uparams but ok that it's a Commission

Lofgren says take into Feingold German/Ital bill

(H) hearing for a forum

Ref'd to imm Subcomm - can pass but get chairwoman Lofgren + go

per? Steve King's Counsel said if no reparations then. along with
Ranking (R) no maj issues w/bill
Iowa

US Trade Rep Becerra, met w/Obama

JLA met w/ Lofgren in San Jose in Aug. direct address

TLC

Christine Ch

Route of Commission Bill + Feingold preferred

12/17/08

Comprehensive Comm Bill for all L in Latin Am.

Reintroduced JLA Comm Bill.

Luong, Van (Inouye)

From: Powell, Lisa (HSGAC)
Sent: Monday, February 09, 2009 5:10 PM
To: Luong, Van (Inouye)
Subject: RE: S. 69

COLLINS

Thank you.

From: Luong, Van (Inouye)
Sent: Monday, February 09, 2009 5:06 PM
To: Powell, Lisa (HSGAC)
Subject: RE: S. 69

Hi Lisa, I'll get back to you ASAP.

From: Powell, Lisa (HSGAC)
Sent: Monday, February 09, 2009 4:47 PM
To: Luong, Van (Inouye)
Subject: FW: S. 69

Can you help with this question from Collins staff? I vaguely remember this issue from last time around but not any details. Thank you!

From: Wood, Amanda (HSGAC)
Sent: Monday, February 09, 2009 4:39 PM
To: Powell, Lisa (HSGAC)
Subject: RE: S. 69

Lisa,

Do you happen to have anything on the **settlement** that was **reached** w/ respect to this group of people?

Thanks!

Amanda Wood, Esq.
Director of Governmental Affairs
Senator Susan M. Collins (R-ME), Ranking Member
Senate Committee on Homeland Security and Governmental Affairs
Phone: 202-224-9873
Fax: 202-224-9603

From: Powell, Lisa (HSGAC)
Sent: Monday, February 09, 2009 4:13 PM
To: Wood, Amanda (HSGAC)
Subject: RE: S. 69

No problem.

2/9/2009

From: Wood, Amanda (HSGAC)
Sent: Monday, February 09, 2009 4:12 PM
To: Powell, Lisa (HSGAC)
Subject: RE: S. 69

Thank you!

Amanda Wood, Esq.
Director of Governmental Affairs
Senator Susan M. Collins (R-ME), Ranking Member
Senate Committee on Homeland Security and Governmental Affairs
Phone: 202-224-9873
Fax: 202-224-9603

From: Powell, Lisa (HSGAC)
Sent: Monday, February 09, 2009 4:12 PM
To: Wood, Amanda (HSGAC); Richards, Thomas (HSGAC)
Subject: RE: S. 69

June 13, 2007. It was S. 381 last time around.

From: Wood, Amanda (HSGAC)
Sent: Monday, February 09, 2009 4:06 PM
To: Richards, Thomas (HSGAC)
Cc: Powell, Lisa (HSGAC)
Subject: RE: S. 69

Thanks! Just need to look up the last markup stuff and I am not sure when it was marked up last.

Thanks!

Amanda Wood, Esq.
Director of Governmental Affairs
Senator Susan M. Collins (R-ME), Ranking Member
Senate Committee on Homeland Security and Governmental Affairs
Phone: 202-224-9873
Fax: 202-224-9603

From: Richards, Thomas (HSGAC)
Sent: Monday, February 09, 2009 4:06 PM
To: Wood, Amanda (HSGAC)
Cc: Powell, Lisa (HSGAC)
Subject: RE: S. 69

Lisa Powell is working on this one. I'll defer to her.

From: Wood, Amanda (HSGAC)
Sent: Monday, February 09, 2009 4:05 PM
To: Richards, Thomas (HSGAC)
Subject: S. 69

2/9/2009

Are you working on this? When was it marked up last?

Thanks!

Amanda Wood, Esq.
Director of Governmental Affairs
Senator Susan M. Collins (R-ME), Ranking Member
Senate Committee on Homeland Security and Governmental Affairs
Phone: 202-224-9873
Fax: 202-224-9603

On August 27, 1996, the Carmen Mochizuki, et al. v. USA lawsuit was filed, seeking inclusion of Japanese Latin American internees (JLAs) under the Civil Liberties Act of 1988 (CLA).

Two years later, the US government made a "take it or leave it" settlement offer which was accepted by the majority of the JLAs with mixed emotion and concern. On 6/12/98 the court gave preliminary approval to the settlement agreement, which provided the following:

- 1) Class members who were interned and who were living at the time of payment are entitled to payments of \$5000, to the extent that funds are available in the Civil Liberties Public Education Fund.
- 2) Class members who are spouses, children or parents of former internees who were alive on August 10, 1988, but who are now deceased, may be entitled to a payment or to share in a payment of \$5000, to the extent that funds are available in the Civil Liberties Public Education Fund.
- 3) Class members are entitled to a letter of apology from the President of the United States.
- 4) Those class members who do not file a request to be excluded from the class are bound by the settlement, and they release the United States from any claims they might have brought in the lawsuit other than claims based on the terms of the settlement.

A class member's acceptance of payment under the Settlement Agreement will be in full satisfaction of all claims against the United States relating to his or her internment (or, in the case of an heir to an individual who was interned, the internment of the class member's spouse, parent, or child).

The majority of the JLAs accepted to the settlement agreement because

- for the first time in over 50 years, a public government acknowledgment of wrongdoing would be issued
- individual government apology letters would be sent to surviving JLAs (many hundreds had already passed away)
- while further litigation was precluded, efforts to seek legislative remedy from the US Congress were not prohibited
- while there was no guarantee of payment, repeated assurances were made that there were sufficient funds available for compensation payments

Nevertheless, there was serious concern raised as to the sincerity of the government's acknowledgment of wrongdoing because

- the apology letter made no mention of "Japanese", "Latin America" or the scope and severity of the constitutional and human rights violations
- the choice of wording and tone for the Japanese translation of the apology letter
- inadequate public notification, amounting to publication of an announcement in one Japanese and one Peruvian newspaper for only one day
- the failure to guarantee compensation payments

-- The settlement did not include JLAs in the Civil Liberties Act and does not provide equal treatment for redress, reflected in compensation payments to JLAs of one-quarter (\$5000) of that granted to US citizens and permanent residents of Japanese ancestry

--while the court had not addressed whether to approve the lawsuit as a class action, the settlement agreement had the effect of a class action settlement, thereby binding JLAs who were unaware of the proceedings.

Concern deepened when the government refused to release applicant information to internee attorneys, thus denying JLAs the opportunity to ensure that their claims were being fairly and properly processed.

On 1/7/99, the settlement agreement was approved by the court, despite likelihood of insufficient funds to compensate all JLAs.

On 2/5/99, the CLA redress program closed. Despite earlier government assurances, only 145 of the 729 JLAs who applied received an apology letter and compensation payments.

On 9/16/99, Congressional authorization was given to reprogram Department of Justice funds as provided for under the Emergency Supplemental Appropriations Act. Payment to remaining Mochizuki claimants began in December 1999

A total of 797 Japanese Latin Americans received redress payments.

--145 received \$20,000 under the Civil Liberties Act of 1988 prior to the *Mochizuki* lawsuit settlement

--seven received \$20,000 under CLA after the *Mochizuki* settlement

--645 Japanese Latin Americans received \$5,000 as a result of the *Mochizuki* settlement

Of those, 145 were paid out of the CLA fund, while 500 received their payments from additional funds that the Department of Justice had to get from the government after the CLA funds ran out.

Seventeen Japanese Latin Americans chose to opt out of the settlement agreement. Among them were seven U.S. residents, five persons now living in Peru, and five in Japan.

On August 27, 1996, the Carmen Mochizuki, et al. v. USA lawsuit was filed by five former JLA internees who had been denied redress under the Civil Liberties Act of 1988 (CLA). Plaintiffs argued that former JLA internees should be entitled to relief under the CLA on two grounds: 1) the doctrine of permanent residency under color of law (PRUCOL) deems JLA internees to be constructive permanent residents during the war and are therefore eligible under the CLA; and 2) providing reparations to Japanese Americans (JA) but not to JLAs under the CLA is a violation of the 5th Amendment equal protection clause

Two years later, the US government made a "take it or leave it" settlement offer which was accepted by the majority of the JLAs with mixed emotion and concern. On 6/12/98 the court gave preliminary approval to the settlement agreement, which provided the following:

- 1) Class members who were interned and who were living at the time of payment are entitled to payments of \$5000, to the extent that funds are available in the Civil Liberties Public Education Fund.
- 2) Class members who are spouses, children or parents of former internees who were alive on August 10, 1988, but who are now deceased, may be entitled to a payment or to share in a payment of \$5000, to the extent that funds are available in the Civil Liberties Public Education Fund.
- 3) Class members are entitled to a letter of apology from the President of the United States.
- 4) Those class members who do not file a request to be excluded from the class are bound by the settlement, and they release the United States from any claims they might have brought in the lawsuit other than claims based on the terms of the settlement.

A class member's acceptance of payment under the Settlement Agreement will be in full satisfaction of all claims against the United States relating to his or her internment (or, in the case of an heir to an individual who was interned, the internment of the class member's spouse, parent, or child).

The majority of the JLAs accepted to the settlement agreement because

- government acknowledgment of wrongdoing would be publicly issued
- individual government apology letters would be sent to surviving JLAs (many hundreds had already passed away)
- while further litigation was precluded, efforts to seek legislative remedy from the US Congress was not prohibited
- while there was no guarantee of payment, repeated assurances were made that there were sufficient funds available for compensation payments

Nevertheless, there was serious concern raised as to the sincerity of the government's acknowledgment of wrongdoing

- the apology letter made no mention of "Japanese", "Latin America" or the scope and severity of the constitutional and human rights violations
- the choice of wording and tone for the Japanese translation of the apology letter
- inadequate public notification, amounting to publication of an announcement in one Japanese and one Peruvian newspaper for only one day
- the failure to guarantee compensation payments

-- The settlement did not include JLAs in the Civil Liberties Act and does not provide equal treatment for redress, reflected in compensation payments to JLAs of one-quarter (\$5000) of that granted to US citizens and permanent residents of Japanese ancestry
--while the court had not addressed whether to approve the lawsuit as a class action, the settlement agreement had the effect of a class action settlement, thereby binding JLAs who were unaware of the proceedings.

Concerned deepend when the government refused to release applicant information to internee attorneys, thus denying JLA applicants the opportunity to ensure that their claims were being processed fairly and properly by the ORA.

On October 5, 1998, the US government announced the probability of insufficient funds remaining to make redress compensation payments to both JAs and JLAs and that the DOJ was taking steps to determine if additional funding would be available. .

On 1/7/99, the settlement agreement was approved by the court, despite likelihood of insufficient funds to compensate all JLAs.

2/5/99, The CLA redress program closed. Despite earlier government assurances, only 145 of the 729 who applied were paid before the funds were depleted. Due to insufficient funds, only apology letters were sent to those eligible internees who had been processed prior to the termination date. Internees whose applications had not been completely processed were not awarded an apology nor compensation.

5/20/99, Congress authorizes but does not appropriate \$\$ for the Emergency Supplemental Appropriations Act, which included the reprogramming of \$4.3 million of DOJ funds to make redress payments to 529 JLAs under the settlement and 79 JAs. (I think these were projected numbers at that time.) This additional redress funding did not apply to disputed eligibility categories: pending JA litigation cases, late JLA applicants, applicants declared "undeliverable" and thus ineligible; and JLAs who opted out of the settlement.

On 9/16/99, Congressional authorization was given to reprogram DOJ funds as provided for under the Emergency Supplemental Appropriations Act. However, redress payments are not immediately made.... not only to the 500 Mochizuki claimants but also to 44 JAs (this number needs to be double checked) and 7 JLAs who were due redress under the CLA but the fund had run dry.

Payment to remaining Mochizuki claimants began in December 1999

A total of 797 Japanese Latin Americans received redress payments.

--145 received \$20,000 under the Civil Liberties Act of 1988 prior to the *Mochizuki* lawsuit settlement

--seven received \$20,000 under CLA after the *Mochizuki* settlement

--645 Japanese Latin Americans received \$5,000 as a result of the *Mochizuki* settlement

Of those, 145 were paid out of the CLA fund, while 500 received their payments from additional funds that the Department of Justice had to get from the government after the CLA funds ran out.

Seventeen Japanese Latin Americans chose to opt out of the settlement agreement. Among them were seven U.S. residents, five persons now living in Peru, five in Japan.

Mochizuki Settlement

On August 27, 1996, the Carmen Mochizuki, et al. v. USA lawsuit was filed, seeking inclusion of Japanese Latin American internees (JLAs) under the Civil Liberties Act of 1988 (CLA).

Two years later, the US government made a “take it or leave it” settlement offer which was accepted by some of the JLAs with mixed emotion and concern. There were **serious concerns** because:

- the failure to guarantee compensation payments
 - The settlement did not include JLAs in the Civil Liberties Act and did not provide equal treatment for redress, reflected in compensation payments to JLAs of one-quarter (\$5,000) of that granted to US citizens and permanent residents of Japanese ancestry
- inadequate public notification, amounting to publication of an announcement in one Japanese and one Peruvian newspaper for only one day
- the apology letter made no mention of “Japanese”, “Latin America” or the scope and severity of the constitutional and human rights violations
- while the court had not addressed whether to approve the lawsuit as a class action, the settlement agreement had the effect of a class action settlement, thereby binding JLAs who were unaware of the proceedings.
- Concern deepened when the government refused to release applicant information to internee attorneys, thus denying JLAs the opportunity to ensure that their claims were being fairly and properly processed.

Some of the JLAs accepted the settlement agreement because

- **while further litigation was precluded, efforts to seek legislative remedy from the US Congress were not prohibited**
- for the first time in over 50 years, a public government acknowledgment of wrongdoing would be issued
- individual government apology letters would be sent to surviving JLAs (many hundreds had already passed away)

Luong, Van (Inouye)

semi appendix copy 02/09.

From: Shaw, Tara (HSGAC) ✓

Sent: Monday, February 09, 2009 5:32 PM

VOINOVICH

To: Luong, Van (Inouye)

Subject: RE: S. 69, COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT

Thanks, no rush; just looking for historical background (ie "What do you mean the US took individuals of Japanese descent from Latin American countries? How did they do that? Why did they do that?"). . .

From: Luong, Van (Inouye)

Sent: Monday, February 09, 2009 5:31 PM

To: Shaw, Tara (HSGAC)

Subject: Re: S. 69, COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT

Hi Tara I'm in a Commerce committee mtg I'll get back to you ASAP.

Aloha,
Van

Sent from my BlackBerry Wireless Handheld

From: Shaw, Tara (HSGAC)

To: Luong, Van (Inouye)

Sent: Mon Feb 09 17:25:17 2009

Subject: RE: S. 69, COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT

Hey Van,

Senator Voinovich has asked me for more history about the internment of Latin Americans of Japanese descent (ie how the US took them from their homes in Latin America and why). Do you have the appendix from the Commission on Wartime Relocation and Internment of Civilians report or other information I could give him just as background materials?

Thanks,
tara

From: Luong, Van (Inouye)

Sent: Friday, February 06, 2009 3:32 PM

To: Shaw, Tara (HSGAC)

Subject: RE: S. 69, COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT

Hi Tara,

There are no changes to the bill. Please let me know if you have further questions.

Aloha,
Van

2/9/2009

From: Yoshioka, Mary (Inouye)
Sent: Friday, February 06, 2009 12:14 PM
To: Shaw, Tara (HSGAC)
Cc: Luong, Van (Inouye)
Subject: RE: S. 69, COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT

Tara:

My colleague, Van Luong, is handling this bill, and should be able to answer any of your questions. I have cc'd her in this email. Thanks!

Aloha,
Mary

From: Shaw, Tara (HSGAC)
Sent: Friday, February 06, 2009 11:33 AM
To: Yoshioka, Mary (Inouye)
Subject: S. 69, COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT

Mary,

I was given your name as the potential staffer for Senator Inouye regarding S. 69. The bill is on our Committee's Business Meeting agenda for next week, so I was wondering if any changes were made from S. 381/110th.

Thanks,
Tara

Tara Shaw
Counsel
Senator George V. Voinovich
Homeland Security and Governmental Affairs Committee
Subcommittee on Oversight of Government Management
202-224-1331

2/9/2009

The Library of Congress > THOMAS Home > Bills, Resolutions > Search Results

Item 1 of 1**PREVIOUS:ALL | NEXT:ALL
NEW SEARCH | HOME | HELP****S.69**

Title: A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) Cosponsors (8)

Related Bills: H.R.42

Latest Major Action: 2/11/2009 Senate committee/subcommittee actions. Status: Committee on Homeland Security and Governmental Affairs. Date of scheduled consideration. SD-342. 10:00 a.m.

Jump to: [Summary](#), [Major Actions](#), [All Actions](#), [Titles](#), [Cosponsors](#), [Committees](#), [Related Bill Details](#), [Amendments](#)

SUMMARY AS OF:

1/6/2009--Introduced.

Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act - Establishes the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent.

Directs the Commission to: (1) extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate U.S. relocation, internment, and (in some cases) deportation to Axis countries of Latin Americans of Japanese descent held in U.S. custody from December 1941 through February 1948; and (2) recommend appropriate remedies to Congress based on preliminary findings by the original Commission and new discoveries.

Terminates the Commission 90 days after submission of its report to Congress (as required by this Act).

MAJOR ACTIONS:

NONE

ALL ACTIONS:**1/6/2009:**

Sponsor introductory remarks on measure. (CR S70)

1/6/2009:

Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (text of measure as introduced: CR S70-71)

2/11/2009:

Committee on Homeland Security and Governmental Affairs. Date of scheduled consideration. SD-342. 10:00 a.m.

TITLE(S): (*italics indicate a title for a portion of a bill*)• **SHORT TITLE(S) AS INTRODUCED:**

Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act

• **OFFICIAL TITLE AS INTRODUCED:**

A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes. *and provides 500K for this project.*

COSPONSORS(8), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

Sen Akaka, Daniel K. [HI] - 1/6/2009
 Sen Bennett, Robert F. [UT] - 1/8/2009
 Sen Carper, Thomas R. [DE] - 1/6/2009
 Sen Feinstein, Dianne [CA] - 1/8/2009
 Sen Leahy, Patrick J. [VT] - 1/8/2009
 Sen Levin, Carl [MI] - 1/6/2009
 Sen Lieberman, Joseph I. [CT] - 1/6/2009
 Sen Murkowski, Lisa [AK] - 1/6/2009

COMMITTEE(S):**Committee/Subcommittee:**

Senate Homeland Security and
Governmental Affairs

Activity:

Referral, In Committee

[+]
FEEDBACK

RELATED BILL DETAILS: (additional related bills may be identified in Status)

Bill:

H.R.42

Relationship:

Related bill identified by CRS

AMENDMENT(S):

NONE

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DANIEL K. INOUE
HAWAII

APPROPRIATIONS
Subcommittee on Defense—Chairman

COMMERCE, SCIENCE AND TRANSPORTATION,
CHAIRMAN

COMMITTEE ON INDIAN AFFAIRS

DEMOCRATIC STEERING AND COORDINATION
COMMITTEE

COMMITTEE ON RULES AND ADMINISTRATION

JOINT COMMITTEE ON PRINTING

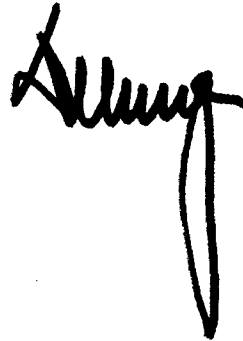
United States Senate
SUITE 722, HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1102
(202) 224-3934
FAX (202) 224-6747

PRINCE KUHIO FEDERAL BUILDING
ROOM 7-212, 300 ALA MOANA BOULEVARD
HONOLULU, HI 96850-4975
(808) 541-2542
FAX (808) 541-2549

101 AUPUNI STREET, NO. 205
HILO, HI 96720
(808) 935-0844
FAX (808) 961-5163

**S. 69, A BILL TO ESTABLISH A FACT-FINDING COMMISSION
ON WARTIME RELOCATION AND INTERNMENT OF
LATIN AMERICANS OF JAPANESE DESCENT,
AND FOR OTHER PURPOSES**

Mr. INOUE. Mr. President, I ask unanimous consent that Senators BENNETT, FEINSTEIN, and LEAHY be added as co-sponsors of S. 69, a bill to provide for the establishment of a fact-finding Commission to determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent, and for other purposes.



MEMORANDUM

TO: SENATOR INOUE
FROM: Van
DATE: December 18, 2008
RE: Reintroduction of the Commission on Wartime Relocation and Internment of Japanese Latin Americans Bill in the 111th Congress

Senate

I met with Kevin Landy, senior counsel on the Committee on Homeland Security and Governmental Affairs, to discuss the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act (Commission Bill). Senator Lieberman, a co-sponsor of your bill in the 109th and 110th Congress, has expressed interest in becoming an original co-sponsor in the 111th Congress, and his staff believes that despite continuing objections from Senators Coburn and DeMint, the bill is likely to again pass out of the Homeland Security Committee during the next Congress. Past co-sponsors include Senators Akaka, Bennett, Biden, Carper, Feingold, Leahy, Levin, Lieberman, Murkowski, Sanders, and Stevens. Do you wish to reintroduce the bill in the 111th Congress? If so, do you wish to request the original co-sponsorship of the listed senators who will be present in the 111th Congress?

House

In a recent teleconference with the Campaign for Justice, they again suggested a reparations bill, or joining the Germans and Italians bill sponsored by Senator Feingold. I again explained to them the complications of these options, particularly the political consequences of joining the Feinstein bill, and that the real issue now is not, and never truly was, simply getting a monetary sum for internment camp survivors. I suggested that they focus their efforts on a strategy for bill passage in the House.

Since withdrawing a contender for the position of U.S. Trade Representative, Rep. Becerra has agreed to be the House sponsor again. There is considerable acrimony in the House, because Rep. Matsui is unhappy with Republican Rep. Lungren (who is an original House co-sponsor), and she has actively worked with Chairwoman Lofgren to prevent a hearing in the House Judiciary Immigration Subcommittee. The House bill has never successfully progressed beyond introduction.

**For your approval
Text for Dear Colleague 111th Congress
Original Co-Sponsors of Commission Bill**

A handwritten signature in black ink, appearing to be "D. G. ...", is written over the text "Original Co-Sponsors of Commission Bill".

Dear Senator :

In the 110th Congress, I introduced S. 381, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, to which you were an original co-sponsor. I wish to reintroduce the bill on the first day of the 111th Congress, and kindly request your original co-sponsorship.

The story of U.S. citizens taken from their homes on the west coast and confined in camps is a story that was made known after a fact-finding study by a Commission that Congress authorized in 1980 (Public Law 96-317). The study uncovered critical facts that enabled Congress to support, and President Ronald Reagan to sign, the historic Civil Liberties Act of 1988 (Public Law 100-383), providing redress for Japanese Americans. Far less known, and indeed, I myself did not initially know, is the story of Latin Americans of Japanese descent taken from their homes in Latin America, stripped of their passports, brought to the U.S., and interned in American camps.

During its investigations, the 1980 Commission discovered an extraordinary effort by the United States government to relocate, intern, and deport Japanese persons living in Latin American countries. Because this finding surfaced late in its study, the Commission was unable to fully review the facts, but found them significant enough to include in the appendix of its published Report to Congress. The Commission found evidence that during World War II, the United States government worked with Latin American governments to take into custody and intern approximately 2,300 Latin American civilians of Japanese descent. Men, women, and children were uprooted from their homes in Latin America, stripped of their passports, and held in internment camps in the United States. Many civilians were then sent to Japan in exchange for American captives. Despite their personal tragedies, Japanese Latin Americans were not included under the Civil Liberties Act of 1988, because this program appears to have been executed outside of Executive Order 9066.

I seek your support and co-sponsorship of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, which would establish a fact-finding Commission to extend the study of the 1980 Commission. This study proposes to determine facts surrounding the relocation, internment, and

December 21, 2006

Page 2

deportation of Latin Americans of Japanese descent. I believe that examining the extraordinary program of interning citizens from Latin America in the United States would give finality to and complete the account of federal actions to detain and intern civilians of Japanese ancestry. I hope that you will consider becoming an original co-sponsor of this Act again. Should you have any questions, please contact my staff, Ms. Van Luong, at 4-3934.

Aloha

**DANIEL K. INOUE
United States Senator**

DKI:vl

Sen Akaka, Daniel K. [HI] - 1/24/2007 Jon
 Sen Bennett, Robert F. [UT] - 1/24/2007
~~Sen Biden, Joseph R., Jr. [DE] - 4/10/2007~~
 Sen Carper, Thomas R. [DE] - 1/31/2007
 Sen Feingold, Russell D. [WI] - 2/13/2007 Lara Flint
 Sen Feinstein, Dianne [CA] - 8/2/2007
 Sen Leahy, Patrick J. [VT] - 1/24/2007 Leila George-Wheeler
 Sen Levin, Carl [MI] - 1/24/2007 Rich Archberg
 Sen Lieberman, Joseph I. [CT] - 1/29/2007
 Sen Murkowski, Lisa [AK] - 1/24/2007
 Sen Sanders, Bernard [VT] - 3/12/2007
~~Sen Stevens, Ted [AK] - 1/24/2007~~

FEEDBACK

Bennett
 Leahy
 Feinstein

COMMITTEE(S):**Committee/Subcommittee:**

Senate Homeland Security and
 Governmental Affairs

Activity:

Referral, Markup, Reporting

RELATED BILL DETAILS: (additional related bills may be identified in Status)**Bill:**

H.R. 662

Relationship:

Identical bill identified by CRS

AMENDMENT(S):

NONE

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MURKOWSKI ✓

Emailed Sally Rey
 Emailed Isaac Edwards 12/19/08
 OK fr Sally Rey 01/02/09

LIEBERMAN ✓

Emailed Kevin & Kristine 12/19/08
 OK fr Kristine 01/05/09

AKAKA ✓

Emailed Jennifer Tyree 12/19/08
 OK from Jennifer 12/23/08

BENNETT ✓

Emailed Nathan Graham 12/19/08
 OK fr Shawn Gunnarson 01/07/09

CARPER ✓

Emailed John Livingston's Beth Osborne's
 Bill's email 12/19/08
 OK fr John 12/19/08

FEINSTEIN ✓

Emailed Rich Harper 12/19/08
 RICH HARPER OK 01/07/09

FEINGOLD

Emailed Lara Flint 12/19/08
 Bob Schiff, chief counsel - prep co-spons in January.

LEAHY ✓

Emailed Leila George-Wheeler 12/19/08
 OK fr Leila 01/06/09

LEVIN ✓

Emailed Rich Archberg 12/19/08
 OK FR Rich 12/19/08

SANDERS

Emailed Peter Tyler 12/19/08

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S.381

Title: A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

Sponsor: Sen Inouye, Daniel K. [HI] (Introduced 1/24/2007) Cosponsors (12)

Related Bills: H.R.662

Latest Major Action: 9/11/2008 Placed on Senate Legislative Calendar under General Orders. Calendar No. 950.

Senate Reports: 110-452

Jump to: [Summary](#), [Major Actions](#), [All Actions](#), [Titles](#), [Cosponsors](#), [Committees](#), [Related Bill Details](#), [Amendments](#)

SUMMARY AS OF:

9/11/2008--Reported to Senate without amendment. (There is 1 [other summary](#))

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act - Establishes the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent.

Directs the Commission to: (1) extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate U.S. relocation, internment, and (in some cases) deportation to Axis countries of Latin Americans of Japanese descent held in U.S. custody from December 1941 through February 1948, including the review of relocation-related U.S. Armed Forces and Department of State directives; (2) recommend appropriate remedies to Congress based on preliminary findings by the original Commission and new discoveries; and (3) report to Congress.

Sets forth Commission authorities and administrative and personnel provisions.

Terminates the Commission 90 days after submission of its congressional report.

Authorizes appropriations.

MAJOR ACTIONS:

1/24/2007 Introduced in Senate

9/11/2008 Committee on Homeland Security and Governmental Affairs. Reported by Senator Lieberman without amendment. With written report No. 110-452.

9/11/2008 Placed on Senate Legislative Calendar under General Orders. Calendar No. 950.

ALL ACTIONS:**1/24/2007:**

Sponsor introductory remarks on measure. (CR S1065-1066)

1/24/2007:

Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (text of measure as introduced: CR S1066-1067)

6/13/2007:

Committee on Homeland Security and Governmental Affairs. Ordered to be reported without amendment favorably.

9/11/2008:

Committee on Homeland Security and Governmental Affairs. Reported by Senator Lieberman without amendment. With written report No. 110-452.

9/11/2008:

Placed on Senate Legislative Calendar under General Orders. Calendar No. 950.

TITLE(S): *(italics indicate a title for a portion of a bill)*

- **SHORT TITLE(S) AS INTRODUCED:**

Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act

- **SHORT TITLE(S) AS REPORTED TO SENATE:**

Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act

- **OFFICIAL TITLE AS INTRODUCED:**

A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

COSPONSORS(12), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

Luong, Van (Inouye)

From: Gunnarson, Shawn (Bennett) [Shawn_Gunnarson@bennett.senate.gov]
Sent: Wednesday, January 07, 2009 5:03 PM
To: Luong, Van (Inouye)
Subject: RE: Japanese Latin American Wartime Relocation Bill
Follow Up Flag: Follow up
Flag Status: Red

Aloha yourself!

From: Luong, Van (Inouye) [mailto:Van_Luong@inouye.senate.gov]
Sent: Wednesday, January 07, 2009 5:03 PM
To: Gunnarson, Shawn (Bennett)
Subject: RE: Japanese Latin American Wartime Relocation Bill

Hi Shawn,

Thank you very much. We will add your boss as a co-sponsor tomorrow.

Aloha,
Van

Ms. Van B. Luong, Esq.
Legislative Assistant
Office of U.S. Senator Daniel K. Inouye
722 Hart Senate Office Building
Washington, DC 20510
Ph: (202) 224-3934
Fax: (202) 224-6747

From: Gunnarson, Shawn (Bennett) [mailto:Shawn_Gunnarson@bennett.senate.gov]
Sent: Tuesday, January 06, 2009 2:29 PM
To: Luong, Van (Inouye)
Subject: RE: Japanese Latin American Wartime Relocation Bill

Dear Van,

Senator Bennett would be pleased to join as a cosponsor on the act. Please let me know if you have any further questions.

Best,

Shawn Gunnarson

From: Gunnarson, Shawn (Bennett)
Sent: Saturday, December 27, 2008 11:56 AM
To: Graham, Nathan (Bennett)
Subject: RE: Japanese Latin American Wartime Relocation Bill

It certainly is. I'll email Van and let him know we'll touch base with the boss and get back to him.

1/7/2009

From: Graham, Nathan (Bennett)
Sent: Friday, December 19, 2008 4:01 PM
To: Gunnarson, Shawn (Bennett)
Subject: FW: Japanese Latin American Wartime Relocation Bill

Shawn,

I think this one is you, right?

Nate

From: Luong, Van (Inouye) [mailto:Van_Luong@inouye.senate.gov]
Sent: Friday, December 19, 2008 11:33 AM
To: Graham, Nathan (Bennett)
Subject: Japanese Latin American Wartime Relocation Bill

Dear Nathan,

Senator Inouye plans to re-introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Latin Decent Act on the first day of the 111th Congress. Senator Bennett was an original co-sponsor of the bill in the last Congress; might he wish to again join as an original co-sponsor?

There are no textual changes to the bill. Please call me, should you have any questions, my direct line is 46055.

Aloha, and happy holidays!

Van

From: Graham, Nathan (Bennett) [mailto:Nathan_Graham@bennett.senate.gov]
Sent: Tuesday, January 23, 2007 12:13 PM
To: Luong, Van (Inouye)
Subject: Wartime Relocation Bill

Van,

Senator Bennett would like to be a cosponsor of Senator Inouye's bill on the wartime relocation of Latin Americans of Japanese descent.

Thanks for your patience!

Nate

Nathan Graham
Legislative Assistant
Office of Senator Robert Bennett
202-224-5444

1/7/2009

Luong, Van (Inouye)

From: Harper, Richard (Feinstein)
Sent: Wednesday, January 07, 2009 5:18 PM
To: Luong, Van (Inouye)
Subject: RE: JLA Commission Bill
Follow Up Flag: Follow up
Flag Status: Red

Van, my boss would like to co-sponsor again. Can you put her on? Many thanks.

Best,

Rich

From: Luong, Van (Inouye)
Sent: Friday, December 19, 2008 11:42 AM
To: Harper, Richard (Feinstein)
Subject: RE: JLA Commission Bill

Aloha Rich,

Senator Inouye plans to re-introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Latin Decent Act on the first day of the 111th Congress. Senator Feinstein was a co-sponsor of the bill in the last Congress. Thank you very much for your past support. Might Senator Feinstein wish to become an original co-sponsor of the bill in the 111th Congress?

There are no textual changes to the bill. Please call me on my direct, 46055, if you have any questions.

Thank you, and happy holidays!

Van

From: Harper, Richard (Feinstein)
Sent: Thursday, August 02, 2007 3:51 PM
To: Luong, Van (Inouye)
Subject: RE: JLA Commission Bill

No question, my boss would like to co-sponsor.

Best,

Rich

From: Luong, Van (Inouye)
Sent: Thursday, August 02, 2007 3:51 PM
To: Harper, Richard (Feinstein)
Subject: JLA Commission Bill

1/7/2009

Hi Rich,

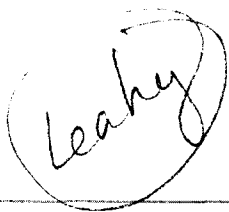
I got a message relaying that you had a question regarding the JLA Commission Bill? Please feel free to call me on my direct if I can be of help, x 46055.

Aloha,
Van

Van B. Luong, Esq.
Legislative Assistant

Office of U.S. Senator Daniel K. Inouye
722 Hart Senate Office Building
Washington, DC 20510
Ph: (202) 224-3934
Fax: (202) 224-6747

1/7/2009

**Luong, Van (Inouye)**

From: George-Wheeler, Leila (Judiciary-Dem) [Leila_George-Wheeler@Judiciary-dem.senate.gov]
Sent: Tuesday, January 06, 2009 5:47 PM
To: Luong, Van (Inouye)
Subject: RE: Japanese Latin American Commission Bill
Follow Up Flag: Follow up
Flag Status: Red

Hi Van,

Happy new year! I am so sorry to just be getting back to you. Time got away from me over the holidays. If you have already introduced, we would like to sign on as a cosponsor and if you haven't, we would love to sign on as an original cosponsor. Again, sorry for the delay. I hope you had a great holiday!

Thanks,

Leila

From: Luong, Van (Inouye) [mailto:Van_Luong@inouye.senate.gov]
Sent: Friday, December 19, 2008 11:46 AM
To: George-Wheeler, Leila (Judiciary-Dem)
Subject: Japanese Latin American Commission Bill

Hi Leila,

Senator Inouye plans to re-introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Latin Decent Act on the first day of the 111th Congress. Senator Leahy was an original co-sponsor of the bill in the last Congress. Thank you very much for your past support. Might Senator Leahy wish to again be an original co-sponsor of the bill in the 111th Congress?

There are no textual changes to the bill. Please call me on my direct, 46055, if you have any questions.

Aloha, and happy holidays!

Van

From: Broder Van Dyke, Jesse (Akaka)
Sent: Wednesday, January 24, 2007 5:33 PM
To: Broder Van Dyke, Jesse (Akaka)
Subject: PRESS RELEASE: 7 SENATORS ADVOCATE CREATION OF A PANEL TO STUDY INTERNMENT OF LATIN AMERICANS OF JAPANESE ANCESTRY

1/7/2009

Dan Inouye

U.S. SENATOR FROM HAWAII



**INOUE, AKAKA, LEAHY, LEVIN, BENNETT, MURKOWSKI, STEVENS
ADVOCATE CREATION OF A PANEL TO STUDY INTERNMENT
OF LATIN AMERICANS OF JAPANESE ANCESTRY**

Wednesday, January 24, 2007

FOR IMMEDIATE RELEASE

WASHINGTON — U.S. Senator Daniel K. Inouye (D-Hawaii) today introduced a bill to establish a commission that would determine the facts and circumstances involving the relocation, internment, and deportation of Latin Americans of Japanese descent during World War II and the late 1940s.

Joining Senator Inouye in introducing the legislation were six original co-sponsors of the legislation – Democratic Senators Daniel K. Akaka of Hawaii, Patrick J. Leahy of Vermont, and Carl Levin of Michigan, and Republican Senators Robert F. Bennett of Utah, and Lisa Murkowski and Ted Stevens, both of Alaska.

“The story of U.S. citizens of Japanese ancestry who were forced from their homes on the West Coast, and confined in camps is a story that was made widely known after a fact-finding study by the Commission on Wartime Relocation and Internment of Civilians, which was established by the Congress in 1980,” Senator Inouye said. “The study uncovered critical facts that enabled the Congress to support, and President Reagan to sign, the historic Civil Liberties Act of 1988 that provided redress for Japanese-Americans.

“Far less known – and I myself did not initially know – is the story of Latin Americans of Japanese descent. They were taken from their homes in countries such as Brazil, Panama, and Peru, stripped of their passports, involuntarily brought to the United States, and interned in American camps. They apparently had only one purpose on U.S. soil: to be used for prisoner exchanges with Japan.”

Senator Akaka added: “The Commission learned late in its study of the internment of some 2,300 Latin Americans of Japanese ancestry. A new panel will provide a thorough and complete examination of this largely unknown aspect of the internment experience. We are a great nation, and we should not be afraid of the lessons we can learn from the

MEMORANDUM

TO: SENATOR INOUE
FROM: Van and Marie
DATE: March 30, 2009
RE: Strategy options for the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act

S.69, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act was marked out of the Senate Homeland Security and Governmental Affairs Committee (HSGAC) in February, and the House Judiciary Subcommittee on Immigration held a hearing on March 19, 2009. Pursuant to a preliminary meeting between the Commerce Justice Science (CJS) Appropriations Subcommittee staff, Marie and myself, this memo lays out some strategy options to moving this measure, and seeks indication of your favored approach.

- Authorize as a stand-alone bill. This approach requires you to talk to Leadership to put it on their schedule and move the bill. The drawback is that Senator Coburn's office has placed a hold on the bill, though there is some doubt whether the Senator himself is actually aware of the hold. This may require a call from you to Senator Coburn to persuade him that the bill is worthy of passage. Funding for the bill would have to be appropriated at a later date.
- Authorize and appropriate under a FY 10 Appropriations bill. This is the most expedient yet difficult approach, and requires clearance from HSGAC, the authorizing committee. HSGAC Chairman Lieberman's staff has stated that he would not object the bill's forward movement on an appropriations vehicle. While Ranking Member Collins has not yet been approached, she is likely to clear the bill because she has not objected to the bill in the past, unless she chooses to now oppose it on Senator Coburn's behalf. This approach presents several issues:
 - S.69 was estimated by the Congressional Budget Office to cost approximately \$1 million dollars for a one year commission. Attachment to an appropriations bill may require an offset. A solution to this problem is to amend the bill language in the Chairman's Mark to have the commission funded at a *de minimus* amount requiring no offset of \$500,000 per year for two years. Senator Mikulski was very sympathetic to this issue during the 110th Congress and was helpful to the extent possible when you offered the bill as an amendment to the CJS appropriations bill, but withdrew it when Senator DeMint put a

hold on the amendment and would have held up the appropriations bill's passage.

- Finding a natural home for the independent commission may be an issue, because it arguably falls under several appropriations bills. CJS may argue that there is no nexus to the current Justice Department, because though Justice might be subject to investigation of its historical records, immigration issues that were once under Justice during World War II were transferred to the Department of Homeland Security (DHS) in 2002. The DHS Appropriations Subcommittee may argue that S.69 should be attached through either the CJS, Financial Services and General Government (independent commissions may be a general government function) or the Defense Appropriations bill.
- Finally, there is sensitivity that you are the Chairman of Appropriations, and an attempt to legislate on appropriations may cause problems, and encourage others to do the same.

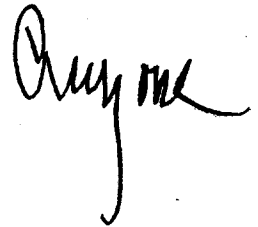
Do you wish to pursue movement of S.69 as a stand-alone bill, or as attached to an appropriations bill? If you favor the latter approach, which appropriations bill would you like us to pursue this matter under?

CJS (Senator Mikulski) _____

DHS (Senator Byrd) _____

Financial Services (Senator Durbin) _____

Defense (Senator Inouye) X _____

A handwritten signature in black ink, appearing to read "Any me", is written over the right side of the signature lines.

MEMORANDUM

TO: SENATOR INOUE
FROM: Van
DATE: December 18, 2008
RE: Reintroduction of the Commission on Wartime Relocation and Internment of Japanese Latin Americans Bill in the 111th Congress

Senate

I met with Kevin Landy, senior counsel on the Committee on Homeland Security and Governmental Affairs, to discuss the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act (Commission Bill). Senator Lieberman, a co-sponsor of your bill in the 109th and 110th Congress, has expressed interest in becoming an original co-sponsor in the 111th Congress, and his staff believes that despite continuing objections from Senators Coburn and DeMint, the bill is likely to again pass out of the Homeland Security Committee during the next Congress. Past co-sponsors include Senators Akaka, Bennett, Biden, Carper, Feingold, Leahy, Levin, Lieberman, Murkowski, Sanders, and Stevens. Do you wish to reintroduce the bill in the 111th Congress? If so, do you wish to request the original co-sponsorship of the listed senators who will be present in the 111th Congress?

House

In a recent teleconference with the Campaign for Justice, they again suggested a reparations bill, or joining the Germans and Italians bill sponsored by Senator Feingold. I again explained to them the complications of these options, particularly the political consequences of joining the Feinstein bill, and that the real issue now is not, and never truly was, simply getting a monetary sum for internment camp survivors. I suggested that they focus their efforts on a strategy for bill passage in the House.

Since withdrawing a contender for the position of U.S. Trade Representative, Rep. Becerra has agreed to be the House sponsor again. There is considerable acrimony in the House, because Rep. Matsui is unhappy with Republican Rep. Lungren (who is an original House co-sponsor), and she has actively worked with Chairwoman Lofgren to prevent a hearing in the House Judiciary Immigration Subcommittee. The House bill has never successfully progressed beyond introduction.

**For your approval
Text for Dear Colleague 111th Congress
Original Co-Sponsors of Commission Bill**

A handwritten signature in black ink, appearing to be 'J. Martinez', is written over the text 'Original Co-Sponsors of Commission Bill'.

Dear Senator :

In the 110th Congress, I introduced S. 381, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, to which you were an original co-sponsor. I wish to reintroduce the bill on the first day of the 111th Congress, and kindly request your original co-sponsorship.

The story of U.S. citizens taken from their homes on the west coast and confined in camps is a story that was made known after a fact-finding study by a Commission that Congress authorized in 1980 (Public Law 96-317). The study uncovered critical facts that enabled Congress to support, and President Ronald Reagan to sign, the historic Civil Liberties Act of 1988 (Public Law 100-383), providing redress for Japanese Americans. Far less known, and indeed, I myself did not initially know, is the story of Latin Americans of Japanese descent taken from their homes in Latin America, stripped of their passports, brought to the U.S., and interned in American camps.

During its investigations, the 1980 Commission discovered an extraordinary effort by the United States government to relocate, intern, and deport Japanese persons living in Latin American countries. Because this finding surfaced late in its study, the Commission was unable to fully review the facts, but found them significant enough to include in the appendix of its published Report to Congress. The Commission found evidence that during World War II, the United States government worked with Latin American governments to take into custody and intern approximately 2,300 Latin American civilians of Japanese descent. Men, women, and children were uprooted from their homes in Latin America, stripped of their passports, and held in internment camps in the United States. Many civilians were then sent to Japan in exchange for American captives. Despite their personal tragedies, Japanese Latin Americans were not included under the Civil Liberties Act of 1988, because this program appears to have been executed outside of Executive Order 9066.

I seek your support and co-sponsorship of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, which would establish a fact-finding Commission to extend the study of the 1980 Commission. This study proposes to determine facts surrounding the relocation, internment, and

December 21, 2006

Page 2

deportation of Latin Americans of Japanese descent. I believe that examining the extraordinary program of internment of citizens from Latin America in the United States would give finality to and complete the account of federal actions to detain and intern civilians of Japanese ancestry. I hope that you will consider becoming an original co-sponsor of this Act again. Should you have any questions, please contact my staff, Ms. Van Luong, at 4-3934.

Aloha

**DANIEL K. INOUE
United States Senator**

DKI:vl

DANIEL K. INOUE
HAWAII

APPROPRIATIONS
Subcommittee on Defense—Chairman

COMMERCE, SCIENCE AND TRANSPORTATION,
CHAIRMAN

COMMITTEE ON INDIAN AFFAIRS

DEMOCRATIC STEERING AND COORDINATION
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COMMITTEE ON RULES AND ADMINISTRATION

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COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT

STATEMENT BY SENATOR DANIEL K. INOUE FOR THE RECORD

Mr. PRESIDENT, I rise to speak in support of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

The story of U.S. citizens taken from their homes on the west coast and confined in camps is a story that was made known after a fact-finding study by a Commission that Congress authorized in 1980. That study was followed by a formal apology by President Reagan and a bill for reparations. Far less known, and indeed, I myself did not initially know, is the story of Latin Americans of Japanese descent taken from their homes in Latin America, stripped of their passports, brought to the U.S., and interned in American camps.

This is a story about the U.S. government's act of reaching its arm across international borders, into a community that did not pose an immediate threat to our nation, in order to use them, devoid of passports or any other proof of citizenship, for exchange with Americans with Japan. Between the years 1941 and 1945, our government, with the help of Latin American officials, arbitrarily arrested persons of Japanese descent from streets, homes, and workplaces. Approximately 2,300 undocumented persons were brought to camp sites in the U.S., where they were held under armed watch, and then held in reserve for prisoner exchange. Those used in an exchange were sent to Japan, a foreign country that many had never set foot on since their ancestors' immigration to Latin America.

Mr. President, despite their involuntary arrival, Latin American internees of Japanese descent were considered by the Immigration and Naturalization Service as illegal entrants. By the end of the war, some Japanese Latin Americans had been sent to Japan. Those who were not used in a prisoner exchange were cast out into a new and English-speaking country, and subject to deportation proceedings. Some returned to Latin America. Others remained in the U.S., because their country of

origin in Latin America refused their re-entry, because they were unable to present a passport.

When I first learned of the wartime experiences of Japanese Latin Americans, it seemed unbelievable, but indeed, it happened. It is a part of our national history, and it is a part of the living histories of the many families whose lives are forever tied to internment camps in our country.

The outline of this story was sketched out in a book published by the Commission on Wartime Relocation and Internment of Civilians formed in 1980. This Commission had set out to learn about Japanese Americans. Towards the close of their investigations, the Commissioners stumbled upon this extraordinary effort by the U.S. government to relocate, intern, and deport Japanese persons formerly living in Latin America. Because this finding surfaced late in its study, the Commission was unable to fully uncover the facts, but found them significant enough to include in its published study, urging a deeper investigation.

I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, which would establish a fact-finding Commission to extend the study of the 1980 Commission. This Commission's task would be to determine facts surrounding the U.S. government's actions in regards to Japanese Latin Americans subject to a program of relocation, interment, and deportation. I believe that examining this extraordinary program would give finality to, and complete the account of federal actions to detain and intern civilians of Japanese ancestry.

Mr. President, I ask unanimous consent that the text of my statement be printed in the RECORD.

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Items 1 through 23 of 23

1. S.RES.7 : A resolution expressing the sense of the Senate regarding designation of the month of November as "National Military Family Month".

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Judiciary

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Referred to the Committee on the Judiciary.

2. S.50 : A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Homeland Security and Governmental Affairs

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

3. S.51 : A bill to amend title 10, United States Code, to recognize the United States Military Cancer Institute as an establishment within the Uniformed Services University of the Health Sciences, to require the Institute to promote the health of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Armed Services

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Armed Services.

4. S.52 : A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a Federally-qualified health center or a Native Hawaiian health care system.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Finance

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Finance.

5. S.53 : A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State Medicaid programs.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Finance

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Finance.

6. S.54 : A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing minimum nurse staffing ratios at certain Medicare providers, and for other purposes.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Finance

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Finance.

7. S.55 : A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the Medicare program.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Finance

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Finance.

8. S.56 : A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Finance

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Finance.

9. S.57 : A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Health, Education, Labor, and Pensions

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

10. S.58 : A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Finance

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Finance.

11. S.59 : A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Health, Education, Labor, and Pensions

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

12. S.63 : A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physicians assistants under the Medicaid Program.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Finance

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Finance.

13. S.65 : A bill to provide relief to the Pottawatomie Nation in Canada for settlement of certain claims against the United States.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Judiciary

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on the Judiciary.

14. S.66 : A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (1)

Committees: Senate Armed Services

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Armed Services.

15. S.67 : A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Armed Services

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Armed Services.

16. S.68 : A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Veterans' Affairs

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Veterans' Affairs.

17. S.69 : A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (5)

Committees: Senate Homeland Security and Governmental Affairs

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

18. S.70 : A bill to restore the traditional day of observance of Memorial Day, and for other purposes.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Judiciary

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on the Judiciary.

19. S.72 : A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (1)

Committees: Senate Indian Affairs

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Indian Affairs.

20. S.76 : A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Indian Affairs

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Indian Affairs.

21. S.112 : A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness.

Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/6/2009) **Cosponsors** (None)

Committees: Senate Finance

Latest Major Action: 1/6/2009 Referred to Senate committee. Status: Read twice and referred to the Committee on Finance.

111TH CONGRESS
1ST SESSION

S. _____

To establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. INOUE introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commission on War-
3 time Relocation and Internment of Latin Americans of
4 Japanese Descent Act”.

5 **SEC. 2. FINDINGS AND PURPOSE.**

6 (a) FINDINGS.—Based on a preliminary study pub-
7 lished in December 1982 by the Commission on Wartime
8 Relocation and Internment of Civilians, Congress finds the
9 following:

10 (1) During World War II, the United States—

11 (A) expanded its internment program and
12 national security investigations to conduct the
13 program and investigations in Latin America;
14 and

15 (B) financed relocation to the United
16 States, and internment, of approximately 2,300
17 Latin Americans of Japanese descent, for the
18 purpose of exchanging the Latin Americans of
19 Japanese descent for United States citizens
20 held by Axis countries.

21 (2) Approximately 2,300 men, women, and chil-
22 dren of Japanese descent from 13 Latin American
23 countries were held in the custody of the Depart-
24 ment of State in internment camps operated by the
25 Immigration and Naturalization Service from 1941
26 through 1948.

1 (3) Those men, women, and children either—

2 (A) were arrested without a warrant, hear-
3 ing, or indictment by local police, and sent to
4 the United States for internment; or

5 (B) in some cases involving women and
6 children, voluntarily entered internment camps
7 to remain with their arrested husbands, fathers,
8 and other male relatives.

9 (4) Passports held by individuals who were
10 Latin Americans of Japanese descent were routinely
11 confiscated before the individuals arrived in the
12 United States, and the Department of State ordered
13 United States consuls in Latin American countries
14 to refuse to issue visas to the individuals prior to de-
15 parture.

16 (5) Despite their involuntary arrival, Latin
17 American internees of Japanese descent were consid-
18 ered to be and treated as illegal entrants by the Im-
19 migration and Naturalization Service. Thus, the in-
20 ternees became illegal aliens in United States cus-
21 tody who were subject to deportation proceedings for
22 immediate removal from the United States. In some
23 cases, Latin American internees of Japanese descent
24 were deported to Axis countries to enable the United
25 States to conduct prisoner exchanges.

1 (6) Approximately 2,300 men, women, and chil-
2 dren of Japanese descent were relocated from their
3 homes in Latin America, detained in internment
4 camps in the United States, and in some cases, de-
5 ported to Axis countries to enable the United States
6 to conduct prisoner exchanges.

7 (7) The Commission on Wartime Relocation
8 and Internment of Civilians studied Federal actions
9 conducted pursuant to Executive Order 9066 (relat-
10 ing to authorizing the Secretary of War to prescribe
11 military areas). Although the United States program
12 of interning Latin Americans of Japanese descent
13 was not conducted pursuant to Executive Order
14 9066, an examination of that extraordinary program
15 is necessary to establish a complete account of Fed-
16 eral actions to detain and intern civilians of enemy
17 or foreign nationality, particularly of Japanese de-
18 scend. Although historical documents relating to the
19 program exist in distant archives, the Commission
20 on Wartime Relocation and Internment of Civilians
21 did not research those documents.

22 (8) Latin American internees of Japanese de-
23 scend were a group not covered by the Civil Liberties
24 Act of 1988 (50 U.S.C. App. 1989b et seq.), which
25 formally apologized and provided compensation pay-

1 ments to former Japanese Americans interned pur-
2 suant to Executive Order 9066.

3 (b) PURPOSE.—The purpose of this Act is to estab-
4 lish a fact-finding Commission to extend the study of the
5 Commission on Wartime Relocation and Internment of Ci-
6 vilians to investigate and determine facts and cir-
7 cumstances surrounding the relocation, internment, and
8 deportation to Axis countries of Latin Americans of Japa-
9 nese descent from December 1941 through February
10 1948, and the impact of those actions by the United
11 States, and to recommend appropriate remedies, if any,
12 based on preliminary findings by the original Commission
13 and new discoveries.

14 **SEC. 3. ESTABLISHMENT OF THE COMMISSION.**

15 (a) IN GENERAL.—There is established the Commis-
16 sion on Wartime Relocation and Internment of Latin
17 Americans of Japanese descent (referred to in this Act as
18 the “Commission”).

19 (b) COMPOSITION.—The Commission shall be com-
20 posed of 9 members, who shall be appointed not later than
21 60 days after the date of enactment of this Act, of
22 whom—

23 (1) 3 members shall be appointed by the Presi-
24 dent;

1 (2) 3 members shall be appointed by the Speak-
2 er of the House of Representatives, on the joint rec-
3 ommendation of the majority leader of the House of
4 Representatives and the minority leader of the
5 House of Representatives; and

6 (3) 3 members shall be appointed by the Presi-
7 dent pro tempore of the Senate, on the joint rec-
8 ommendation of the majority leader of the Senate
9 and the minority leader of the Senate.

10 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
11 bers shall be appointed for the life of the Commission. A
12 vacancy in the Commission shall not affect its powers, but
13 shall be filled in the same manner as the original appoint-
14 ment was made.

15 (d) MEETINGS.—

16 (1) FIRST MEETING.—The President shall call
17 the first meeting of the Commission not later than
18 the later of—

19 (A) 60 days after the date of enactment of
20 this Act; or

21 (B) 30 days after the date of enactment of
22 legislation making appropriations to carry out
23 this Act.

1 (2) SUBSEQUENT MEETINGS.—Except as pro-
2 vided in paragraph (1), the Commission shall meet
3 at the call of the Chairperson.

4 (e) QUORUM.—Five members of the Commission
5 shall constitute a quorum, but a lesser number of members
6 may hold hearings.

7 (f) CHAIRPERSON AND VICE CHAIRPERSON.—The
8 Commission shall elect a Chairperson and Vice Chair-
9 person from among its members. The Chairperson and
10 Vice Chairperson shall serve for the life of the Commis-
11 sion.

12 **SEC. 4. DUTIES OF THE COMMISSION.**

13 (a) IN GENERAL.—The Commission shall—

14 (1) extend the study of the Commission on
15 Wartime Relocation and Internment of Civilians, es-
16 tablished by the Commission on Wartime Relocation
17 and Internment of Civilians Act—

18 (A) to investigate and determine facts and
19 circumstances surrounding the United States'
20 relocation, internment, and deportation to Axis
21 countries of Latin Americans of Japanese de-
22 scend from December 1941 through February
23 1948, and the impact of those actions by the
24 United States; and

1 (B) in investigating those facts and cir-
2 cumstances, to review directives of the United
3 States armed forces and the Department of
4 State requiring the relocation, detention in in-
5 ternment camps, and deportation to Axis coun-
6 tries of Latin Americans of Japanese descent;
7 and

8 (2) recommend appropriate remedies, if any,
9 based on preliminary findings by the original Com-
10 mission and new discoveries.

11 (b) REPORT.—Not later than 1 year after the date
12 of the first meeting of the Commission pursuant to section
13 3(d)(1), the Commission shall submit a written report to
14 Congress, which shall contain findings resulting from the
15 investigation conducted under subsection (a)(1) and rec-
16 ommendations described in subsection (a)(2).

17 **SEC. 5. POWERS OF THE COMMISSION.**

18 (a) HEARINGS.—The Commission or, at its direction,
19 any subcommittee or member of the Commission, may, for
20 the purpose of carrying out this Act—

21 (1) hold such public hearings in such cities and
22 countries, sit and act at such times and places, take
23 such testimony, receive such evidence, and admin-
24 ister such oaths as the Commission or such sub-
25 committee or member considers advisable; and

1 (2) require, by subpoena or otherwise, the at-
2 tendance and testimony of such witnesses and the
3 production of such books, records, correspondence,
4 memoranda, papers, documents, tapes, and materials
5 as the Commission or such subcommittee or member
6 considers advisable.

7 (b) ISSUANCE AND ENFORCEMENT OF SUB-
8 POENAS.—

9 (1) ISSUANCE.—Subpoenas issued under sub-
10 section (a) shall bear the signature of the Chair-
11 person of the Commission and shall be served by any
12 person or class of persons designated by the Chair-
13 person for that purpose.

14 (2) ENFORCEMENT.—In the case of contumacy
15 or failure to obey a subpoena issued under sub-
16 section (a), the United States district court for the
17 judicial district in which the subpoenaed person re-
18 sides, is served, or may be found may issue an order
19 requiring such person to appear at any designated
20 place to testify or to produce documentary or other
21 evidence. Any failure to obey the order of the court
22 may be punished by the court as a contempt of that
23 court.

24 (c) WITNESS ALLOWANCES AND FEES.—Section
25 1821 of title 28, United States Code, shall apply to wit-

1 nesses requested or subpoenaed to appear at any hearing
2 of the Commission. The per diem and mileage allowances
3 for witnesses shall be paid from funds available to pay the
4 expenses of the Commission.

5 (d) INFORMATION FROM FEDERAL AGENCIES.—The
6 Commission may secure directly from any Federal depart-
7 ment or agency such information as the Commission con-
8 siders necessary to perform its duties. Upon request of
9 the Chairperson of the Commission, the head of such de-
10 partment or agency shall furnish such information to the
11 Commission.

12 (e) POSTAL SERVICES.—The Commission may use
13 the United States mails in the same manner and under
14 the same conditions as other departments and agencies of
15 the Federal Government.

16 **SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.**

17 (a) COMPENSATION OF MEMBERS.—Each member of
18 the Commission who is not an officer or employee of the
19 Federal Government shall be compensated at a rate equal
20 to the daily equivalent of the annual rate of basic pay pre-
21 scribed for level IV of the Executive Schedule under sec-
22 tion 5315 of title 5, United States Code, for each day (in-
23 cluding travel time) during which such member is engaged
24 in the performance of the duties of the Commission. All
25 members of the Commission who are officers or employees

1 of the United States shall serve without compensation in
2 addition to that received for their services as officers or
3 employees of the United States.

4 (b) TRAVEL EXPENSES.—The members of the Com-
5 mission shall be allowed travel expenses, including per
6 diem in lieu of subsistence, at rates authorized for employ-
7 ees of agencies under subchapter I of chapter 57 of title
8 5, United States Code, while away from their homes or
9 regular places of business in the performance of services
10 for the Commission.

11 (c) STAFF.—

12 (1) IN GENERAL.—The Chairperson of the
13 Commission may, without regard to the civil service
14 laws and regulations, appoint and terminate the em-
15 ployment of such personnel as may be necessary to
16 enable the Commission to perform its duties.

17 (2) COMPENSATION.—The Chairperson of the
18 Commission may fix the compensation of the per-
19 sonnel without regard to chapter 51 and subchapter
20 III of chapter 53 of title 5, United States Code, re-
21 lating to classification of positions and General
22 Schedule pay rates, except that the rate of pay for
23 the personnel may not exceed the rate payable for
24 level V of the Executive Schedule under section 5316
25 of such title.

1 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
2 Federal Government employee may be detailed to the
3 Commission without reimbursement, and such detail shall
4 be without interruption or loss of civil service status or
5 privilege.

6 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
7 TENT SERVICES.—The Chairperson of the Commission
8 may procure temporary and intermittent services under
9 section 3109(b) of title 5, United States Code, at rates
10 for individuals that do not exceed the daily equivalent of
11 the annual rate of basic pay prescribed for level V of the
12 Executive Schedule under section 5316 of such title.

13 (f) OTHER ADMINISTRATIVE MATTERS.—The Com-
14 mission may—

15 (1) enter into agreements with the Adminis-
16 trator of General Services to procure necessary fi-
17 nancial and administrative services;

18 (2) enter into contracts to procure supplies,
19 services, and property; and

20 (3) enter into contracts with Federal, State, or
21 local agencies, or private institutions or organiza-
22 tions, for the conduct of research or surveys, the
23 preparation of reports, and other activities necessary
24 to enable the Commission to perform its duties.

1 **SEC. 7. TERMINATION.**

2 The Commission shall terminate 90 days after the
3 date on which the Commission submits its report to Con-
4 gress under section 4(b).

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated such sums as may be necessary to carry out this
8 Act.

9 (b) AVAILABILITY.—Any sums appropriated under
10 the authorization contained in this section shall remain
11 available, without fiscal year limitation, until expended.