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THE WHITE HOUSE

WASHINGTON

August 8, 1984

Dear Mr. Kastanis:

This responds to your letter of July 18 to the President concerning your support for H.R. 4110 and S. 2116, which would implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians. Your letter has been forwarded to the Office of the Counsel to the President by Lee L. Verstandig, Assistant to the President for Intergovernmental Affairs.

Thus far, the Administration has not publicly taken a position on H.R. 4110 and S. 2116. As this legislation is considered by the Administration, you may be assured that your views will be given appropriate consideration.

We appreciate your bringing your thoughts on this matter to our attention.

Sincerely,

Wendell L. Willkie

Wendell L. Willkie
Associate Counsel to the
President

Mr. Terry Kastanis
City Councilman
City of Sacramento
City Hall
915 I Street
Sacramento, California 95814

bcc: Dianna G. Holland

JUL 23 1984

ID# 233235

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: JULY 23, 1984

NAME OF CORRESPONDENT: THE HONORABLE TERRY KASTANIS

SUBJECT URGES SUPPORT FOR S. 2116 AND H.R. 4110, THE
REDRESS OF JAPANESE AMERICAN VETERANS

		ACTION		DISPOSITION	
ROUTE TO:		ACT	DATE	TYPE	C COMPLETED
OFFICE/AGENCY	(STAFF NAME)	CODE	YY/MM/DD	RESP	D YY/MM/DD
LEE VERSTANDIG		ORG	84/07/23	LV	84/07/23
	REFERRAL NOTE:				
C A HOWLETT		RSA	84/07/23		84/07/23
	REFERRAL NOTE:				
CU FIELDING		R	84/07/23		84/07/23
	REFERRAL NOTE:				
CU AT19		R	84/07/23		84/07/23
	REFERRAL NOTE:				
	REFERRAL NOTE:				
	REFERRAL NOTE:				

COMMENTS:

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: 2600

IA MAIL USER CODES: (A) (B) (C)

*ACTION CODES:	*DISPOSITION CODES:	*OUTGOING	*
*	*	* CORRESPONDENCE:	*
*A-APPROPRIATE ACTION	*A-ANSWERED	*TYPE RESP=INITIALS	*
*C-COMMENT/RECOM	*B-NON-SPEC-REFERRAL	* OF SIGNER	*
*D-DRAFT RESPONSE	*C-COMPLETED	* CODE = A	*
*F-FURNISH FACT SHEET	*S-SUSPENDED	*COMPLETED = DATE OF	*
I-INFO COPY/NO ACT NEC		* OUTGOING	*
*R-DIRECT REPLY W/COPY *			*
*S-FOR-SIGNATURE *			*
*X-INTERIM REPLY *			*

REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75,OEOb) EXT. 2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

THE WHITE HOUSE
WASHINGTON

July 25, 1984

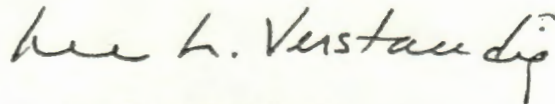
Dear Mr. Kastanis:

On behalf of the President, I would like to thank you for your recent correspondence.

I have forwarded a copy of your letter to the appropriate officials at the White House Counsel's Office for their consideration and direct reply. You should be hearing from them shortly.

I sincerely appreciate your bringing your concerns to the attention of the Administration. Please let me know if I can be of further assistance.

Sincerely,



Lee L. Verstandig
Assistant to the President.
for Intergovernmental Affairs

Mr. Terry Kastanis
Councilman
City Hall
915 I Street
Sacramento, California 95814

#233235



CITY OF SACRAMENTO
CALIFORNIA

TERRY KASTANIS
COUNCILMAN, DISTRICT 7
CITY HALL
915 I STREET
SACRAMENTO, CALIFORNIA 95814
(916) 449-5407

July 18, 1984

President Ronald Reagan
The White House
Washington, D.C. 20500

Dear Mr. President:

I am writing in support of S2116 and HR4110, the redress of Japanese American veterans.

The Japanese American citizens who served in World War II made significant contributions and sacrifices to assure the national security of their country, the United States. Some gave their lives for their country. It is time to make amends for the acts which our government took toward our own citizens during World War II. Human rights must be respected.

I strongly urge your support of S2116 and HR4110 and the redress of Japanese American veterans.

Sincerely,

Terry Kastanis
City Councilman
District 7

TK/jb

STATUS REPORT FOR H.R.4110

ALL ACTIONS BEGINNING WITH 01/01/83

H.R.4110 BY WRIGHT (D-TX) -- CIVIL LIBERTIES ACT OF 1983

10/06/83 -- IN THE HOUSE

INTRODUCED

REFERRED TO HOUSE COMMITTEE ON THE JUDICIARY

06/20/84 -- IN THE HOUSE

PUBLIC HEARING HELD BY ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS
SUBCOMMITTEE

06/21/84 -- IN THE HOUSE

PUBLIC HEARING HELD BY ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS
SUBCOMMITTEE

06/27/84 -- IN THE HOUSE

PUBLIC HEARING HELD BY ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS
SUBCOMMITTEE

PLEASE ENTER NAME OF DESIRED REPORT (OR 'MENU'):

98TH CONGRESS
1ST SESSION

H. R. 4110

To accept the findings and to implement the recommendations of the Commission
on Wartime Relocation and Internment of Civilians.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 1983

Mr. WRIGHT (for himself, Mr. FOLEY, Mr. LONG of Louisiana, Mr. RODINO, Mr. MINETA, Mr. MATSUI, Mr. LOWRY of Washington, Mr. ACKERMAN, Mr. AKAKA, Mr. BATES, Mr. BERMAN, Mr. BOSCO, Mrs. BOXER, Mrs. BURTON of California, Mrs. COLLINS, Mr. CONYEERS, Mr. CORRADA, Mr. CROCKETT, Mr. DASCHLE, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Ms. FERRARO, Mr. FISH, Mr. FOGLIETTA, Mr. FRANK, Mr. GARCIA, Mr. GRAY, Mr. HAYES, Mr. HEFTEL of Hawaii, Mr. HUGHES, Mr. KASTENMEIER, Mr. KILDEE, Mr. KOLTER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. MARKEY, Mr. MARRIOTT, Mr. MARTINEZ, Mr. MILLER of California, Mr. MITCHELL, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. OTTINGER, Mr. OWENS, Mr. PATTERSON, Mr. RANGEL, Mr. ROE, Mr. ROYBAL, Mr. SAVAGE, Mr. SCHEUER, Mr. SCHUMER, Mr. SHANNON, Mr. SIMON, Mr. STARK, Mr. SUNIA, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. UDALL, Mr. VENTO, Mr. WAXMAN, Mr. WEISS, Mr. WIRTH, Mr. WON PAT, Mr. WILSON, and Mr. JEFFORDS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To accept the findings and to implement the recommendations of
the Commission on Wartime Relocation and Internment of
Civilians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1

SHORT TITLE

2

SECTION 1. This Act may be cited as the "Civil Liberties Act of 1983".

3

FINDINGS AND PURPOSES

4

SEC. 2. (a) The Congress finds that—

5

(1) the findings of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act, accurately and completely describe the circumstances of the evacuation, relocation, and internment of in excess of one hundred and ten thousand United States citizens and permanent resident aliens of Japanese ancestry and the treatment of the individuals of Aleut ancestry who were removed from the Aleutian and the Pribilof Islands;

6

(2) the evacuation, relocation, and internment of individuals of Japanese ancestry was carried out without any documented acts of espionage or sabotage, or other acts of disloyalty by any citizens or permanent resident aliens of Japanese ancestry on the west coast;

7

(3) there was no military or security reason for the evacuation, relocation, and internment;

8

(4) the evacuation, relocation, and internment of the individuals of Japanese ancestry was caused by

9

1 racial prejudice, war hysteria, and a failure of political
2 leadership;

3 (5) the excluded individuals of Japanese ancestry
4 suffered enormous damages and losses, both material
5 and intangible, and there were incalculable losses in
6 education and job training, all of which resulted in sig-
7 nificant human suffering for which full and appropriate
8 compensation has not been made;

9 (6) the basic civil liberties and constitutional rights
10 of those individuals of Japanese ancestry interned were
11 fundamentally violated by that evacuation and intern-
12 ment;

13 (7) as a result of wartime necessity, approximately
14 nine hundred individuals of Aleut ancestry were evacu-
15 ated from their homes in the Pribilofs and from many
16 islands of the Aleutian chain;

17 (8) the housing, sanitation, and food for those
18 Aleuts evacuated were deplorable, medical care was
19 inadequate, and diseases were widespread;

20 (9) many houses and churches of the Aleuts were
21 vandalized by the members of the Armed Forces of the
22 United States, and religious icons and family treasures
23 were destroyed;

1 (10) the island of Attu was taken by the United
2 States for military purposes but was never returned to
3 its former residents;

4 (11) significant amounts of hazardous wartime
5 debris remain in the Aleutian Islands; and

6 (12) full and appropriate compensation has not
7 been made in the case of the Aleuts.

8 (b) The purposes of this Act are to—

9 (1) acknowledge the fundamental injustice of the
10 evacuation, relocation, and internment of United States
11 citizens and permanent resident aliens of Japanese an-
12 cestry;

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

16 (3) provide for a public education fund to finance
17 efforts to inform the public about the internment of
18 such individuals so as to prevent the reoccurrence of
19 any similar event;

20 (4) make restitution to those individuals of Japa-
21 nese ancestry who were interned;

22 (5) acknowledge the poor conditions in which the
23 individuals of Aleut ancestry who were relocated and
24 interned were forced to live, acknowledge the physical
25 damage to their property as a result of the relocation,

1 and apologize to such individuals on behalf of the
2 people of the United States for such conditions and
3 damage;

4 (6) rebuild and restore buildings and property
5 damaged in the Aleutian Islands;

6 (7) make restitution to those individuals of Aleut
7 ancestry who were relocated and interned;

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

10 (9) make more credible and sincere any declara-
11 tion of concern by the United States over violations of
12 human rights committed by other nations.

13 **TITLE I—RECOGNITION OF INJUSTICE AND AN**
14 **APOLOGY ON BEHALF OF THE NATION**

15 **SEC. 101.** The Congress accepts the findings of the
16 Commission on Wartime Relocation and Internment of Civil-
17 ians and recognizes that a grave injustice was done to both
18 citizens and resident aliens of Japanese ancestry by the evac-
19 uation, relocation, and internment of civilians during World
20 War II. On behalf of the Nation, the Congress apologizes.

21 **TITLE II—UNITED STATES CITIZENS OF JAPA-**
22 **NESE ANCESTRY AND RESIDENT JAPANESE**
23 **ALIENS**

24 **DEFINITIONS**

25 **SEC. 201.** For the purposes of this title—

1 (1) the term "evacuation, relocation, and intern-
2 ment period" means that period beginning on Decem-
3 ber 7, 1941, and ending on June 30, 1946;

4 (2) the term "eligible individual" means any living
5 individual of Japanese ancestry who—

6 (A) was enrolled on the records of the United
7 States Government during the evacuation, reloca-
8 tion, and internment period as being in a prohibit-
9 ed military zone; or

10 (B) was confined, held in custody, or other-
11 wise deprived of liberty or property during that
12 period as a result of—

13 (i) Executive Order Numbered 9066,
14 dated February 19, 1942;

15 (ii) the Act entitled "An Act to provide
16 a penalty for violation of restrictions or
17 orders with respect to persons entering, re-
18 maining in, leaving, or committing any act in
19 military areas or zones", approved March
20 21, 1942 (56 Stat. 173); or

21 (iii) any other Executive order, Presi-
22 dential proclamation, law of the United
23 States, directive of the Armed Forces of the
24 United States, or other action made by or on
25 behalf of the United States or its agents,

1 representatives, officers, or employees re-
2 specting the exclusion, relocation, or deten-
3 tion of individuals on the basis of Japanese
4 ancestry;

5 (3) the term "Fund" means the Civil Liberties
6 Public Education Fund established in section 204;

7 (4) the term "Board" means the Civil Liberties
8 Public Education Fund Board of Directors established
9 in section 206; and

10 (5) the term "Commission" means the Commis-
11 sion on Wartime Relocation and Internment of Civil-
12 ians, established by the Commission on Wartime Relo-
13 cation and Internment of Civilians Act.

14 CRIMINAL CONVICTIONS

15 SEC. 202. (a) The Attorney General shall review all
16 cases in which United States citizens and permanent resident
17 aliens of Japanese ancestry were convicted of violations of
18 laws of the United States, including convictions for violations
19 of military orders, where such convictions resulted from
20 charges filed against such individuals during the evacuation,
21 relocation, and internment period.

22 (b) Based upon the review required by subsection (a),
23 the Attorney General shall recommend to the President for
24 pardon consideration those convictions which the Attorney
25 General finds were based on a refusal by such individuals to

1 accept treatment that discriminated against them on the basis
2 of their Japanese ancestry.

3 (c) In consideration of the findings contained in this Act,
4 the President is requested to offer pardons to those individ-
5 uals recommended by the Attorney General pursuant to sub-
6 section (b).

7 CONSIDERATION OF COMMISSION FINDINGS

8 SEC. 203. Departments and agencies of the United
9 States Government to which eligible individuals may apply
10 for the restitution of positions, status, or entitlements lost in
11 whole or in part because of discriminatory acts of the United
12 States Government against such individuals based upon their
13 Japanese ancestry and which occurred during the evacuation,
14 relocation, and internment period shall review such applica-
15 tions with liberality, giving full consideration to the historical
16 findings of the Commission and the findings contained in this
17 Act.

18 TRUST FUND

19 SEC. 204. (a) There is hereby established in the Treas-
20 ury of the United States the Civil Liberties Public Education
21 Fund, to be administered by the Secretary of the Treasury.

22 (b)(1) It shall be the duty of the Secretary of the Treas-
23 ury to invest such portion of the Fund as is not, in his judg-
24 ment, required to meet current withdrawals. Such invest-
25 ments may be made only in interest-bearing obligations of the

1 United States. For such purpose, such obligations may be
2 acquired—

3 (A) on original issue at the issue price, or

4 (B) by purchase of outstanding obligations at the
5 market price.

6 (2) Any obligation acquired by the Fund may be sold by
7 the Secretary of the Treasury at the market price.

8 (3) The interest on, and the proceeds from the sale or
9 redemption of, any obligations held in the Fund shall be cred-
10 ited to and form a part of the Fund.

11 (c) Amounts in the Fund shall only be available for dis-
12 bursement by the Attorney General under section 205 and by
13 the Board under section 206.

14 (d) The Fund shall expire not later than the earlier of
15 the date on which an amount has been expended from the
16 Fund which is equal to the amount authorized to be appropri-
17 ated to the Fund by subsection (e), and any income earned on
18 such amount, or six years after the date of enactment of this
19 Act. If all of the amounts in the Fund have not been expend-
20 ed by the end of the six-year period, investments shall be
21 liquidated and receipts thereof deposited in the Fund and all
22 funds remaining in the Fund shall be deposited in the miscel-
23 laneous receipts account in the Treasury.

1 (e) There are authorized to be appropriated to the Fund
2 \$1,500,000,000. Any amounts appropriated pursuant to this
3 section shall remain available until expended.

4 RESTITUTION

5 SEC. 205. (a)(1) The Attorney General shall identify
6 and locate, without requiring any application for payment
7 and using records already in the possession of the United
8 States Government, each eligible individual and shall pay out
9 of the Fund to each eligible individual the sum of \$20,000.

10 (2) If an eligible individual refuses to accept any pay-
11 ment under this section, such amount shall remain in the
12 Fund and no payment shall be made under this section to
13 such individual at any future date.

14 (b) The Attorney General shall endeavor to make pay-
15 ment to eligible individuals in the order of date of birth (with
16 the oldest receiving full payment first), until all eligible indi-
17 viduals have received payment in full.

18 (c) In attempting to locate any eligible individual, the
19 Attorney General may use any facility or resource of any
20 public or nonprofit organization or any other record, docu-
21 ment, or information that may be made available to him.

22 (d) No costs incurred by the Attorney General in carry-
23 ing out this section shall be paid from the Fund or set off
24 against, or otherwise deducted from, any payment under this
25 section to any eligible individual.

1 (e) The duties of the Attorney General under this sec-
2 tion shall cease with the expiration of the Fund.

3 BOARD OF DIRECTORS

4 SEC. 206. (a) There is hereby established the Civil Lib-
5 erties Public Education Fund Board of Directors which shall
6 be responsible for making disbursements from the Fund in the
7 manner provided in this section.

8 (b) The Board of Directors may make disbursements
9 from the Fund only—

10 (1) to sponsor research and public educational ac-
11 tivities so that the events surrounding the evacuation,
12 relocation, and internment of United States citizens
13 and permanent resident aliens of Japanese ancestry
14 will be remembered, and so that the causes and cir-
15 cumstances of this and similar events may be illuminat-
16 ed and understood;

17 (2) to fund comparative studies of similar civil lib-
18 erties abuses, or to fund comparative studies of the
19 effect upon particular groups of racial prejudice em-
20 bodied by government action in times of national
21 stress;

22 (3) to prepare and distribute the hearings and
23 findings of the Commission to textbook publishers, edu-
24 cators, and libraries;

1 (4) for the general welfare of the ethnic Japanese
2 community in the United States, taking into considera-
3 tion the effect of the exclusion and detention on the de-
4 scendants of those individuals who were detained
5 during the evacuation, relocation, and internment
6 period (except that individual payments in compensa-
7 tion for loss or damages shall not be made under this
8 paragraph); and

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

12 (c)(1) The Board shall be composed of nine members
13 appointed by the President, by and with the advice and con-
14 sent of the Senate, from individuals who are not officers or
15 employees of the United States Government. At least five of
16 the individuals appointed shall be individuals who are of Jap-
17 anese ancestry.

18 (2)(A) Except as provided in subparagraphs (B) and (C),
19 members shall be appointed for terms of three years.

20 (B) Of the members first appointed—

21 (i) five shall be appointed for terms of three years;
22 and

23 (ii) four shall be appointed for terms of two years;
24 as designated by the President at the time of appointment.

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

8 (3) Members of the Board shall serve without pay,
9 except members of the Board shall be entitled to reimburse-
10 ment for travel, subsistence, and other necessary expenses
11 incurred by them in carrying out the functions of the Board,
12 in the same manner as persons employed intermittently in the
13 United States Government are allowed expenses under sec-
14 tion 5703 of title 5, United States Code.

15 (4) Five members of the Board shall constitute a quorum
16 but a lesser number may hold hearings.

17 (5) The Chair of the Board shall be elected by the mem-
18 bers of the Board.

19 (d)(1) The Board shall have a Director who shall be ap-
20 pointed by the Board.

21 (2) The Board may appoint and fix the pay of such addi-
22 tional staff personnel as it may require.

23 (3) The Director and the additional staff personnel of the
24 Board may be appointed without regard to section 5311(b) of
25 title 5, United States Code, and without regard to the provi-

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

9 (e) The Administrator of General Services shall provide
10 to the Board on a reimbursable basis such administrative sup-
11 port services as the Board may request.

12 (f) The Board may accept, use, and dispose of gifts or
13 donations or services or property for purposes authorized
14 under subsection (b).

15 (g) Not later than twelve months after the first meeting
16 of the Board and every twelve months thereafter, the Board
17 shall transmit a report describing the activities of the Board
18 to the President and to each House of the Congress.

19 (h) The Board shall terminate not later than ninety days
20 after the expiration of the Fund and all obligations of the
21 Board under this section shall cease.

22 TITLE III—THE ALEUTS

23 DEFINITIONS

24 SEC. 301. For purposes of this title—

1 (1) the term "evacuation and relocation period"
2 means the period beginning on December 7, 1941, and
3 ending on April 30, 1945;

4 (2) the term "eligible individual" means any living
5 individual of Alaskan Aleut ancestry who was evacuat-
6 ed from the Pribilof and Aleutian Islands by the United
7 States Government during the evacuation and reloca-
8 tion period;

9 (3) the term "Fund" means the Aleutian Islands
10 Education and Restoration Fund established in section
11 303; and

12 (4) the term "Board" means the Aleutian Islands
13 Education and Restoration Fund Board of Directors
14 established in section 304.

15 RESTITUTION

16 SEC. 302. (a)(1) The Attorney General shall identify
17 and locate, without requiring any application for payment
18 and using records already in the possession of the United
19 States Government, each eligible individual and shall pay to
20 each such individual the sum of \$5,000.

21 (2) If an eligible individual refuses to accept any pay-
22 ment under this section, such amount shall be paid into the
23 Fund established in section 303 and no payment shall be
24 made under this section to such individual at any future date.

1 (b) The Attorney General shall endeavor to make pay-
2 ment to eligible individuals in the order of date of birth (with
3 the oldest receiving full payment first), until all eligible indi-
4 viduals have received payment in full.

5 (c) In attempting to locate any eligible individual, the
6 Attorney General may use any facility or resource of any
7 public or nonprofit organization or any other record, docu-
8 ment, or information that may be made available to him.

9 (d) No costs incurred by the Attorney General in carry-
10 ing out this section shall be paid from amounts appropriated
11 to carry out the purposes of this section or set off against, or
12 otherwise deducted from, any payment under this section to
13 any eligible individual.

14 (e) There are authorized to be appropriated such sums
15 as may be necessary to carry out this section. Any amounts
16 appropriated pursuant to this section shall remain available
17 until expended.

18 TRUST FUND

19 SEC. 303. (a) There is hereby established in the Treas-
20 ury of the United States the Aleutian Islands Education and
21 Restoration Fund, to be administered by the Secretary of the
22 Treasury.

23 (b)(1) It shall be the duty of the Secretary of the Treas-
24 ury to invest such portion of the Fund as is not, in his judg-
25 ment, required to meet current withdrawals. Such invest-

1 ments may be made only in interest-bearing obligations of the
2 United States. For such purpose, such obligations may be
3 acquired—

4 (A) on original issue at the issue price, or

5 (B) by purchase of outstanding obligations at the
6 market price.

7 (2) Any obligation acquired by the Fund may be sold by
8 the Secretary of the Treasury at the market price.

9 (3) The interest on, and the proceeds from the sale or
10 redemption of, any obligations held in the Fund shall be cred-
11 ited to and form a part of the Fund.

12 (c) Amounts in the Fund shall only be available for dis-
13 bursement by the Board under section 304.

14 (d) The Fund shall expire not later than the earlier of
15 the date on which an amount has been expended from the
16 Fund which is equal to the amount authorized to be appropri-
17 ated to the Fund by subsection (e), and any income earned on
18 such amount, or six years after the date of enactment of this
19 Act. If all of the amounts in the Fund have not been expend-
20 ed by the end of the six-year period, investments shall be
21 liquidated and receipts thereof deposited in the Fund and all
22 funds remaining in the Fund shall be deposited in the miscel-
23 laneous receipts account in the Treasury.

1 (e) There are authorized to be appropriated to the Fund
2 \$5,000,000. Any amounts appropriated pursuant to this sec-
3 tion shall remain available until expended.

4 BOARD OF DIRECTORS

5 SEC. 304. (a) There is hereby established the Aleutian
6 Islands Education and Restoration Fund Board of Directors
7 which shall be responsible for making disbursements from the
8 Fund in the manner provided in this section.

9 (b) The Board of Directors may make disbursements
10 from the Fund only for—

11 (1) community and individual purposes that will
12 be compensatory for the losses and injuries suffered as
13 a result of the evacuation of the Aleuts, including the
14 lasting disruption of traditional Aleut means of subsist-
15 ence and the weakening of their cultural tradition; and

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

19 (c)(1) The Board shall be composed of nine members
20 appointed by the President, by and with the advice and con-
21 sent of the Senate, from individuals who are not officers or
22 employees of the United States Government. At least five of
23 the individuals appointed shall be individuals who are of
24 Aleut ancestry.

1 (2)(A) Except as provided in subparagraphs (B) and (C),
2 members shall be appointed for terms of three years.

3 (B) Of the members first appointed—

4 (i) five shall be appointed for terms of three years;
5 and

6 (ii) four shall be appointed for terms of two years;
7 as designated by the President at the time of appointment.

8 (C) Any member appointed to fill a vacancy occurring
9 before the expiration of the term for which such member's
10 predecessor was appointed shall be appointed only for the
11 remainder of such term. A member may serve after the expi-
12 ration of such member's term until such member's successor
13 has taken office. No individual may be appointed to more
14 than two consecutive terms.

15 (3) Members of the Board shall serve without pay,
16 except members of the Board shall be entitled to reimburse-
17 ment for travel, subsistence, and other necessary expenses
18 incurred by them in carrying out the functions of the Board,
19 in the same manner as persons employed intermittently in the
20 United States Government are allowed expenses under sec-
21 tion 5703 of title 5, United States Code.

22 (4) Five members of the Board shall constitute a quorum
23 but a lesser number may hold hearings.

24 (5) The Chair of the Board shall be elected by the mem-
25 bers of the Board.

1 (d)(1) The Board shall have a Director who shall be ap-
2 pointed by the Board.

3 (2) The Board may appoint and fix the pay of such addi-
4 tional staff personnel as it may require.

5 (3) The Director and the additional staff personnel of the
6 Board may be appointed without regard to section 5311(b) of
7 title 5, United States Code, and without regard to the provi-
8 sions of such title governing appointments in the competitive
9 service, and may be paid without regard to the provisions of
10 chapter 51 and subchapter III of chapter 53 of such title
11 relating to classification and General Schedule pay rates,
12 except that the compensation of any employee of the Board
13 may not exceed a rate equivalent to the minimum rate of
14 basic pay payable under GS-18 of the General Schedule
15 under section 5332(a) of such title.

16 (e) The Administrator of General Services shall provide
17 to the Board on a reimbursable basis such administrative sup-
18 port services as the Board may request.

19 (f) The Board may accept, use, and dispose of gifts or
20 donations or services or property for purposes authorized
21 under subsection (b).

22 (g) Not later than twelve months after the first meeting
23 of the Board and every twelve months thereafter, the Board
24 shall transmit a report describing the activities of the Board
25 to the President and to each House of Congress.

1 (h) The Board shall terminate not later than ninety days
2 after the expiration of the Fund and all obligations of the
3 Board under this section shall cease.

4 RESTORATION AND DEBRIS REMOVAL

5 SEC. 305. (a) The Secretary of Defense, acting through
6 the Army Corps of Engineers, shall rebuild and restore the
7 buildings and churches damaged or destroyed in the Aleutian
8 Islands during the evacuation and relocation period. Prefer-
9 ence in employment shall be given to Aleuts in performing
10 the work of rebuilding and restoring such buildings and
11 churches.

12 (b) The Secretary of Defense, acting through the Army
13 Corps of Engineers, shall clear away the military debris that
14 remains from the evacuation and relocation period in and
15 around populated areas of the Aleutian Islands.

16 (c) There are authorized to be appropriated such sums
17 as may be necessary to carry out this section. Any amounts
18 appropriated pursuant to this section shall remain available
19 until expended.

20 CONVEYANCE OF LAND

21 SEC. 306. (a) Subject to the limitation contained in sub-
22 section (b), the Secretary of the Interior shall convey to the
23 Aleut native corporation, established pursuant to the Alaskan
24 Native Claims Settlement Act, without consideration, all
25 right, title, and interest of the United States in and to the

1 lands and waters comprising the island of Attu, located in the
2 Aleutian Island chain and comprising a part of the State of
3 Alaska.

4 (b)(1) Conveyance under this section shall be made only
5 after the Secretary of Transportation and the Aleut native
6 corporation certify to the Secretary of the Interior that the
7 Department of Transportation and the Aleut native corpora-
8 tion have reached an agreement which will allow the Coast
9 Guard to continue essential functions on that island.

10 (2) The patent conveying the lands under this section
11 shall reflect the right of the Coast Guard to continue such
12 essential functions on such island.

13 TITLE IV—MISCELLANEOUS PROVISIONS

14 DOCUMENTS RELATING TO THE INTERNMENT

15 SEC. 401. (a) All documents, personal testimony, and
16 other material collected by the Commission on Wartime Re-
17 location and Internment of Civilians during its inquiry shall
18 be delivered by the custodian of such material to the Admin-
19 istrator of General Services who shall deposit such material
20 in the National Archives of the United States. The Adminis-
21 trator of General Services, through the National Archives of
22 the United States, shall make such material available to the
23 public for research purposes.

24 (b) The Clerk of the House of Representatives and the
25 Secretary of the Senate shall, without regard to time limits

1 otherwise applicable to the release of congressional docu-
2 ments, direct the Administrator of General Services to make
3 available to the public for research purposes, all congression-
4 al documents not classified for national security purposes
5 transferred to the Clerk of the House and the Secretary of
6 the Senate relating to the evacuation, relocation, and intern-
7 ment of individuals of Japanese or Aleut ancestry during
8 World War II.

9 COMPLIANCE WITH BUDGET ACT

10 SEC. 402. No authority under this Act to enter into
11 contracts or to make payments shall be effective except to
12 the extent or in such amounts as are provided in advance in
13 appropriations Acts. Any provision of this Act which, directly
14 or indirectly, authorizes the enactment of new budget author-
15 ity shall be effective only after September 30, 1984.

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LEGISLATIVE REPORT FOR 98TH CONGRESS

1:23 PM(EDT), 8/03/84

STATUS REPORT FOR S.2116

ALL ACTIONS BEGINNING WITH 01/01/83

S.2116 BY MATSUNAGA (D-HI) -- IMPLEMENTATION OF THE FINDINGS OF THE COMMISSION
ON WARTIME RELOCATION AND INTERNMENT
11/17/83 -- IN THE SENATE
INTRODUCED
(NO COMMITTEE REFERRAL ON INTRODUCTION)

SCHEDULE OF HEARINGS; MARK-UPS OR BUSINESS MEETINGS:
08/16/84 8:30 AM

SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

CIVIL SERVICE, POST OFFICE, AND GENERAL SERVICES SUBCOMMITTEE

BRENTWOOD THEATRE; WEST LOS ANGELES VETERANS

ADMINISTRATION MEDICAL CENTER; LOS ANGELES, CA.

FIELD HEARING OPEN TO THE PUBLIC

MEASURES:

*S.2116 BY MATSUNAGA (D-HI) -- IMPLEMENTATION OF THE FINDINGS OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT

PLEASE ENTER NAME OF DESIRED REPORT (OR 'MENU') :

Finally the Simpson-Mazzoli bill will institute sanctions against employers who hire undocumented workers. A cloud of skepticism hangs over these provisions, which have proven ineffective in jurisdictions within the United States and 20 foreign countries which have instituted similar sanctions. Further, while a great deal of undocumented immigration is sparked by employment opportunities available in the United States, there are other reasons for undocumented immigration that will not be affected by employer sanctions. Many people are moved to cross the border in order to reunify their families or to escape social, economic, and political upheaval. Employer sanctions do not in any way address these important incentives for undocumented immigration.

However, the most important problem with employer sanctions is their potential role in encouraging discrimination against Hispanic Americans and other immigrant groups. These groups have expressed the view that employers, fearing significant fines or jail terms, will fail to hire anyone who sounds or looks "foreign."

There are many who have doubted this assessment. But the fact is that harassment of Hispanic Americans is already a daily reality in many parts of the country. In recent INS factory raids, Hispanic workers were separated from other workers and asked to produce documentation of legal resident status. The result was a series of unwarranted apprehensions and detentions of legal U.S. residents and citizens. There can be little doubt that the institution of employer sanctions would only legitimize and accelerate these kinds of abuses. Moreover, the antidiscrimination measures contained in H.R. 1510 are not sufficient to adequately protect the rights of American workers. All of us who value our civil liberties must feel threatened by the prospect of discrimination under this bill, and we must join together to defeat it.

There is a consistent disregard for human rights throughout the legislation before us. The threat to the rights of individuals and groups is substantial and unavoidable. We need legislation that stops undocumented immigrants from coming into our country. But we also need legislation that preserves the values of justice and fairness for American citizens of all races, for refugees fleeing oppression, and for the shadowy population of undocumented immigrants which has silently contributed to our Nation for many years. The present bill does not preserve these values. I therefore urge my colleagues to join me in rejecting H.R. 1510 and in pressing for full consideration of humane alternatives to this dangerous and misguided bill.●

THE 40TH ANNIVERSARY OF THE PASSAGE OF THE VETERANS' PREFERENCE ACT

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1984

● Mr. HAMMERSCHMIDT. Mr. Speaker, on June 27, 1944, the Veterans' Preference Act came into existence. Today, 40 years later on its birthday, we can look backward as well as forward and be certain that the Congress took a very responsible legislative action when it passed this law. Through it, hundreds of thousands of our Nation's veterans have received assistance in obtaining Federal employment. They have been excellent employees and they have brought great luster to our Government.

Mr. Speaker, there is a vast population of men and women in this country whose selfless and honorable sacrifices secured the very foundation of this Government by their service in our Armed Forces.

A grateful Nation, in what is only a token payment for those sacrifices, through the Veterans' preference Act of 1944, as amended, offers its veterans opportunities for employment to offset the hardships and deprivations often incurred in military service.

There is no question in my mind, Mr. Speaker, that such treatment, while termed "Veterans' preference" is really our obligation to our ex-servicemen.

This Federal obligation has really been a part of our society for more than 120 years. The Congress, through the various Veterans' Preference Acts, has frequently expressed its will in this regard, particularly for the disabled veteran, who bears even a greater burden as a result of his or her commitment.

We have all benefited from veteran employment. The veterans employed in the Federal civil service have always been reliable, dedicated workers and they have served this Nation well, and I salute them.

Mr. Speaker, just yesterday the House of Representatives took special note of the 40th anniversary of this historic law by passing a resolution calling national attention to it. The Senate has taken similar action.

Just today the Director of the Office of Personnel Management, Dr. Donald Devine, led a commemoration ceremony here in Washington regarding veterans' preference in public employment. Dr. Devine was joined by high officials of the Government, leaders of our great veterans organizations, and by a host of other dignitaries. I believe he spoke for the vast majority of Americans when he said that the 40 years existence of the Veterans' Preference Act, together with its various amendments, have been good years for our Government characterized by our Nation's everlasting commitment to its

defenders and characterized also by a national veterans workforce that has greatly enhanced our Government by its devotion and dedication to its success and its ideals.

Thank you, Mr. Speaker.●

CIVIL LIBERTIES ACT OF 1984

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. EDWARDS of California. Mr. Speaker, I urge every Member of this Congress to take a moment to read the testimony our esteemed colleague, Norman Mineta, presented to the Judiciary Subcommittee on Administrative Law and Governmental Relations in support of H.R. 4110, the Civil Liberties Act of 1984.

It is eloquent testimony—both moving and insightful. I know my colleagues will find it a compelling argument in support of enacting this important legislation.

The testimony follows:

H.R. 4110—THE CIVIL LIBERTIES ACT OF 1983
(By Norman Y. Mineta)

Thank you very much, Mr. Chairman. Many of us in this room have been working on the redress issue for several years because of our belief in its urgency and importance. Today is, therefore, a day of profound excitement, and I appreciate your leadership in scheduling this hearing.

As you know, Mr. Chairman, Congress, with the assistance of this Subcommittee, enacted in 1980 Public Law 96-317 creating a special Commission on Wartime Relocation and Internment of Civilians. That Commission was to study the internment during World War II of Americans of Japanese ancestry and of Aleut Islanders, and to "recommend appropriate remedies."

I believe the Commission's work was exhaustive and complete. Its report, "Personal Justice Denied" is the definitive study of the internment. I have complete confidence in its work, and I strongly endorse the report.

That report showed conclusively that Americans of Japanese ancestry were law abiding, loyal Americans who posed absolutely no threat to the peace and security of this Nation, and wanted nothing more than the opportunity to share in the liberty and defense of this Nation.

Moreover, the Commission clearly concluded that the internment constituted "a grave personal injustice" that violated our most basic norms of Constitutional due process.

After the Commission issued its report and recommendations last year, a group of Members of both bodies met and decided to draft legislation that implemented all of the Commission's findings, "alpha to omega" as one of us said. That is the bill now before us, H.R. 4110.

We are honored to have Majority Leader Jim Wright as the prime sponsor of this bill. He also authored the legislation creating the Commission. There are 103 cosponsors of this bill in all, including the Chairman and ranking minority member of the House Judiciary Committee.

H.R. 4110 contains an explicit legislative finding accepting the Commission's findings as accurate and complete. The legislation

also includes the five specific remedies proposed by the Commission as remedies for the historic damage to civil liberties caused by the internment.

These five remedies in the bill are:

First, A formal apology by the government for the internment. As Title I of the bill states, "On behalf of the Nation, the Congress apologizes."

Second, a request that the President offer pardons to those few dozen individuals who were convicted of violating the internment and associated laws and directives because of their refusal to accept racially discriminatory treatment.

Third, a request that the Administration review "with liberality" applications for administrative relief such as changing dishonorable discharges to honorable status. Several thousand young men were summarily thrown out of the armed forces solely because of their Japanese ancestry. No new statutory authority is created here.

Fourth, the creation of a trust fund to finance educational, social and humanitarian programs designed to foster knowledge and concern for civil liberties. This fund would have \$1.5 billion in funds appropriated by Congress and would exist only until those funds were spent. The fund would be managed by a nine member Board of Directors.

And fifth, the payment out of that trust fund of \$20,000 to each of the estimated 60,000 survivors of the internment camps. The \$20,000 figure was set by the Commission.

Although the loss of property and income from the internment is estimated at perhaps as high as \$6.2 billion in comparable current dollars, these payments are intended, in my mind, not as compensation for lost property but as liquidating damages resulting from the profound abridgement of basic constitutional rights.

These payments are intended as compensation for a constitutional loss of rights, not unlike the payments anticipated in this Subcommittee's bill H.R. 3142. I would add that those who were kept in camp for two years would be receiving \$27.39 a day, far less than the \$200 a day limit imposed by H.R. 3142.

I share the belief of many that these payments are an essential element of the legislative package, and that any step short of compensation would be an empty gesture.

Similar recommendations are included for the few hundred Aleuts who were interned.

The case for this legislation is based on the conclusion that the internment was caused not by any military or security necessity but by prejudice, ignorance, fear and greed.

Moreover, the internment constitutes one of the most significant and indefensible abridgements of civil rights in our history. I realize that people of good faith may well disagree on the most appropriate remedy for the damage left by the internment. But surely the internment itself is nothing more than a shameful and dishonorable episode that is a blot on our nation's record until erased with this legislation.

When we were first released from camp, Americans of Japanese ancestry did not think primarily of our legal rights. Our main goal was to rebuild our lives, rebuild our businesses, and regain our standing in the community. We were shamed and held up to public humiliation by the internment, and frankly we just did not want to think or speak about it. All our energies went into rebuilding. That rebuilding process began to end in the early 1960s. That is, it took twenty years for us to get back what this government took from us in 1942.

And then we began to think again about what had happened to us. And our children

began to ask questions about the missing years, the silent years that were never discussed at home. The movement for redress began slowly and built up steam. In the 1970s, we obtained passage of two bills providing Social Security and Civil Service Retirement protections for those interned.

But one problem remained. Our government had labeled us—and by us I do mean all 120,000 of us—as vaguely untrustworthy and a danger to the republic.

Mr. Chairman, on behalf of all Americans of Japanese ancestry who were interned, I ask and entreat this Subcommittee to give us back our honor. Give back the dignity and the pride that this government so unnecessarily took from us in 1942. Every citizen of this land will benefit from our rededication today to equal justice.

I realize that some who were involved in the original decision to intern us are still defending their actions. I suppose if I had made as big a mistake as they did I would also be reluctant to admit it. I do not think they were evil men. But they were caught up in a web of racism and fear that blinded them to the truth and set them on their foolish course.

Their blindness was monumental. General John L. DeWitt, head of the Western Defense Command and a key figure in the internment, actually managed in speaking of the fact that no disloyal acts had been committed by Americans of Japanese ancestry to say "The very fact that no sabotage has taken place to date is a disturbing and confirming indication that such action will be taken."

So much for the principle of innocent until proven guilty.

But I come back to our premise. As the Commission report made plain—we were not traitors, we were farmers and businessmen, homemakers and teachers. We were not secret agents. Nearly twenty-five thousand of us were fourteen years old or younger. Nearly six thousand of were born in camp.

And one thousand, eight hundred and sixty two internees died while in camp, a figure which does not include people like my father-in-law, Saijiro Hinoki, who owned a dry cleaning store in Colusa, California and was a leader of the local rotary club.

The FBI arrested Mr. Hinoki early in 1942, and for two months told his family nothing about where he was or why he was being held. Finally, the family was told he had been sent to a detention camp in Bismark, North Dakota. Those who knew him said Mr. Hinoki never regained his lost will to live. He died a few years after leaving camp.

I firmly believe, as the Commission found, that there was no reason to distrust the Americans of Japanese ancestry. But even if there had been reasons to suspect the loyalty of some individuals, which I stoutly deny, what excuse is that to lock up 120,000 innocent and loyal Americans without a trial, without regard to the Constitution?

We did not lock up German Americans. We did not lock up Italian Americans. Nor did we even seriously consider internment Americans of Japanese ancestry on Hawaii, where the military dangers were the greatest.

Why is it that we just happened to lock up an ethnic group subject to decades of blatant and cruel discrimination? Because this was the group that popular opinion—and indeed the California Congressional Delegation—demanded to have locked up.

Mr. Chairman, I could speak on this subject for quite awhile but my time is limited. I could tell you about some of the loyal and brave men I know; men who left the internment camps to fight bravely to defend this

nation, and who rescued the lost battalion of the 36th Texas Arrowhead Division.

I could tell you of the old women torn from their homes of decades and forced to live in cold, spartan barracks only to oblige prejudice of greedy neighbors.

I could tell you of communities such as my home town of San Jose, which stood by us and welcomed us home. And the many towns unlike San Jose which, reeking with prejudice and fear fought to prevent former internees from returning to their homes.

But let me tell you about my family. My father was not a traitor. He sold insurance from a small office in our home on North Fifth Street in San Jose, California. My mother was not a secret agent, she kept house and raised her children to be what she was, a loyal American. Who amongst us was the security risk? Was it my sister Etsu, or perhaps Helen or Aya? Or perhaps it was my brother Al, a sophomore pre-med student at San Jose State.

Or maybe I was the one, a boy of ten-and-a-half who this powerful nation felt was so dangerous I needed to be locked up without a trial, kept behind barbed wire and guarded by troops in high guard towers armed with machine guns.

What was it I had done that made me so terrifying to the Government? Murderers, arsonists, even assassins and spies get trials. But not young boys born and raised in San Jose who happened to have odd sounding last names. Is that what this country is about?

Chiseled in the marble over the Supreme Court it does not say Equal Justice Under Law Except When Things Get Sticky. It says Equal Justice. And that is what we ask for, Mr. Chairman. No more. No less. We have waited forty-two years. The time has come.

I ask on behalf of the 60,000 internees who have died with their honor clouded. I ask on behalf of the 60,000 still alive and seeking justice. I ask on behalf of all Americans who believe that our Constitution really does mean what it says. That we are created equal.

Mr. Chairman, Members of the Subcommittee. We are all supposed to wear these pins identifying us as Members of Congress. Some Members don't bother to wear the pins. I suppose they think the pins are inconvenient or silly. Yet I always wear mine because I cherish my seat in this House, and I cherish the idea that a former internee can now sit in this House and discuss this legislation with his peers.

I would like to close, Mr. Chairman, by reading a brief excerpt from a letter to friends in San Jose written by my father and published in the San Jose Mercury Herald. Although my father came here in 1902, his English was not perfect, as you will hear. The letter begins:

"We all felt so strong while we are staying at the station with you and many other friends but the train started and with the exchange of good bye then became so lonesome and when I looked Santa Clara Street from the train, I thought this might be the last look at my beloved home city.

My heart almost broke out and suddenly hot tears just pouring out.

We whole family cried out and could not stop until get out of our loved country."

Mr. Chairman, I am confident that this body will recognize the merit, importance and significance of this case.

And for the old ones who are dying, I ask that we act with firmness, and with speed.

Thank you very much. ●

of financial institutions—that the California Credit Union League has chosen the motto “Proud of the Past . . . Prepared for the Future.”

Indeed the California Credit Union League should be proud of its 50 years of service. And if the past is any indication of the future, the league is truly prepared to meet the challenges of the future. I hope my colleagues will join with me in congratulating the California Credit Union League upon its 50th anniversary. And best wishes for the years to come.●

WE ARE IN DEBT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. MINETA. Mr. Speaker, 78 Members have joined under the leadership of Majority Leader JIM WRIGHT to introduce a bill which implements the recommendations of the Commission on Wartime Relocation and Internment of Civilians. That bill, H.R. 4110 was introduced on October 6, 1983, and corrects the injustice that our country committed against thousands of loyal Americans.

I would like to call my colleague's attention to an editorial in the Los Angeles Times on October 17, 1983. The editorial called the internment “wrong” and endorsed the Commission's recommendations. I share with you now, the text of that editorial:

WE ARE IN DEBT

It was, as Justice Department lawyers said, a “singularly appropriate” action for the government to take. It agreed to set aside the 40-year-old convictions of three Japanese-Americans for violating evacuation orders that led to the internment of more than 100,000 Japanese-Americans after Japan's attack on Pearl Harbor.

The government was responding in San Francisco to one suit, but will take the same position in similar legal actions brought by two other Japanese-Americans or any others “similarly situated.” The government attorneys said that they acted because it was time to put aside the 1942 controversy “and instead reaffirm the inherent right of each person to be treated as an individual.”

While pleased with the department's decision, attorneys for the three convicted Japanese-Americans are discussing whether to ask the judge in the case, U.S. District Judge Marilyn Hall Patel, to hold hearings and issue findings on the government's wartime actions. The suits charge that the government withheld evidence that could have persuaded the U.S. Supreme Court to prohibit the internment.

We are inclined to agree with the government's opposition to further court hearings or findings. As Justice Department attorneys noted, the Commission on Wartime Relocation and Internment of Civilians concluded that “no completely satisfactory answer can be reached about these emotion-laden issues from this vantage point in history.”

This nation, gripped by wartime concerns and acting against a perceived danger, nevertheless committed a wrong by interning thousands of people simply because of their

ancestry and not for anything that they did. Step by step the nation has acted to rectify that wrong, although a perfect balance sheet can never be achieved.

One thing the nation can now do: Carry out the recommendation of the commission to pay \$1.5 billion to the approximately 60,000 people forced into relocation who are still living. That compensation, not an exorbitant sum but generous enough to make it meaningful, is a debt that we owe.●

TRIBUTE TO RABBI HENRY KRAUS AND THE TEMPLE BETH AMI BREAKFAST

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 1983

● Mr. TORRES. Mr. Speaker, this Sunday I had the honor to be the guest speaker at Temple Beth Ami. This speaking forum is a unique event, called “Breakfast with the Rabbi,” and provides an opportunity for elected and appointed officials to speak on items of importance to the Beth Ami Congregation.

Mr. Speaker, our good friend Rabbi Henry Kraus has been the moving force behind this undertaking. The breakfast is actually hosted by the Beth Ami Men's Club by Milton Fader, its president.

I was able to make a presentation that dealt with the current situation in the Middle East, especially developments in Lebanon. Moreover, I presented a statement dealing with United States-Israeli relations.

Mr. Speaker, I submit for my colleagues to read the statement I made to my constituents at Temple Beth Ami in West Covina:

I. U.S./ISRAELI RELATIONS

U.S.-Israeli relations are a key factor in American Middle East policy and of primary importance to Congress. Israel and the United States share the view that the U.S. has a predominant role and responsibility in Middle East peacemaking. The two countries also share the perception that one of the major threats to world stability and to peace in the Middle East is the expansion of Soviet influence and power. The Soviet threat has been cited as a fundamental basis for close cooperation between Israel and the United States.

It is a distinct feature of American foreign policy that ethnic Americans of many origins retain a sensitivity toward the country of their ancestry. American Jews, sensitive to religious discrimination and the need for religious freedom, concerned for the fate of Europe's Jews in World War II, and as witnesses to the creation of the modern Jewish state, have been particularly aware of Israel's vulnerability and need for aid. The American Jewish community and its official lobby, the American Israel Public Affairs Committee (AIPAC), have substantial influence and contribute significantly to the continuity of official U.S. support for Israel, particularly at times when American and Israeli policy objectives in the Middle East have diverged.

THE U.S. NEEDS ISRAEL AS MUCH AS THEY NEED US

An assessment by President Carter in 1980:

“The United States has a moral commitment to Israel because we share so many things in common. A strong, independent, democratic nation committed to peace in the Middle East is a major asset for our country, and we share these strategic understandings and consultations, looking toward the future. A strong Israel is not just in Israel's interest or the United States; it's in the interests of the entire free world.”

Each country contributes to this special relationship and benefits from it. The ties are unusually close in several domains: political, economic, strategic, and cultural.”

A vital source of strength of this relationship is the democratic nature of Israel. The American people know that there is only one country in the Middle East that is not a totalitarian dictatorship or a fragile feudal monarchy. American people know that there is only one state in the Middle East that shares our own American democratic ideals, our democratic form of government, and our democratic institutions. These include free elections, a free press, protection of the rights of individuals and minorities, checks and balances to prevent abuses of authority, and other safeguards typical of a free society. That state is the state of Israel. The recent change in power from the leadership of Menachem Begin to Yitzhak Shamir should not alter Israel's policies or relations with the United States. The peaceful and orderly transition was most impressive and should serve as a model for other nations in the world.

The economic and technological capabilities of Israel can be of invaluable assistance to the United States. Israel has taken the lead in discoveries of innovative agricultural techniques that can have a significant impact on American agricultural methods. Another example is in the medical field; the United States imports 100% of our surgical lasers from Israel. There is an almost limitless potential for increased trade and cooperation. In turn, there is no question over Israel's need for American aid, both the direct financial transfers to meet Israel's budgetary requirements and Israel's access to American military hardware. It is important to mention that the United States has never used economic or military aid as a lever against Israel. The United States also provides indirect assistance to Israel by helping the Israeli economy. The U.S. offers Israel its assessments of its serious economic problems, namely, high inflation and balance of payments deficits. Of course, Israel does not always share U.S. experts' views of policy prescriptions.

We are committed to the defense of Israel's security. We are also committed to defend its place in the world community. The United States will not permit Israel to be isolated. We are committed to the Camp David accords. Israel is a critical strategic asset to the United States, as our strongest, most reliable, and stable ally in a volatile part of the world. This contribution should never be underestimated. The Israeli defense forces are the strongest deterrent in the region. Furthermore, Israeli military facilities are the best resources for the United States in the region. No other country in the area has the hospital facilities and personnel to provide care on the scale and professional standards required.

That is why I take particular exception to the Pentagon's decision to refuse an Israeli offer of medical assistance for marines wounded in the recent terrorist attack on the American military headquarters in Beirut. Less than three hours after this tragic incident, the Israelis offered to provide medical assistance for the marines wounded in the terrorist attack. Israel

American servicemen has prevented the wanton slaughter of thousands whose peace they seek to protect.●

IN HONOR OF DR. PHILLIP R. PHELPS

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. KOLTER. Mr. Speaker, I would like to bring to the attention of my colleagues the accomplishments of an outstanding individual in the educational field. Dr. Phillip Phelps, the executive director of the Midwestern Intermediate Unit IV has served as an educator in almost every capacity.

Dr. Phelps began his career almost 35 years ago as a teaching principal with the South New Castle Boro School District and moved progressively upward in school administration from principal at Shenango Area Schools, assistant county superintendent of Lawrence County, chief school administrator of Lawrence County Vo-Tech, assistant county superintendent, county superintendent, to his present position with the Midwestern Intermediate Unit IV.

In times when our educational system has not been receiving many good reviews, Dr. Phelps' commitment to the field has been inspiring and encouraging. In addition to his educational contributions, Dr. Phelps has been a civic leader whose community involvements have included the Boy Scouts of America, the Lions Club and the Rotary. As his distinguished career comes to an end, he will be greatly missed by colleagues, friends, and hundreds of students he has touched over many years as a fine educator.●

CIVIL LIBERTIES ACT OF 1983

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. MINETA. Mr. Speaker, I rise to thank the many Members from both sides of the aisle who have lent their support to H.R. 4110, the Civil Liberties Act of 1983. This important legislation accepts the findings of and implements the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

This bill will, once and for all, wipe out the awful precedent of 1942. By enacting this legislation, Congress will remove the stigma of imprisonment and shame that was placed so unfairly on Americans of Japanese ancestry by the evacuation and internment.

I strongly believe that the whole package of recommendations as presented to the Congress by the Commission that it created make—as a

group—a carefully constructed unified package.

The process of preparing this legislation has been a long one, and many Members have played an important part. We are all grateful to Majority Leader JIM WRIGHT for his role, and to the 74 cosponsors listed at the time of introduction. Not listed at that time thru an inadvertence was my distinguished colleague, Sidney R. Yates of Illinois. I regret this omission. No one has worked with more dedication over more years to bring justice and fairness to the community of Americans of Japanese ancestry than SID YATES. He has been a friend indeed.

Now, after years of work, we have a piece of legislation. I urge my colleagues to consider this bill carefully. To facilitate that consideration, a summary of the legislation follows:

SUMMARY OF H.R. 4110

(A bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians)

Congress accepts the findings of the Commission on Wartime Relocation and Internment of Civilians as accurate and complete. Congress acknowledges the fundamental injustice of the internment, apologizes for it, and seeks to prevent the reoccurrence of any similar event.

AS REGARDS AMERICANS OF JAPANESE ANCESTRY

1. On behalf of the Nation, Congress apologizes to those Americans of Japanese ancestry who were interned.

2. The President is requested to offer pardons to those convicted of violating laws during the internment period whose violation was based on a refusal to accept racially discriminatory treatment.

3. When reviewing requests for review of administrative rulings relating to the internment, executive agencies are asked to review such cases with liberality, giving full consideration to the findings of the Commission and Congress.

4. A trust fund of \$1.5 billion is authorized for educational and humanitarian purposes, and a Board of Directors is created to manage the fund.

5. Out of the trust fund, the Attorney General shall pay \$20,000 in compensation to each surviving internee.

AS REGARDS AMERICANS OF ALEUT ANCESTRY

1. A trust fund of \$5 million is authorized for community, educational and cultural programs benefitting the Aleuts. A Board of Directors is created to manage the fund.

2. To each of the survivors of the internment of Aleuts, \$5,000 in compensation shall be paid.

3. Churches and community centers destroyed in World War II shall be rebuilt.

4. Debris remaining from World War II shall be cleared away from the Aleutian Islands.

5. The island of Attu shall be returned to the native corporation, provided that the Coast Guard will be able to continue its use of the island.●

SENATOR HENRY "SCOOP" JACKSON

SPEECH OF

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mrs. BURTON of California. Mr. Speaker, I rise today to pay tribute to one of the great men in the history of the U.S. Congress, Senator HENRY JACKSON. His passing leaves a void in this institution and in this Nation.

SCOOP JACKSON left his mark in many areas, most notably in matters concerning the defense of our Nation with less reknown but no less accomplishment, in the protection of our country's natural environment. Senator JACKSON will also be remembered as the staunchest and ablest support of the State of Israel in the U.S. Congress.

A recent biographical sketch of Senator JACKSON said he counted the enactment of several environmental laws among his proudest achievements. In 1969, he shepherded the National Environmental Policy Act through Congress. This landmark legislation has been the backbone of the environmental protection movement. When my husband, Phillip, wanted to move some of his own environmental legislation through the Senate, the Senator he talked to would be SCOOP JACKSON. Wilderness areas, new parks, laws controlling strip mining, and other land use all owe their existence to the great efforts of the Senator from Washington.

We will all miss HENRY JACKSON. I extend my deep condolences to his wife, Helen, and their children.●

H.R. 1234

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. OTTINGER. Mr. Speaker, H.R. 1234, the Fair Practices in Automotive Products Act, which I reintroduced to this Congress, is due to come before the full House for consideration in the coming weeks. I urge my colleagues to read a statement on H.R. 1234 and its companion bill, S. 707, endorsed by 50 economists.

These economists believe that this bill is the legislation required to rebuild our domestic auto industry, rehire the thousands of unemployed workers and ultimately strengthen the entire economy. The statement was written by four economists: Barry Bluestone of Boston College; Prof. David Kotz of the University of Massachusetts at Amherst; Prof. Peter Phillips of the University of Utah; and Randy Barber of the Center for Economic Organizing.

commission, the Congress would still have the opportunity to work its will.

Second, I would say that the problem we face is extraordinary in nature. Its solution requires extraordinary steps be taken.

I feel a solution to this is critical and I am alarmed by the prospect that the inertia which has set in will continue. This is the most difficult task facing Congress, and the most important. I urge my colleagues who may be interested in breaking this gridlock and setting up such a commission to contact me and cosponsor this resolution. It is crucial that we act now.●

THE CABLE TELECOMMUNICATIONS ACT OF 1983

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. WIRTH. Mr. Speaker, I would like to offer a brief explanation of H.R. 4103, the Cable Telecommunications Act of 1983, which 22 Members and I introduced today.

Explanation follows:

H.R. 4103—CABLE TELECOMMUNICATIONS ACT OF 1983, HIGHLIGHTS

(1) Establishes a national policy for the widest possible diversity of information sources and services to guarantee that Americans have access to a variety of perspectives and viewpoints through cable communications.

Assures that cities can require cable systems to provide channels for public, educational, or governmental use.

Requires that operators of systems of 36 and greater activated channels set aside channels for use by commercial programmers not affiliated with the operator. The operator would have no editorial control over these channels. This will prevent any local "bottleneck" from developing in which an operator could control the content of all the sources of information on a system. Systems of 36-54 activated channels must reserve 10 percent of usable channels; 55-100 activated channel systems must set aside 15 percent of usable channels; and any system of more than 100 activated channels must designate 15 percent of all channels for this third party access. Operators continue to set the price and terms for use of channels to protect their economic viability, but the FCC or a Federal district court can order access and terms if the operator's terms are unreasonable.

Increases diversity of ownership by prohibiting future ownership of a cable system by the owner of a local television station, daily newspaper or telephone company (except in rural areas).

Guarantees that landlords cannot block tenants from receiving cable service to widen citizen access to cable.

Prohibits common carrier or utility regulation of cable systems offering data transmission services.

(2) Sets a regulatory framework to clarify local, state, and national authority and to encourage a competitive environment in which cable can grow and develop.

Deregulates rates for basic service in areas in which four full power television signals (with at least one of each of the three networks) are received within the grade B contour. Existing rate regulation continues for

one-half of the remaining terms of the franchise, or five years after enactment, whichever is greater. Allows operators to increase regulated rates annually by the increase in the regional consumer price index in the past year.

Caps franchise fees at five percent of gross revenue of the operators. Cities continue to set fees to defray the costs of public, educational, or governmental uses with no limit.

Provides a presumption in favor of the existing operator being granted renewal unless the local authority finds: a material breach of the franchise by the operator; a change in the operator's qualifications, unreasonable provision of facilities, the signal is not up to FCC technical standards, or the proposals in the renewal application are unreasonable.

Continues local authority to issue one or more cable franchises. If the operator shows a significant change in circumstances regarding facilities or equipment after franchising, negotiations must ensue with binding arbitration after 45 days. Operators may also remove a particular programming service specified in the franchise if there are significantly changed circumstances, such as a huge increase in the rates for the service. These provisions do not apply to public, educational, or governmental access channels.

Lets local authorities buy or require a sale of a system at fair market value, with binding arbitration if such value cannot be agreed to.

Toughens the pole attachment section in the Communications Act to ensure that cable systems are only charged fair rates for attaching their cables to utility poles.

Establishes both civil and criminal penalties for unauthorized interception—piracy—of cable service.●

CIVIL LIBERTIES ACT OF 1983

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MINETA. Mr. Speaker, I am proud to join our distinguished majority leader JIM WRIGHT and many others of our colleagues to introduce the Civil Liberties Act of 1983. Now, more than 40 years later, Congress has the opportunity to close the books on one of the most shameful events in our history: The internment of 120,000 loyal Americans without trial or jury, simply on the basis of their ethnic ancestry.

Those interned were not foreign spies carrying briefcases bulging with secrets. These were old men and women who worked in the fields of California, and would have been U.S. citizens except for the fact that our racially discriminatory laws denied them that honor. These were not unscrupulous agents of a foreign power, these were business people who had worked to build up small businesses and to be full members of their communities. These were not recent immigrants of uncertain loyalty. Most of those interned were born in this country and were proud citizens from birth.

It is impossible to debate appropriate remedies for something as indefen-

sible as the internment without first understanding the total tragedy of our Government's policies, the complete horror, shame, and injustice that the internment caused.

I was one of those interned. I was 10 years old. If someone, anyone, could show me how, by any stretch of the imagination, any reasonable person could perceive me to have been a security threat, I would abandon this effort instantly.

The internment was not merely inconvenient. Evacuated from homes with little notice, thousands of Americans lost their homes, their businesses, their farms. And we lost nearly 3 years of our lives. The financial losses were enormous. But the losses of friends, education, opportunity, and standing in our communities were incalculable.

My own family was sent first to Santa Anita Racetrack. We showered in the horse paddocks. Some families lived in converted stables, others in hastily thrown together barracks. We were then moved to Heart Mountain, Wyo., where our entire family lived in one small room of a crude tarpaper barrack.

Some say the internment was for our own protection. But even as a boy of 10 I could see that the machineguns and the barbed wire faced inward.

The internment was not, as some apologists say, "regrettable but understandable." It was unjustified in light of what we know now and unjustified in light of what anyone who wanted to see the situation clearly could see at the time. The internment was a cowardly act of prejudice and fear. This whole Nation was and still is shamed by it.

Yes; it was a time of great national stress. But moral principles and rules of law are easy to uphold in placid times. But do these principles stand up in times of great difficulty and stress? That is the test of a great nation: Can it stand by its laws and codes even while threatened? Sadly, we as a nation failed that test in 1942.

Congress enacted legislation in 1942 to implement the internment, and it is now up to Congress to demonstrate our national capacity for justice and wisdom. Let us show the strength of our Nation and our system of laws by admitting the errors of 1942, apologizing for those errors, and making some efforts toward redressing the damage we have done. Moreover, let us state clearly and unequivocally our principle and policy that such wholesale abuse of civil rights will never happen again in this land.

We in Congress began this process of national reconciliation with the creation in 1980 of the Commission on Wartime Relocation and Internment of Civilians. That Commission's study of the events leading up to and the circumstances of the internment is the definitive history of this time, and I urge my colleagues to avail themselves of this great resource.

Following their historical study, the Commission recommended appropriate remedies for the injustices of the internment. Those recommendations are the basis of the bill being introduced today.

In brief, these recommendations include a national apology; measures to correct legal and administrative actions that were part of the Nation's discriminatory activities at that time; the creation of a civil liberties public education fund for educational and community projects; and the payment from that fund of \$20,000 to each surviving internee.

Similar recommendations were also made by the Commission to redress the damages done to the Native Aleuts who were evacuated from their islands in 1942. Those recommendations are also included in this legislation.

I look forward to discussing these recommendations in detail with my colleagues. I believe they constitute a fair, balanced, and reasonable package. I believe our Government has an obligation to make amends for its errors, and a duty to insure that those errors never happen again.

In speaking about the internment, our distinguished majority leader has in the past quoted Abraham Lincoln. Let me in closing repeat that passage: "Those who would deny freedom to others do not deserve it themselves. And, under a just God, they will not retain it long."

Thank you.●

CENTRAL AMERICA—TIME FOR A NEW APPROACH

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SEIBERLING. Mr. Speaker, despite the clear expression of the House in the vote on the Boland-Zablocki resolution on July 28 opposing further military assistance to the anti-Sandinista guerrillas and despite the call by the governments of the Contadora group for a negotiated end to all outside interference in the affairs of Central American countries, it appears that the Reagan administration's efforts to assist in the overthrow of the Government of Nicaragua are still rolling along as if nothing had changed.

It is difficult to see how the administration can persuasively depreciate Nicaraguan efforts to assist the guerrillas attempting to overthrow the Government of El Salvador, when the same administration is doing the identical thing vis-a-vis Nicaragua.

In doing so, the administration seems to be oblivious to the potentially disastrous effect of its actions on our relations with the people of Central and South America. Nor does it appear to have any clear idea as to what its long-term policy should be to

deal with the grave and growing economic and social problems of Central America, especially those of our nearest and largest neighbor, Mexico.

Mr. Speaker, on September 24 I was privileged to attend a meeting of delegations of the House and the European Parliament and to be invited to give a paper setting forth a perspective on Central America. Because of its relevance to our continuing problems with Central American policy and because a number of Members have expressed an interest in seeing it, I am offering it today for printing in the RECORD in its entirety including footnotes. In fact, the footnotes may well be the best part of the paper. The full text follows these remarks:

A DEMOCRATIC PERSPECTIVE ON CENTRAL AMERICA

I'm happy to present a perspective on U.S. policy toward Central America. I hesitate to call it a Democratic perspective because, while I believe it represents a general viewpoint shared by a majority of the Democratic Members of Congress, I believe it is also generally shared by a significant number of my Republican colleagues, as well as distinguished Republicans outside Congress. However, it diverges from the clear emphasis, and probably the underlying philosophical approach of the Reagan Administration toward the problems of Central America.

On July 19 of this year, the House of Representatives met in an extraordinary secret session to discuss U.S. involvement in Nicaragua. Following an exhaustive debate, the House voted on July 28 for the Boland-Zablocki Resolution, to cut off covert assistance to the anti-Sandinista Nicaraguan guerrillas, and to ask the President to convene a meeting of the Organization of American States to deal with the related security issues. This vote was a follow-up to the Boland amendment, adopted by the House last December by a vote of 411 to 0, prohibiting the President from using CIA funds for the purpose of overthrowing the government of Nicaragua.¹ While congressional efforts to redirect President Reagan's policies may be of limited success, these efforts reflect a determination not to be backed into another costly and divisive counterinsurgency war.

To understand Latin American reactions to our current policy, it is essential to have some historical perspectives. Leaving aside the war with Mexico in 1846-48, major armed interventions by the U.S. in Central America began in 1854 when the U.S. Navy destroyed the Nicaraguan town of San Juan del Sur. During the first third of the century, such unilateral armed diplomacy by the United States became commonplace, with interventions in Cuba, Panama, Mexico, Honduras, Haiti, the Dominican Republic, and, repeatedly, in Nicaragua. Nicaragua was occupied by U.S. Marines from 1912 to 1925 and reoccupied again in 1927.

In 1954, the CIA backed a coup which toppled President Arbenz of Guatemala from power. The political process in Guatemala thus brutally interrupted, that country has been condemned ever since to a cycle of repression and coups by one military dictator after another.

As recently as 1965, President Johnson dispatched over 30,000 U.S. troops to the Dominican Republic. After widespread criticism of this last intervention, the U.S. sought approval from the Organization of American States for the creation of an in-

ternational peacekeeping force which subsumed the American contingent.²

During the two decades of the Franklin D. Roosevelt and Harry S. Truman Administration, 1933-53, U.S. relations with Central America were dominated by a different approach best described, in Roosevelt's words, as the "Good Neighbor" Policy. This emphasized efforts to establish relations with the nations of Latin America on the basis of mutual respect and non-interference. When the government of Mexico expropriated that nation's oil resources in 1938, Roosevelt, instead of threatening or invading Mexico, accepted the takeover and negotiated a settlement.

In 1948, the Organization of American States was founded as a regional organization within the framework of the U.N. In addition to providing for collective self-defense, the O.A.S. charter calls for the peaceful settlement of controversies and prohibits interference by member states in each others' affairs.

The most recent embodiment of the Good Neighbor approach was the Panama Canal Treaty, negotiated under Presidents Nixon and Ford, and completed and ratified during President Carter's administration. The treaty provided for joint control of the canal and its eventual return to Panama. The result has been a genuine improvement in relations, not only with Panama, but with Latin America generally.

Unfortunately, much of the goodwill generated in Latin America by these past efforts is being replaced by fear and resentment generated by the Reagan Administration's tendency to rely excessively on unilateral, military approaches to the problems of Central America.³ These approaches have aroused deep fears in the people of the United States, as well as the nations of Central America.

It is not that there is no concern over the possibility of Cuban or Soviet military presence in Central America. This is strongly opposed by most people, and has been played upon by President Reagan. In his speech to the nation on April 28, President Reagan even described the situation in Central America as having global ramifications. "If Central America were to fall, what would be the consequences for our position in Asia and Europe, and for alliances such as NATO?" he asked.

Nevertheless, the people in the United States are, in overwhelming numbers, fearful of being dragged into another Vietnam. The vote on the Boland-Zablocki resolution in the House of Representatives clearly reflects this view. There is also a widespread recognition that the Reagan approach fails to address adequately the causes of instability in the region, notably pandemic poverty, illiteracy, and social injustice. There is a widespread conviction that any intervention, whether overt or covert, that does not address these problems will only make matters worse.

The public in the U.S. is also revolted by flagrant abuses of human rights by governments receiving U.S. support or by elements in those governments. This is a serious problem in El Salvador which is not made better by President Reagan's cynical certifications every six months, required by U.S. law as a condition of continuing aid, that human rights practices there are improving.⁴ It has been a problem in Guatemala, as it was in Nicaragua under Somoza. It is no answer to point out abuses of human rights by Communist regimes, since they are not being supported by U.S. aid. Americans have become skeptical about governments that, in the name of anti-communism, justify the grossest of abuses, which, in a by-now clas-

Footnotes at end of article.

S. 2116

To accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

IN THE SENATE OF THE UNITED STATES

Mr. MATSUNAGA (for himself, **Mr. INOUE**, **Mr. STEVENS**, **Mr. MURKOWSKI**, **Mr. CRANSTON**, **Mr. MELCHER**, **Mr. METZENBAUM**, **Mr. RIEGLE**, **Mr. TSONGAS**, **Mr. MOYNIHAN**, **Mr. LEVIN**, **Mr. PROXMIRE**, **Mr. DENTON**, and **Mr. D'AMATO**) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

FINDINGS AND PURPOSE

4 SECTION 1. (a) FINDINGS.—The Congress finds that—

5 (1) the findings of the Commission on Wartime
6 Relocation and Internment of Civilians, established by
7 the Commission on Wartime Relocation and Intern-
8 ment of Civilians Act, accurately and completely de-

1 scribe the circumstances of the exclusion, relocation,
2 and internment of in excess of one hundred and ten
3 thousand United States citizens and permanent resident
4 aliens of Japanese ancestry and the treatment of the
5 individuals of Aleut ancestry who were removed from
6 the Aleutian and the Pribilof Islands;

7 (2) the internment of individuals of Japanese an-
8 cestry was carried out without any documented acts of
9 espionage or sabotage, or other acts of disloyalty by
10 any citizens or permanent resident aliens of Japanese
11 ancestry on the west coast;

12 (3) there was no military or security reason for
13 the internment;

14 (4) the internment of the individuals of Japanese
15 ancestry was caused by racial prejudice, war hysteria,
16 and a failure of political leadership;

17 (5) the excluded individuals of Japanese ancestry
18 suffered enormous damages and losses, both material
19 and intangible, and there were incalculable losses in
20 education and job training, all of which resulted in sig-
21 nificant human suffering;

22 (6) the basic civil liberties and constitutional rights
23 of those individuals of Japanese ancestry interned were
24 fundamentally violated by that evacuation and
25 internment;

1 (7) as documented in the Commission's reports,
2 the Aleut civilian residents of the Pribilof Islands and
3 the Aleutian Islands west of Unimak Island were relo-
4 cated during World War II to temporary camps in iso-
5 lated regions of southeastern Alaska where they re-
6 mained, under United States control and in the care of
7 the United States, until long after any potential danger
8 to their home villages had passed;

9 (8) the United States failed to provide reasonable
10 care for the Aleuts, and this resulted in widespread ill-
11 ness, disease, and death among the residents of the
12 camps; and the United States further failed to protect
13 Aleut personal and community property while such
14 property was in its possession or under its control;

15 (9) the United States has not compensated the
16 Aleuts adequately for the conversion or destruction of
17 personal property and the conversion or destruction of
18 community property caused by United States military
19 occupation of Aleut villages during World War II;

20 (10) the United States has not removed certain
21 abandoned military equipment and structures from in-
22 habited Aleutian Islands following World War II, thus
23 creating conditions which constitute potential hazards
24 to the health and welfare of the residents of the
25 islands;

1 (11) the United States has not rehabilitated Attu
2 village, thus precluding the development of Attu Island
3 for the benefit of the Aleut people and impairing the
4 preservation of traditional Aleut property on the island;
5 and

6 (12) there is no remedy for injustices suffered by
7 the Aleuts during World War II except an Act of Con-
8 gress providing appropriate compensation for those
9 losses which are attributable to the conduct of United
10 States forces and other officials and employees of the
11 United States.

12 (b) **PURPOSES.**—The purposes of this Act are to—

13 (1) **acknowledge the fundamental injustice of the**
14 **evacuation, relocation, and internment of United States**
15 **citizens and permanent resident aliens of Japanese**
16 **ancestry;**

17 (2) **apologize on behalf of the people of the United**
18 **States for the evacuation, relocation, and internment of**
19 **the citizens and permanent resident aliens of Japanese**
20 **ancestry;**

21 (3) **provide for a public education fund to finance**
22 **efforts to inform the public about the internment of**
23 **such individuals so as to prevent the reoccurrence of**
24 **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 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.

TITLE I—RECOGNITION OF INJUSTICE AND APOLOGY ON BEHALF OF THE NATION

SEC. 101. The Congress accepts the findings of the Commission on Wartime Relocation and Internment of Civilians and recognizes that a grave injustice was done to both citizens and resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. On behalf of the Nation, the Congress apologizes.

1 TITLE II—UNITED STATES CITIZENS OF JAPA-
2 NESE ANCESTRY AND RESIDENT JAPANESE
3 ALIENS

4 DEFINITIONS

5 SEC. 201. For the purposes of this title—

6 (1) the term “eligible individual” means any living
7 individual of Japanese ancestry who—

8 (A) was enrolled on the records of the United
9 States Government during the period beginning
10 on December 7, 1941, and ending on June 30,
11 1946, as being in a prohibited military zone; or

12 (B) was confined, held in custody, or other-
13 wise deprived of liberty or property during the
14 period as a result of—

15 (i) Executive Order numbered 9066
16 (February 19, 1942, 7 Fed. Reg. 1407);

17 (ii) the Act entitled “An Act to provide
18 a penalty for violation of restrictions or
19 orders with respect to persons entering, re-
20 maining in, leaving, or committing any act in
21 military areas or zones” and approved March
22 21, 1942 (56 Stat. 173); or

23 (iii) any other Executive order, Presi-
24 dential proclamation, law of the United
25 States, directive of the Armed Forces of the

1 United States, or other action made by or on
2 behalf of the United States or its agents,
3 representatives, officers, or employees re-
4 specting the exclusion, relocation, or deten-
5 tion of individuals on the basis of race;

6 (2) the term "Fund" means the Civil Liberties
7 Public Education Fund established in section 204;

8 (3) the term "Board" means the Civil Liberties
9 Public Education Fund Board of Directors established
10 in section 206;

11 (4) the term "evacuation, relocation, and intern-
12 ment period" means that period beginning on Decem-
13 ber 7, 1941, and ending on June 30, 1946; and

14 (5) the term "Commission" means the Commis-
15 sion on Wartime Relocation and Internment of Civil-
16 ians, established by the Commission on Wartime Relo-
17 cation and Internment of Civilians Act.

18 CRIMINAL CONVICTIONS

19 SEC. 202. (a) REVIEW.—The Attorney General shall
20 review all cases in which United States citizens and perma-
21 nent resident aliens of Japanesse ancestry were convicted of
22 violations of laws of the United States, including convictions
23 for violations of military orders, where such convictions re-
24 sulted from charges filed against such individuals during the
25 evacuation, relocation, and internment period.

1 (b) RECOMMENDATIONS.—Based upon the review re-
2 quired by subsection (a), the Attorney General shall recom-
3 mend to the President for pardon consideration those convic-
4 tions which the Attorney General finds were based on a re-
5 fusal by such individuals to accept treatment that discrimi-
6 nated against them on the basis of race or ethnicity.

7 (c) PARDONS.—In consideration of the findings con-
8 tained in this Act, the President is requested to offer pardons
9 to those individuals recommended by the Attorney General
10 pursuant to subsection (b).

11 CONSIDERATION OF COMMISSION FINDINGS

12 SEC. 203. Departments and agencies of the United
13 States Government to which eligible individuals may apply
14 for the restitution of positions, status or entitlements lost in
15 whole or in part because of discriminatory acts of the United
16 States Government against such individuals based upon their
17 race or ethnicity and which occurred during the evacuation,
18 relocation, and internment period shall review such applica-
19 tions for restitution of positions, status or entitlements with
20 liberality, giving full consideration to the historical findings of
21 the Commission and the findings contained in this Act.

22 TRUST FUND

23 SEC. 204. (a) ESTABLISHMENT.—There is hereby es-
24 tablished in the Treasury of the United States the Civil Lib-
25 erties Public Education Fund, to be administered by the Sec-

1 retary of the Treasury. Amounts in the Fund shall be invest-
2 ed in accordance with section 9702 of title 31, United States
3 Code, and shall only be available for disbursement by the
4 Attorney General under section 205, and by the Board of
5 Directors of the Fund under section 206.

6 (b) AUTHORIZATION.—There are authorized to be ap-
7 propriated to the Fund \$1,500,000,000.

8 RESTITUTION

9 SEC. 205. (a) LOCATION OF ELIGIBLE INDIVIDUALS.—

10 (1) The Attorney General, with the assistance of the Board,
11 shall locate, using records already in the possession of the
12 United States Government, each eligible individual and shall
13 pay out of the Fund to each such individual the sum of
14 \$20,000. The Attorney General shall encourage each eligible
15 individual to submit his or her current address to the Depart-
16 ment of Justice through a public awareness campaign.

17 (2) If an eligible individual refuses to accept any pay-
18 ment under this section, such amount shall remain in the
19 Fund and no payment shall be made under this section to
20 such individual at any future date.

21 (b) PREFERENCE TO OLDEST.—The Attorney General
22 shall endeavor to make payment to eligible individuals who
23 are living in the order of date of birth (with the oldest receiv-
24 ing full payment first), until all eligible individuals who are
25 living have received payment in full.

1 (c) NONRESIDENTS.—In attempting to locate any eligi-
 2 ble individual who resides outside the United States, the At-
 3 torney General may use any available facility or resource of
 4 any public or nonprofit organization.

5 (d) NO SET OFF FOR ADMINISTRATIVE COSTS.—No
 6 costs incurred by the Attorney General in carrying out this
 7 section shall be paid from the Fund or set off against, or
 8 otherwise deducted from, any payment under this section to
 9 any eligible individual.

10 BOARD OF DIRECTORS

11 SEC. 206. (a) ESTABLISHMENT.—There is hereby es-
 12 tablished the Civil Liberties Public Education Fund Board of
 13 Directors which shall be responsible for making disburse-
 14 ments from the Fund in the manner provided in this section.

15 (b) DISBURSEMENTS FROM FUND.—The Board of Di-
 16 rectors may make disbursements from the Fund only—

17 (1) to sponsor research and public educational ac-
 18 tivities so that the events surrounding the relocation
 19 and internment of United States citizens and perma-
 20 nent resident aliens of Japanese ancestry will be re-
 21 membered, and so that the causes and circumstances of
 22 this and similar events may be illuminated and
 23 understood;

24 (2) to fund comparative studies of similar civil lib-
 25 erties abuses, or to fund comparative studies of the

1 effect upon particular groups of racial prejudice em-
2 bodied by Government action in times of national
3 stress;

4 (3) to prepare and distribute the hearings and
5 findings of the Commission to textbook publishers, edu-
6 cators, and libraries;

7 (4) for the general welfare of the ethnic Japanese
8 community in the United States, taking into considera-
9 tion the effect of the exclusion and detention on the de-
10 scendants of those individuals who were detained
11 during the evacuation, relocation, and internment
12 period (individual payments in compensation for loss or
13 damages shall not be made under this paragraph); and

14 (5) for reasonable administrative expenses, includ-
15 ing expenses incurred under subsections (c) (3), (d), and
16 (e).

17 (c) MEMBERSHIP AND TERMS OF OFFICE.—(1) The
18 Board shall be composed of nine members appointed by the
19 President, by and with the advice and consent of the Senate,
20 from persons who are not officers or employees of the United
21 States Government. At least five of the individuals appointed
22 shall be individuals who are of Japanese ancestry.

23 (2)(A) Except as provided in subparagraphs (B) and (C),
24 members shall be appointed for terms of three years.

25 (B) Of the members first appointed—

1 (i) five shall be appointed for terms of three years;
2 and

3 (ii) four shall be appointed for terms of two years;
4 as designated by the President at the time of appoint-
5 ment.

6 (C) Any member appointed to fill a vacancy occurring
7 before the expiration of the term for which his predecessor
8 was appointed shall be appointed only for the remainder of
9 such term. A member may serve after the expiration of his
10 term until his successor has taken office. No individual may
11 be appointed to more than two consecutive terms.

12 (3) Members of the Board shall serve without pay,
13 except members of the Board shall be entitled to reimburse-
14 ment for travel, subsistence, and other necessary expenses
15 incurred by them in carrying out the functions of the Board,
16 in the same manner as persons employed intermittently in the
17 United States Government are allowed expenses under sec-
18 tion 5703 of title 5, United States Code.

19 (4) Five members of the Board shall constitute a quorum
20 but a lesser number may hold hearings.

21 (5) The Chair of the Board shall be elected by the mem-
22 bers of the Board.

23 (d)(1) The Board shall have a Director who shall be ap-
24 pointed by the Board and who shall be paid at a rate not to
25 exceed the minimum rate of basic pay payable for GS-18 of

1 the General Schedule under section 5332(a) of title 5, United
2 States Code.

3 (2) The Board may appoint and fix the pay of such addi-
4 tional staff personnel as it may require.

5 (3) The Director and the additional staff personnel of the
6 Board may be appointed without regard to section 5311(B) of
7 title 5, United States Code and may be appointed without
8 regard to the provisions of such title governing appointments
9 in the competitive service, and may be paid without regard to
10 the provisions of chapter 51 and subchapter III of chapter 53
11 of such title relating to classification and General Schedule
12 pay rates, except that the compensation of any employee of
13 the Board may not exceed a rate equivalent to the rate pay-
14 able under GS-18 of the General Schedule under section
15 5332(a) of such title.

16 (e) SUPPORT SERVICES.—The Administrator of Gener-
17 al Services shall provide to the Board of Directors on a reim-
18 bursable basis such administrative support services as the
19 Board may request.

20 (f) DONATIONS.—The Board may accept, use, and dis-
21 pose of gifts or donations or services or property for purposes
22 authorized under subsection (b).

23 (g) ANNUAL REPORT.—Not later than twelve months
24 after the first meeting of the Board and every twelve months
25 thereafter, the Board shall transmit a report describing the

1 activities of the Board to the President and to each House of
2 the Congress.

3 (h) SUNSET FOR BOARD.—The Board shall terminate
4 not later than the earlier of ninety days after the date on
5 which an amount has been obligated to be expended from the
6 Fund which is equal to the amount authorized to be appropri-
7 ated to the Fund or ten years after the date of enactment of
8 this Act. Investments shall be liquidated and receipts thereof
9 deposited in the Fund and all funds remaining in the Fund
10 shall be deposited in the miscellaneous receipts account in the
11 Treasury.

12 TITLE III—ALEUTIAN AND PRIBILOF ISLANDS

13 RESTITUTION

14 SHORT TITLE

15 SEC. 301. This title may be cited as the “Aleutian and
16 Pribilof Islands Restitution Act”.

17 DEFINITIONS

18 SEC. 302. As used in this title, the term—

19 (1) “Administrator” means the person designated
20 under the terms of this title to administer certain ex-
21 penditures made by the Secretary from the Aleutian
22 and Pribilof Islands Restitution Fund;

23 (2) “affected Aleut villages” means those Aleut
24 villages in Alaska whose residents were evacuated by
25 United States forces during World War II, including

1 Akutan, Atka, Nikolski, Saint George, Saint Paul, and
2 Unalaska; and the Aleut village of Attu, Alaska, which
3 was not rehabilitated by the United States for Aleut
4 residence or other use after World War II;

5 (3) "Aleutian Housing Authority" means the non-
6 profit regional native housing authority established for
7 the Aleut region pursuant to AS 18.55.995 and the
8 following of the laws of the State of Alaska;

9 (4) "Association" means the Aleutian/Pribilof Is-
10 lands Association, a nonprofit regional corporation es-
11 tablished for the benefit of the Aleut people and orga-
12 nized under the laws of the State of Alaska;

13 (5) "Corporation" means the Aleut Corporation, a
14 for-profit regional corporation for the Aleut region or-
15 ganized under the laws of the State of Alaska and es-
16 tablished pursuant to section 7 of the Alaska Native
17 Claims Settlement Act (Public Law 92-203);

18 (6) "eligible Aleut" means any Aleut living on the
19 date of enactment of this Act who was a resident of
20 Attu Island on June 7, 1942, or any Aleut living on
21 the date of enactment of this Act who, as a civilian,
22 was relocated by authority of the United States from
23 his home village on the Pribilof Islands or the Aleutian
24 Islands west of Unimak Island to an internment camp,

1 or other temporary facility or location, during World
2 War II; and

3 (7) "Secretary" means the Secretary of the
4 Treasury.

5 ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION FUND

6 SEC. 303. (a) ESTABLISHMENT.—There is established
7 in the Treasury of the United States a Fund to be known as
8 the Aleutian and Pribilof Islands Restitution Fund (herein-
9 after referred to as the "Fund"). The Fund shall consist of
10 amounts appropriated to it, as authorized by sections 306 and
11 307 of this title.

12 (b) REPORT.—It shall be the duty of the Secretary to
13 hold the Fund, and to report to the Congress each year on
14 the financial condition and the results of operations of such
15 Fund during the preceding fiscal year and on its expected
16 condition and operations during the next fiscal year. Such
17 report shall be printed as a House document of the session of
18 Congress to which the report is made.

19 (c) INVESTMENT.—It shall be the duty of the Secretary
20 to invest such portion of the Fund as is not, in his judgment,
21 required to meet current withdrawals. Such investments may
22 be made only in interest-bearing obligations of the United
23 States. For such purpose, such obligations may be ac-
24 quired—

25 (1) on original issue at the issue price, or

1 (2) by purchase of outstanding obligations at the
2 market price.

3 (d) SALE OF OBLIGATIONS.—Any obligation acquired
4 by the Fund may be sold by the Secretary at the market
5 price.

6 (e) INTEREST ON CERTAIN PROCEEDS.—The interest
7 on, and the proceeds from the sale or redemption of, any
8 obligations held in the Fund shall be credited to and form a
9 part of the Fund.

10 (f) TERMINATION.—The Secretary shall terminate the
11 Fund six years after the date of enactment of this Act, or one
12 year after the completion of all restoration work pursuant to
13 section 306(c) of this title, whichever occurs later. On the
14 date the Fund is terminated, all investments shall be liquidat-
15 ed by the Secretary and receipts thereof deposited in the
16 Fund and all funds remaining in the Fund shall be deposited
17 in the miscellaneous receipts account in the Treasury.

18 EXPENDITURES AND AUDIT

19 SEC. 304. (a) EXPENDITURES.—As provided by appro-
20 priation Acts, the Secretary is authorized and directed to pay
21 to the Administrator from the principal, interest, and earn-
22 ings of the Fund, such sums as are necessary to carry out the
23 duties of the Administrator under this title.

24 (b) AUDIT.—The activities of the Administrator under
25 this title may be audited by the General Accounting Office

1 under such rules and regulations as may be prescribed by the
2 Comptroller General of the United States. The representa-
3 tives of the General Accounting Office shall have access to
4 all books, accounts, records, reports, and files and all other
5 papers, things, or property belonging to or in use by the Ad-
6 ministrator, pertaining to such activities and necessary to fa-
7 cilitate the audit.

8 ADMINISTRATION OF CERTAIN FUND EXPENDITURES

9 SEC. 305. (a) DESIGNATION OF ADMINISTRATOR.—

10 The Association is hereby designated as Administrator, sub-
11 ject to the terms and conditions of this title, of certain speci-
12 fied expenditures made by the Secretary from the Fund. As
13 soon as practicable after the date of enactment of this Act the
14 Secretary shall offer to undertake negotiations with the Asso-
15 ciation, leading to the execution of a binding agreement with
16 the Association setting forth its duties as Administrator under
17 the terms of this title. The Secretary shall make a good-faith
18 effort to conclude such negotiations and execute such agree-
19 ment within sixty days after the date of enactment of this
20 Act. Such agreement shall be approved by a majority of the
21 Board of Directors of the Association, and shall include, but
22 need not be limited to—

23 (1) a detailed statement of the procedures to be
24 employed by the Association in discharging each of its
25 responsibilities as Administrator under this title;

1 (2) a requirement that the accounts of the Associ-
2 ation, as they relate to its capacity as Administrator,
3 shall be audited annually in accordance with generally
4 accepted auditing standards by independent certified
5 public accountants or independent licensed public ac-
6 countants; and a further requirement that each such
7 audit report shall be transmitted to the Secretary and
8 to the Committees on the Judiciary of the Senate and
9 House of Representatives; and

10 (3) a provision establishing the conditions under
11 which the Secretary, upon thirty days notice, may ter-
12 minate the Association's designation as Administrator
13 for breach of fiduciary duty, failure to comply with the
14 provisions of this Act as they relate to the duties of the
15 Administrator, or any other significant failure to meet
16 its responsibilities as Administrator under this title.

17 (b) SUBMISSION TO CONGRESS.—The Secretary shall
18 submit the agreement described in subsection (a) to Congress
19 within fifteen days after approval by the parties thereto. If
20 the Secretary and the Association fail to reach agreement
21 within the period provided in subsection (a), the Secretary
22 shall report such failure to Congress within seventy-five days
23 after the date of enactment of this Act, together with the
24 reasons therefor.

1 (c) LIMITATION ON EXPENDITURES.—No expenditure
2 may be made by the Secretary to the Administrator from the
3 Fund until sixty days after submission to Congress of the
4 agreement described in subsection (a).

5 DUTIES OF THE ADMINISTRATOR

6 SEC. 306. (a) IN GENERAL.—Out of payments from the
7 Fund made to the Administrator by the Secretary, the Ad-
8 ministrator shall make restitution, as provided by this section,
9 for certain Aleut losses sustained in World War II, and shall
10 take such other action as may be required by this title.

11 (b) TRUST ESTABLISHED.—(1) The Administrator shall
12 establish a trust of \$5,000,000 for the benefit of affected
13 Aleut communities, and for other purposes. Such trust shall
14 be established pursuant to the laws of the State of Alaska,
15 and shall be maintained and operated by not more than seven
16 trustees, as designated by the Administrator. Each affected
17 Aleut village, including the survivors of the Aleut village of
18 Attu, may submit to the Administrator a list of three pro-
19 spective trustees. In designating trustees pursuant to this
20 subsection, the Administrator shall designate one trustee
21 from each such list submitted.

22 (2) The trustees shall maintain and operate the trust as
23 eight independent and separate accounts, including—

24 (A) one account for the independent benefit of the
25 wartime Aleut residents of Attu and their descendants;

1 (B) six accounts, each one of which shall be for
2 the independent benefit of one of the six surviving af-
3 fected Aleut villages of Atka, Akutan, Nikolski, Saint
4 George, Saint Paul, and Unalaska; and

5 (C) one account for the independent benefit of
6 those Aleuts who, as determined by the trustees, are
7 deserving but will not benefit directly from the ac-
8 counts established pursuant to subparagraphs (A) and
9 (B).

10 The trustees shall credit to the account described in subpara-
11 graph (C), an amount equal to five per centum of the princi-
12 pal amount credited by the Administrator to the trust. The
13 remaining principal amount shall be divided among the ac-
14 counts described in subparagraphs (A) and (B), in proportion
15 to the June 1, 1942, Aleut civilian population of the village
16 for which each such account is established, as compared to
17 the total civilian Aleut population on such date of all affected
18 Aleut villages.

19 (3) The trust established by this subsection shall be ad-
20 ministered in a manner that is consistent with the laws of the
21 State of Alaska, and as prescribed by the Administrator, after
22 consultation with representative eligible Aleuts, the residents
23 of affected Aleut villages, and the Secretary. The trustees
24 may use the accrued interest, and other earnings of the trust
25 for—

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

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

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

7 (D) the improvement of community centers in af-
8 fected Aleut villages; and

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

11 (4) There are authorized to be appropriated \$5,000,000
12 to the Fund to carry out the purposes of this subsection.

13 (c) RESTORATION OF CHURCH PROPERTY.—(1) The
14 Administrator is authorized to rebuild, restore or replace
15 churches and church property damaged or destroyed in af-
16 fected Aleut villages during World War II. Within fifteen
17 days after the date that expenditures from the Fund are au-
18 thorized by this title, the Secretary shall pay \$100,000 to the
19 Administrator for the purpose of making an inventory and
20 assessment, as complete as may be possible under the cir-
21 cumstances, of all churches and church property damaged or
22 destroyed in affected Aleut villages during World War II. In
23 making such inventory and assessment, the Administrator
24 shall consult with the trustees of the trust established by sec-
25 tion 306(b) of this title and shall take into consideration,

1 among other things, the present replacement value of such
2 damaged or destroyed structures, furnishings, and artifacts.
3 Within one year after the date of enactment of this Act, the
4 Administrator shall submit such inventory and assessment,
5 together with specific recommendations and detailed plans for
6 reconstruction, restoration and replacement work to be per-
7 formed, to a review panel composed of—

8 (A) the Secretary of Housing and Urban Develop-
9 ment;

10 (B) the Chairman of the National Endowment for
11 the Arts; and

12 (C) the Administrator of the General Services Ad-
13 ministration.

14 (2) If the Administrator's plans and recommendations or
15 any portion of them are not disapproved by the review panel
16 within sixty days, such plans and recommendations as are not
17 disapproved shall be implemented as soon as practicable by
18 the Administrator. If any portion of the Administrator's plans
19 and recommendations is disapproved, such portion shall be
20 revised and resubmitted to the review panel as soon as prac-
21 ticable after notice of disapproval, and the reasons therefor,
22 have been received by the Administrator. In any case of irre-
23 concilable differences between the Administrator and the
24 review panel with respect to any specific portion of the plans
25 and recommendations for work to be performed under this

1 subsection, the Secretary shall submit such specific portion of
2 such plans and recommendations to the Congress for
3 approval or disapproval by joint resolution.

4 (3) In contracting for any necessary construction work
5 to be performed on churches or church property under this
6 subsection, the Administrator shall give preference to the
7 Aleutian Housing Authority as general contractor. For pur-
8 poses of this subsection, "churches or church property" shall
9 be deemed to be "public facilities" as described in AS
10 18.55.996(b) of the laws of the State of Alaska.

11 (4) There are authorized to be appropriated to the Fund
12 \$1,399,000 to carry out the purposes of this subsection.

13 (d) ADMINISTRATIVE AND LEGAL EXPENSES.—The
14 Administrator is authorized to incur reasonable and necessary
15 administrative and legal expenses in carrying out its respon-
16 sibilities under this title. There are authorized to be appropri-
17 ated to the Fund such sums as may be necessary for the
18 Secretary to compensate the Administrator, not less often
19 than quarterly, for all such reasonable and necessary admin-
20 istrative and legal expenses.

21 INDIVIDUAL COMPENSATION OF ELIGIBLE ALEUTS

22 SEC. 307. (a) PAYMENTS TO ELIGIBLE ALEUTS.—(1)
23 In accordance with the provisions of this section, the Secre-
24 tary shall make per capita payments out of the Fund to eligi-
25 ble Aleuts for uncompensated personal property losses, and

1 for other purposes. The Secretary shall pay to each eligible
2 Aleut the sum of \$12,000. All payments to eligible Aleuts
3 shall be made within one year after the date of enactment of
4 this Act.

5 (2) The Secretary may request, and upon such request,
6 the Attorney General shall provide, reasonable assistance in
7 locating eligible Aleuts residing outside the affected Aleut
8 villages. In providing such assistance, the Attorney General
9 may use available facilities and resources of the International
10 Committee of the Red Cross and other organizations.

11 (3) The Administrator shall assist the Secretary in iden-
12 tifying and locating eligible Aleuts pursuant to this section.

13 (4) Any payment made under this subsection shall not
14 be considered income or receipts for purposes of any Federal
15 taxes or for purposes of determining the eligibility for or the
16 amount of any benefits or assistance provided under any Fed-
17 eral program or under any State or local program financed in
18 whole or part with Federal funds.

19 (b) AUTHORIZATION.—There are authorized to be ap-
20 propriated to the Fund such sums as are necessary to carry
21 out the purposes of this section.

22 MINIMUM CLEANUP OF WARTIME DEBRIS

23 SEC. 308. (a) CLEANUP PROGRAM.—The Secretary of
24 the Army, acting through the Chief of Engineers, is author-
25 ized and directed to plan and implement a program, as the

1 Chief of Engineers may deem feasible and appropriate, for
2 the removal and disposal of live ammunition, obsolete build-
3 ings, abandoned machinery, and other hazardous debris re-
4 maining in populated areas of the lower Alaska peninsula and
5 the Aleutian Islands as a result of military construction and
6 other activities during World War II. The Congress finds
7 that such a program is essential for the further development
8 of safe, sanitary housing conditions, public facilities, and
9 public utilities within the region.

10 (b) ADMINISTRATION OF PROGRAM.—The debris re-
11 moval program authorized under subsection (a) shall be car-
12 ried out substantially in accordance with the recommenda-
13 tions for a “minimum cleanup”, at an estimated cost of
14 \$22,473,180 based on 1976 prices, contained in the report
15 prepared by the Alaska District, Corps of Engineers, entitled
16 “Debris Removal and Cleanup Study: Aleutian Islands and
17 lower Alaska Peninsula, Alaska”, dated October 1976. In
18 carrying out the program required by this section, the Chief
19 of Engineers shall consult with the trustees of the trust es-
20 tablished by section 306(b) of this title, and shall give prefer-
21 ence to the Aleutian Housing Authority as general contrac-
22 tor.

23 (c) AUTHORIZATION.—There are authorized to be ap-
24 propriated \$38,601,000 to carry out the purposes of this
25 section.

1 ATTU ISLAND REHABILITATION PROGRAM

2 SEC. 309. (a) CONVEYANCE.—Notwithstanding any
3 other provision of law, the Secretary of the Interior is au-
4 thorized to convey to the Corporation, subject to the require-
5 ments of this section and without cost to the Corporation, all
6 right, title and interest of the United States in and to the
7 lands and waters comprising Attu Island, Alaska, including
8 fee simple title to the surface and subsurface estates of such
9 island.

10 (b) CONDITIONS.—The Secretary of the Interior shall
11 make the conveyance described in subsection (a) within one
12 year after—

13 (1) the Corporation has entered into a cooperative
14 management agreement with the Secretary of the Inte-
15 rior, as provided in section 304(f) of the Alaska Na-
16 tional Interest Lands Conservation Act (Public Law
17 96-487), concerning the management of Attu Island;
18 and

19 (2) the Secretary of Transportation and the Cor-
20 poration have certified to the Secretary of the Interior
21 that the Department of Transportation and the Corpo-
22 ration have reached an agreement which will allow the
23 United States Coast Guard to continue essential func-
24 tions on Attu Island. The patent conveying the lands
25 under this section shall reflect the right of the Coast

1 Guard to continue such essential functions on such
2 island, with reversion to the Corporation of all inter-
3 ests held by the Coast Guard when and if the Coast
4 Guard terminates its activities on the island.

5 (c) RULES AND REGULATIONS.—The Secretary of the
6 Interior is authorized to promulgate such rules and regula-
7 tions as may be necessary to carry out the purposes of this
8 section.

9 SEPARABILITY OF PROVISIONS

10 SEC. 310. If any provision of this title, or the applica-
11 tion of such provision to any person or circumstances, shall
12 be held invalid, the remainder of this title or the application
13 of such provision to persons or circumstances other than
14 those as to which it is held invalid, shall not be affected
15 thereby.

16 TITLE IV—MISCELLANEOUS PROVISIONS

17 DOCUMENTS RELATING TO THE INTERNMENT

18 SEC. 401. (a) DELIVERY TO NATIONAL ARCHIVES.—
19 All documents, personal testimony, and other material col-
20 lected by the Commission on Wartime Relocation and Intern-
21 ment of Civilians during its inquiry shall be delivered by the
22 custodian of such material to the Administrator of General
23 Services who shall deposit such material in the National Ar-
24 chives of the United States. The Administrator of General
25 Services, through the National Archives of the United States,

1 shall make such material available to the public for research
2 purposes.

3 (b) CONGRESSIONAL DOCUMENTS.—The Clerk of the
4 House of Representatives and the Secretary of the Senate
5 shall direct the Administrator of General Services to make
6 available, beginning on the date of the enactment of this Act,
7 to the public, for research purposes, all congressional docu-
8 ments transferred to the Clerk of the House and the Secre-
9 tary of the Senate relating to the evacuation, relocation, and
10 internment of individuals of Japanese or Aleut ancestry
11 during World War II.

12 COMPLIANCE WITH BUDGET ACT

13 SEC. 402. No authority under this Act to enter into
14 contracts or to make payments shall be effective except to
15 the extent and in such amounts as are provided in advance in
16 appropriations Acts. Any provision of this Act which, directly
17 or indirectly, authorizes the enactment of new budget author-
18 ity shall be effective only for fiscal years beginning after Sep-
19 tember 30, 1984.

○

1887
The following is a list of the names of the persons who have been elected to the office of Justice of the Peace for the year 1887.
1. John A. Smith
2. William B. Jones
3. Charles C. Brown
4. David D. White
5. Edward E. Black
6. George F. Green
7. Henry G. Hall
8. James H. King
9. John I. Lee
10. Robert J. Miller
11. Thomas K. Nelson
12. William L. Phillips
13. Charles M. Reed
14. David N. Scott
15. Edward O. Taylor
16. George P. Walker
17. Henry Q. Young
18. James R. Adams
19. John S. Baker
20. Robert T. Carter
21. Thomas U. Evans
22. William V. Foster
23. Charles W. Gibson
24. David X. Harris
25. Edward Y. Irving
26. George Z. Jackson
27. Henry A. Kelly
28. James B. Lamb
29. John C. Martin
30. Robert D. Nash
31. Thomas E. Owen
32. William F. Parker
33. Charles G. Quinn
34. David H. Russell
35. Edward I. Smith
36. George J. Taylor
37. Henry K. Walker
38. James L. Young
39. John M. Adams
40. Robert N. Baker
41. Thomas O. Carter
42. William P. Evans
43. Charles Q. Foster
44. David R. Gibson
45. Edward S. Harris
46. George T. Irving
47. Henry U. Jackson
48. James V. Kelly
49. John W. Lamb
50. Robert X. Martin
51. Thomas Y. Nash
52. William Z. Owen
53. Charles A. Parker
54. David B. Quinn
55. Edward C. Russell
56. George D. Smith
57. Henry E. Taylor
58. James F. Walker
59. John G. Young
60. Robert H. Adams
61. Thomas I. Baker
62. William J. Carter
63. Charles K. Evans
64. David L. Foster
65. Edward M. Gibson
66. George N. Harris
67. Henry O. Irving
68. James P. Jackson
69. John Q. Kelly
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1189. John S. Russell
1190. Robert T. Smith
1191. Thomas U. Taylor
1192. William V. Walker
1193. Charles W. Young
1194. David X. Adams
1195. Edward Y. Baker
1196. George Z. Carter
1197. Henry A. Evans
1198. James B. Foster
1199. John C. Gibson
1200. Robert D. Harris
1201. Thomas E. Irving
1202. William F. Jackson
1203. Charles G. Kelly
1204. David H. Lamb
1205. Edward I. Martin
1206. George J. Nash
1207. Henry K. Owen
1208. James L. Parker
1209. John M. Quinn
1210. Robert N. Russell
1211. Thomas O. Smith
1212. William P. Taylor
1213. Charles Q. Walker
1214. David R. Young
1215. Edward S. Adams
1216. George T. Baker
1217. Henry U. Carter
1218. James V. Evans
1219. John W. Foster
1220. Robert X. Gibson
122



written, is a disservice to both investors and executives.

I urge my colleagues to adopt my amendment to prevent implementation of this rule and to allow time for the Congress and all interested parties to address this issue in the detail it deserves.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

Mr. GARN. Mr. President, does the Senator from Ohio wish any further discussion?

Mr. METZENBAUM. I have nothing further.

Mr. GARN. Mr. President, I move the table the Metzenbaum amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah to lay on the table the amendment of the Senator from Ohio.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS: I announce that the Senator from Maine (Mr. COHEN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Wyoming (Mr. WALLOP), are necessarily absent.

Mr. BYRD: I announce that the Senator from Texas (Mr. BENTSEN), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Massachusetts (Mr. KENNEDY), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 40, as follows:

[Rollcall Vote No. 377 Leg.]

YEAS—51

Abdnor	Grassley	Nickles
Andrews	Hatch	Packwood
Armstrong	Hatfield	Percy
Baker	Hawkins	Pressler
Boschwitz	Hecht	Quayle
Chafee	Heflin	Roth
Cochran	Heinz	Rudman
D'Amato	Jepsen	Simpson
Danforth	Kassebaum	Stafford
Denton	Kasten	Stevens
Dixon	Laxalt	Symms
Dole	Long	Thurmond
Domenici	Lugar	Tower
East	Mathias	Trible
Evans	Mattingly	Warner
Garn	McClure	Weicker
Gorton	Murkowski	Wilson

NAYS—40

Baucus	DeConcini	Inouye
Biden	Dodd	Johnston
Bingaman	Eagleton	Lautenberg
Boren	Eron	Leahy
Bradley	Ford	Levin
Bumpers	Hart	Matsunaga
Burdick	Helms	Melcher
Byrd	Huddleston	Metzenbaum
Chiles	Humphrey	Mitchell

Moynihan
Nunn
Pell
Proxmire
Pryor

Randolph
Riegle
Sarbanes
Sasser
Specter

Stennis
Tsongas
Zorinsky

NOT VOTING—9

Bentsen
Cohen
Cranston

Durenberger
Glenn
Goldwater

Hollings
Kennedy
Wallop

So the motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, may I have the attention of the Senate? I know of no other amendment that is to be offered on the amendment in disagreement numbered 38. Therefore, I move to concur with the House on this amendment.

The PRESIDING OFFICER (Mr. JEPSEN). The question is on agreeing to the motion.

The motion was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. (STENNIS). I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE AMENDMENT NO. 45

The PRESIDING OFFICER. The clerk will report the next amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered forty-five to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

Subsection (d) of section 109 of the Act entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes" (Public Law 98-146), is amended by striking out "The limitation with regard to this subsection on the use of funds shall not apply if any State-owned tide or submerged lands within the area described in this subsection are now or hereafter subject to sale or lease for the extraction of oil or gas from such State lands; and" and insert in lieu thereof "The limitation with regard to this subsection on the use of funds shall not apply to submerged lands within 30-nautical miles off any Florida land mass located south of 25 degrees north latitude.

Mr. HATFIELD. Mr. President, I know of one amendment and possibly two on this amendment in disagreement. The Senator from Louisiana has one. I think we are ready to wind up after we dispose of that amendment. There may be one offered by the Senator from Alaska but that is not certain as yet.

So we may be reaching a point of third reading on this conference report.

The Senator from Hawaii has been waiting very patiently all evening to interdict this process, and I will yield

the floor, because I indicated to him that we would try to find a little window for about 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. I thank the Senator from Oregon for yielding.

S. 2116—INTRODUCTION OF LEGISLATION TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

Mr. MATSUNAGA. Mr. President, with my colleague from Hawaii (Mr. INOUE), Senators STEVENS and MURKOWSKI of Alaska, Senator CRANSTON of California, Senator MELCHER of Montana, Senator METZENBAUM of Ohio, Senator RIEGLE of Michigan, Senator TSONGAS of Massachusetts, Senator MOYNIHAN of New York, Senator LEVIN of Michigan, Senator PROXMIRE of Wisconsin, Senator DENTON of Alabama and Senator D'AMATO of New York, I am today introducing legislation which would implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

Our bill, S. 2116, would provide a long overdue remedy for what has become known as one of America's worst errors of World War II: the incarceration in detention camps of some 120,000 Americans and resident aliens of Japanese ancestry from the west coast.

About 80 percent of these people were Nisei—Native-Born American citizens—and the remainder were their parents, the Issei—first generation immigrants who were longtime legal residents of the United States prohibited by the Oriental Exclusion Act of 1924 from becoming naturalized American citizens. In the summer and early fall of 1942, long after the prospect of an enemy invasion of the west coast had faded, they were summarily removed from their homes by U.S. Army troops attached to the Western Defense Command and sent to isolated detention camps surrounded by barbed wire fences and armed guards in the interior of the United States. Without trial or hearing, without warrant, they were deprived of liberty and lost their homes, farms, businesses, and careers. This wholesale incarceration of Japanese Americans was unprecedented in our Nation's history and, in later years, scholars and political scientists would ask "Why?" How could the United States, even in time of war, suspend its most cherished ideals—principles which had been enshrined in our Constitution since the founding of our Nation?

In 1980, nearly 40 years after the event, the U.S. Congress authorized a study of the circumstances surrounding the relocation and incarceration of Japanese Americans during World War II. A distinguished nine-member

study Commission, chaired by Washington attorney Joan Bernstein, reported on its findings in February of this year and, in June, submitted to the Congress its recommended remedies. The Commission's careful review of wartime records, and its extensive public hearings, confirmed what Americans of Japanese ancestry have always known: the evacuation of Japanese Americans from the west coast and their incarceration in what can only be described as American-style concentration camps was not justified by military necessity, but was the result of racial prejudice, wartime hysteria, and a historic character failure on the part of our political leaders. The Commission found that:

(1) Lt. Gen. John DeWitt, Commanding General of the Western Defense Command, recommended exclusion of Japanese Americans to the Secretary of War on the grounds that ethnicity (or race) determined loyalty;

(2) The Federal Bureau of Investigation (FBI) and members of Naval Intelligence, who had relevant intelligence responsibility, were ignored when they recommended that nothing more than careful surveillance of suspected individuals was necessary;

(3) Gen. DeWitt relied heavily on civilian politicians rather than informed military judgments in reaching his conclusions as to what actions were necessary, and civilian politicians largely repeated the prejudiced, unfounded themes of anti-Japanese factions and interest groups on the West Coast;

(4) No effective measures were taken by President Roosevelt to calm the West Coast public or to refute unfounded rumors of sabotage and fifth column activity at Pearl Harbor;

(5) Gen. DeWitt was temperamentally disposed to exaggerate the measures necessary to maintain security, and placed security far ahead of any concern for the liberty of citizens;

(6) Secretary of War Stimson and Assistant Secretary of War John J. McCloy, both of whose views on race differed from those of Gen. DeWitt, failed to insist on a clear military justification for the measures Gen. DeWitt wished to take;

(7) Attorney General Francis Biddle, while contending that evacuation of the Japanese Americans was unnecessary, did not argue to the President that failure to make out a case of military necessity on the facts would render the exclusion constitutionally impermissible or that the Constitution prohibited exclusion on the basis of ethnicity given the facts on the West Coast.

(8) Those representing the interest of civil rights and civil liberties in Congress, the press, and other forums were either silent or supported evacuation. Thus there was no effective opposition to the measures vociferously sought by numerous West Coast special interest groups, politicians, and journalists; and

(9) President Roosevelt, without raising the question to the level of Cabinet discussion or requiring careful review of the situation, and despite the Attorney General's arguments and other information before him, agreed with the Secretary of War that evacuation should be carried out.

In the light of these findings, the Commission concluded that "a grave injustice was done to American citizens and resident aliens of Japanese ancestry, who, without individual review or any probative evidence against them, were excluded, removed,

and detained by the United States during World War II." In accordance with its mandate from Congress, the Commission recommended remedies, including the following:

1. The establishment by Congress of a \$1.5 billion fund which would be used, first, to provide a one-time per capita payment of \$20,000 to each of the approximately 60,000 surviving persons of Japanese ancestry who were excluded from their places or residence pursuant to the federal government's order.

2. The establishment of a fund for humanitarian and public education purposes related to the wartime events. The remaining monies in the \$1.5 billion fund would be used for this purpose.

3. The enactment of legislation which officially recognizes that a grave injustice was done and offers the apologies of the nation for the wartime acts of exclusion, removal and detention.

4. The granting of presidential pardons to individuals who were convicted of violating the wartime statutes imposing a curfew on American citizens on the basis of their ethnicity and requiring ethnic Japanese to leave designated areas of the West Coast to report to assembly centers.

5. The "liberal review" by appropriate executive branch agencies of applications submitted by Japanese Americans for the restitution of positions, status or entitlements lost in whole or in part because of acts or events between December 1941 and 1945 (for example, the Department of Defense should be instructed to review cases of less than honorable discharge of Japanese Americans from the armed services during World War II).

Mr. President, I have had nearly 5 months to review the Commission's recommendations. Convinced that its findings and recommendations are accurate, fair and equitable, I decided to introduce legislation which reflects exactly the Commission's recommendations with respect to Japanese Americans. I strongly believe that Congress should give formal consideration to the Commission's findings and recommendations so that at long last Americans, regardless of ancestry, can write "The End" to a dark chapter in our national history and proclaim with pride, in the words of President Roosevelt "Americanism is a matter of the mind and heart, not of race or ancestry."

Mr. President, I am very pleased to be joined in this endeavor by the two Senators from Alaska. It is a little known fact that Alaskan Aleuts were evacuated from their island homes by the U.S. Army following enemy attacks on the Aleutian Islands in 1942. Resettled in southeastern Alaska by the U.S. Department of the Interior, the Aleuts suffered deplorable living conditions, inadequate medical care, lack of education opportunities for their children, and the irretrievable loss of priceless religious artifacts. Their homes were destroyed. Mandated by Congress to investigate this issue as well, the Commission on Wartime Relocation and Internment of Civilians has recommended a number of actions which would help the Aleuts finally rebuild and clean up their home islands and recover to some extent the

losses they suffered as a result of the World War II evacuation.

I ask unanimous consent that the text of the bill S. 2116 be printed in the RECORD, along with a section-by-section analysis prepared by the Congressional Research Service of the Library of Congress following the statement of the cosponsors of the bill, and that 500 initial copies of the bill be printed for distribution purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. Finally, Mr. President, I urge the earliest sympathetic consideration of the bill S. 2116 by the committee of jurisdiction and the full Senate.

There being no objection, the text of the bill and analysis was ordered to be printed in the RECORD, as follows:

S. 2116

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

FINDINGS AND PURPOSE

SECTION 1. (a) FINDINGS.—The Congress finds that—

(1) the findings of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act, accurately and completely describe the circumstances of the exclusion, relocation, and internment of in excess of 110,000 United States citizens and permanent resident aliens of Japanese ancestry and the treatment of the individuals of Aleut ancestry who were removed from the Aleutian and the Pribilof Islands;

(2) the internment of individuals of Japanese ancestry was carried out without any documented acts of espionage or sabotage, or other acts of disloyalty by any citizens or permanent resident aliens of Japanese ancestry on the west coast;

(3) there was no military or security reason for the internment;

(4) the internment of the individuals of Japanese ancestry was caused by racial prejudice, war hysteria, and a failure of political leadership;

(5) the excluded individuals of Japanese ancestry suffered enormous damages and losses, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering;

(6) the basic civil liberties and constitutional rights of those individuals of Japanese ancestry interned were fundamentally violated by that evacuation and internment;

(7) as documented in the Commission's reports, 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 Southeastern 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;

(8) 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;

(9) 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 United States military occupation of Aleut villages during World War II;

(10) the United States has not removed certain abandoned military equipment and structures from inhabited Aleutian Islands following World War II, thus creating conditions which constitute potential hazards to the health and welfare of the residents of the islands;

(11) the United States has not rehabilitated Attu village, thus precluding the development of Attu Island for the benefit of the Aleut people and impairing the preservation of traditional Aleut property on the island; and

(12) 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.

(b) **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;

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

(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 reoccurrence 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 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.

TITLE I—RECOGNITION OF INJUSTICE AND APOLOGY ON BEHALF OF THE NATION

Sec. 101. The Congress accepts the findings of the Commission on Wartime Relocation and Internment of Civilians and recognizes that a grave injustice was done to both citizens and resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. On behalf of the Nation, the Congress apologizes.

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

DEFINITIONS

Sec. 201. For the purposes of this title—

(1) the term "eligible individual" means any living individual of Japanese ancestry who—

(A) 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; or

(B) was confined, held in custody, or otherwise deprived of liberty or property during the period as a result of—

(i) Executive Order Numbered 9066 (February 19, 1942, 7 Fed. Reg. 1407);

(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" and 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 made by or on behalf of the United States or its agents, representatives, officers, or employees respecting the exclusion, relocation, or detention of individuals on the basis of race;

(2) the term "Fund" means the Civil Liberties Public Education Fund established in section 204;

(3) the term "Board" means the Civil Liberties Public Education Fund Board of Directors established in section 206;

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

(5) 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.

CRIMINAL CONVICTIONS

Sec. 202. (a) **REVIEW.**—The Attorney General shall review all cases in which United States citizens and permanent resident aliens of Japanese ancestry were convicted of violations of laws of the United States, including convictions for violations of military orders, where such convictions resulted from charges filed against such individuals during the evacuation, relocation, and internment period.

(b) **RECOMMENDATIONS.**—Based upon the review required by subsection (a), the Attorney General shall recommend to the President for pardon consideration those convictions which the Attorney General finds were based on a refusal by such individuals to accept treatment that discriminated against them on the basis of race or ethnicity.

(c) **PARDONS.**—In consideration of the findings contained in this Act, the President is requested to offer pardons to those individuals recommended by the Attorney General pursuant to subsection (b).

CONSIDERATION OF COMMISSION FINDINGS

Sec. 203. Departments and agencies of the United States Government to which eligible individuals may apply for the restitution of positions, status or entitlements lost in whole or in part because of discriminatory acts of the United States Government against such individuals based upon their race or ethnicity and which occurred during the evacuation, relocation, and internment period shall review such applications for restitution of positions, status or entitlements with liberality, giving full consideration to the historical findings of the Commission and the findings contained in this Act.

TRUST FUND

Sec. 204. (a) **ESTABLISHMENT.**—There is hereby established in the Treasury of the United States the Civil Liberties Public Education Fund, to be administered by the Secretary of the Treasury. Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code, and shall only be available for disbursement by the Attorney General under section 205, and by the Board of Directors of the Fund under section 206.

(b) **AUTHORIZATION.**—There are authorized to be appropriated to the Fund \$1,500,000,000.

RESTITUTION

Sec. 205. (a) **LOCATION OF ELIGIBLE INDIVIDUALS.**—(1) The Attorney General, with the assistance of the Board, shall locate, using records already in the possession of the United States Government, each eligible individual and shall pay out of the Fund to each such individual the sum of \$20,000. The Attorney General shall encourage each eligible individual to submit his or her current address to the Department of Justice through a public awareness campaign.

(2) If an eligible individual refuses to accept any payment under this section, such amount shall remain in the Fund and no payment shall be made under this section to such individual at any future date.

(b) **PREFERENCE TO OLDEST.**—The Attorney General shall endeavor to make payment to eligible individuals who are living in the order of date of birth (with the oldest receiving full payment first), until all eligible individuals who are living have received payment in full.

(c) **NON RESIDENTS.**—In attempting to locate any eligible individual who resides outside the United States, the Attorney General may use any available facility or resource of any public or nonprofit organization.

(d) **NO SET OFF FOR ADMINISTRATIVE COSTS.**—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.

BOARD OF DIRECTORS

Sec. 206. (a) **ESTABLISHMENT.**—There is hereby 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) **DISBURSEMENTS FROM FUND.**—The Board of Directors may make disbursements from the Fund only—

(1) to sponsor research and public educational activities so that the events surrounding the 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;

(2) to fund comparative studies of similar civil liberties abuses, or to fund comparative studies of the effect upon particular groups of racial prejudice embodied by Government action in times of national stress;

(3) to prepare and distribute the hearings and findings of the Commission to textbook publishers, educators, and libraries;

(4) for the general welfare of the ethnic Japanese community in the United States, taking into consideration the effect of the exclusion and detention on the descendants of those individuals who were detained during the evacuation, relocation, and internment period (individual payments in compensation for loss or damages shall not be made under this paragraph); and

(5) for reasonable administrative expenses, including expenses incurred under subsections (c)(3), (d), and (e).

(c) **MEMBERSHIP AND TERMS OF OFFICE.**—(1) The Board shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate, from persons who are not officers or employees of the United States Government. At least five of the individuals appointed shall be individuals who are of Japanese ancestry.

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

(B) Of the members first appointed—

(i) five shall be appointed for terms of three years; and

(ii) four shall be appointed for terms of two 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 his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office. No individual may be appointed to more than two consecutive terms.

(3) Members of the Board shall serve without pay, except 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) Five members of the Board shall constitute a quorum but a lesser number may hold hearings.

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

(d)(1) The Board shall have a Director who shall be appointed by the Board and who shall be paid at a rate not to exceed the minimum rate of basic pay payable for GS-18 of the General Schedule under section 5332(a) of title 5, United States Code.

(2) The Board may appoint and fix the pay of such additional staff personnel as it may require.

(3) The Director and the additional staff personnel of the Board may be appointed without regard to section 5311(B) of title 5, United States Code and may be appointed 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 rate payable under GS-18 of the General Schedule under section 5332(a) of such title.

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

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

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

(h) SUNSET FOR BOARD.—The Board shall terminate not later than the earlier of ninety days after the date on which an amount has been obligated to be expended from the Fund which is equal to the amount authorized to be appropriated to the Fund or ten years after the date of enactment of this Act. Investments 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.

TITLE III—ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION

SHORT TITLE

SEC. 301. This title may be cited as the "Aleutian and Pribilof Islands Restitution Act."

DEFINITIONS

SEC. 302. As used in this title, the term—

(1) "Administrator" means the person designated under the terms of this title to administer certain expenditures made by the Secretary from the Aleutian and Pribilof Islands Restitution Fund;

(2) "affected Aleut villages" means those Aleut villages in Alaska whose residents were evacuated by United States forces during World War II, including Akutan, Atka, Nikolski, St. George, St. Paul, and Unalaska; and the Aleut village of Attu, Alaska, which was not rehabilitated by the United States for Aleut residence or other use after World War II;

(3) "Aleutian Housing Authority" means the nonprofit Regional Native Housing Authority established for the Aleut region pursuant to AS 18.55.995 et seq. of the laws of the State of Alaska;

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

(5) "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 pursuant to section 7 of the Alaska Native Claims Settlement Act (Public Law 92-203);

(6) "eligible Aleut" means any Aleut living on the date of enactment of this Act who was a resident of Attu Island on June 7, 1942, or any Aleut living on the date of enactment of this Act who, as a civilian, was relocated by authority of the United States from his 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; and

(7) "Secretary" means the Secretary of the Treasury.

ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION FUND

SEC. 303. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a Fund to be known as the Aleutian and Pribilof Islands Restitution Fund (hereinafter referred to as the "Fund"). The Fund shall consist of amounts appropriated to it, as authorized by sections 306 and 307 of this title.

(b) REPORT.—It shall be the duty of the Secretary to hold the Fund, and to report to the Congress each year on the financial condition and the results of operations of such Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as a House Document of the session of Congress to which the report is made.

(c) INVESTMENT.—It shall be the duty of the Secretary to invest such portion of the Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(1) on original issue at the issue price, or

(2) by purchase of outstanding obligations at the market price.

(d) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary at the market price.

(e) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale

or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(f) TERMINATION.—The Secretary shall terminate the Fund six years after the date of enactment of this Act, or one year after the completion of all restoration work pursuant to section 306 (c) of this title, whichever occurs later. On the date the Fund is terminated, all investments 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.

EXPENDITURES AND AUDIT

SEC. 304. (a) EXPENDITURES.—As provided by appropriation Acts, the Secretary is authorized and directed to pay to the Administrator from the principal, interest and earnings of the Fund, such sums as are necessary to carry out the duties of the Administrator under this title.

(b) AUDIT.—The activities of the Administrator under this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Administrator, pertaining to such activities and necessary to facilitate the audit.

ADMINISTRATION OF CERTAIN FUND EXPENDITURES

SEC. 305. (a) DESIGNATION OF ADMINISTRATOR.—The Association is hereby designated as Administrator, subject to the terms and conditions of this title, of certain specified expenditures made by the Secretary from the Fund. As soon as practicable after the date of enactment of this Act the Secretary shall offer to undertake negotiations with the Association, leading to the execution of a binding Agreement with the Association setting forth its duties as Administrator under the terms of this title. The Secretary shall make a good-faith effort to conclude such negotiations and execute such Agreement within 60 days after the date of enactment of this Act. Such Agreement shall be approved by a majority of the Board of Directors of the Association, and shall include, but need not be limited to—

(1) a detailed statement of the procedures to be employed by the Association in discharging each of its responsibilities as Administrator under this title;

(2) a requirement that the accounts of the Association, as they relate to its capacity as Administrator, shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants; and a further requirement that each such audit report shall be transmitted to the Secretary and to the Committees on the Judiciary of the Senate and House of Representatives; and

(3) a provision establishing the conditions under which the Secretary, upon 30 days notice, may terminate the Association's designation as Administrator for breach of fiduciary duty, failure to comply with the provisions of this Act as they relate to the duties of the Administrator, or any other significant failure to meet its responsibilities as Administrator under this title.

(b) SUBMISSION TO CONGRESS.—The Secretary shall submit the Agreement described in subsection (a) to Congress within 15 days after approval by the parties thereto. If the Secretary and the Association fail to reach agreement within the period provided in subsection (a), the Secretary shall report

such failure to Congress within 75 days after the date of enactment of this Act, together with the reasons therefor.

(c) **LIMITATION ON EXPENDITURES.**—No expenditure may be made by the Secretary to the Administrator from the Fund until 60 days after submission to Congress of the Agreement described in subsection (a).

DUTIES OF THE ADMINISTRATOR

SEC. 306. (a) IN GENERAL.—Out of payments from the Fund made to the Administrator by the Secretary, the Administrator shall make restitution, as provided by this section, for certain Aleut losses sustained in World War II, and shall take such other action as may be required by this title.

(b) **TRUST ESTABLISHED.**—(1) The Administrator shall establish a trust of \$5,000,000 for the benefit of affected Aleut communities, and for other purposes. 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 Administrator. Each affected Aleut village, including the survivors of the Aleut village of Attu, may submit to the Administrator a list of three prospective trustees. In designating trustees pursuant to this subsection, the Administrator shall designate one trustee from each such list submitted.

(2) The trustees shall maintain and operate the trust as eight independent and separate accounts, including—

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

(B) six accounts, each one of which shall be for the independent benefit of one of the six surviving affected Aleut villages of Atka, Akutan, Nikolski, St. George, St. Paul, and Unalaska; and

(C) one account for the independent benefit of those Aleuts who, as determined by the trustees, are deserving but will not benefit directly from the accounts established pursuant to subparagraphs (A) and (B).

The trustees shall credit to the account described in subparagraph (C), an amount equal to five per centum of the principal amount credited by the Administrator to the trust. The remaining principal amount shall be divided among the accounts described in subparagraphs (A) and (B), in proportion to the June 1, 1942 Aleut civilian population of the village for which each such account is established, as compared to the total civilian Aleut population on such date of all affected Aleut villages.

(3) The trust established by this subsection shall be administered in a manner that is consistent with the laws of the State of Alaska, and as prescribed by the Administrator, after consultation with representative eligible Aleuts, the residents of affected Aleut villages, and the Secretary. The trustees may use the accrued interest, and other earnings of the trust 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.

(4) There are authorized to be appropriated \$5,000,000 to the Fund to carry out the purposes of this subsection.

(c) **RESTORATION OF CHURCH PROPERTY.**—

(1) The Administrator is authorized to rebuild, restore or replace churches and church property damaged or destroyed in affected Aleut villages during World War II.

Within 15 days after the date that expenditures from the Fund are authorized by this title, the Secretary shall pay \$100,000 to the Administrator for the purpose of making an inventory and assessment, as complete as may be possible under the circumstances, of all churches and church property damaged or destroyed in affected Aleut villages during World War II. In making such inventory and assessment, the Administrator shall consult with the trustees of the trust established by section 306(b) of this title and shall take into consideration, among other things, the present replacement value of such damaged or destroyed structures, furnishings, and artifacts. Within one year after the date of enactment of this Act, the Administrator shall submit such inventory and assessment, together with specific recommendations and detailed plans for reconstruction, restoration and replacement work to be performed, to a review panel composed of—

(A) the Secretary of Housing and Urban Development;

(B) the Chairman of the National Endowment for the Arts; and

(C) the Administrator of the General Services Administration.

(2) If the Administrator's plans and recommendations or any portion of them are not disapproved by the review panel within 60 days, such plans and recommendations as are not disapproved shall be implemented as soon as practicable by the Administrator. If any portion of the Administrator's plans and recommendations is disapproved, such portion shall be revised and resubmitted to the review panel as soon as practicable after notice of disapproval, and the reasons therefor, have been received by the Administrator. In any case of irreconcilable differences between the Administrator and the review panel with respect to any specific portion of the plans and recommendations for work to be performed under this subsection, the Secretary shall submit such specific portion of such plans and recommendations to the Congress for approval or disapproval by Joint Resolution.

(3) In contracting for any necessary construction work to be performed on churches or church property under this subsection, the Administrator shall give preference to the Aleutian Housing Authority as general contractor. For purposes of this subsection, "churches or church property" shall be deemed to be "public facilities" as described in AS 18.55.996 (b) of the laws of the State of Alaska.

(4) There are authorized to be appropriated to the Fund \$1,399,000 to carry out the purposes of this subsection.

(d) **ADMINISTRATIVE AND LEGAL EXPENSES.**—The Administrator is authorized to incur reasonable and necessary administrative and legal expenses in carrying out its responsibilities under this title. There are authorized to be appropriated to the Fund such sums as may be necessary for the Secretary to compensate the Administrator, not less often than quarterly, for all such reasonable and necessary administrative and legal expenses.

INDIVIDUAL COMPENSATION OF ELIGIBLE ALEUTS

SEC. 307. (a) PAYMENTS TO ELIGIBLE ALEUTS.—(1) In accordance with the provisions of this section, the Secretary shall make per capita payments out of the Fund to eligible Aleuts for uncompensated personal property losses, and for other purposes. The Secretary shall pay to each eligible Aleut the sum of \$12,000. All payments to eligible Aleuts shall be made within one year after the date of enactment of this Act.

(2) The Secretary may request, and upon such request, the Attorney General shall

provide, reasonable assistance in locating eligible Aleuts residing outside the affected Aleut villages. In providing such assistance, the Attorney General may use available facilities and resources of the International Committee of the Red Cross and other organizations.

(3) The Administrator shall assist the Secretary in identifying and locating eligible Aleuts pursuant to this section.

(4) Any payment made under this subsection shall not be considered income or receipts for purposes of any Federal taxes or for purposes of determining the eligibility for or the amount of any benefits or assistance provided under any Federal program or under any State or local program financed in whole or part with Federal funds.

(b) **AUTHORIZATION.**—There are authorized to be appropriated to the Fund such sums as are necessary to carry out the purposes of this section.

MINIMUM CLEANUP OF WARTIME DEBRIS

SEC. 308. (a) CLEANUP PROGRAM.—The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan and implement a program, as the Chief of Engineers may deem feasible and appropriate, for the removal and disposal of live ammunition, obsolete buildings, abandoned machinery, and other hazardous debris remaining in populated areas of the lower Alaska peninsula and the Aleutian Islands as a result of military construction and other activities during World War II. The Congress finds that such a program is essential for the further development of safe, sanitary housing conditions, public facilities, and public utilities within the region.

(b) **ADMINISTRATION OF PROGRAM.**—The debris removal program authorized under subsection (a) shall be carried out substantially in accordance with the recommendations for a "Minimum Cleanup," at an estimated cost of \$22,473,180 based on 1976 prices, contained in the report prepared by the Alaska District, Corps of Engineers, entitled "Debris Removal and Cleanup Study: Aleutian Islands and lower Alaska Peninsula, Alaska," dated October 1976. In carrying out the program required by this section, the Chief of Engineers shall consult with the trustees of the trust established by section 306 (b) of this title, and shall give preference to the Aleutian Housing Authority as general contractor.

(c) **AUTHORIZATION.**—There are authorized to be appropriated \$38,601,000 to carry out the purposes of this section.

ATTU ISLAND REHABILITATION PROGRAM

SEC. 309. (a) CONVEYANCE.—Notwithstanding any other provision of law, the Secretary of the Interior is authorized to convey to the Corporation, subject to the requirements of this section and without cost to the Corporation, all right, title and interest of the United States in and to the lands and waters comprising Attu Island, Alaska, including fee simple title to the surface and subsurface estates of such island.

(b) **CONDITIONS.**—The Secretary of the Interior shall make the conveyance described in subsection (a) within one year after—

(1) the Corporation has entered into a cooperative management agreement with the Secretary of the Interior, as provided in section 304 (f) of the Alaska National Interest Lands Conservation Act (Public Law 96-487), concerning the management of Attu Island; and

(2) the Secretary of Transportation and the Corporation have certified to the Secretary of the Interior that the Department of Transportation and the Corporation have reached an agreement which will allow the

United States Coast Guard to continue essential functions on Attu Island. The patent conveying the lands under this section shall reflect the right of the Coast Guard to continue such essential functions on such island, with reversion to the Corporation of all interests held by the Coast Guard when and if the Coast Guard terminates its activities on the island.

(c) **RULES AND REGULATIONS.**—The Secretary of the Interior is authorized to promulgate such rules and regulations as may be necessary to carry out the purposes of this section.

SEPARABILITY OF PROVISIONS

SEC. 310. If any provision of this title, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

TITLE IV—MISCELLANEOUS PROVISIONS

DOCUMENTS RELATING TO THE INTERNMENT

SEC. 401. (a) **DELIVERY TO NATIONAL ARCHIVES.**—All documents, personal testimony, and other material collected by the Commission on Wartime Relocation and Internment of Civilians during its inquiry shall be delivered by the custodian of such material to the Administrator of General Services who shall deposit such material in the National Archives of the United States. The Administrator of General Services, through the National Archives of the United States, shall make such material available to the public for research purposes.

(b) **CONGRESSIONAL DOCUMENTS.**—The Clerk of the House of Representatives and the Secretary of the Senate shall direct the Administrator of General Services to make available, beginning on the date of the enactment of this Act, to the public, for research purposes, all congressional documents transferred to the Clerk of the House and the Secretary of the Senate relating to the evacuation, relocation, and internment of individuals of Japanese or Aleut ancestry during World War II.

COMPLIANCE WITH BUDGET ACT

SEC. 402. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as are provided in advance in appropriations Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1984.

BACKGROUND AND SUMMARY OF PROPOSED LEGISLATION IMPLEMENTING THE FINDINGS OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS—2116

In February 1942, pursuant of Executive Order 9066 of President Franklin D. Roosevelt and directives of the United States military forces, 120,000 civilians, United States citizens and permanent resident aliens of Japanese ancestry, were removed from the West Coast and placed in relocation centers in several western States. A small band of Aleuts, residents of the Aleutian and Pribilof Islands, was also removed.

In 1980, the United States Congress established (P.L. 96-317, 94 Stat. 964) a Commission on Wartime Relocation and Internment of Civilians to review the facts and circumstances surrounding Executive Order 9066, to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order 9066, and to recommend appropriate remedies. In June 1983, the Commission released its recommendations, one

of which is for Congress to appropriate \$1.5 billion dollars for compensation to these individuals, including payment of \$20,000 to each Japanese American held in relocation camps during World War II.

The proposed legislation would support the several findings of the Commission on Wartime Relocation and Internment of Civilians and would implement these findings by providing for, among other things, payments to certain Japanese Americans and Aleuts who were interned, detained, or forcibly relocated by the United States during World War II. The proposed legislation includes the following provisions:

FINDINGS AND PURPOSE

Section 1 (a) would provide for acceptance of the findings of the Commission on Wartime Relocation and Internment of Civilians regarding the exclusion and relocation of more than 110,000 United States citizens and permanent resident aliens of Japanese ancestry and regarding the treatment of the Aleuts of the Aleutian and Pribilof Islands; namely, that the findings of the Commission on Wartime Relocation and Internment of Civilians represent an accurate description of the circumstances surrounding the exclusion and removal; that the internment of the Japanese Americans was carried out without any documented cases of subversion; that there was no military reason for the relocation; that the internment was caused by racial prejudice, war hysteria, and a failure of political leadership; that the exclusion and relocation caused great economic losses to the Japanese Americans; that their basic civil liberties and constitutional rights were violated; that the evacuated Aleuts, relocated for their safety by the United States military because of the Japanese invasion and capture of the Aleutian Islands of Attu and Kiska, were kept in camps long after any danger to them; that inadequate care for Aleuts' personal and community property caused widespread hardship; that the United States has not compensated the Aleuts adequately; that significant amounts of hazardous military debris abound in the Aleutian Islands; that the United States has not rehabilitated Attu; and that the only remedy for injustices suffered by the Aleuts is an Act of Congress providing appropriate compensation.

Section 1(b) would propose the following purposes of the Act: an acknowledgment of the injustice of the relocation of the Japanese Americans; an apology for the relocation; a provision for a public education fund to disseminate information about the relocation; a restitution to those Japanese Americans relocated; and a restitution to those Aleuts for personal hardship and property damage.

TITLE I. RECOGNITION OF INJUSTICE AND APOLOGY ON BEHALF OF THE NATION

Section 101 would provide for an acceptance by the United States Congress of the findings of the Commission on Wartime Relocation and Internment of Civilians, a recognition that an injustice was done to the Japanese Americans and, on behalf of the Nation, an apology by the Congress.

TITLE II. CITIZENS OF JAPANESE ANCESTRY AND RESIDENT JAPANESE ALIENS

Definition

Section 201 would define terms, for purposes of this Act, as follows:

1. "Eligible individual" would mean any living individual of Japanese ancestry who was confined, held in custody, or otherwise deprived of liberty or property during the period beginning on December 7, 1941, and ending on June 30, 1946, as a result of Executive Order 9066, or any other Executive Order, Presidential proclamation, law, direc-

tives of the Armed Forces of the United States, or any other action made by or on behalf of the United States respective to the exclusion, relocation, or detention of individuals on the basis of race.

2. "Fund" would mean the Civil Liberties Public Education Fund established in section 206.

3. "Board" would mean the Civil Liberties Public Education Board of Directors established in section 206.

4. "Evacuation, relocation, and internment period" would mean the period from December 7, 1941 to June 30, 1946.

5. "Commission" would mean the Commission on Wartime Relocation and Internment of Civilians established by Public Law 96-317.

Criminal convictions

Section 202(a) would authorize the Attorney General to review all cases in which Japanese Americans were convicted of violations of any laws during the internment period.

Section 202(b) would authorize the Attorney General to recommend to the President for pardon those convictions which the Attorney General finds were based on refusal by individuals to accept treatment which they believed was based on race or ethnicity.

Section 202(c) would request the President to offer pardons to those individuals recommended by the Attorney General.

Consideration of Commission findings

Section 203 would require United States Government Departments and Agencies to review applications of those interned for full restitution of positions and status, giving full consideration to the findings of the Commission.

Trust fund

Section 204(a) would establish in, to be administered by, the Treasury Department, a Civil Liberties Public Education Fund. Amounts in the Fund would be invested in accordance with section 9702, title 21, United States Code, and would be disbursed by the Attorney General under provisions of section 205, and by the Board of Directors under section 206.

Section 204(b) would authorize \$1,500,000,000 to be appropriated to the fund.

Restitution

Section 205(a)(1) would empower the Attorney General to locate, through United States Government records and a public awareness campaign, each eligible individual and to pay each individual the sum of \$20,000.

Section 205(a)(2) would provide for the payment into the Fund of any payment refunded by an eligible individual.

Section 205(b) would provide for payments to eligible individuals in order of date of birth with oldest receiving payment first.

Section 205(c) would allow the Attorney General to use any available resource or facility to locate any eligible individual residing outside the United States.

Section 205(d) would exempt the Fund, and individual payments, from any costs incurred in carrying out this section.

Board of Directors

Section 206(a) would establish a Civil Liberties Public Education Fund Board of Directors responsible for making disbursements from the Fund.

Section 206(b)(1-5) would provide that disbursements from the Fund may be made only for sponsoring research and public educational activities on the relocation; funding comparative studies of similar civil liberties

abuses; and preparation and distribution of findings of the Commission.

Section 206(c)(1) would provide that the Board of Directors be composed of nine members appointed by the President, with the advice and consent of the Senate. At least five of the members of the Board to be of Japanese ancestry.

Section 206(c)(2) would establish the terms of office for the members of the Board.

Section 206(c)(3) would provide that members of the Board serve without pay, except for reimbursement for necessary expenses.

Section 206(c)(4) would provide that five members of the Board constitute a quorum.

Section 206(c)(5) would provide that the Chair of the Board be elected by the members of the Board.

Section 206(d)(1) would establish position and pay of the Director appointed by the Board.

Section 206(d)(2) would allow additional personnel to be appointed by the Board.

Section 206(d)(3) would permit the Director and additional personnel to be appointed without regard to number and classification of executive level positions in existence (Section 5311(b) title 5, U.S.C.), and without regard to competitive service requirements and classification of pay rates, except that such compensation might not exceed rate payable under GS-18.

Section 206(e) would authorize Administrator of General Services to provide the Board of Directors, on a reimbursable basis, such administrative support as the Board might request.

Section 206(f) would authorize the Board to accept and use any gifts or donations for purposes specified in subsection (b).

Section 206(g) would require the Board to furnish to the President and to each house of Congress, a report on the activities not later than twelve months after the first meeting and every twelve months thereafter.

Section 206(h) would provide that the Board of Directors terminate not later than ninety days after the date on which the last amount remaining in the Fund was disbursed, or ten years after the enactment of this Act.

TITLE III. ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION

Section 301 would provide that this title be cited as the "Aleutian and Pribilof Islands Restitutions Act."

Definitions

Section 302 would define terms, for purposes of this Act as follows:

1. "Administrator" would mean the person designated to administer expenditures from the Aleutian and Pribilof Islands Restitution Fund.

2. "affected Aleut villages" would mean those villages in Alaska whose residents were evacuated during World War II.

3. "Aleutian Housing Authority" would mean the Regional Native Housing Authority established by the laws of the State of Alaska.

4. "Association" would mean the Aleutian/Pribilof Islands Association established by the laws of the State of Alaska.

5. "Corporation" would mean the Aleut Corporation established by the Alaska Native Claims Settlement Act.

6. "eligible Aleut" would mean any living Aleut who was relocated and placed in an internment camp or other facility during World War II.

7. "Secretary" would mean the Secretary of the Treasury.

Aleutian and Pribilof Islands restitution fund

Section 303(a) would establish in the United States Treasury a Fund known as the Aleutian and Pribilof Islands Restitution Fund.

Section 303(b) would require the Secretary to provide the Congress and annual report on the operation of the Fund.

Section 303(c) would require the Secretary to invest portions of the Fund, but only in interest-bearing obligations of the United States.

Section 303(d) would permit the Secretary to sell any obligations acquired by the Fund.

Section 303(e) would require that any sale of, or interest on, any obligations be credited to and become part of the Fund.

Section 303(f) would require the Secretary to terminate the Fund six years after enactment of the Act, or one year after completion of restoration work as provided in Section 306(c). After termination, monies remaining in the Fund would be deposited in the miscellaneous receipts account of the Treasury.

Expenditures and audits

Section 304(a) would authorize the Secretary to pay the Administrator of the Fund necessary monies to carry out his/her duties.

Section 304(b) would allow the General Accounting Office to audit activities of the Administrator.

Administration of certain fund expenditures

Section 305(a) would designate the Aleutian/Pribilof Islands Association (see Section 302(4)) as Administrator of expenditures, and would provide for an Agreement between the Association and the Secretary establishing duties of the Administrator. This Agreement would be approved by a Board of Directors of the Association and would include (1) a statement of proceedings to be employed by the Association, (2) a requirement that accounts of the Association be audited annually and that such audits be submitted to the Secretary and to the Committees on the Judiciary of the Senate and the House, and (3) a provision permitting the Secretary to terminate, for due cause, the Association designated as Administrator.

Section 305(b) would require the Secretary to submit the agreement to Congress. Failure to reach an agreement would also be reported.

Section 305(c) would provide that no expenditures be made by the Administrator until sixty days after submission to the Congress of the Agreement.

Duties of the Administrator

Section 306(a) would authorize the Administrator to make restitution for certain Aleut losses.

Section 306(b)(1) would establish, from monies appropriated to establish a trust of \$5,000,000 for affected Aleut communities. The trust would be established pursuant to the laws of the State of Alaska, and would be operated by seven trustees designated by the Administrator from prospective trustees submitted by each affected Aleut village.

Section 306(b)(4) would authorize an appropriation of \$5,000,000 to the Fund to carry out these purposes.

Section 306(c)(1) would authorize Administrator to restore, rebuild, or replace churches and church property damaged or destroyed in certain affected Aleut villages during World War II. Further authorization would provide \$100,000 for an inventory and

assessment of such property, which would be submitted, together with recommendations and plans, to a review panel composed of the Secretary of Housing and Urban Development, the Chairman of the National Endowment for the Arts, and the Administrator of the General Services Administration.

Section 306(c)(2) would establish conditions for approval or disapproval of Administrator's plans and recommendations, and in case of irreconcilable differences, submission to the Congress for approval or disapproval.

Section 306(c)(3) would provide that preference be given to the Aleutian Housing Authority as general contractor for any construction work on churches or church property.

Section 306(c)(4) would authorize an appropriation of \$1,399,000 to carry out these purposes.

Section 306(d) would authorize the Administrator to incur reasonable and necessary expenses in carrying out responsibilities, and would authorize quarterly appropriations to the Fund for such expenses.

Individual compensation of eligible Aleuts

Section 307(a)(1) would require the Secretary to make payment, from monies in the Fund, of \$12,000 to each eligible Aleut, within one year after enactment of this Act, for uncompensated personal property losses.

Section 307(a)(2) would allow the Secretary to request, and the Attorney General to provide, using any available resources or facilities, assistance in locating eligible Aleuts residing outside affected Aleut villages.

Section 307(a)(3) would require the Administrator to assist the Secretary in identifying and locating eligible Aleuts.

Section 307(a)(4) would exempt payments from Federal taxation and also from eligibility requirements of any Federal or State benefit or assistance program.

Section 307(b) would authorize appropriation of necessary funds to carry out the purposes of this section.

Minimum cleanup of wartime debris

Section 308(a) would authorize the Secretary of the Army to plan and implement a program, as the Chief of Engineers may deem feasible and appropriate, for the removal and disposal of hazardous wartime debris.

Section 308(b) would require that debris removal be carried out in accordance with recommendations of a study prepared by the Corps of Engineers, and that the Aleutian Housing Authority be given preference as general contractor.

Section 308(c) would authorize an appropriation of \$38,601,000 to carry out the purposes of this section.

Attu Island rehabilitation program

Section 309(a) would authorize the Secretary of the Interior to convey to the Corporation all rights, titles, and interest to all lands and waters comprising Attu Island.

Section 309(b) would require the Secretary of the Interior to make conveyance of lands within one year after an agreement with the Corporation regarding the management of Attu, and an agreement with the Department of Transportation regarding continuance of Coast Guard functions on Attu.

Section 309(c) would authorize the Secretary of the Interior to promulgate necessary rules and regulations to carry out purposes of this section.

Separability of provisions

Section 310 would provide for the continuance of other provisions of this title in the event any provision is held invalid.

TITLE IV. MISCELLANEOUS PROVISIONS

Documents relating to internment

Section 401(a) would require that all documents and other material collected by the Commission be deposited in the National Archives, and be made available to the public for research purposes.¹

Section 401(b) would require the Clerk of the House of Representatives and the Secretary of the Senate to direct the Administrator of General Services to make available to the public all congressional documents in their custody relating to the relocation and internment.

Compliance with Budget Act

Section 402 would provide that payments be made only to the extent that funds are provided in appropriation acts, and that any provisions of this Act which authorize the enactment of new budget authority be effective only for fiscal years beginning after September 30, 1984.

Mr. INOUE. Mr. President, today I am joining several of my colleagues in introducing legislation which is intended to act as a vehicle for the recommendations of the Commission on Wartime Relocation and Internment of Civilians. As many of my colleagues are aware, the release of the Commission's recommendations in June of this year marked the culmination of their work, the highlight of which was the publication of *Personal Justice Denied*.

This report serves as excellent testimony to the fact that there was no basis, military or otherwise, which justified the mass evacuation, relocation, and internment of approximately 120,000 Japanese-American citizens and resident aliens. *Personal Justice Denied* shows conclusively that the decision to intern was made solely on the basis of ethnicity. Prejudice obscured our commitment to upholding the constitutional rights of our people, and as a result, thousands of lives were disrupted immeasurably.

No other group of American citizens suffered such a massive denial of constitutional rights in existence at the time. The Japanese-American case is unique in the constitutional history of our country in that there was a total abrogation of constitutional guarantees inflicted against a single group of citizens solely on the basis of race.

In response to this grave injustice, the Commission recommended a series of remedies to redress the wrongs suffered by the internees. As an impartial nonpartisan body, and one which spent a considerable amount of time and effort thoroughly studying this issue, we can be confident that these recommendations are highly unbiased.

¹The records of the Commission on Wartime Relocation and Internment of Civilians have been transferred to the National Archives. Inclusion of this provision, however, would legitimize the transfer and establish the location of these records for future researchers. The records of the commission are in the process of being made available to researchers by the staff of the National Archives. Portions of the records are already available for public use.

The Commission was established by the Congress through the enactment of Public Law 96-317 on July 31, 1980, and formally concluded its work in June of this year. During the 3 years of its existence, the Commission conducted extensive hearings throughout the country in addition to exhaustive archival research on the events and circumstances which led to internment.

I think we can all be proud of the dedication and integrity which is manifest in the work of the Commission. They made their recommendations only after serious and thoughtful deliberation, and on the basis of what they felt to be the just and proper solution, not necessarily what was politically and economically expedient. I commend the Commission for a task well done and I look forward to working with my colleagues in the coming months to implement the recommendations in as fair and realistic a manner as possible.

At the very least it is my hope that the legislation we are introducing today will serve to heighten the awareness of both the Congress and the American people to the extent that the racist sentiment which engendered internment 49 years ago does not flare up again in the future. It is vitally important that we recognize the gravity of the serious error that was committed, and, most importantly, that we redress in some form the victims of this reprehensible event in order to preclude something as horrible from happening again in the future.

Mr. President, I believe that the Commission recommendations provides us with an excellent starting point to address this problem, and I urge my colleagues to give this legislation their fullest consideration.

Mr. STEVENS. Mr. President, I am pleased to join my colleagues in offering legislation to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

The Commission was established pursuant to Public Law 96-317 and directed to review the facts and circumstances surrounding the relocation and internment of American citizens and permanent resident aliens of Japanese ancestry during World War II, along with the facts and circumstances which led to the relocation and, in some cases, the detention of Aleut civilians during the same time period.

In discharging its congressional mandate, the Commission held 20 days of hearings, including 3 days of hearings in Alaska, and received the testimony of more than 750 witnesses. The Commission's staff and others conducted exhaustive research. They were able to document in irrefutable detail, from their research in the National Archives and elsewhere, the facts and circumstances of these events that occurred 40 years ago. In these remarks I will address the Aleut issues, as I understand that other Senators will ad-

dress in separate remarks the tragic circumstances which led to the internment of thousands of loyal Americans of Japanese ancestry.

THE ALEUT PEOPLE

Mr. President, the Aleut people are Native Americans whose ancestors migrated from Asia about 10,000 years ago. They settled the lower Alaska peninsula and the Aleutian Islands, an archipelago that spans the North Pacific for 900 miles from the peninsula to Attu Island. The Aleut villages are among the oldest places of habitation on this continent—the village on Nikolski, for example, has been determined to have been occupied for more than 8,000 years.

Anthropologists have estimated that 10,000 people lived on the Aleutians when the islands were occupied by Russian traders in the 18th century. Their numbers were soon reduced by massacre and disease to less than 2,000. Today there are about 3,600 Americans of Aleut ancestry, and major efforts are being made with Aleut communities to preserve the culture and traditions of this unique people.

As Solicitor General of the U.S. Department of the Interior in the Eisenhower administration, I became generally aware that the Aleut communities of the Aleutians and Pribilof Islands had suffered severe dislocation and losses during World War II. There had been no press accounts of these events at the time—correspondence and information between Alaska and the lower 48 had been subject to censorship during the war.

Unlike the internment of Japanese Americans, which was subject to widespread publicity, litigation, and public discussion, the Aleut relocation during the war was considered a local administrative inconvenience and scant attention was paid to its effect on the Aleut people outside the immediate area of the Aleutians and the relocation camps.

Mr. President, Congress at my request expanded the mandate of the Commission on Wartime Relocation and Internment of Civilians to include the specific treatment of the Aleuts in World War II. The findings of the Commission document the extreme hardships endured by the Aleuts, and the unjustified losses they sustained. The recommendations of the Commission include restitution for those losses—and restitution, along the lines of these recommendations, is provided in the bill we introduce today.

EVACUATION OF ALEUT VILLAGES

After the conquest of Attu and Kiska Islands by Japanese forces in early June of 1942, the evacuation of all Aleut villages on the Pribilof Islands and the Aleutian Islands west of Unimak Island was ordered by military authorities in Alaska. Approximately 900 Aleut civilians were evacuated in June and July 1942, and hur-

riedly relocated to temporary camps in southeastern Alaska.

While this evacuation suffered from poor planning and inadequate logistic support, the Commission determined that it was a rational wartime measure under the circumstances at the time. The Commission found that the Aleuts suffered extreme hardships in the camps. Housing, sanitation, and eating conditions in the camps were deplorable. There were repeated epidemics of disease, and at least 10 percent of those in the camps died. Medical care was wholly inadequate. The Government clearly failed to meet its responsibilities to those under its care.

On returning to their villages, the Aleuts found—after an absence of 2 to 3 years—that houses, churches, community centers, personal property, boats, and other possessions had been destroyed, converted to military use without compensation, or severely damaged. They lost most of their religious icons and family heirlooms. While some attempts were made, with severely limited funds to provide restitution, the evidence shows without doubt that the Aleuts' losses were never fully compensated by the responsible agencies and officials.

COMMISSION RECOMMENDATIONS

After evaluating the evidence, the Commission recommended five specific measures of restitution for Aleut losses during World War II. These include a trust to be established for the beneficial use of the six surviving Aleut villages subject to relocation and for the beneficial use of surviving Aleuts and their descendants; a per capita payment to each surviving Aleut evacuee; the rehabilitation of churches and restoration of church property damaged or destroyed by U.S. forces in the Aleutians; the cleanup of wartime debris left on populated islands of the Aleutians; and the rehabilitation of Attu Island for Aleut ownership and use.

The bill we introduce today would make restitution substantially in accordance with the Commission's five recommendations. It includes the \$5 million trust as recommended. And, while the recommendations left open the dollar amount for the rehabilitation of churches and restoration of church property, and the cleanup of wartime debris, we have provided a spending cap of \$40 million for these two items. This includes \$38,601,000 to accomplish the October 1976 Corps of Engineers minimum cleanup as adjusted for inflation to October 1983. The remaining \$1,399,000 is authorized for the church rehabilitation and restoration program. While this amount does not constitute complete rehabilitation and restoration, it provides, again, for a minimum effort.

There are two substantive differences between the Commission's recommendations and the provisions of our bill. First, those eligible for per capita payment would include not only the survivors of the evacuation by U.S.

forces, but also the surviving Attuans who were held in detention on Hokkaido Island, Japan. I am informed that these people number only five survivors today. They suffered a great loss when their home village was not rehabilitated for resettlement after the war. Second, our bill provides per capita payment of \$12,000 to each of some 400 to 500 surviving Aleuts, instead of the recommended \$5,000. The legislation includes this increase in per capita payment to reflect comparability with the treatment of the surviving Japanese American internees.

CONCLUSION

Mr. President, title III of our bill, relating to the Aleuts, has been drafted in close consultation with the Aleut leadership and with the residents of the affected Aleut villages. I am pleased to join this measure as a cosponsor, and I urge the committee of jurisdiction to schedule timely hearings.

Mr. President, I ask unanimous consent that a section-by-section summary of title III of the bill, relating to the Aleut issues, be included in the RECORD immediately following these remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF THE "ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION ACT"

[Title III of S. 2116, a bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians]

TITLE III—ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION

SECTION 301—SHORT TITLE

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

SECTION 302—DEFINITIONS

The definitions contained in this section are those required to implement the Commission's recommendations in accordance with this title for compensation of individual Aleuts, and the Aleut community generally, for their losses and other injustices suffered during World War II.

The term "affected Aleut villages" includes the six Aleut villages which were evacuated by U.S. forces in June and July 1942, for relocation to temporary detention camps in remote regions of Southeastern Alaska. The term also includes the Aleut village of Attu, which was not rehabilitated for Aleut occupation or other productive use following liberation of Attu Island from Japanese forces and the repatriation of Attuan citizens from Japanese detention on Hokkaido Island, Japan.

The term "eligible Aleut" includes any Aleut who is living on the date of enactment of this Act and who, as a civilian, was relocated by authority of the United States from his or her home village to an internment camp, or other temporary facility or location, during World War II. The term also includes those Aleuts who were residents of Attu on the date of Japanese occupation of the Island, and who are living on the date of enactment of this Act.

Other terms requiring no elaboration in this summary are also defined.

SECTION 303—ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION FUND

Section 303(a) establishes within the Treasury of the United States a Fund to be known as the "Aleutian and Pribilof Islands Restitution Fund." This Fund will be administered by the Secretary of the Treasury, and will consist of amounts appropriated to it under this title.

Under section 303(b), the Secretary is required to report to Congress annually on the financial condition of the Fund, and on the results of Fund operations during the preceding fiscal year. All such reports will be printed as House Documents of the session of Congress to which such reports are made.

Section 303(c) through (e) establishes procedures to be followed by the Secretary in managing the assets of the Fund. The interest on any obligations held by the Fund, along with other proceeds from the sale of any obligations, will be credited to and form a part of the Fund.

Section 303(f) provides for the orderly termination of the Fund after the Secretary has accomplished the purposes of the Fund, as set out in other sections of the title. On the date the Fund is terminated, all amounts remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury of the United States.

SECTION 304—EXPENDITURES AND AUDIT OF FUND

Section 304(a) provides that the Secretary shall pay to the Administrator of certain specified Aleut restitution programs, as provided in appropriations acts, such sums from the Fund as are necessary to carry out the purposes of this Act.

Under section 304(b), authority is established for audits of the activities of the Administrator by the General Accounting Office, subject to such rules and regulations as may be prescribed by the Comptroller General.

SECTION 305—ADMINISTRATION OF CERTAIN FUND EXPENDITURES

The detailed procedure for designation of the Administrator is established in section 305(a). Under the terms of the section, the Aleutian/Pribilof Islands Association, a nonprofit regional corporation organized under the laws of the State of Alaska for the benefit of Aleuts in the Aleut region, is designated by Congress as Administrator, subject to the terms and conditions of this title.

As soon as practicable after enactment, the Secretary of the Treasury will offer to undertake negotiations with the Association leading to execution of an Agreement setting forth the duties of the Association as Administrator. Any such Agreement entered into with the Association shall be approved by a majority of the Board of Directors of the Association. Independent annual audits of the Association's activities as Administrator are required, and a report of each such audit will be transmitted to the Secretary and to the Committees on the Judiciary of the House and Senate. Upon 30 days notice, under the terms of the required Agreement, the Secretary may terminate the Association's designation as Administrator for good cause shown.

Section 305(b) requires the Secretary of the Treasury to submit to Congress, within 15 days after approval by the parties, the Agreement specified in section 305(a). If the Secretary and the Association fail to reach an agreement within the 60 day period established for negotiations, the Secretary shall notify Congress within 75 days after enactment of such failure to reach agreement. In such circumstances, Congress would have the option of designating an-

other Administrator, or of taking any other appropriate and necessary legislative action.

Section 305(c) provides that the Secretary shall make no expenditures to the Administrator from the Fund until Congress has reviewed for 60 days the Agreement required by section 305(a).

SECTION 306—DUTIES OF THE ADMINISTRATOR

Section 306(a) provides that, out of payments made from the Fund to the Administrator by the Secretary of the Treasury, the Administrator shall make restitution (as provided elsewhere in this section) for certain Aleut losses sustained in World War II, and shall take such other action as may be required by this title.

Section 306(b) directs the Administrator to establish a trust, organized under the laws of the State of Alaska, for the beneficial use of affected Aleuts and affected Aleut communities. This subsection parallels the first recommendation of the Commission for compensation of the Aleuts for losses sustained in World War II.

The principal amount of the trust established under this subsection shall be \$5,000,000. It will be governed by not more than seven trustees, appointed by the Administrator from lists of prospective trustees submitted by each affected Aleut village. The trust will be apportioned into eight independent accounts. One account will be established for the independent benefit of the wartime Aleut residents of Attu and their descendants; one account will be established for the independent benefit of each of the six surviving Aleut villages evacuated by U.S. forces; and one account will be established for the independent benefit of those Aleuts who, as determined by the trustees, are deserving but who will not benefit directly from the other seven accounts.

Five per centum of the principal amount of the trust will be credited initially to the latter account referenced above. The remaining principal amount will be apportioned among the other seven accounts, in proportion to the wartime population of the village for which each such account is established, as compared to the wartime population of all affected Aleut villages.

The purposes of the trust are outlined in section 306(b)(2). In general, the section authorizes the trustees to use the interest and other earnings from the trust to benefit the elderly, the disabled, the seriously ill, students in need of scholarships, and others in comparable circumstances. Additionally, the section provides that trust earnings may be used to preserve Aleut culture and historical records, to establish community centers in affected villages, and to take such other action as the trustees may determine will improve the condition of Aleut life.

Section 306(c) authorizes the Administrator to rebuild, restore, or replace churches or church property damaged or destroyed in affected Aleut villages during World War II. This subsection is consistent with the third recommendation of the Commission for compensation of Aleuts for losses sustained as a direct result of U.S. governmental actions during World War II.

Under the terms of this subsection, the Secretary of the Treasury shall pay \$100,000 from the assets of the Fund to the Administrator within 15 days after expenditures from such Fund are authorized by this title. The Administrator is required to use this payment to make an inventory and assessment of all churches and church property damaged or destroyed in affected Aleut villages during World War II. In addition the Administrator will use the payment to develop specific recommendations and detailed plans for reconstruction, restoration and replacement work to be accomplished on churches and church property.

The inventory and assessment, together with the specific recommendations and detailed plans, shall be submitted within one year after enactment to a review panel composed of the Secretary of Housing and Urban Development, the Chairman of the National Endowment for the Arts, and the General Services Administrator. If the review panel has not disapproved the Administrator's plan and recommendations within 60 days, such plans and recommendations will be implemented as soon as practicable by the Administrator. If any part of the plans and recommendations are disapproved, the Administrator shall revise and resubmit such part to the review panel as soon as practicable.

In the event of irreconcilable differences between the Administrator and the review panel in respect of any part of the plans and recommendations, the Secretary of the Treasury is authorized and directed to submit such part to Congress, for approval or disapproval by Joint Resolution.

Under the terms of section 306(c)(3), the Administrator is required to give preference to the Aleutian Housing Authority as general contractor for work to be performed in implementing the plans and recommendations for reconstruction, restoration, or replacement of churches and church property.

This section authorizes appropriations to the Fund adequate to carry out the purposes of the section, including \$1,399,000 to carry out the church rehabilitation program under section 306(c). In addition, section 306(d) authorizes the Secretary of the Treasury to reimburse the Administrator, not less often than quarterly, for all necessary and reasonable administrative and legal expenses incurred in carrying out its functions under this title.

SECTION 307—INDIVIDUAL COMPENSATION OF ELIGIBLE ALEUTS

Section 307(a) authorizes and directs the Secretary of the Treasury to make per capita payments out of the Fund to eligible Aleuts, as defined, for uncompensated personal property losses and for other purposes. The subsection requires a payment of \$12,000 to each of approximately 400 individual Aleuts who are living on the date of enactment of this Act and who are the survivors of the relocation experience during World War II. All such per capita payments shall be made within one year after enactment of this Act, and shall not be considered income for purposes of any Federal taxes or for the purposes of determining eligibility for or the amount of any benefits or assistance under any Federal program or under any State or local program financed in whole or in part with Federal funds. This section addresses the second recommendation of the Commission for compensation of Aleut losses during World War II.

Under section 307(a) (2) and (3), the Secretary of the Treasury may require the assistance of the Attorney General in locating eligible Aleuts, and the Administrator shall assist the Secretary in identifying and locating eligible Aleuts for the purpose of the section.

Section 307(b) authorizes appropriations to the Fund adequate to make the per capita payments required by the section for restitution of heretofore uncompensated Aleut wartime losses.

SECTION 308—MINIMUM CLEANUP OF WARTIME DEBRIS

Section 308(a) authorizes and directs the Secretary of the Army, acting through the Chief of Engineers, to plan and carry out a program for the removal and disposal of live ammunition, obsolete and abandoned buildings, abandoned machinery, and other hazardous debris remaining in populated areas

of the lower Alaskan peninsula and the Aleutian Islands as a result of military activity during World War II. This section is consistent with the fourth recommendation of the Commission.

Section 308(b) provides that the debris removal program shall be the "Minimum Cleanup," as recommended by the Alaska District, Corps of Engineers, in its report dated October 1976. In carrying out the program, the Chief of Engineers is required to consult with the trustees of the trust established in section 306(b), and is further required to give preference to the Aleutian Housing Authority as general contractor.

Section authorizes \$38,601,000 to be appropriated to carry out the purposes of this section. The authorized amount reflects the October 1976 estimate by the Corps of Engineers to accomplish the "Minimum Cleanup," as adjusted for inflation (CPI) to October 1983.

SECTION 309—ATTU ISLAND REHABILITATION PROGRAM

Section 309(a) authorizes the Secretary of the Interior to convey, subject to certain requirements, Attu Island in fee simple to the Aleut Corporation—the regional corporation established for the Aleut region under terms of the Alaska Native Claims Settlement Act.

This section is consistent with the fifth recommendation of the Commission for compensation of the Aleut people for losses sustained in World War II.

Under the terms of section 309(b), the Secretary of the Interior shall make the conveyance described in section 309(a) within one year after the Corporation has entered into a cooperative management agreement for Attu Island with the Secretary of the Interior.

As a condition precedent to conveyance, the Secretary of the Interior shall also ensure that the Secretary of Transportation and the Aleut Corporation have reached agreement which will allow the U.S. Coast Guard to continue essential functions on Attu Island. The patent conveying the lands to the Corporation shall reflect the right of the U.S. Coast Guard to continue such essential functions on the island, with reversion of the Corporation of all interests held by the Coast Guard when and if the Coast Guard terminates its activities on the island.

Under section 309(c), the Secretary of the Interior is authorized to promulgate such rules and regulations as are necessary to carry out this section.

SECTION 310—SEPARABILITY OF PROVISIONS

This section provides that if any provision of this title, or the application of any provision to any person or circumstance, shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. MURKOWSKI. Mr. President, I am pleased to join Senators STEVENS, MATSUNAGA, and INOUE in authoring a bipartisan bill to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

As my colleagues will recall, the independent Commission was established by act of Congress in 1980 to investigate the circumstances surrounding the relocation and internment of Japanese-American and Aleut citizens during World War II. The Commission's reports were presented to Con-

gress in January and June of this year. Those reports document fully the injustices suffered by those who were relocated to camps far from their homes in early 1942 for the duration of the war.

In the case of the Aleuts, who inhabited a number of small, remote villages on the Aleutian Island chain and the Pribilofs, the Commission determined that the military decision to relocate the people was justified under the circumstances. The Japanese enemy forces captured Attu and Kiska in early June 1942, and about 881 Aleut villagers were removed from their home villages by Army and Navy forces within the following 60 days.

Unfortunately, the relocation of the Aleuts to abandoned fish canneries and mining camps in southeastern Alaska resulted in widespread disease and death among the residents of the camps. The Commission found that medical care was inadequate, shelter and food were below standard, sanitary facilities were virtually nonexistent, and the drinking water was unhealthy. At least 10 percent of all the Aleuts relocated to the camps perished before their villages were restored on the Aleutian and Pribilof Islands.

Upon their return after 2 to 3 years in the camps, the Aleuts found their personal and community property and been converted without compensation for military use, destroyed, or taken by those who occupied the villages in the Aleuts' absence. They were never fully compensated for these losses. In addition their churches were burned, desecrated, or stripped of invaluable religious icons dating from 18th and 19th century Imperial Russia. There was never any effort by our Government to replace or rehabilitate the churches and church properties destroyed or severely damaged while under U.S. control during the war.

Mr. President, the populated areas of the Lower Alaska Peninsula and the Aleutians are still littered with the debris and abandoned structures from the U.S. military occupation of the islands. In recent years at least one child, who lived with his family in Cold Bay, lost the use of his hand when a World War II fuse exploded. He had been playing in an area where live ammunition still litters the lands outside the town. The Commission has recommended that this debris be cleaned up, as the debris from World War II has been cleaned up in Japan, Europe, and elsewhere, often with substantial American assistance.

Mr. President, our legislation implements the five recommendations of the Commission to provide restitution to the Aleut people for the losses they suffered as a consequence of Government operations during the war years. In addition the bill implements the Commission's recommendations for restitution of Japanese-American losses. I know that Senators MATSUNAGA and INOUE will be addressing the

Japanese-American issues in connection with the introduction of this legislation. Thus I have limited my remarks to the Aleut issues at this time.

Mr. President, 40 years and more have passed since the Aleuts were relocated to unimaginably inadequate camp facilities in southeastern Alaska. A number of those who suffered the most are quite elderly—an even greater number have already passed away. I urge the Senate to consider this legislation promptly, as substantial justice to the Aleut people demands compensation for losses sustained as a result of U.S. Government activities in World War II. The restitution provided in our bill should not be unreasonably delayed any longer.

Thank You, Mr. President.

● Mr. CRANSTON. Mr. President, it is my pleasure and my honor to join with my colleagues from Hawaii and Alaska—Senator MATSUNAGA, Senator INOUE, Senator STEVENS, and Senator MURKOWSKI—in sponsoring this legislation fully implementing the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

Redressing the violations of civil liberties by our Government during World War II is an issue that has long been dear to me. I fought against the internment policy in 1942, pushed for creation of the Commission in 1980, and upon completion of the Commission's recommendations, introduced redress legislation last June.

The bill that my distinguished colleagues and I introduce today continues the important process of achieving redress for those American citizens and legal residents of Japanese and Aleut ancestry whose constitutional guarantee of civil liberties were all too easily swept away by our Government. This bill is a natural, more detailed evolution of the measure which Senator KENNEDY and I introduced 5 months ago, which has had hearings in the Administrative Practices and Procedures Subcommittee of the Judiciary Committee.

Our strength as a democracy lies in adherence to and zealous protection of the guaranteed liberties of every American. The guarantee of these liberties, of the freedom and dignity of an individual, is what distinguishes us from all other nations in history.

It is the Government's duty, when Government action violates constitutional guarantees, to correct and redress the violation. If we forget the exclusion and internment of hundreds of thousands of law-abiding citizens and residents, or merely decry the episode, then we have tolerated an erosion of our precious liberties. We increase the chance that a similar episode could happen again to another group of Americans.

Many Americans recognize the wrong that was done, but raise questions about the wisdom of a monetary payment to surviving individuals. Most of those who suffered in this episode,

lost many times the amount provided under this legislation. All suffered the same basic injustice and affront to their civil liberties—a loss that can never be measured adequately in money. Monetary compensation is a symbolic effort to provide redress and to deter recurrence in the future.

Some have suggested that this bill would involve the present generation paying for past mistakes. Rather, it is an investment in our future to guarantee our children's liberties.

I am very proud to join in this renewed redress effort, and look forward to working closely with my colleagues to pass a bill.●

Mr. DENTON. Will the Senator yield?

Mr. MATSUNAGA. I yield.

Mr. DENTON. Mr. President, I wish to compliment the Senator from Hawaii. I endorse in every respect the authenticity of his remarks and that I consider that event one of the most darkest moments in our history, a consequence of General Sherman's statement that war is hell. We in the United States yielded to the temptation of the moment in that respect and caused a grave injustice to which the Senator from Hawaii alluded. I defer to the learned historian from the State of New York, Senator MOYNIHAN, but I have felt this all my life. I have felt the hypocrisy of that, the tragedy of it. I wish to join with the Senator in the sentiments he just described.

Mr. MATSUNAGA. I thank the Senator.

SUPPLEMENTAL APPROPRIATIONS, 1984—CONFERENCE REPORT

The Senate continued with the consideration of the amendments in disagreement to the conference report.

ADJUSTMENT TO AMENDMENT NO. 2638

Mr. GARN. Mr. President, earlier, during the consideration of my amendment, we had modified a Proxmire amendment from back in the Banking Committee when it was marked up and changed the date. The words that were inserted were "before September 30, 1985."

We find that my staff erred in the drafting of this, and I have to ask unanimous consent, so there is no misunderstanding, that in title IV, page 21, line 15, after the word "development" add "before September 30, 1985." There is no change in what we put in, but we put it in the wrong place. We are correcting the drafting of the amendment. It has been cleared on both sides of the aisle. I ask unanimous consent that amendment No. 2638 agreed to earlier be corrected to read as shown in the amendment which I send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. This is a technical correction?