

enactment of this Act [Nov. 7, 2000] shall submit to the Congress a report that documents the findings of such review. The report shall cover the period between September 1, 1939, and December 31, 1945, and shall include the following:

“(1) The names of all Italian Americans who were taken into custody in the initial roundup following the attack on Pearl Harbor, and prior to the United States declaration of war against Italy.

“(2) The names of all Italian Americans who were taken into custody.

“(3) The names of all Italian Americans who were interned and the location where they were interned.

“(4) The names of all Italian Americans who were ordered to move out of designated areas under the United States Army’s ‘Individual Exclusion Program’.

“(5) The names of all Italian Americans who were arrested for curfew, contraband, or other violations under the authority of Executive Order No. 9066 [not classified to the Code].

“(6) Documentation of Federal Bureau of Investigation raids on the homes of Italian Americans.

“(7) A list of ports from which Italian American fishermen were restricted.

“(8) The names of Italian American fishermen who were prevented from fishing in prohibited zones and therefore unable to pursue their livelihoods.

“(9) The names of Italian Americans whose boats were confiscated.

“(10) The names of Italian American railroad workers who were prevented from working in prohibited zones.

“(11) A list of all civil liberties infringements suffered by Italian Americans during World War II, as a result of Executive Order No. 9066, including internment, hearings without benefit of counsel, illegal searches and seizures, travel restrictions, enemy alien registration requirements, employment restrictions, confiscation of property, and forced evacuation from homes.

“(12) An explanation of whether Italian Americans were subjected to civil liberties infringements, as a result of Executive Order No. 9066, and if so, why other Italian Americans were not.

“(13) A review of the wartime restrictions on Italian Americans to determine how civil liberties can be better protected during national emergencies.”

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

Pub. L. 96-317, July 31, 1980, 94 Stat. 964, as amended by Pub. L. 97-3, Feb. 10, 1981, 95 Stat. 5; Pub. L. 97-152, Mar. 16, 1982, 96 Stat. 11; Pub. L. 97-377, title I, §111A, Dec. 21, 1982, 96 Stat. 1911, provided for establishment of Commission on Wartime Relocation and Internment of Civilians which was to, not later than June 30, 1983, submit to Congress a final report and study concerning facts and circumstances surrounding Ex. Ord. No. 9066, issued Feb. 19, 1942, pursuant to which thousands of American citizens and permanent resident aliens were relocated and detained in internment camps, and which was to further review U.S. military directives requiring relocation and detention of American citizens, including Aleut civilians, and permanent resident aliens of Aleutian and Pribilof Islands, as well as recommend appropriate remedies for such actions, and further provided for establishment of Commission as well as powers, administrative procedures, appropriations, and termination of Commission 90 days after submission of final report to Congress.

§ 1982. Time limitation on presentation of claims; claims excluded

(a) The Attorney General shall receive claims for a period of eighteen months from the date of the original enactment of this Act [July 2, 1948]. All claims not presented within that time shall

be forever barred: *Provided, however,* That any claim received by the Attorney General bearing a postmark prior to midnight, January 3, 1950, shall be considered to be timely filed within the said eighteen months. Any claim, timely filed, may be amended at any time prior to its final determination in order to include then compensable items of claim which, by the provisions of this Act [sections 1981 to 1987 of this Appendix] as they existed when the claim was filed, the Attorney General was not authorized to determine or consider.

(b) The Attorney General shall not consider any claim—

(1) by or on behalf of any person who after December 7, 1941, was voluntarily or involuntarily deported from the United States to Japan or by and on behalf of any alien who on December 7, 1941, was not actually residing in the United States;

(2) Except¹ as provided in section 1(b)(3) [section 1981(b)(3) of this Appendix], for damage or loss arising out of action taken by any Federal agency pursuant to sections 4067, 4068, 4069, and 4070 (relating to alien enemies) of the Revised Statutes, as amended (50 U.S.C. 21 to 24), or pursuant to the Trading With the Enemy Act, as amended (50 U.S.C. App., and Supp., 1-31, 616);

(3) for damage or loss to any property, or interest therein, vested in the United States pursuant to said Trading With the Enemy Act, as amended [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix];

(4) for damage or loss on account of death or personal injury, personal inconvenience, physical hardship, or mental suffering; and

(5) for loss of anticipated profits or loss of anticipated earnings.

(July 2, 1948, ch. 814, §2, 62 Stat. 1231; July 9, 1956, ch. 531, 70 Stat. 514.)

AMENDMENTS

1956—Subsec. (a). Act July 9, 1956, validated claims received by the Attorney General bearing a postmark prior to midnight, Jan. 3, 1950, and permitted amendment of claims timely filed.

Subsec. (b)(2). Act July 9, 1956, amended par. (2) generally, inserting at beginning “Except as provided in section 1(b)(3).”

§ 1983. Notice; evidence; records

(a) The Attorney General shall give reasonable notice to the interested parties and an opportunity for them to present evidence before making a final determination upon any claim.

(b) For the purpose of any investigation authorized under this Act [sections 1981 to 1987 of this Appendix], the provisions of sections 9 and 10 (relating to examination of documentary evidence, attendance of witnesses, and production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50), are made applicable to the jurisdiction, powers, and duties of the Attorney General. Subpenas may be served personally, by registered mail, by telegraph, or by leaving a copy thereof at the residence or principal place of business of the person required to

¹ So in original. Probably should not be capitalized.

be served. A verified return by the individual so serving the same, setting forth the manner of service, shall be proof of service. The United States marshals or their deputies shall serve such process in their respective districts.

(c) A record shall be kept of all proceedings under this Act [sections 1981 to 1987 of this Appendix] and shall be open to public inspection.

(July 2, 1948, ch. 814, §3, 62 Stat. 1231; July 9, 1956, ch. 531, 70 Stat. 515.)

AMENDMENTS

1956—Subsec. (a). Act July 9, 1956, struck out provisions permitting interested parties to be heard.

Subsec. (b). Act July 9, 1956, struck out provisions relating to hearings.

Subsec. (c). Act July 9, 1956, struck out provisions relating to hearings and substituted “records” for “written record”.

§ 1984. Compromise of claims by Attorney General; jurisdiction of United States Court of Federal Claims to determine claims timely filed; report to Congress; payment of awards; finality of decisions

(a) The Attorney General is authorized to compromise and settle and make an award in an amount not to exceed \$100,000 on any claim timely filed under this Act, as amended [sections 1981 to 1987 of this Appendix], on the basis of affidavits, available Government records, and other information satisfactory to him.

(b) The United States Court of Federal Claims shall have jurisdiction to determine any claim timely filed under this Act [sections 1981 to 1987 of this Appendix]. A petition for the determination of a claim by the United States Court of Federal Claims shall be filed with the clerk of the said court and a copy of the petition shall be served upon the Attorney General by registered mail. Such a petition may be filed at any time after enactment of this subsection except that it must be filed within ninety days after the date of a notice by the Attorney General served on the claimant by registered mail that no further consideration will be given to the compromise of the claim. Upon the timely filing and serving of such petition, the United States Court of Federal Claims shall have jurisdiction to hear and determine said claim in the same manner and under the same rules as any other cause properly before it and applying rules of equity and justice. Upon being served with a copy of such petition, the Attorney General shall forthwith certify and transmit to the clerk of the United States Court of Federal Claims the original statement of the claim and any requested amendments thereto for filing with the said clerk as a preliminary record in the case.

(c) On the first day of each regular session of Congress the Attorney General shall transmit to Congress a full and complete statement of all compromise settlements effected by the Attorney General under this Act, as amended [sections 1981 to 1987 of this Appendix], during the previous year, stating the name and address of each claimant, the amount claimed, and the amount awarded. All awards shall be paid in like manner as are final judgments of the United States Court of Federal Claims.

(d) Except as herein provided, the payment of an award shall be final and conclusive for all

purposes, notwithstanding any other provision of law to the contrary, and shall be a full discharge of the United States and all of its officers, agents, servants, and employees with respect to all claims arising out of the same subject matter.

(July 2, 1948, ch. 814, §4, 62 Stat. 1232; Aug. 17, 1951, ch. 327, §1, 65 Stat. 192; July 9, 1956, ch. 531, 70 Stat. 514; Pub. L. 97-164, title I, §160(a)(19), Apr. 2, 1982, 96 Stat. 48; Pub. L. 98-620, title IV, §402(55), Nov. 8, 1984, 98 Stat. 3361; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

REFERENCES IN TEXT

Any time after enactment of this subsection, referred to in subsec. (b), probably means any time after July 9, 1956, which was the date of enactment of the 1956 amendment of subsec. (b).

AMENDMENTS

1992—Subsecs. (b), (c). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court” wherever appearing.

1984—Subsec. (b). Pub. L. 98-620 struck out provisions that required that such petitions be treated for docketing, hearing and determination, to the fullest practicable extent, as if the petition had been filed with the United States Claims Court on the date the original claim was received by the Attorney General, but that no such petition would have precedence over petitions involving interest-bearing obligations of the United States.

1982—Subsecs. (b), (c). Pub. L. 97-164 substituted “United States Claims Court” for “Court of Claims” wherever appearing.

1956—Subsec. (a). Act July 9, 1956, substituted provisions permitting the Attorney General to compromise and settle and make an award in an amount not to exceed \$100,000 for provisions which required him to adjudicate, except as to compromised claims, all claims filed, by award or order of dismissal, upon written findings of fact and reasons for the decision.

Subsec. (b). Act July 9, 1956, substituted provisions granting jurisdiction to the Court of Claims to determine timely claims for provisions which authorized the Attorney General to make payment of any award not exceeding \$2,500 in amount.

Subsec. (c). Act July 9, 1956, required the Attorney General to report on all compromise settlements effected during the previous year.

Subsec. (d). Act July 9, 1956, inserted “Except as herein provided”, and struck out provisions which barred any further claim against the United States where there is an order of dismissal against a claimant, unless set aside by the Attorney General.

1951—Subsec. (a). Act Aug. 17, 1951, inserted exception as to claims compromised.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164 set out as a note under