

CIVIL LIBERTIES ACT

JULY 26, 1988.—Ordered to be printed

Mr. FRANK, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 442]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 442) to implement recommendations of the Commission on Wartime Relocation and Internment of Civilians, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. PURPOSES.

The purposes of this Act are to—

(1) *acknowledge the fundamental injustice of the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry during World War II;*

(2) *apologize on behalf of the people of the United States for the evacuation, relocation, and internment of such citizens and permanent resident aliens;*

(3) *provide for a public education fund to finance efforts to inform the public about the internment of such individuals so as to prevent the recurrence of any similar event;*

(4) *make restitution to those individuals of Japanese ancestry who were interned;*

(5) *make restitution to Aleut residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island, in settlement of United States obligations in equity and at law, for—*

(A) injustices suffered and unreasonable hardships endured while those Aleut residents were under United States control during World War II;

(B) personal property taken or destroyed by United States forces during World War II;

(C) community property, including community church property, taken or destroyed by United States forces during World War II; and

(D) traditional village lands on Attu Island not rehabilitated after World War II for Aleut occupation or other productive use;

(6) discourage the occurrence of similar injustices and violations of civil liberties in the future; and

(7) make more credible and sincere any declaration of concern by the United States over violations of human rights committed by other nations.

SEC. 2. STATEMENT OF THE CONGRESS.

(a) *WITH REGARD TO INDIVIDUALS OF JAPANESE ANCESTRY.*—The Congress recognizes that, as described by the Commission on Wartime Relocation and Internment of Civilians, a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation.

(b) *WITH RESPECT TO THE ALEUTS.*—The Congress recognizes that, as described by the Commission on Wartime Relocation and Internment of Civilians, the Aleut civilian residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island were relocated during World War II to temporary camps in isolated regions of southeast Alaska where they remained, under United States control and in the care of the United States, until long after any potential danger to their home villages had passed. The United States failed to provide reasonable care for the Aleuts, and this resulted in widespread illness, disease, and death among the residents of the camps; and the United States further failed to protect Aleut personal and community property while such property was in its possession or under its control. The United States has not compensated the Aleuts adequately for the conversion or destruction of personal property, and the conversion or destruction of community property caused by the United States military occupation of Aleut villages during World War II. There is no remedy for injustices suffered by the Aleuts during World War II except an Act of Congress providing appropriate compensation for those losses which are attributable to

the conduct of United States forces and other officials and employees of the United States.

TITLE I—UNITED STATES CITIZENS OF JAPANESE ANCESTRY AND RESIDENT JAPANESE ALIENS

SEC 101. SHORT TITLE.

This title may be cited as the "Civil Liberties Act of 1988".

SEC. 102. REMEDIES WITH RESPECT TO CRIMINAL CONVICTIONS.

(a) **REVIEW OF CONVICTIONS.**—*The Attorney General is requested to review any case in which an individual living on the date of the enactment of this Act was, while a United States citizen or permanent resident alien of Japanese ancestry, convicted of a violation of—*

(1) *Executive Order Numbered 9066, dated February 19, 1942;*
 (2) *the Act entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones", approved March 21, 1942 (56 Stat. 173); or*

(3) *any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States, or other action taken by or on behalf of the United States or its agents, representatives, officers, or employees, respecting the evacuation, relocation, or internment of individuals solely on the basis of Japanese ancestry;*
on account of the refusal by such individual, during the evacuation, relocation, and internment period, to accept treatment which discriminated against the individual on the basis of the individual's Japanese ancestry.

(b) **RECOMMENDATIONS FOR PARDONS.**—*Based upon any review under subsection (a), the Attorney General is requested to recommend to the President for pardon consideration those convictions which the Attorney General considers appropriate.*

(c) **ACTION BY THE PRESIDENT.**—*In consideration of the statement of the Congress set forth in section 2(a), the President is requested to offer pardons to any individuals recommended by the Attorney General under subsection (b).*

SEC. 103. CONSIDERATION OF COMMISSION FINDINGS BY DEPARTMENTS AND AGENCIES.

(a) **REVIEW OF APPLICATIONS BY ELIGIBLE INDIVIDUALS.**—*Each department and agency of the United States Government shall review with liberality, giving full consideration to the findings of the Commission and the statement of the Congress set forth in section 2(a), any application by an eligible individual for the restitution of any position, status, or entitlement lost in whole or in part because of any discriminatory act of the United States Government against such individual which was based upon the individual's Japanese ancestry and which occurred during the evacuation, relocation, and internment period.*

(b) **NO NEW AUTHORITY CREATED.**—*Subsection (a) does not create any authority to grant restitution described in that subsection, or establish any eligibility to apply for such restitution.*

SEC. 104. TRUST FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States the Civil Liberties Public Education Fund, which shall be administered by the Secretary of the Treasury.

(b) **INVESTMENT OF AMOUNTS IN THE FUND.**—Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code.

(c) **USES OF THE FUND.**—Amounts in the Fund shall be available only for disbursement by the Attorney General under section 105 and by the Board under section 106.

(d) **TERMINATION.**—The Fund shall terminate not later than the earlier of the date on which an amount has been expended from the Fund which is equal to the amount authorized to be appropriated to the Fund by subsection (e), and any income earned on such amount, or 10 years after the date of the enactment of this Act. If all of the amounts in the Fund have not been expended by the end of that 10-year period, investments of amounts in the Fund shall be liquidated and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Fund \$1,250,000,000, of which not more than \$500,000,000 may be appropriated for any fiscal year. Any amounts appropriated pursuant to this section are authorized to remain available until expended.

SEC. 105. RESTITUTION.

(a) **LOCATION AND PAYMENT OF ELIGIBLE INDIVIDUALS.**—

(1) **IN GENERAL.**—Subject to paragraph (6), the Attorney General shall, subject to the availability of funds appropriated to the Fund for such purpose, pay out of the Fund to each eligible individual the sum of \$20,000, unless such individual refuses, in the manner described in paragraph (4), to accept the payment.

(2) **LOCATION OF ELIGIBLE INDIVIDUALS.**—The Attorney General shall identify and locate, without requiring any application for payment and using records already in the possession of the United States Government, each eligible individual. The Attorney General should use funds and resources available to the Attorney General, including those described in subsection (c), to attempt to complete such identification and location within 12 months after the date of the enactment of this Act. Any eligible individual may notify the Attorney General that such individual is an eligible individual, and may provide documentation therefor. The Attorney General shall designate an officer or employee to whom such notification and documentation may be sent, shall maintain a list of all individuals who submit such notification and documentation, and shall, subject to the availability of funds appropriated for such purpose, encourage, through a public awareness campaign, each eligible individual to submit his or her current address to such officer or employee. To the extent that resources referred to in the second sentence of this paragraph are not sufficient to complete the identification

and location of all eligible individuals, there are authorized to be appropriated such sums as may be necessary for such purpose. In any case, the identification and location of all eligible individuals shall be completed within 12 months after the appropriation of funds under the preceding sentence. Failure to be identified and located by the end of the 12-month period specified in the preceding sentence shall not preclude an eligible individual from receiving payment under this section.

(3) NOTICE FROM THE ATTORNEY GENERAL.—The Attorney General shall, when funds are appropriated to the Fund for payments to an eligible individual under this section, notify that eligible individual in writing of his or her eligibility for payment under this section. Such notice shall inform the eligible individual that—

(A) acceptance of payment under this section shall be in full satisfaction of all claims against the United States arising out of acts described in section 108(2)(B), and

(B) each eligible individual who does not refuse, in the manner described in paragraph (4), to accept payment under this section within 18 months after receiving such written notice shall be deemed to have accepted payment for purposes of paragraph (5).

(4) EFFECT OF REFUSAL TO ACCEPT PAYMENT.—If an eligible individual refuses, in a written document filed with the Attorney General, to accept any payment under this section, the amount of such payment shall remain in the Fund and no payment may be made under this section to such individual at any time after such refusal.

(5) PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.—The acceptance of payment by an eligible individual under this section shall be in full satisfaction of all claims against the United States arising out of acts described in section 108(2)(B). This paragraph shall apply to any eligible individual who does not refuse, in the manner described in paragraph (4), to accept payment under this section within 18 months after receiving the notification from the Attorney General referred to in paragraph (3).

(6) EXCLUSION OF CERTAIN INDIVIDUALS.—No payment may be made under this section to any individual who, after September 1, 1987, accepts payment pursuant to an award of a final judgment or a settlement on a claim against the United States for acts described in section 108(2)(B), or to any surviving spouse, child, or parent of such individual to whom paragraph (6) applies.

(7) PAYMENTS IN THE CASE OF DECEASED PERSONS.—(A) In the case of an eligible individual who is deceased at the time of payment under this section, such payment shall be made only as follows:

(i) If the eligible individual is survived by a spouse who is living at the time of payment, such payment shall be made to such surviving spouse.

(ii) If there is no surviving spouse described in clause (i), such payment shall be made in equal shares to all children

of the eligible individual who are living at the time of payment.

(iii) If there is no surviving spouse described in clause (i) and if there are no children described in clause (ii), such payment shall be made in equal shares to the parents of the eligible individual who are living at the time of payment.

If there is no surviving spouse, children, or parents described in clauses (i), (ii), and (iii), the amount of such payment shall remain in the Fund, and may be used only for the purposes set forth in section 106(b).

(B) After the death of an eligible individual, this subsection and subsections (c) and (f) shall apply to the individual or individuals specified in subparagraph (A) to whom payment under this section will be made, to the same extent as such subsections apply to the eligible individual.

(C) For purposes of this paragraph—

(i) the “spouse” of an eligible individual means a wife or husband of an eligible individual who was married to that eligible individual for at least 1 year immediately before the death of the eligible individual;

(ii) a “child” of an eligible individual includes a recognized natural child, a stepchild who lived with the eligible individual in a regular parent-child relationship, and an adopted child; and

(iii) a “parent” of an eligible individual includes fathers and mothers through adoption.

(b) **ORDER OF PAYMENTS.**—The Attorney General shall endeavor to make payments under this section to eligible individuals in the order of date of birth (with the oldest individual on the date of the enactment of this Act (or, if applicable, that individual’s survivors under paragraph (6)) receiving full payment first), until all eligible individuals have received payment in full.

(c) **RESOURCES FOR LOCATING ELIGIBLE INDIVIDUALS.**—In attempting to locate any eligible individual, the Attorney General may use any facility or resource of any public or nonprofit organization or any other record, document, or information that may be made available to the Attorney General.

(d) **ADMINISTRATIVE COSTS NOT PAID FROM THE FUND.**—No costs incurred by the Attorney General in carrying out this section shall be paid from the Fund or set off against, or otherwise deducted from, any payment under this section to any eligible individual.

(e) **TERMINATION OF DUTIES OF ATTORNEY GENERAL.**—The duties of the Attorney General under this section shall cease when the Fund terminates.

(f) **CLARIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.**—Amounts paid to an eligible individual under this section—

(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

SEC. 106. BOARD OF DIRECTORS OF THE FUND.

(a) **ESTABLISHMENT.**—There is established the Civil Liberties Public Education Fund Board of Directors, which shall be responsible for making disbursements from the Fund in the manner provided in this section.

(b) **USES OF FUND.**—The Board may make disbursements from the Fund only—

(1) to sponsor research and public educational activities, and to publish and distribute the hearings, findings, and recommendations of the Commission, so that the events surrounding the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood; and

(2) for reasonable administrative expenses of the Board, including expenses incurred under subsections (c)(3), (d), and (e).

(c) **MEMBERSHIP.**—

(1) **APPOINTMENT.**—The Board shall be composed of 9 members appointed by the President, by and with the advice and consent of the Senate, from individuals who are not officers or employees of the United States Government.

(2) **TERMS.**—(A) Except as provided in subparagraphs (B) and (C), members shall be appointed for terms of 3 years.

(B) Of the members first appointed—

(i) 5 shall be appointed for terms of 3 years, and

(ii) 4 shall be appointed for terms of 2 years,

as designated by the President at the time of appointment.

(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of such member's term until such member's successor has taken office. No individual may be appointed as a member for more than 2 consecutive terms.

(3) **COMPENSATION.**—Members of the Board shall serve without pay, except that members of the Board shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Board, in the same manner as persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

(4) **QUORUM.**—5 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(5) **CHAIR.**—The Chair of the Board shall be elected by the members of the Board.

(d) **DIRECTOR AND STAFF.**—

(1) **DIRECTOR.**—The Board shall have a Director who shall be appointed by the Board.

(2) **ADDITIONAL STAFF.**—The Board may appoint and fix the pay of such additional staff as it may require.

(3) **APPLICABILITY OF CIVIL SERVICE LAWS.**—The Director and the additional staff of the Board may be appointed without regard to section 5311(b) of title 5, United States Code, and

without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Board may not exceed a rate equivalent to the minimum rate of basic pay payable for GS-18 of the General Schedule under section 5332(a) of such title.

(e) **ADMINISTRATIVE SUPPORT SERVICES.**—The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(f) **GIFTS AND DONATIONS.**—The Board may accept, use, and dispose of gifts or donations of services or property for purposes authorized under subsection (b).

(g) **ANNUAL REPORTS.**—Not later than 12 months after the first meeting of the Board and every 12 months thereafter, the Board shall transmit to the President and to each House of the Congress a report describing the activities of the Board.

(h) **TERMINATION.**—90 days after the termination of the Fund, the Board shall terminate and all obligations of the Board under this section shall cease.

SEC. 107. DOCUMENTS RELATING TO THE INTERNMENT.

(a) **PRESERVATION OF DOCUMENTS IN NATIONAL ARCHIVES.**—All documents, personal testimony, and other records created or received by the Commission during its inquiry shall be kept and maintained by the Archivist of the United States who shall preserve such documents, testimony, and records in the National Archives of the United States. The Archivist shall make such documents, testimony, and records available to the public for research purposes.

(b) **PUBLIC AVAILABILITY OF CERTAIN RECORDS OF THE HOUSE OF REPRESENTATIVES.**—(1) The Clerk of the House of Representatives is authorized to permit the Archivist of the United States to make available for use records of the House not classified for national security purposes, which have been in existence for not less than thirty years, relating to the evacuation, relocation, and internment of individuals during the evacuation, relocation, and internment period.

(2) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives, but is applicable only with respect to the availability of records to which it applies, and supersedes other rules only to the extent that the time limitation established by this section with respect to such records is specifically inconsistent with such rules, and is enacted with full recognition of the constitutional right of the House to change its rules at any time, in the same manner and to the same extent as in the case of any other rule of the House.

SEC. 108. DEFINITIONS.

For the purposes of this title—

(1) the term "evacuation, relocation, and internment period" means that period beginning on December 7, 1941, and ending on June 30, 1946;

(2) the term "eligible individual" means any individual of Japanese ancestry who is living on the date of the enactment of

this Act and who, during the evacuation, relocation, and internment period—

(A) was a United States citizen or a permanent resident alien; and

(B)(i) was confined, held in custody, relocated, or otherwise deprived of liberty or property as a result of—

(I) Executive Order Numbered 9066, dated February 19, 1942;

(II) the Act entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones", approved March 21, 1942 (56 Stat. 173); or

(III) any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States, or other action taken by or on behalf of the United States or its agents, representatives, officers, or employees, respecting the evacuation, relocation, or internment of individuals solely on the basis of Japanese ancestry; or

(ii) was enrolled on the records of the United States Government during the period beginning on December 7, 1941, and ending on June 30, 1946, as being in a prohibited military zone;

except that the term "eligible individual" does not include any individual who, during the period beginning on December 7, 1941, and ending on September 2, 1945, relocated to a country while the United States was at war with that country;

(3) the term "permanent resident alien" means an alien lawfully admitted into the United States for permanent residence;

(4) the term "Fund" means the Civil Liberties Public Education Fund established in section 104;

(5) the term "Board" means the Civil Liberties Public Education Fund Board of Directors established in section 106; and

(6) the term "Commission" means the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981 note).

SEC. 109. COMPLIANCE WITH BUDGET ACT.

No authority under this title to enter into contracts or to make payments shall be effective in any fiscal year except to such extent and in such amounts as are provided in advance in appropriations Acts. In any fiscal year, total benefits conferred by this title shall be limited to an amount not in excess of the appropriations for such fiscal year. Any provision of this title which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal year 1989 and thereafter.

TITLE II—ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Aleutian and Pribilof Islands Restitution Act".

SEC. 202. DEFINITIONS.

As used in this title—

(1) the term "Administrator" means the person appointed by the Secretary under section 204;

(2) the term "affected Aleut villages" means the surviving Aleut villages of Akutan, Atka, Nikolski, Saint George, Saint Paul, and Unalaska, and the Aleut village of Attu, Alaska;

(3) the term "Association" means the Aleutian/Pribilof Islands Association, Inc., a nonprofit regional corporation established for the benefit of the Aleut people and organized under the laws of the State of Alaska;

(4) the term "Corporation" means the Aleut Corporation, a for-profit regional corporation for the Aleut region organized under the laws of the State of Alaska and established under section 7 of the Alaska Native Claims Settlement Act (Public Law 92-203; 43 U.S.C. 1606);

(5) the term "eligible Aleut" means any Aleut living on the date of the enactment of this Act—

(A) who, as a civilian, was relocated by authority of the United States from his or her home village on the Pribilof Islands or the Aleutian Islands west of Unimak Island to an internment camp, or other temporary facility or location, during World War II; or

(B) who was born while his or her natural mother was subject to such relocation;

(6) the term "Secretary" means the Secretary of the Interior;

(7) the term "Fund" means the Aleutian and Pribilof Islands Restitution Fund established in section 203; and

(8) the term "World War II" means the period beginning on December 7, 1941, and ending on September 2, 1945.

SEC. 203. ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States the Aleutian and Pribilof Islands Restitution Fund, which shall be administered by the Secretary. The Fund shall consist of amounts appropriated to it pursuant to this title.

(b) **REPORT.**—The Secretary shall report to the Congress, not later than 60 days after the end of each fiscal year, on the financial condition of the Fund, and the results of operations of the Fund, during the preceding fiscal year and on the expected financial condition and operations of the Fund during the current fiscal year.

(c) **INVESTMENT.**—Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code.

(d) **TERMINATION.**—The Secretary shall terminate the Fund 3 years after the date of the enactment of this Act, or 1 year following disbursement of all payments from the Fund, as authorized by this title, whichever occurs later. On the date the Fund is terminated, all investments of amounts in the Fund shall be liquidated by the Secretary and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury.

SEC. 204. APPOINTMENT OF ADMINISTRATOR.

As soon as practicable after the date of the enactment of this Act, the Secretary shall offer to undertake negotiations with the Associa-

tion, leading to the execution of an agreement with the Association to serve as Administrator under this title. The Secretary may appoint the Association as Administrator if such agreement is reached within 90 days after the date of the enactment of this title. If no such agreement is reached within such period, the Secretary shall appoint another person as Administrator under this title, after consultation with leaders of affected Aleut villages and the Corporation.

SEC. 205. COMPENSATION FOR COMMUNITY LOSSES.

(a) *IN GENERAL.*—Subject to the availability of funds appropriated to the Fund, the Secretary shall make payments from the Fund, in accordance with this section, as restitution for certain Aleut losses sustained in World War II.

(b) *TRUST*—

(1) *ESTABLISHMENT.*—The Secretary shall, subject to the availability of funds appropriated for this purpose, establish a trust for the purposes set forth in this section. Such trust shall be established pursuant to the laws of the State of Alaska, and shall be maintained and operated by not more than seven trustees, as designated by the Secretary. Each affected Aleut village may submit to the Administrator a list of three prospective trustees. The Secretary, after consultation with the Administrator, affected Aleut villages, and the Corporation, shall designate not more than seven trustees from such lists as submitted.

(2) *ADMINISTRATION OF TRUST.*—The trust established under this subsection shall be administered in a manner that is consistent with the laws of the State of Alaska, and as prescribed by the Secretary, after consultation with representatives of eligible Aleuts, the residents of affected Aleut villages, and the Administrator.

(c) *ACCOUNTS FOR THE BENEFIT OF ALEUTS.*—

(1) *IN GENERAL.*—The Secretary shall deposit in the trust such sums as may be appropriated for the purposes set forth in this subsection. The trustees shall maintain and operate 8 independent and separate accounts in the trust for purposes of this subsection, as follows:

(A) One account for the independent benefit of the wartime Aleut residents of Attu and their descendants.

(B) Six accounts for the benefit of the 6 surviving affected Aleut villages, one each for the independent benefit of Akutan, Atka, Nikolski, Saint George, Saint Paul, and Unalaska, respectively.

(C) One account for the independent benefit of those Aleuts who, as determined by the Secretary, upon the advice of the trustees, are deserving but will not benefit directly from the accounts established under subparagraphs (A) and (B).

The trustees shall credit to the account described in subparagraph (C) an amount equal to 5 percent of the principal amount deposited by the Secretary in the trust under this subsection. Of the remaining principal amount, an amount shall be credited to each account described in subparagraphs (A) and (B) which bears the same proportion to such remaining principal amount

as the Aleut civilian population, as of June 1, 1942, of the village with respect to which such account is established bears to the total civilian Aleut population on such date of all affected Aleut villages.

(2) *USES OF ACCOUNTS.*—The trustees may use the principal, accrued interest, and other earnings of the accounts maintained under paragraph (1) for—

(A) the benefit of elderly, disabled, or seriously ill persons on the basis of special need;

(B) the benefit of students in need of scholarship assistance;

(C) the preservation of Aleut cultural heritage and historical records;

(D) the improvement of community centers in affected Aleut villages; and

(E) other purposes to improve the condition of Aleut life, as determined by the trustees.

(3) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated \$5,000,000 to the Fund to carry out this subsection.

(d) *COMPENSATION FOR DAMAGED OR DESTROYED CHURCH PROPERTY.*—

(1) *INVENTORY AND ASSESSMENT OF PROPERTY.*—The Administrator shall make an inventory and assessment of real and personal church property of affected Aleut villages which was damaged or destroyed during World War II. In making such inventory and assessment, the Administrator shall consult with the trustees of the trust established under subsection (b), residents of affected Aleut villages, affected church members and leaders, and the clergy of the churches involved. Within 1 year after the date of the enactment of this Act, the Administrator shall submit such inventory and assessment, together with an estimate of the present replacement value of lost or destroyed furnishings and artifacts, to the Secretary.

(2) *REVIEW BY THE SECRETARY; DEPOSIT IN THE TRUST.*—The Secretary shall review the inventory and assessment provided under paragraph (1), and shall deposit in the trust established under subsection (b) an amount reasonably calculated by the Secretary to compensate affected Aleut villages for church property lost, damaged, or destroyed during World War II.

(3) *DISTRIBUTION OF COMPENSATION.*—The trustees shall distribute the amount deposited in the trust under paragraph (2) for the benefit of the churches referred to in this subsection.

(4) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Fund \$1,400,000 to carry out this subsection.

(c) *ADMINISTRATIVE AND LEGAL EXPENSES.*—

(1) *REIMBURSEMENT FOR EXPENSES.*—The Secretary shall reimburse the Administrator, not less often than annually, for reasonable and necessary administrative and legal expenses in carrying out the Administrator's responsibilities under this title.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this subsection.

SEC. 206. INDIVIDUAL COMPENSATION OF ELIGIBLE ALEUTS.

(a) **PAYMENTS TO ELIGIBLE ALEUTS.**—In addition to payments made under section 205, the Secretary shall, in accordance with this section, make per capita payments out of the Fund to eligible Aleuts. The Secretary shall pay, subject to the availability of funds appropriated to the Fund for such payments, to each eligible Aleut the sum of \$12,000.

(b) **ASSISTANCE OF ATTORNEY GENERAL.**—The Secretary may request the Attorney General to provide reasonable assistance in locating eligible Aleuts residing outside the affected Aleut villages, and upon such request, the Attorney General shall provide such assistance. In so doing, the Attorney General may use available facilities and resources of the International Committee of the Red Cross and other organizations.

(c) **ASSISTANCE OF ADMINISTRATOR.**—The Secretary may request the assistance of the Administrator in identifying and locating eligible Aleuts for purposes of this section.

(d) **CLARIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.**—Amounts paid to an eligible Aleut under this section—

(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering, and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(e) **PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.**—The payment to an eligible Aleut under this section shall be in full satisfaction of all claims against the United States arising out of the relocation described in section 202(5).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 207. ATTU ISLAND RESTITUTION PROGRAM.

(a) **PURPOSE OF SECTION.**—In accordance with section (3)(c) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(c)), the public lands on Attu Island, Alaska, within the National Wildlife Refuge System have been designated as wilderness by section 702(1) of the Alaska National Interest Lands Conservation Act (94 Stat. 2417; 16 U.S.C. 1132 note). In order to make restitution for the loss of traditional Aleut lands and village properties on Attu Island, while preserving the present designation of Attu Island lands as part of the National Wilderness Preservation System, compensation to the Aleut people, in lieu of the conveyance of Attu Island, shall be provided in accordance with this section.

(b) **ACREAGE DETERMINATION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall, in accordance with this subsection, determine the total acreage of land on Attu Island, Alaska, that, at the beginning of World War II, was subject to traditional use by the Aleut villagers of that island for subsistence and other purposes. In making such acreage determination, the

Secretary shall establish a base acreage of not less than 35,000 acres within that part of eastern Attu Island traditionally used by the Aleut people, and shall, from the best available information, including information that may be submitted by representatives of the Aleut people, identify any such additional acreage on Attu Island that was subject to such use. The combination of such base acreage and such additional acreage shall constitute the acreage determination upon which payment to the Corporation under this section is based. The Secretary shall promptly notify the Corporation of the results of the acreage determination made under this subsection.

(c) VALUATION.—

(1) DETERMINATION OF VALUE.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall determine the value of the Attu Island acreage determined under subsection (b), except that—

(A) such acreage may not be valued at less than \$350 per acre nor more than \$500 per acre; and

(B) the total valuation of all such acreage may not exceed \$15,000,000.

(2) FACTORS IN MAKING DETERMINATION.—In determining the value of the acreage under paragraph (1), the Secretary shall take into consideration such factors as the Secretary considers appropriate, including—

(A) fair market value;

(B) environmental and public interest value; and

(C) established precedents for valuation of comparable wilderness lands in the State of Alaska.

(3) NOTIFICATION OF DETERMINATION; APPEAL.—The Secretary shall promptly notify the Corporation of the determination of value made under this subsection, and such determination shall constitute the final determination of value unless the Corporation, within 30 days after the determination is made, appeals the determination to the Secretary. If such appeal is made, the Secretary shall, within 30 days after the appeal is made, review the determination in light of the appeal, and issue a final determination of the value of that acreage determined to be subject to traditional use under subsection (b).

(d) IN LIEU COMPENSATION PAYMENT.—

(1) PAYMENT.—The Secretary shall pay, subject to the availability of funds appropriated for such purpose, to the Corporation, as compensation for the Aleuts' loss of lands on Attu Island, the full amount of the value of the acreage determined under subsection (c), less the value (as determined under subsection (c)) of any land conveyed under subsection (e).

(2) PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.—The payment made under paragraph (1) shall be in full satisfaction of any claim against the United States for the loss of traditional Aleut lands and village properties on Attu Island.

(e) VILLAGE SITE CONVEYANCE.—The Secretary may convey to the Corporation all right, title, and interest of the United States to the surface estate of the traditional Aleut village site on Attu Island, Alaska (consisting of approximately 10 acres) and to the surface estate of a parcel of land consisting of all land outside such village

that is within 660 feet of any point on the boundary of such village. The conveyance may be made under the authority contained in section 14(h)(1) of the Alaska Native Claims Settlement Act (Public Law 92-203; 43 U.S.C. 1613(h)(1)), except that after the enactment of this Act, no site on Attu Island, Alaska, other than such traditional Aleut village site and such parcel of land, may be conveyed to the Corporation under such section 14(h)(1).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$15,000,000 to the Secretary to carry out this section.

SEC. 208. COMPLIANCE WITH BUDGET ACT.

No authority under this title to enter into contracts or to make payments shall be effective in any fiscal year except to such extent and in such amounts as are provided in advance in appropriations Acts. In any fiscal year, the Secretary, with respect to—

- (1) the Fund established under section 203,
- (2) the trust established under section 205(b), and
- (3) the provisions of sections 206 and 207,

shall limit the total benefits conferred to an amount not in excess of the appropriations for such fiscal year. Any provision of this title which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal year 1989 and thereafter.

SEC. 209. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

TITLE III—TERRITORY OR PROPERTY CLAIMS AGAINST UNITED STATES

SEC. 301. EXCLUSION OF CLAIMS.

Notwithstanding any other provision of law or of this Act, nothing in this Act shall be construed as recognition of any claim of Mexico or any other country or any Indian tribe (except as expressly provided in this Act with respect to the Aleut tribe of Alaska) to any territory or other property of the United States, nor shall this Act be construed as providing any basis for compensation in connection with any such claim.

And the Senate agree to the same.

PETER W. RODINO, Jr.,
 BARNEY FRANK,
 H.L. BERMAN,
 PAT SWINDALL,

Managers on the Part of the House.

JOHN GLENN,
 SPARK M. MATSUNAGA,
 TED STEVENS,
 WARREN B. RUDMAN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 442) to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in this conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, structural changes, conforming changes made necessary by amendments reached by the conferees, and minor drafting and clarifying changes.

SECTION 1. PURPOSES

House bill

The House bill has no provision for implementing the recommendations of the Commission on Wartime Relocation and Internment of Civilians (Commission) to make restitution to the Aleut residents of the Aleutian Islands and Pribilof Islands as a purpose of the legislation.¹

Senate amendment

The Senate amendment provides that one purpose of the Act is to provide for restitution to the Aleut residents of the Aleutian Islands and Pribilof Islands.

Conference agreement

The conference agreement follows the Senate amendment. The conferees agree to include restitution to the Aleuts as a stated purpose of the legislation.

¹ The House Committee on the Judiciary has favorably reported a bill, H.R. 1631, which provides for restitution to the Aleuts. This bill has not yet been considered by the House.

SECTION 2. STATEMENT OF THE CONGRESS

House bill

The House bill includes a Statement of the Congress recognizing the grave injustice done to both citizens and permanent resident aliens of Japanese ancestry by their evacuation, relocation and internment during World War II, and apologizing on behalf of the Nation. It contains no statement that the evacuation, relocation, and internment of citizens and permanent resident aliens of Japanese ancestry during World War II was carried out "without any acts of espionage or sabotage documented by the Commission." It also contains no statement of Congress concerning the Aleuts relocated during World War II.

Senate amendment

The Senate amendment contains the findings of the Commission regarding the circumstances of the evacuation, relocation and internment of the persons of Japanese ancestry and the treatment of the Aleuts during World War II. The Senate findings state that the internment was carried out without any documented acts of espionage or sabotage committed by citizens and resident aliens of Japanese ancestry. The Senate amendment includes a separate section accepting the findings of the Commission, recognizing the grave injustice done, and apologizing on behalf of the Nation.

Conference agreement

The conference agreement follows the House format providing for a Statement of the Congress and includes a statement concerning the treatment of the Aleuts.

The conference agreement follows the Senate amendment to clarify that the source for "without any acts of espionage or sabotage" was the Commission on Wartime Relocation and Internment of Civilians and is not an independent finding of the Congress. The conferees agreed for accuracy to add the following statement, "without any acts of espionage or sabotage documented by the Commission."

TITLE I—"CIVIL LIBERTIES ACT OF 1988"

SECTION 102. REMEDIES WITH RESPECT TO CRIMINAL CONVICTIONS

House bill

The House bill does not include the word "evacuation" and "internment" as acts for which an individual was convicted of a violation and thereby is eligible for review.

Senate amendment

The Senate amendment includes the words "evacuation" and "internment" as acts for which an individual was convicted of a violation and eligible for review.

Conference agreement

The conference agreement follows the Senate amendment to include the categories of evacuation and internment, which is consist-

ent with the use of the terms throughout both House and Senate bills.

SECTION 103. CONSIDERATION OF COMMISSION FINDINGS BY
DEPARTMENTS AND AGENCIES

House bill

The House bill has no provision for reviewing the applications by eligible individual for restitution of a federal benefit lost by the discriminatory act of the U.S. Government based upon giving full consideration to the "findings of the Commission."

Senate amendment

The Senate amendment provides for "giving full consideration to the findings of the Commission" in reviewing the applications of eligible individuals for restitution of a federal benefit.

Conference agreement

The conference agreement follows the Senate amendment to include "giving full consideration to the findings of the Commission" as a basis for the review by federal agencies for restitution of a federal benefit to eligible individuals.

SECTION 104. TRUST FUND

House bill

The House bill requires that the trust fund investment be made in interest-bearing obligations of the United States. It also authorizes an appropriation of \$1,250,000,000 to the Fund over a ten year period.

Senate amendment

The Senate amendment requires that the trust fund be invested pursuant to 31 U.S.C. 9702, which states that trust fund investments be made in government obligations and shall earn interest at an annual rate of at least five percent. The Senate amendment also authorizes an appropriation to the Fund of \$500,000,000 in fiscal 1989, \$400,000,000 in fiscal 1990, \$200,000,000 in fiscal 1991, \$100,000,000 in fiscal 1992 and \$100,000,000 in fiscal 1993.

Conference agreement

Section 104(b) of the conference agreement follows the Senate amendment and requires investment of the fund to be made pursuant to 31 U.S.C. 9702.

The conference agreement also provides in Section 104(e) for an authorization of an appropriation to the fund of \$1,250,000,000 for a ten year period, but the conference agreement limits any appropriation to not more than \$500,000,000 for any fiscal year.

SECTION 105. RESTITUTION

House bill

The House bill provides for payment of \$20,000 to each eligible individual. The bill requires the Attorney General to identify and locate each eligible individual within nine months after the date of

enactment without requiring any application. Any eligible individual may notify the Attorney General of his/her eligibility and provide documentation therefore. The House bill also provides that acceptance of restitution under this Act constitutes a final settlement of the claims of eligible individuals against the United States for acts covered by the legislation and that each eligible individual has six months from notification to accept payment or pursue a judgment or settlement of a claim for acts covered by this legislation. The House bill provides that no payment may be made to any individual who, after September 1, 1987, is awarded a final judgment or settlement of a claim against the United States for such acts. Under the House bill, eligible individuals include those living on the date of enactment otherwise eligible to receive payment, regardless of whether they are alive on the date of payment. Rights to payment of the eligible individual living on the date of enactment are vested at that time.

Senate amendment

The Senate amendment provides for payment of \$20,000 to each eligible individual, requires the Attorney General to locate each eligible individual, and requires the Attorney General to conduct a public awareness campaign as to eligibility. Each of these activities is contingent upon the appropriation of funds to the Attorney General for such purposes. Each eligible individual is encouraged to submit his or her current address to the Department of Justice. The Senate amendment provides for an extinguishment of claims arising from the acts covered by this legislation ten years after the date of enactment of this Act or after the receipt of the total amount of payments under the Act, whichever date occurs first. The Senate amendment requires an eligible individual to be living on date of payment. Heirs of deceased eligible individuals would receive no payment.

Conference agreement

Section 105(a) of the conference agreement provides for payment of \$20,000 to each eligible individual, subject to the availability of funds appropriated for such purpose. The conference agreement provides that the Attorney General shall identify and locate each eligible individual, without requiring any application. The Attorney General should use available funds and resources to complete the identification and location within twelve months after the date of enactment. To the extent that resources are not sufficient to complete the location and identification of all eligible individuals, the Department of Justice is authorized to seek an appropriation of such sums as may be necessary. After the appropriation of such funds, all eligible individuals shall be identified and located within twelve months. The Conferees expect that eligible individuals may submit documentation to the Department of Justice upon the date of enactment of the Act and the Attorney General shall date stamp such submissions, acknowledge their receipt, and compile a roster of eligible individuals without additional funds for this purpose. The Attorney General shall designate an individual to receive such documentation from eligible individuals and publish the notice of such designee in the Federal Register. Subject to the availability of

funds appropriated for such purpose, the Attorney General shall encourage, through a public awareness campaign, each eligible individual to submit his/her address to such designee.

Section 105(a)(5) of the conference agreement provides that acceptance of restitution under this Act constitutes a final settlement of all claims against the United States for acts covered by the legislation. Eligible individuals have eighteen months upon notification that funds are available for payment to accept payment under the Act or to pursue a judgment or settlement of a claim against the United States arising from such acts.

Section 105(a)(7) of the conference agreement follows the House bill in making eligible individuals living on the date of enactment eligible to receive payment. However, payments of the vested rights of deceased persons are limited to three categories: (1) a surviving spouse of one year; (2) if there is no such surviving spouse, then payment in equal shares to all children living at time of payment; and (3) if there is no such surviving spouse or child, payment in equal shares to parents living on date of payment. If there is no surviving spouse, child or parent, such payment shall remain in the Fund for the purposes provided by this Act. The definition of surviving children includes: a natural child whose paternity has been recognized by the parent or by a court, a step child who lived in the household of the eligible individual, and an adopted child. The conferees agreed that no payment shall be made to an eligible individual, who after September 1, 1987, accepts payment pursuant to an award of final judgment or settlement on a claim against the United States for acts covered by this legislation, or to the surviving spouse, child, or parent of such individual.

SECTION 106. BOARD OF DIRECTORS OF THE FUND

House bill

The House bill authorizes the Board to sponsor research and public education activities, and to publish and distribute the hearings and findings of the Commission so that the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry will be remembered. The House bill also authorizes reasonable administrative expenses.

Senate amendment

The Senate amendment authorizes the Board to conduct all the activities listed in the House bill; in addition, it authorizes expenditures for the general welfare of the ethnic Japanese community in the United States and for comparative studies of similar civil liberties abuses or comparative studies of the effects upon particular groups of racial prejudice embodied by government actions in time of national stress.

Conference agreement

The conferees agreed to follow the House bill on the uses of the Fund and to authorize as a proper additional use the publication and distribution of the Commission's recommendations.

SECTION 108. DEFINITIONS

House bill

The House bill defines an eligible individual as any individual of Japanese ancestry living on the date of enactment who was a United States citizen or a permanent resident alien during the period of evacuation, relocation, and internment and who was confined, held in custody, relocated, or otherwise deprived of liberty or property as the result of certain specified acts of the United States Government. The House definition of eligible individual does not include any individual who, during the period from December 7, 1941 through September 2, 1945, relocated to a country at war with the United States.

Senate amendment

The Senate amendment defines an eligible individual as any living individual of Japanese ancestry who is a United States citizen or permanent resident alien on the date of enactment and who was similarly deprived of liberty and property. It also defines an eligible individual as enrolled on the records of the United States Government during the period December 7, 1941 to June 30, 1946 as being in a prohibited military zone.

Conference amendment

The conferees agreed to follow the House bill to include as eligible individuals those who are living on the date of enactment. It also follows the House bill in requiring that eligible individuals are those who were United States citizens or resident aliens during the evacuation, relocation, and internment period. The conferees agreed to exclude from eligibility those individuals who, during the period from December 7, 1941, through September 2, 1945, relocated to a country at war with the United States.

The conferees also agree to follow the Senate amendment and include in the definition of "eligible individual" those citizens of Japanese ancestry and legal alien residents who left the West Coast voluntarily as the result of military orders prior to the mandatory removal and internment of the Japanese American population. Voluntary evacuees include those Japanese Americans who, prior to the issuance of Executive Order 9066, were ordered by the Navy to leave Bainbridge Island, off the coast of the State of Washington, and Terminal Island, near San Pedro, California. In addition, some 4,889 Japanese Americans left the West Coast during the voluntary phase of the government's evacuation program between the issuance of Public Proclamation No. 1, on March 2, 1942 and Public Proclamation No. 4 on March 27, 1942. These evacuees were required to file "Change of Residence" cards with the Wartime Civil Control Administration and such cards were tabulated following the mandatory removal and internment of the West Coast Japanese American population. The conferees intend to include individuals who filed "Change of Residence" cards during the period between the issuance of Public Proclamation No. 1, on March 2, 1942 and Public Proclamation No. 4 on March 27, 1942 as being "enrolled on the records of the U.S. Government."

TITLE II—"ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION ACT"

The House recedes from its disagreement to the amendment of the Senate in regard to the "Aleutian and Pribilof Islands Restitution Act" with a substitute agreed to in conference which makes clerical corrections, structural changes, and technical and clarifying changes.

TITLE III—TERRITORY OR PROPERTY CLAIMS AGAINST UNITED STATES

The House recedes from its disagreement to the amendment of the Senate in regard to Title III, which provides that nothing in this Act shall be construed as recognition of any claim of Mexico or any other country or any Indian tribe (except as expressly provided with respect to the Aleut tribe of Alaska) to any territory or other property of the United States, nor as providing any basis for compensation in connection with any such claim.

PETER W. RODINO, JR.,
 BARNEY FRANK,
 H.L. BERMAN,
 PAT SWINDALL,

Managers on the Part of the House.

JOHN GLENN,
 SPARK M. MATSUNAGA,
 TED STEVENS,
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Managers on the Part of the Senate.

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