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97th Congress
2d Session

H. R. -----

To restore social, economic, and cultural well-being to the communities of American citizens, permanent resident aliens, and others whose lives, communities, employment, and social networks were disrupted and damaged when they were evacuated from their homes as a result of Executive Order Numbered 9066, issued February 19, 1942, and related actions of the Government of the United States of America during World War II.

IN THE HOUSE OF REPRESENTATIVES

-----, 19----

Mr. Dymally introduced the following bill; which was referred to the Committee on -----

A BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

.SHORT TITLE

SECTION 1. This Act may be cited as the "Japanese American and Aleut-American Relocation and Internment Community Redress Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that--

(1) no justification exists in law, equity, military expediency, or morality for the evacuation, relocation, and internment of more than 120,000 civilian individuals during World War II pursuant to Executive Order Numbered 9066 and related actions of the Federal Government;

(2) Executive Order Numbered 9066 and related actions of the Federal Government, and the resultant evacuation of Japanese-Americans and Aleut-Americans from the western United States and the Territory of Hawaii caused evacuees to lose the sources of their economic and social well-being, including employment, community membership, educational opportunity, and political, social, family, cultural, and religious organizations;

(3) the United States has a legal and moral obligation to provide a means for restoration of economic and social well-being to the Japanese-American and Aleut-American communities which were destroyed by virtue of evacuations carried out pursuant to Executive Order Numbered 9066 and related actions of the Federal Government; and

(4) the Congress has power under article I, section 8 of the United States Constitution to take all reasonable and necessary measures and actions to satisfy this legal and moral obligation.

(b) In order to aid the restoration of economic and social well-being to the Japanese-American and Aleut-American communities, it is the purpose of this Act to establish a community restoration fund for those communities which sustained loss by virtue of Executive Order Numbered 9066 and related actions of the Federal Government and to establish a system for distribution

of these community restoration funds.

DEFINITIONS

SEC. 3. As used in this Act--

(1) the term "evacuee" refers to every Nikkei, Aleut, or other individual who--

(A) was detained in relocation camps or other places of incarceration administered by the War Relocation Authority or relocation camps administered by the military or naval forces or the Justice Department of the United States during the World War II relocation period;

(B) was forced to evacuate from the west coast of the United States by order of the Western Defense Command or were forced to evacuate from the Territory of Hawaii; or

(C) suffered any of the following losses as a result of Executive Order Numbered 9066 or related actions of the Federal Government: loss of earning capacity and vocational opportunity; loss of educational opportunity; physical or mental disability; severe emotional distress; involuntary separation from family; involuntary separation from place of residence; or deprivation of rights secured by the Constitution of the United States or the several States;

(2) the term "related actions of the Federal Government" means any Executive order, Presidential proclamation, Act of Congress, directive of the military or naval Forces of the United States, rules and regulations of administrative agencies, and any other action made by or on behalf of the United States, or its agents, representatives, officers, or employees resulting in the evacuation and relocation of Japanese-Americans, Aleut-Americans and other individuals during the World War II relocation period;

(3) the term "World War II relocation period" means the period beginning December 7, 1941, and ending June 30, 1946;

(4) the term "Nikkei" means any person of Japanese descent who is a citizen or permanent resident alien of the United States;

(5) the term "Aleut" means natives of the Aleutian and Pribilof Islands, and their descendants, including those descendants who resided in the Aleutian or Pribilof Islands or the Alaskan mainland on or after December 7, 1941;

(6) the term "evacuee community" means any group of 10 or more evacuees, spouses of evacuees, children of evacuees, or a combination thereof, who all reside within the same county upon the date they make application for funds as provided by this Act;

(7) the term "National Board" means the Community Fund National Board of Directors established by section 5(a);

(8) the term "Local Board" means each of the Community Fund Local Boards established by section 6(a); and

(9) the term "Community Fund" means the Evacuee Community Fund established by section 9.

COMMUNITY BENEFITS

SEC. 4. Evacuee communities may apply to the Local Boards for the following categories of benefits:

- (1) education and training;
- (2) business and agricultural development loans;
- (3) health care of the elderly;
- (4) housing and daycare for the elderly;
- (5) mental health, alcoholism, and drug abuse care and treatment;
- (6) low income housing;
- (7) health care;

- (8) child daycare;
- (9) cultural maintenance, research, and expression;
- (10) improvement of communications within the evacuee community.

COMMUNITY FUND NATIONAL BOARD OF DIRECTORS

SEC. 5. (a) There is established a Community Fund National Board of Directors.

(b) The National Board shall consist of 11 members, of which three shall be appointed by the President with the advise and consent of Congress, and the remaining eight members shall be elected by the Community Fund Local Boards as hereinafter described in section six of this Act. National Board members shall have the following responsibilities:

(1) All members shall be evacuees, spouses of evacuees, or descendants of evacuees.

(2) The three members appointed by the President shall have demonstrated expertise in fiscal management.

(3) At least one, but no more than two, board members shall be appointed from among the residents of each of the eight regions described in section 6(a).

(4) No National Board member may serve concurrently on a Local Board.

(c)(1) Each individual appointed to the National Board shall serve a term of three years;

(2) the President may not appoint the same person to more than three consecutive terms.

(d) It shall be the duty of the National Board to--

(1) promulgate rules by which evacuee communities may apply for grants or loans from the community fund provided that:

(A) initial review of an application shall be made by the local board in the region in which the applicant is located;

(B) the local board, upon approving an application, shall forward the application and a recommendation for level of funding to the National Board for its approval.

(2) make grants from the community fund, provided that:

(A) grants shall be made only to applicants approved by the local board;

(B) grants shall be made only on the affirmative vote of 7 members of the National Board;

(C) funding levels shall be determined through consultation and negotiation between the national board, the local board, and the applicant community;

(3) employ such individuals as may be necessary to aid in carrying out the duties of the National Board, and determine appropriate staffing levels for each of the Local Boards; except that all staff of both the National Board and the Local Boards shall be compensated in accordance with the GS level appropriate for their job classification as determined under chapter 51 of title 5, United States Code; in no case, however, may an employee be compensated at a level greater than the rate payable for GS-18 of the General Schedule under section 5332 of such title;

(4) meet to rule on grant and loan applications at least 3 times annually;

(5) keep complete and accurate records of all proceedings and financial activities;

(6) prepare and publish an annual report on the activities of the National Board including a record of financial transactions;

(7) adopt such rules and procedures as may be necessary to carry out the provisions of this Act.

COMMUNITY FUND LOCAL BOARDS

SEC. 6. (a) There are established 3 Community Fund Local Review Boards each consisting of 7 members for the following 8 regions:

(1) Region 1: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, West Virginia, Virginia, Delaware, Washington, D.C., North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, Louisiana, Puerto Rico;

(2) Region 2: Minnesota, Wisconsin, Michigan, Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa;

(3) Region 3: Montana, Idaho, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Utah, Arizona, New Mexico, Texas, Oklahoma, Nevada;

(4) Region 4: Washington, Oregon;

(5) Region 5: Northern California counties North of and including Sonoma, Napa, Solano, Sacramento, and El Dorado counties;

(6) Region 6: Hawaii, the Pacific Trust Territories and middle California south of the Region 5 southern boundary to, and including, Santa Barbara, Bakersfield, and Inyo counties;

(7) Region 7: Southern California including all counties south of, but excluding, Santa Barbara, Bakersfield, and Inyo counties;

(8) Region 8: Alaska, the Aleutian and Pribilof Islands.

(b) Each Local Board shall be comprised of 7 members. The members shall be elected by the evacuees and their descendants who reside in the region to be served. Only those who will have reached the age of majority in the state in which they reside at the time of the elections will be eligible to vote for Local Board members. Local Board candidates must fulfill the following conditions:

(1) All members shall be evacuees, spouses of evacuees, or descendants of evacuees.

(2) All members shall be chosen from among the region they are to represent.

(c)(1) Except as provided in paragraph (2), each individual elected to a Local Board shall serve a three year term.

(2) Of the initial members elected to each Local Board--

(A) three shall be elected for a term of three years;

(B) two shall be elected for a term of four years; and

(C) two shall be elected for a term of five years.

(3) An individual may not serve more than 3 consecutive 3 year terms on a Local Board.

(4) Nominees for Local Boards may be solicited from Nikkei and Aleut community organizations.

(5) The National Board shall appoint a new member to a Local Board to complete the unexpired term of a member who has left the Local Board for any reason.

(e) It shall be the duty of the Local Boards to--

(1) inform evacuee communities as to procedures and annual deadlines to which applicants for grants and loans from the Community Fund must adhere;

(2) receive grant and loan applications from evacuee communities in the region represented by the board, and make an initial review of each application, except that--

(A) an affirmative vote of five Local Board members is required to send an application on to the National Board for final consideration;

(B) an application which is not favorably reviewed shall be returned to the applicant together with an explanation for the rejection of the

application;

(C) rejection of its application shall not preclude an evacuee community from making another or a similar application during any subsequent review period;

(3) make an annual review of Local Board staffing requirements and forward a staffing level request to the National Board;

(4) meet at least three times each year to review grant applications and forward those favorably reviewed to the National Board at least one month before the National Board meets to make final grant application reviews;

(5) keep complete and accurate records of all proceedings and financial activities; and

(6) prepare and publish an annual report on the activities of the Local Board including a record of financial transactions;

(7) elect a representative to the National Board; elections shall be by a majority of at least 4 of the 7 board members.

COMPENSATION OF BOARD MEMBERS

SEC. 7. Local and National Board members shall receive only per diem compensation at a rate equal to the daily rate payable for GS-18 of the General Schedule, including travel time for each day they are engaged in the actual performance of their duties as members of the Board, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Boards as provided by section 5707 of title 5, United States Code.

CONFLICT OF INTEREST

SEC. 8. No member of either the National Board or any of the Local Boards may review the grant application of an evacuee community group of which the board member was a member at the time he or she assumed board membership, nor may a board member review the grant application of a group of which the board member is a member at the time the application is made. Failure to fulfill these provisions shall result in disqualification of the application and the return to the Community Fund of any funds allotted pursuant to the favorable review of the application.

EVACUEE COMMUNITY FUND

SEC. 9.(a) Effective October 1, 1984, there is authorized to be appropriated to the National Board, for the establishment of a Community Fund , \$3,000,000,000.

(b) The National Board and Local Boards shall dissolve six months after funds from the Community Fund have been depleted.