

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

**§ 1989b. Short title**

This title [sections 1989b to 1989b-9 of this Appendix] may be cited as the “Civil Liberties Act of 1988”.

(Pub. L. 100-383, title I, §101, Aug. 10, 1988, 102 Stat. 904.)

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-371, §1, Sept. 27, 1992, 106 Stat. 1167, provided that: “This Act [amending sections 1989b-3, 1989b-4, 1989b-7, and 1989b-9 of this Appendix and enacting provisions set out as a note under section 1989b-4 of this Appendix] may be cited as the ‘Civil Liberties Act Amendments of 1992.’”

**§ 1989b-1. 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 [Aug. 10, 1988] 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) [section 1989a(a) of this Appendix], the President is requested to offer pardons to any individuals recommended by the Attorney General under subsection (b).

(Pub. L. 100-383, title I, §102, Aug. 10, 1988, 102 Stat. 904.)

REFERENCES IN TEXT

Executive Order Numbered 9066, dated February 19, 1942, referred to in subsec. (a)(1), is not classified to the Code.

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), referred to in subsec. (a)(2), is act Mar. 21, 1942, ch. 191, 56 Stat. 173, which was classified to section 97a of former Title 18, Criminal Code and Criminal Procedure, and was repealed by act of June 25, 1948, ch. 645, §21, 62 Stat. 868 and reenacted as section 1383 of Title 18, Crimes and Criminal Procedure. Section 1383 of Title 18 was repealed by Pub. L. 94-412, title V, §501(e), Sept. 14, 1976, 90 Stat. 1258.

**§ 1989b-2. 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) [section 1989a(a) of this Appendix], 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.

(Pub. L. 100-383, title I, §103, Aug. 10, 1988, 102 Stat. 905.)

**§ 1989b-3. 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 [section 1989b-4 of this Appendix] and by the Board under section 106 [section 1989b-5 of this Appendix].

**(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 [Aug. 10, 1988]. 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 \$1,650,000,000, 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.

(Pub. L. 100-383, title I, §104, Aug. 10, 1988, 102 Stat. 905; Pub. L. 102-371, §2, Sept. 27, 1992, 106 Stat. 1167.)

## AMENDMENTS

1992—Subsec. (e). Pub. L. 102-371 substituted “\$1,650,000,000” for “\$1,250,000,000”.

## MAXIMUM AMOUNT AUTHORIZED FOR FUND

Pub. L. 101-162, title II, Nov. 21, 1989, 103 Stat. 996, provided that: “Subject to the provisions of section 104(e) of the Civil Liberties Act of 1988 (Public Law 100-383; 50 U.S.C. App. 1989(b-3)(e)) [subsec. (e) of this section], the maximum amount authorized under such section for any fiscal year is appropriated, from money in the Treasury not otherwise appropriated, for each fiscal year beginning on or after October 1, 1990, to the Civil Liberties Public Education Fund established by section 104(a) of the Civil Liberties Act of 1988, for payments to eligible individuals under section 105 of that Act [50 U.S.C. App. 1989b-4].”

**§ 1989b-4. Restitution****(a) Location and payment of eligible individuals****(1) In general**

Subject to paragraph (7), 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 (5), 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 [Aug. 10, 1988]. 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 eli-

gible 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) Benefit of the doubt**

When, after consideration of all evidence and relevant material for determining whether an individual is an eligible individual, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of eligibility, the benefit of the doubt in resolving each such issue shall be given to such individual.

**(4) 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) [section 1989b-7(2)(B) of this Appendix], and

(B) each eligible individual who does not refuse, in the manner described in paragraph (5), 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 (6).

**(5) 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.

**(6) 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) [section 1989b-7(2)(B) of this Appendix]. This paragraph shall apply to any eligible individual who does not refuse, in the manner described in paragraph (5), to accept payment under this section within 18 months after receiving the notification from the Attorney General referred to in paragraph (4).

**(7) 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) [section 1989b-7(2)(B) of this Appendix], or to any surviving spouse, child, or parent of such individual to whom paragraph (8) applies.

**(8) 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) [section 1989b-5(b) of this Appendix].

(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 [Aug. 10, 1988] (or, if applicable, that individual’s survivors under paragraph (8)) 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 180 days after 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<sup>1</sup> or available under any other law administered by the Secretary of Veterans Affairs, or for purposes of determining the amount of such benefits.

#### (g) Liability of United States limited to amount in Fund

##### (1) General rule

An eligible individual may be paid under this section only from amounts in the Fund.

##### (2) Coordination with other provisions

Nothing in this title [sections 1989b to 1989b-9 of this Appendix] shall authorize the payment to an eligible individual by the United States Government of any amount authorized by this section from any source other than the Fund.

##### (3) Order in which unpaid claims to be paid

If at any time the Fund has insufficient funds to pay all eligible individuals at such time, such eligible individuals shall, to the extent permitted under paragraph (1), be paid in full in the order specified in subsection (b).

#### (h) Judicial review

##### (1) Review by the Court of Federal Claims

A claimant may seek judicial review of a denial of compensation under this section solely in the United States Court of Federal Claims, which shall review the denial upon the administrative record and shall hold unlawful and set aside the denial if it is found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

##### (2) Applicability

This subsection shall apply only to any claim filed in court on or after the date of the enactment of this subsection [Sept. 27, 1992].

(Pub. L. 100-383, title I, §105, Aug. 10, 1988, 102 Stat. 905; Pub. L. 101-162, title II, §209(b), Nov. 21, 1989, 103 Stat. 1005; Pub. L. 102-371, §§4-6(a), Sept. 27, 1992, 106 Stat. 1167, 1168; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

#### AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-371, §4(c)(1)(A), substituted “(7)” for “(6)” and “(5)” for “(4)”.

Subsec. (a)(3). Pub. L. 102-371, §4(a)(2), added par. (3). Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 102-371, §4(a)(1), (c)(1)(B), redesignated par. (3) as (4) and in subpar. (B) substituted “(5)” for “(4)” and “(6)” for “(5)”. Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 102-371, §4(a)(1), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 102-371, §4(a)(1), (c)(1)(C), redesignated par. (5) as (6) and substituted “(5)” for “(4)” and “(4)” for “(3)”. Former par. (6) redesignated (7).

<sup>1</sup> So in original. Probably should be followed by a comma.

Subsec. (a)(7). Pub. L. 102-371, §4(a)(1), (c)(1)(D), redesignated par. (6) as (7) and substituted “(8)” for “(6)”. Former par. (7) redesignated (8).

Subsec. (a)(8). Pub. L. 102-371, §4(a)(1), redesignated par. (7) as (8).

Subsec. (b). Pub. L. 102-371, §4(c)(2), substituted “(8)” for “(6)”.

Subsec. (e). Pub. L. 102-371, §5, substituted “180 days after the Fund terminates” for “when the Fund terminates”.

Subsec. (f)(2). Pub. L. 102-371, §6(a), substituted “or available under any other law administered by the Secretary of Veterans Affairs, or for purposes of determining the” for “, or the”.

Subsec. (h). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court” in par. (1).

Pub. L. 102-371, §4(b), added subsec. (h).

1989—Subsec. (g). Pub. L. 101-162 added subsec. (g).

#### EFFECTIVE DATE OF 1992 AMENDMENTS

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.

Section 6(b) of Pub. L. 102-371 provided that: “The amendment made by subsection (a) [amending this section] shall be effective as of August 10, 1988.”

### § 1989b-5. 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 the 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)<sup>1</sup> 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.

<sup>1</sup> See References in Text note below.

(Pub. L. 100-383, title I, §106, Aug. 10, 1988, 102 Stat. 908.)

#### REFERENCES IN TEXT

Section 5311(b) of title 5, referred to in subsec. (d)(3), was repealed by Pub. L. 101-509, title V, §529 [title I, §104(c)(1)], Nov. 5, 1990, 104 Stat. 1427, 1447.

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

### § 1989b-6. 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.

(Pub. L. 100-383, title I, §107, Aug. 10, 1988, 102 Stat. 909.)

### § 1989b-7. Definitions

For the purposes of this title [sections 1989b to 1989b-9 of this Appendix]—

(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, or the spouse or a parent of an individual of Japanese ancestry, who is living on the date of the enactment of this Act [Aug. 10, 1988] 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 [section 1989b-3 of this Appendix];

(5) the term “Board” means the Civil Liberties Public Education Fund Board of Directors established in section 106 [section 1989b-5 of this Appendix]; 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).

(Pub. L. 100-383, title I, §108, Aug. 10, 1988, 102 Stat. 910; Pub. L. 102-371, §3, Sept. 27, 1992, 106 Stat. 1167.)

#### REFERENCES IN TEXT

Executive Order Numbered 9066, dated February 19, 1942, referred to in par. (2)(B)(i)(I), is not classified to the Code.

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), referred to in par. (2)(B)(i)(II), is act Mar. 21, 1942, ch. 191, 56 Stat. 173, which was classified to section 97a of former Title 18, Criminal Code and Criminal Procedure, and was repealed by act of June 25, 1948, ch. 645, §21, 62 Stat. 868 and reenacted as section 1383 of Title 18, Crimes and Criminal Procedure. Section 1383 of Title 18 was repealed by Pub. L. 94-412, title V, §501(e), Sept. 14, 1976, 90 Stat. 1258.

#### AMENDMENTS

1992—Par. (2). Pub. L. 102-371 inserted “, or the spouse or a parent of an individual of Japanese ances-

try,” after “Japanese ancestry” in introductory provisions.

### § 1989b-8. Compliance with Budget Act

No authority under this title [sections 1989b to 1989b-9 of this Appendix] 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.

(Pub. L. 100-383, title I, §109, Aug. 10, 1988, 102 Stat. 910.)

#### REFERENCES IN TEXT

The Budget Act, referred to in section catchline, probably means the Congressional Budget Act of 1974, titles I through IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

### § 1989b-9. Entitlements to eligible individuals

#### (a) In general

Subject to sections 104(e) and 105(g) of this title [sections 1989b-3(e) and 1989b-4(g) of this Appendix] and except as provided in subsection (b), beginning on October 1, 1990, the payments to be made to any eligible individual under the provisions of this title [sections 1989b to 1989b-9 of this Appendix] shall be an entitlement.

#### (b) Payments from discretionary appropriations

##### (1) Payments

Any such payment made to an individual who is not of Japanese ancestry and who is an eligible individual on the basis of the amendment made by section 3 of the Civil Liberties Act Amendments of 1992 shall not be an entitlement and shall be made from discretionary appropriations.

##### (2) Authorization of appropriations

There are authorized to be appropriated for fiscal year 1993 and each subsequent fiscal year such sums as may be necessary for the payments from discretionary appropriations described in paragraph (1).

#### (c) Definitions

As used in this section—

(1) the term “discretionary appropriations” has the meaning given that term in section 250(c)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(7)); and

(2) the term “entitlement” means “spending authority” as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)(C)).

(Pub. L. 100-383, title I, §110, as added Pub. L. 101-162, title II, §209(a), Nov. 21, 1989, 103 Stat. 1005; amended Pub. L. 102-371, §7, Sept. 27, 1992, 106 Stat. 1168.)

#### REFERENCES IN TEXT

Section 3 of the Civil Liberties Act Amendments of 1992, referred to in subsec. (b)(1), is section 3 of Pub. L.

102-371, which amended paragraph (2) of section 1989b-7 of this Appendix.

#### AMENDMENTS

1992—Pub. L. 102-371 designated existing provisions as subsec. (a), inserted heading, inserted “and except as provided in subsection (b)” after “105(g) of this title”, struck out “As used in this section, the term ‘entitlement’ means ‘spending authority’ as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974.” after “shall be an entitlement.”, and added subsecs. (b) and (c).

### TITLE II—ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION

#### § 1989c. Short title

This title [sections 1989c to 1989c-8 of this Appendix] may be cited as the “Aleutian and Pribilof Islands Restitution Act”.

(Pub. L. 100-383, title II, §201, Aug. 10, 1988, 102 Stat. 911.)

#### § 1989c-1. Definitions

As used in this title [sections 1989c to 1989c-8 of this Appendix]—

(1) the term “Administrator” means the person appointed by the Secretary under section 204 [section 1989c-3 of this Appendix];

(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 non-profit 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 [Aug. 10, 1988]—

(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 [section 1989c-2 of this Appendix]; and

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

(Pub. L. 100-383, title II, §202, Aug. 10, 1988, 102 Stat. 911.)

#### § 1989c-2. Aleutian and Pribilof Islands Restitution Fund

##### (a) Establishment

There is established in the Treasury of the United States the Aleutian and Pribilof Islands