CIVIL LIBERTIES ACT OF 1987

AUGUST 6, 1987.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RODINO, from the Committee on the Judiciary, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 442]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 442) to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Civil Liberties Act of 1987”.

SEC. 2. PURPOSES.

The purposes of this Act are to—

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

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

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

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

(5) discourage the occurrence of similar injustices and violations of civil liberties in the future; and
The Congress recognizes that, as described by the Commission on Wartime Relocation Internment of Civilians, a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons, and were motivated in part by racial prejudice and wartime hysteria. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were inconsiderable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation.

SEC. 4. REMEDIES WITH RESPECT TO CRIMINAL CONVICTIONS.

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

(1) Executive Order Numbered 9066, dated February 19, 1942,
(2) the Act entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones", approved March 21, 1942 (56 Stat. 173), or
(3) any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States, or other action made by or on behalf of the United States or its agents, representatives, officers, or employees respecting the exclusion, relocation, or detention of individuals solely on account of the refusal by such individual, during the evacuation, relocation, and internment period, to accept treatment which discriminated against the individual on account of the individual's Japanese ancestry.

(b) Recommendations for Pardons.—Based upon any review under subsection (a), the Attorney General is requested to recommend to the President for pardon any individual of Japanese ancestry whose convictions which the Attorney General considers appropriate.

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

SEC. 5. CONSIDERATION OF COMMISSION FINDINGS BY DEPARTMENTS AND AGENCIES.

(a) Applications by Eligible Individuals.—Each department and agency of the United States Government shall review with liberality, giving full consideration to the historical findings of the Commission and the findings contained in this Act, any application by an eligible individual for the restitution of any position, status, or entitlement lost in whole or in part because of any discriminatory act of the United States Government against such individual which was based upon the individual's Japanese ancestry and which occurred during the evacuation, relocation, and internment period.

(b) No New Authority Created.—Subsection (a) does not create new authority to grant restitution described in that subsection, or establish new eligibility to apply for such restitution.

SEC. 6. TRUST FUND.

(a) Establishment.—There is hereby established in the Treasury of the United States the Civil Liberties Public Fund, to be administered by the Secretary of the Treasury.

(b) Responsibilities of the Secretary of the Treasury.—

(1) Investment.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, 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—

(A) on original issue at the issue price, or
(B) by purchase of outstanding obligations at the market price.

(2) Sale of Obligations.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(3) Credits to Fund.—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.

(c) Uses of the Fund.—Amounts in the Fund shall be available only for disbursement by the Attorney General under section 7 and by the Board under section 8.

(d) Termination.—The Fund shall terminate not later than the earlier of—

(1) the date on which no amounts have been expended from the Fund which is equal to the amount authorized to be appropriated to the Fund
(2) the date on which the amount authorized to be appropriated to the Fund is earned on such amount, or 10 years after the date of the enactment of this Act. If all of the amounts in the Fund have not been expended by the end of that 10-year period, and the amounts of principal and interest in the Fund shall be liquidated and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury.

The interest on, and the proceeds from the sale or redemption of, any obligation acquired by the Fund is authorized to be appropriated to the Fund $1,250,000,000. Any amounts appropriated pursuant to this section are authorized to remain available until expended, except that any funds appropriated for payment by the Attorney General under section 7 shall be used for such payments during the fiscal year in which the funds are first made available.

SEC. 7. RESTITUTION.

(a) Location and Payment of Eligible Individuals.—

(1) in General.—The Attorney General shall pay out of the Fund to each eligible individual the sum of $20,000, unless such individual refuses to accept the payment. The Attorney General shall, within 9 months after the date of the enactment of this Act, identify and locate, without requiring any application for payment and using records already in the possession of the United States Government, each eligible individual. Failure to be identified and located within such 9-month period shall not preclude an eligible individual from receiving payment under this section. Any eligible individual may notify the Attorney General that such individual is an eligible individual, and the Attorney General shall endeavor to provide documentation therefor. The Attorney General shall designate an officer or employee to whom such notification and documentation may be sent. In any case, the Attorney General shall notify all eligible individuals of their eligibility for payment under this section.

(2) Effect of Refusal to Accept Payment.—If an eligible individual refuses to accept any payment under this section, the Attorney General shall make payments only to the extent of any payment made to such individual before such refusal.

(3) Payment in Full Settlement of Claims Against the United States.—The payment to an eligible individual under this section shall be in full satisfaction of any claim of such individual against the United States arising out of acts done to that individual that are described in section 10(2)(B). This paragraph shall apply to any eligible individual who does not refuse to accept payment under this section within 6 months after receiving the notification from the Attorney General referred to in the last sentence of paragraph (1).

(b) Order of Payments.—The Attorney General shall endeavor to make payments under this section to eligible individuals in the order of date of birth (with the oldest receiving full payment first), until all eligible individuals have received payment in full.

(c) Resources for Locating Eligible Individuals.—In attempting to locate any eligible individual, the Attorney General may use any facility or resource of any public or nonprofit organization or any other record, document, or information that may be made available to the Attorney General.

(d) Notification and Documentation by Eligible Individuals.—Any eligible individual who, by September 30, 1989, has not received payment under this section from the Attorney General or has not otherwise been notified by the Attorney General for purposes of payment under this section, may notify the Attorney General that such individual is an eligible individual and may provide documentation therefor. The Attorney General shall designate an officer or employee to whom such notification and documentation may be sent.

(e) Administrative Costs Not Paid from the Fund.—No costs incurred by the Attorney General in carrying out this section shall be paid from the Fund or set off against, or otherwise deducted from, any payment under this section to any eligible individual.

(f) Termination of Duties of Attorney General.—The duties of the Attorney General under this section shall cease with the termination of the Fund.
SEC. 8. BOARD OF DIRECTORS OF THE FUND.

(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) Terms.—The Board may make disbursements from the Fund only—

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

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

(c) Membership.—

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

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

(B) Of the members first appointed—

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

(ii) 4 shall be appointed for terms of 2 years, as designated by the President at the time of appointment.

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

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

(g) Clarification of Treatment of Payments Under Other Laws.—Amounts paid to an eligible individual under this section—

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

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3683(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

SEC. 9. DOCUMENTS RELATING TO THE INTERNMENT.

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

(B) Of the members first appointed—

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

(ii) 4 shall be appointed for terms of 2 years, as designated by the President at the time of appointment.

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

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

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(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3683(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

SEC. 10. DEFINITIONS.

For the purposes of this Act—

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

(2) the term "eligible individual" means any individual of Japanese ancestry who is living on the date of the enactment of this Act and who, during the evacuation, relocation, and internment period—

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

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

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

(ii) the Act entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones", approved March 21, 1942 (56 Stat. 175); 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 solely on the basis of Japanese ancestry;

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

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

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

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

(6) the term "Commission" means the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act.

SEC. 11. COMPLIANCE WITH BUDGET ACT.

No authority under this Act to enter into contracts or to make payment shall be effective except to the extent or 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 year 1989 and thereafter.

Amend the title so as to read:

A bill to implement recommendations of the Commission on Wartime Relocation and Internment of Civilians.
The Commission on Wartime Relocation and Internment of Civilians was established in 1980 (Public Law 96-317). The purposes of the Commission were to:

1. Review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive Order on American citizens and permanent resident aliens of Japanese ancestry;

2. Review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of Aleut citizens and permanent resident aliens of the Aleutian and Pribilof Islands; and

3. Recommend appropriate remedies.

The Commission held 20 days of hearings and in December, 1982, published its report, "Personal Justice Denied." As to those of Japanese ancestry, the Commission concluded in its report that Executive Order 9066 and the various military orders issued under it, including the evacuation from the West Coast of all persons of Japanese ancestry, were not justified by military necessity. Rather, the Commission concluded that:

The broad historical causes that shaped these decisions were race prejudice, war hysteria and a failure of political leadership. "Personal Justice Denied, Part 2: Recommendations," June 1984, p. 5.

On the basis of these conclusions, the Commission made recommendations for remedial action. These recommendations constitute the basis for the bill currently before the House (H.R. 442). The implementation of remedies for the claims of the Aleuts is contained in a separate bill introduced by Representative Don Young, H.R. 1631. Therefore the claims of the Aleuts are not addressed in this report.

Evacuation from the West Coast of United States Citizens and Resident Aliens of Japanese Ancestry

On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066. This order authorized the Secretary of War and his military commanders to designate military areas "from which any or all persons may be excluded." On March 21, 1942, Public Law 77-503 was enacted so that compliance with any directives issued under the Executive Order would be enforced through criminal sanctions.

Beginning in late March, 1942, Lt. General John L. DeWitt, commanding general of the Western Defense Command, acted under the Executive Order to issue a series of "Civilian Exclusion Orders." These orders covered such matters as curfews, restrictions on access to sensitive areas, and other limits on all enemy aliens (those of Japanese, Italian, and German citizenship). Ultimately, an order issued under this authority required the exclusion from the West Coast of all individuals of Japanese ancestry. This order covered approximately 43,000 legal and illegal resident aliens and approximately 77,000 American citizens. The Government stated that the basis of this exclusion was "military security" and that the threatening war situation precluded individual hearings to determine loyalty prior to evacuation. Those of Japanese descent who resided outside the West Coast area were not subject to these orders.

The original orders dealing with evacuation first recommended voluntary relocation. About 10,000 individuals did more voluntarily to new homes and jobs away from the West Coast, not only because of the Government's encouragement, but also because they had lost jobs, homes, or businesses because of the general population's reaction to the war with Japan. However, this voluntary program was terminated, primarily because some states in the interior refused to allow entry to the evacuees and because the evacuees were unable to find jobs and housing in the interior. An additional consideration was that many of the resident aliens subject to the orders were adults, while a large portion of the citizens of Japanese ancestry were the American-born minor children of these resident aliens. Thus, voluntary evacuation of only those of Japanese descent who were aliens posed many difficult problems, including the prospect of separating families if, as allowed under international law and the United States Code, only those of enemy nationality were evacuated.

Because of these factors, the evacuation order for all persons of Japanese ancestry, both alien and citizen, was finally made mandatory. As a result, the vast majority of those evacuated were moved from the West Coast by the Army, first to "Assembly Centers" and then to Wartime Relocation Authority Camps. Although the Government's relocation orders informed covered individuals that their real estate and businesses would be managed for them by the Government and that their personal property would be stored and sent to them later, many evacuees sold or leased their property at exceedingly low prices or otherwise incurred substantial losses due to the evacuation.

The majority of the evacuated individuals lived in the relocation camps for the remainder of the war, although approximately 35,000 left the camps after a loyalty review to join the service, to attend college outside the West Coast area, or to accept employment outside the West Coast area. Of the nearly 120,000 evacuees, approximately five thousand refused to declare loyalty to the United States and several thousand requested repatriation to Japan.

1 Pearl Harbor had been attacked by Japan on December 7, 1941. This attack nearly destroyed the Pacific Fleet, which provided almost the only military defense of the entire West Coast.

2 In addition to the relocation camps, from which individuals were released once they had completed a loyalty review and found a job and place to live, there were "internment camps" for those suspected of disloyalty. These two types of camps had wholly separate purposes, as indicated by their names.
**Korematsu v. United States**, 323 U.S. 214, 219 (1944). Those of Japanese ancestry who lived outside the West Coast area were never evacuated. The exclusion from the West Coast was formally ended in December, 1944. The last of the camps was closed in January, 1946. During the period when Executive Order 9066 was operative, there were several Supreme Court challenges to the legality of orders issued under this authority:  
1. **Hirabayashi v. U.S.**, 320 U.S. 81 (1943) and **Yasui v. U.S.**, 320 U.S. 115 (1943). The Supreme Court held that it was within the constitutional authority of Congress and the Executive, acting together, to prescribe a curfew as an emergency measure to meet the threat of sabotage and espionage, even if the curfew applied only to persons of Japanese ancestry.  
3. **Ex parte Endo**, 323 U.S. 283 (1944). The Supreme Court ruled that the Wartime Relocation Authority had no authority under any executive order or statute to detain (as opposed to "exclude") concededly loyal and law-abiding citizens. The Court thus did not reach the issue of the constitutionality of the relocation program, nor did it address whether the Government had authority under the Constitution to detain those of enemy nationality (approximately one third of those sent to the relocation camps). The more than forty years since World War II ended, the United States Government has taken a number of steps to compensate those of Japanese ancestry for losses they suffered due to the evacuation.

In 1948, the Evacuation Claims Act was enacted. The Act established a procedure through which evacuees could file claims against the United States for damage or loss of personal property as a consequence of the relocation. (This Act was amended in 1951, 1956, and 1962.) The total amount awarded under this program was approximately $38 million. The Commission estimated that, as a result of the exclusion and detention, in 1945 dollars the ethnic Japanese lost between $108 and $164 million in income and between $41 and $206 million in property for which no compensation was made. (The Commission believed these losses to fall between $810 million and $2 billion in 1983 dollars.)

In 1972, the Social Security Act was amended so that those of Japanese descent over the age of 18 who spent time in relocation camps would be deemed to have earned and contributed to the Social Security system for work they performed in those camps. In 1976, President Gerald Ford formally rescinded Executive Order 9066, stating that the wartime measures taken under this order as to those of Japanese ancestry were "a setback to fundamental principles" and involved "national mistakes". Proclamation No. 4417, 41 Fed. Reg. 7741 (1976).

In 1978, federal civil service retirement provisions were amended to allow those who had been relocated civil service retirement credit for the time spent in detention after the age of 18.

In addition to the foregoing federal actions, compensation programs have been established by two states and two local governments for former employees who were dismissed or who resigned because of their Japanese ancestry, including: California; Washington; San Francisco, California; and Los Angeles, California.

Since the Commission's Report was issued in 1983, four proceedings have been brought in federal courts which relate to the issues presented by H.R. 442.

1. **Hirabayashi v. United States**, 584 Fed. Supp. 1406 (N.D. Calif., April 19, 1984), a federal district court issued a writ of error coram nobis which set aside the 1942 conviction of Fred Korematsu for violating the exclusion order. The writ was granted on the basis that Mr. Korematsu had been convicted because the Government fraudulently concealed evidence relating to whether military necessity required the exclusion of those of Japanese descent from the West Coast.

2. In **Yasui v. United States**, 772 F. 2d 1496 (9th Circuit, 1985), the court granted the Government's motion to dismiss the 1942 indictment of Minoru Yasui, thus vacating the 1942 conviction of a curfew violation without reaching the constitutional question. Mr. Yasui, who appealed this decision (as did the Government), died in November 1986. Thus, on March 23, 1987, the Ninth Circuit dismissed the appeals in this case on grounds of mootness.

3. In **Hirabayashi v. United States**, 627 F. Supp. 1445 (W.D. Wash., 1968), the District Court granted a writ of error coram nobis to Gordon Hirabayashi for violating the exclusion order. The grounds for this write were the same as those stated in the 1984 Korematsu case. Mr. Hirabayashi had never been convicted of violating the exclusion order, although he was charged with such a violation. Rather, he was convicted of a curfew violation. The Ninth Circuit is considering this decision on appeal. Oral arguments were heard on March 2, 1987.

4. In 1983, a class action was brought against the United States on behalf of those evacuated under Executive Order 9066, **Hohri v. United States**. The plaintiffs alleged 22 causes of action, including Fifth Amendment Taking Claims, tort claims, allegations of breach of contract and fiduciary duties, and Tucker Act violations. The District Court granted the motion by the United States to dismiss all the causes of action, 586 F. Supp. 796 (D.C. Circuit, 1984). The plaintiff appealed this decision.

On January 21, 1986, the United States Court of Appeals for the District of Columbia Circuit ruled in Hohri that: (1) the United States Court of Appeals has jurisdiction over the claims; and (2) under the Takings Clause of the Constitution and under the Tucker Act, individuals of Japanese descent who lost property because of their exclusion from the West Coast during World War II have a cause of action against the United States for these losses. 762 F. 2d 227 (D.C. Circuit, 1986). The court limited this favorable ruling to those who did not receive awards for property losses under the Evacuation Claims Act of 1948, because that Act was the exclusive remedy for anyone who had received an award under its provisions. The Court then ruled against the other causes of action and remanded the case to the lower court for a determination of whether the Plaintiffs can establish their claims under the Takings Act.
Clause. Both plaintiffs and the United States appealed to the Supreme Court. The Court agreed to consider only that portion of the case in which the plaintiffs had been successful, i.e. the jurisdictional dispute and the Tucker Act claim.

On June 1, 1987, the United States Supreme Court remanded the Hohri case to the U.S. Court of Appeals for the Federal Circuit. No substantive decision on the merits of claims for damages was made by the Supreme Court. Rather, the court stated that the U.S. Court of Appeals for the District of Columbia, which had originally decided the case, did not have jurisdiction over a mixed claim involving a Tucker Act claim and a Federal Tort Claims Act claim. Therefore, the Court held that the United States Court of Appeals for the Federal Circuit has jurisdiction over these claims because it has exclusive appellate jurisdiction over Tucker Act claims.

PRIOR CONSIDERATION

The Subcommittee has held extensive hearings on bills similar to H.R. 442 in the 98th Congress (H.R. 4110) on June 20, 21, 27, and September 12, 1984, and in the 99th Congress (H.R. 442) on April 28 and July 23, 1986.

COMMITTEE ACTION

The Subcommittee on Administrative Law and Governmental Relations held a hearing on H.R. 442 on April 29, 1987, to examine the remedies contained in the bill for individuals who were evacuated from their homes by the United States Government order during World War II. On May 13, 1987, the Subcommittee favorably recommended H.R. 442 with a single amendment in the nature of a substitute to the full Committee.

On June 17, 1987, the full Committee considered H.R. 442 as recommended by the Subcommittee, and, after further amendments, reported the bill favorably to the House with a single amendment in the nature of a substitute by vote of 28–6.

The amendment in the nature of a substitute that is recommended by the Committee includes the following modifications to H.R. 442 as it was introduced:

1. The amendment deletes the separate “Findings” portion from the bill; removes some of the findings of H.R. 442; then incorporates the rest of the findings into the apology section of the amended bill (Section 3).
2. The amendment reduces the total authorization of funds by $250 million. The total authorization as amended is for $1.25 billion, which provides the Educational Trust Fund with $50 million rather than $300 million. The amendment also provides that no funds authorized by the bill will be appropriated until FY 89. This insures that such funds will be considered in the normal budget cycle and no waiver will be sought in the current budget process.
3. The amendment clarifies the provision relating to the payments of individual restitution of $20,000 to each person subject to the relocation process. Restitution is available only to those individuals who are living on the date of enactment and will not be available to any individual who relocated to an enemy country during World War II. The amendment also clarifies that if an eligible individual refuses the payment of restitution under the bill, that amount will remain in the fund for its use, and no future payment may be made to an individual after refusal. Finally, this amendment provides that acceptance of restitution under the bill is in full settlement of any claims arising from the relocation. This means that anyone who takes restitution under this bill would not be allowed to receive any award under pending or new litigation based on the relocation.
4. The amendment authorizes any eligible individual to notify the Department of Justice of their eligibility if that individual has not received payment by September 30, 1989.
5. The amendment modifies the purposes of the Civil Liberties Public Education Fund. The amendment limits these authorities to publishing the hearings of the Commission and to sponsoring research and public educational activities about the internment period so that its causes and circumstances may be understood.
6. The amendment removes the portion of H.R. 442 which makes restitution to the Aleuts. Separate legislation, H.R. 1631, would provide for restitution to the Aleuts and has been favorably recommended by the Subcommittee on Administrative Law and Governmental Relations. This bill is currently pending before the Committee.

The Committee concluded that it is difficult to provide adequate financial compensation to the individuals of Japanese descent who were relocated from the West Coast during World War II for the fundamental violations of their civil liberties and constitutional rights they suffered, but that the restitution payments provided in H.R. 442 represent a strong affirmation by the Congress that a mistake was made. In recommending restitution payments to eligible individuals, the Committee, which regularly considers the claims of individuals who have been wronged by the Federal Government, followed precedents in awarding damages to those who have been convicted or detained without due process of law. The Committee concluded that restitution payments demonstrate a tangible commitment by the Government of the United States that such activities should not happen again. Although a formal apology is important and the education fund is needed, these provisions alone, without compensation, will not ensure or serve as a disincentive to us as a nation to prevent future denials of fundamental civil liberties. The Committee recommends that the House act favorably on H.R. 442, as amended, to remedy the grave injustice done by the U.S. government during the internment period to U.S. citizens and to permanent resident aliens of Japanese ancestry.

SUMMARY OF H.R. 442 AS RECOMMENDED BY THE COMMITTEE

H.R. 442 as introduced contained provision covering the claims of both those of Japanese descent and the Aleuts. Total estimated cost.
of the Japanese-ancestry portion of H.R. 442 as introduced was $1.5 billion plus administrative costs. The amendment in the nature of a substitute recommended by the Committee addresses only the claims of those of Japanese ancestry at a total estimated cost of $1.25 billion plus administrative costs.

In summary, H.R. 442 as amended provides for:

1. An apology by Congress on behalf of the Nation to those of Japanese ancestry who were subject to evacuation, relocation, and internment during World War II.
2. A review by the Attorney General of all cases where individuals of Japanese ancestry were convicted of violations of the laws of the United States where the conviction resulted from the individual's refusal to accept discriminatory treatment on the basis of their Japanese ancestry. The President is requested to grant pardons in appropriate cases.
3. A review by all Departments and agencies of the United States of applications of individuals for the restitution of positions, status, or entitlements lost due to discriminatory acts by the United States during World War II that were based on their Japanese ancestry.
4. The establishment of a trust fund of $1.25 billion to be used for:
   a. Payments of $20,000 to each individual of Japanese ancestry deprived of liberty under Executive Order 9066, Public Law 77-503, or any other action by or on behalf of the United States between December 7, 1941 and June 30, 1946 (approximately $1.2 billion); and
   b. Educational and humanitarian uses to study the causes and effects of the evacuation and for the general welfare of the Ethnic Japanese community in the United States (approximately $50 million).

Section-by-Section Analysis of the Amendment in the Nature of a Substitute to H.R. 442

Section 1. Short Title
Section 1 provides that the short title of this bill will be the “Civil Liberties Act of 1987.”

Section 2. Purposes
Section 2 states the purposes for making restitution to U.S. citizens and permanent resident aliens of Japanese ancestry who were evacuated, relocated, and interned during World War II. The purposes include: to acknowledge that a fundamental injustice was done; to apologize on behalf of the people of the United States for the internment; to provide a fund for public education to prevent the reoccurrence of similar events; to make restitution to those individuals interned; to discourage similar injustices in the future; to provide the United States concern over violations of human rights by other nations.

Section 3. Statement of the Congress
Section 3 provides a formal apology from the Congress on behalf of the nation to the individuals affected by evacuation, relocation, and internment for fundamental violations of basic civil liberties and constitutional rights. The Congress states that the actions taken by the Government were carried out without adequate security reasons, and were motivated in part by racial prejudice and wartime hysteria. The Congress states that individuals of Japanese ancestry suffered enormous damages both material and intangible, all of which resulted in significant human suffering for which appropriate compensation has not been made.

Section 4. Remedies with Respect to Criminal Convictions
Section 4 provides for a review by the Attorney General of criminal convictions of all U.S. citizens or permanent resident aliens of Japanese ancestry who were convicted of violating wartime restrictions imposed by Executive Order 9066. The section requests the Attorney General to make recommendations to the President for consideration of pardons in those convictions the Attorney General considers appropriate. Also the section requests that the President offer pardons to the individuals recommended by the Attorney General.

Section 5. Consideration of Commission Findings by Departments and Agencies
Section 5 requires agency review with liberality applications of restitution of any position, status or entitlement lost in part because of the discriminatory act of the U.S. Government during the internment period. The section also provides that each agency review the applications given full consideration to the historical findings of the Commission and findings in the Act.

Section 6. Trust Fund
Section 6 authorizes the establishment of a Civil Liberties Public Education Fund in the amount of $1.25 billion to be available for reimbursement pursuant to sections 204 and 205. The section provides that the Secretary of the Treasury administer the fund for a ten year period.

Section 7. Restitution
Section 7 provides for the payment of $20,000 to every individual who was a U.S. citizen or permanent resident alien and who was deprived of liberty because of the Government’s wartime relocation program. The section authorizes the Attorney General to identify and make payments to eligible individuals. Eligible individuals who have not received payment by September 30, 1989, are authorized to notify the Attorney General of their eligibility and to provide documentation to support their claim. Refusal by eligible individuals of restitution payments is final and such individuals may not request payment at a later date. Payment to eligible individuals is in full settlement of any claims arising out of acts against the individual described in the Act. Eligible individuals have six months after notification from the Attorney General to accept payment under the Act. Payments to individuals will not be income for purposes of Internal Revenue laws of the United States or for determinations of eligibility for benefits from federal assistance programs because the payments are damages for human suffering.
Section 8. Board of Directors of the Fund.

Section 8 establishes a Board of Directors for the fund provided for in section 6. The Board is authorized to disburse funds to sponsor research and public educational activities and to publish the findings and hearings of the Commission so that the events surrounding the evacuation and relocation, and the internment period will be remembered, and the causes and circumstances of this and similar events will be illuminated and understood. The President shall appoint the nine members of the Board, who shall serve without pay. The Board shall elect a Chair and appoint a Director. The Board may also appoint and pay additional staff. Compensation for any employee of the Board may not exceed the rate equivalent to the minimum rate of basic pay for a GS-18. The Board must make annual reports to the President and each House of the Congress.

Section 9. Documents Relating to the Internment

Section 9(a) provides that all documents collected by the Commission on Wartime Relocation and Internment of Civilians will be deposited with the National Archives and that the Archivist of the United States shall make such materials available to the public for research purposes.

Section 9(b) provides that congressional documents relating to the internment period not classified for national security purposes be placed in the National Archives and made available to the public for research purposes.

Section 10. Definitions

Section 10 provides six definitions of terms used in the Act. The "evacuation, relocation, and internment period" is defined as beginning on December 7, 1941, and ending on June 30, 1946. An "eligible individual" is defined as a person living on the date of the enactment of the Act who was deprived of liberty or property as a result of the Executive Order Number 9066, February 19, 1942, or any other Executive Order, Presidential Proclamation, law of the United States, directive of the Armed Forces, or action of the US Government solely on the basis of Japanese ancestry regarding exclusion, relocation, or detention. This definition excludes payments to heirs, and excludes payments to his or her descendants, and excludes payments to individuals who relocated to a country during World War II (December 7, 1941—September 2, 1945), with which we were at war. A "permanent resident alien" is an alien lawfully admitted to the U.S. for permanent residence. "Fund" means the Civil Liberties Public Education Fund established in section 6. The "Board" means the Civil Liberties Public Education Fund Board of Directors established in section 8. "Commission" means the Commission on Wartime Relocation and Internment of Civilians Act.

Section 11. Compliance with Budget Act

Section 11 provides that no appropriation authorized by the Act will be sought outside of the normal budget process and cycle. The earliest budget authority would be effective for FY 1989 and thereafter.
The resources that would be required are difficult to predict. We expect that most people eligible for the payment would voluntarily notify the DOJ, or would respond to a public information campaign. Nevertheless, the DOJ would have to devote some administrative resources to this effort. CBO estimates that the DOJ could incur costs of $10 million to $15 million during the first year after enactment of the bill, and possibly $1 million to $2 million the second year, until the restitution program is complete. This estimate assumes that costs would be comparable to similar efforts by the Department of Justice, such as the alien legalization program run by the INS.

The provisions requiring people accepting the restitution payment to extinguish any claims against the federal government could offset the other costs in the bill. For example, a class-action suit on behalf of interned Japanese-Americans, United States against Hohri, is currently in federal appeals court. In that case, the plaintiffs are seeking a $10,000 payment for each person interned during World War II. Because of the uncertainty as to the results of these proceedings, however, we cannot estimate what savings, if any, would result from this provision. Additionally, CBO does not expect that the provisions requiring federal agencies to review applications and convictions would not result in a significant cost to the federal government, based on information provided by the DOJ.

6. Estimated cost to State and local governments: None.
7. Estimate comparison: None.

The costs of this bill fall within budget function 750. This table does not include the costs to the Attorney General of administering the fund, which may not be paid from the fund. CBO estimates these costs would be roughly $10 million to $15 million in 1989 and $1 million to $2 million in 1990, assuming appropriation of the necessary funds.

Basis of estimate

This estimate assumes that the full amount authorized will be appropriated prior to the start of fiscal year 1989. Outlays are difficult to predict, but we expect roughly three-fourths of them would occur in 1989, assuming the bill is enacted before January 1, 1988. The bill specifies that no payments could be made in advance of appropriations.

According to the Japanese-American Citizens League, approximately 60,000 people are eligible for the payment, which would result in outlays of $1.2 billion over the life of the restitution program. Any money remaining in the fund could be spent by the board of directors on programs that benefit Japanese-American communities. The board of directors would probably draw down the remaining balances slowly, by around $10 million per year.

H.R. 442 would provide nine months for the Attorney General to identify and locate the people eligible for the restitution payment. The bill would not allow the Attorney General to deduct any administrative costs from the fund. In a letter dated April 25, 1986 to the Committee on the Judiciary, the Assistant Attorney General wrote that this task “could require the Department to commit a considerable amount of manpower and resources to the search for eligible recipients.”

The costs of this bill fall within budget function 750. This table does not include the costs to the Attorney General of administering the fund, which may not be paid from the fund. CBO estimates these costs would be roughly $10 million to $15 million in 1989 and

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The Department of Justice opposes enactment of H.R. 442. The statement of Assistant Attorney General Richard K. Willard sets forth the position of the Department on that part of H.R. 442 regarding individuals of Japanese ancestry follows:

BACKGROUND

The wartime relocation and internment of Japanese-Americans were undertaken pursuant to decisions made at the highest level of our government during World War II as part of our nation's defense effort. These decisions were made at a time when the very survival of the Republic was threatened. With the passage of time, these decisions have been examined and questioned. In our view, the Commission's extensive effort to study the wartime relocation and internment program, despite its apparent thoroughness, proves the futility of endeavoring accurately and completely to comprehend the perception of our national leaders under the extreme wartime conditions of the period. These issues will continue to be a matter of historical and scholarly debate.

The United States government has officially recognized that much unjustified personal hardship came about as a result of the internment program. The internees were among the millions of innocent victims of World War II, confined in the wake of the unprovoked attack on Pearl Harbor and very real fear of a Japanese invasion of the West Coast. Regardless of one's opinion as to the bona fides of the government officials who approved and implemented the relocation and internment program, we all can agree that Japanese-Americans suffered much deprivation and hardship. They were expected to make personal, professional, and social sacrifices of a nature not expected of other United States citizens. As it is impossible to bring back to life the many Americans who died in the American war effort, including those heroic Americans of Japanese descent who fought in the U.S. Armed Forces, so is it impossible to restore to all those Americans the freedom that was taken as a result of war. However, previous Congresses, Presidents and the Attorney General have taken steps to acknowledge and compensate for the injuries suffered by Japanese-Americans during this period.

After the conclusion of World War II, Congress acted to authorize a program of compensation for the financial losses entailed by evacuations from the West Coast. The American-Japanese Claims Act, enacted in 1948, authorized compensation for "any claim" for damages to or loss of real or personal property as "a reasonable natural consequence of the evacuation or exclusion of" persons of Japanese ancestry as a result of governmental action during World War II. 50 U.S.C. App. § 1981-1987. This Act was amended by subsequent Congresses to liberalize its provisions for compensation. Under the Act as amended, the Justice Department received claims seeking approximately $147 million. Ultimately, 26,568 settlements were achieved, many of which settled claims presented by family groups rather than individual claimants. Thus, it is safe to conclude that of the 120,000 evacuees, most submitted claims under the American-Japanese Claims Act and received compensation. A total of over $37 million was paid in compensation pursuant to this Act.

In early 1976, President Ford formally revoked Executive Order 9066, issued by President Roosevelt in 1942 to permit exclusions from the West Coast. Also in 1976, Congress repealed Public Law 77-508, which was enacted in 1942 to ratify Executive Order 9066. In repealing the Executive Order, President Ford stated that with the benefit of what we know now, the wartime exclusions were a mistake. Most Japanese-Americans demonstrated exceptional fidelity to our nation's ideals and loyalty to the United States despite the hardships visited upon them. There can be no doubt that Executive Order 9066 visited injustice upon loyal Americans of Japanese ancestry.

RECENT LITIGATION

This issue has been the subject of extensive litigation in recent years. In 1983, three separate coram nobis petitions were filed seeking to have wartime misdemeanor convictions set aside on the ground that the government knowingly suppressed evidence and misrepresented facts in submissions to the Supreme Court during the 1940's. In response to one of these coram nobis petitions filed by Fred Korematsu in the United States District Court for the Northern District of California, Attorney General Smith determined that "it is time to put behind us this controversy . . . and instead reaffirm the inherent right of each person to be treated as an individual." Accordingly, the Attorney General decided that "it is singularly appropriate to vacate [Korematsu's] conviction for nonviolent civil disobedience," as well as to do the same for other similarly situated individuals who request it. Thus, in each of these cases, the United States, while disputing petitioner's allegations, moved to vacate the conviction and dismiss the underlying indictment or information, thus moving effectively to afford petitioners the very relief they sought.

In Yasui v. United States, (D. Ore., Jan. 26, 1984), the court granted the government's motion, vacated the conviction and dismissed the petition as moot. Petitioner nonetheless appealed to the Ninth Circuit. Because of Mr. Yasui's recent death, however, the Ninth Court, on March 23, 1987, dismissed the appeal as moot, and the district court's decision vacating petitioner's conviction stands. In Korematsu v. United States (N.D., April 19, 1984) the court denied the government's motion, granted the coram nobis petition, but made no findings of fact. Consequently, the United States chose not to appeal.

Finally, in Hirabayashi v. United States, (W.D. Wash., Feb. 10, 1986), the court granted the petition to set aside the conviction for failure to report for internment, but refused to set aside the conviction for having a curfew order. Petitioner appealed from this denial of his coram nobis petition as to his curfew violation conviction and the government cross-appealed from the grant of coram
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nobis as to the evacuation conviction. The appeals were argued on March 2, 1987 and are under submission before the Ninth Circuit.

Hohri v. United States, No. 84-5460, (D.C. Cir., Jan. 21, 1986), is a suit filed on behalf of 120,000 persons of Japanese ancestry and their heirs seeking personal injury and property loss damages claimed to arise out of the evacuation and internment program. The government had prevailed in the district court on limitations and other jurisdictional grounds. In a 2–1 decision, the court of appeals reversed and remanded for trial a portion of plaintiffs’ claims.

The court of appeals affirmed dismissal of all personal injury claims and the contract and breach of fiduciary duty claims alleged in the complaint on jurisdictional grounds, but decided that plaintiffs’ property damage claims under the Fifth Amendment Takings Clause could not be resolved on preliminary jurisdictional grounds and therefore reached the limitations issue. The majority opinion held that because the Supreme Court had established a presumption in favor of deferring to the military judgment on the necessity for the evacuation program, limitations did not commence to run until Congress created the Commission on Wartime Relocation and Internment of Civilians in 1980. According to the court, the statute creating the Commission thereby “finally removed the presumption of deference to the judgment of the political branches.” The court also concluded that the American-Japanese Claims Act did not provide an exclusive remedy because the Act did not provide relief that encompassed all damages required to make whole persons who suffered a “taking.”

Chief Judge Markey of the Federal Circuit, sitting by designation, dissented. In his view, the appeal should have been transferred to the Federal Circuit for disposition and, in any event, the statute of limitations barred this suit.

The United States filed a petition for rehearing and suggestion for rehearing en banc; the suggestion was denied by a split en banc court (6–5). Thereafter, both plaintiffs and the United States filed petition for writs of certiorari with the Supreme Court which granted the petition of the United States and has not taken action on plaintiffs’ petition. The oral argument was heard on April 20, 1987.

H.R. 442

I would like to now address some of the Department’s concerns with the specific provisions of H.R. 442.

FINDINGS

Section 2(a) provides congressional findings: (1) that the findings of the Commission on Wartime Relocation and Internment of Civilians describe the circumstances of the exclusion, relocation and internment of citizens and aliens of Japanese and Aleut ancestry; (2) that the internment of those persons of Japanese ancestry on the West Coast “was carried out without any documented acts of espionage or sabotage, or other acts of disloyalty” by them; (3 and 4) that there was no adequate military or security reason for the internment and that it was caused instead, by racial prejudice, war hysteria, and a failure of political leadership; (5) that the excluded persons of Japanese ancestry suffered enormous material, intangible, educational and job training losses; and (6) that the “basic civil liberties and constitutional rights” of those persons of Japanese ancestry were intentionally violated by that internment and imprisonment.

Section 2(b) similarly states the purposes of the legislation.

We have reviewed the Commission’s report. It does call attention to the hardships suffered by Americans of Japanese ancestry. However, it must be recognized that conclusions and subjective determinations which necessarily are in integral part of the report are subject to debate. Indeed, in June 1983, the Commission released an addendum to its report discussing a multivolume Department of Defense publication entitled “The ‘Magic’ Background of Pearl Harbor” because it had not discussed this important source of wartime intelligence in its report.

We question the wisdom and, indeed, the propriety, of accusing leaders of the United States government during World War II, both civilian and military, of dishonorable behavior. The wartime decisions which form the predicate for this legislation were taken against a backdrop of fears for the survival of our nation; we recently had been attacked by a totalitarian regime which had enjoyed a virtually unbroken string of military success, both before and immediately after it commenced war upon us. The decision made by our wartime leaders should be considered in that context.

It may be that the Commission is correct in concluding that the assumptions on which the exclusion and evacuation and detention programs were based were erroneous. It is a long unsubstantiated and further step, however, to brand those actions as a product of “racial prejudice, or hysteria, and a failure of political leadership.” In most instances, the persons so accused are not alive to defend themselves today. Moreover, some of the Commission’s conclusions and its selection of evidence marshaled in support of its conclusions are suspect. These matters are best left to historical and scholarly analysis rather than debated by Congress.

We do not believe that this bill should be the vehicle for promulgation of an “official” version of these historical events. The Department opposes enactment of the findings in section 2.

PARDON RECOMMENDATIONS

The Department opposes sections 202(a) and 201(b), which request the Attorney General to review certain criminal convictions with a view toward pardon and to submit pardon recommendations to the President in certain cases.

The pardon provision of the bill is completely unnecessary. As noted above, the government has offered to vacate the conviction of all Japanese-Americans who were convicted of violating wartime restrictions imposed by Executive Order 9066 and has done so in the three coram nobis proceedings filed to date. It appears that only about 39 Japanese Americans were convicted of misdemeanor violations of Executive Order 9066, many of whom may no longer be living. Vacating the convictions and dismissing the underlying
indictments or informations of Japanese-Americans affords these individuals the full and meaningful relief to which a pardon would entitle them, and completely obviates the pardon review process provided in § 201.

Moreover, while we noted that section 201(b) of this bill attempts to correct the constitutional flaws presented by the pardon provision of this legislation in the 99th Congress, we remain dubious of the constitutional validity of this provision when Article II, Section 2, Clause 1 of the Constitution grants virtually absolute pardon authority in the President. As we noted in our bill report on the 99th Congress, the granting of a pardon is an act of grace by the President, and the Constitution does not invest the legislature with any authority in the pardon process. The Supreme Court has confirmed that the President’s authority to grant pardons may not be limited by legislative restriction. Schick v. Reed, 419 U.S. 256 (1974).

The Attorney General’s advisory function (now the Associate Attorney General by assignment, 28 CFR 0.36,) in connection with the consideration of all forms of Executive clemency, including pardon, commutation (reduction) of sentence, remission of fine and re-prieve, and the President’s ultimate decision to grant or deny Executive clemency, is wholly discretionary. Department of Justice officials involved in discharging this function act solely as confidential advisors to the President in the exercise of the pardon power, and not in fulfillment of any statutory mandate to conduct the kind of proceedings contemplated in Section 201.

Additionally, the language of § 201 is ambiguous in at least two respects. Section 201(a) directs the review of “any case in which an individual alien of Japanese ancestry, was convicted of a violation of . . . any law of the United States,” including convictions for violations of military directives respecting the exclusion, relocation or detention of individuals solely on the basis of Japanese ancestry. First, the class of individuals whose cases are to be reviewed is vaguely defined. The present wording of Section 201(a) could be interpreted to request the review of not only the cases of those living but also the cases of those who are deceased. It has become a long established practice not to grant posthumous pardons. The legal basis of the practices is in large part the concept that a pardon, like a deed, must be accepted by the person to whom it is directed. Acceptance, of course, is impossible when the recipient is deceased. See, United States v. Wilson, 7 Pet. 160 (1833); Burdick v. United States, 236 U.S. 79 (1915); Meldrim v. United States, 7 Ct. 585 (1871); Sierra v. United States, 9 Ct. Cl. 224 (1873); 11 Op. A.G. 55 (1864).

Section 201(b) provides for the review of “any case in which a violation of any law of the United States . . . or other action made by or on behalf of the United States” is too broad. This language may be interpreted to require the review of both felony and misdemeanor offenses, as well as require the review of any crime committed during the evacuation, relocation and internment period, such as murder, extortion, kidnapping, theft, counterfeiting and other offenses which may have been committed on a government reservation by members of the class.

THE RESTITUTION FUND

Section 203 would establish a Civil Liberties Public Education Fund in the amount of $1.5 billion to be available for disbursement pursuant to sections 204 and 205. Section 204 provides for the tax free award of $20,000 to every living persons of Japanese ancestry who was deprived of liberty or property as the result of the wartime programs. Non-residents apparently would be entitled to the benefits of this section. Since, according to the recommendations of the Commission, approximately 60,000 persons would benefit from those awards, about $1.2 billion would be expended on this program.

Section 205 would establish a Board of Directors of the fund provided for in section 204. The board would disburse the remaining $300 million or more of the Fund for the purposes enumerated in subsection (b) of section 205, including projects “for the general welfare of the ethnic Japanese community in the United States.” The Department opposes these provisions for paying additional reparations to individuals where Congress has already enacted a comprehensive statutory scheme which provided a reasonable and beneficial result. As we noted in our 1948 American-Japanese Claims Act, Congress recognized long ago that many loyal Americans of Japanese decent were injured by the wartime relocation and internment program. Although the Commission’s report challenges the amount of compensation chosen by Congress as inadequate, Congress has spoken after considerable debate, and there is no good reason to question that settlement now three and a half decades later.

The American-Japanese Claims Act did not include every item of damages that was or could have been suggested. It did, however, address the hardships visited upon persons of Japanese ancestry in a comprehensive, considered manner, taking into account individual needs and losses. This effort to correct injustice to individuals was in keeping with our nation’s best tradition of individual rather than collective response and was more contemporaneous with the injuries to the claimants than would be any payments at this late date.

Moreover, in 1956, Congress considered legislation that directly called into question the adequacy of the claims settlements provided in the 1948 Act. The bill as introduced would have liberalized the relief provisions of the Act by granting expanded compensation for certain losses. Congress rejected this proposal because it would substantially reopen the entire project.” H.R. Rep. 1809, 84th Cong., 2d Sess., 9 (1956). Thus, with the hardships and deprivations of the internees still relatively contemporaneous, a later Congress...
adjudged the American-Japanese Claims Act to be fundamentally sound. Nothing has occurred since Congress last considered the matter to warrant a supplement payment to internees. The results of the settlement process under the Act, long since completed, deserve to be accepted as a fair resolution of the claims involved.

The bill’s restitution provisions would also impose heavy administrative burdens on the Attorney General. The bill would confer on the Attorney General responsibility for investigating, finding and paying eligible recipients under severe time constraints. The Attorney General is specifically prohibited even from requiring eligible persons to make application for these payments. This duty could require the Department to commit a considerable amount of manpower and resources to the search for eligible recipients. Yet, the bill would provide no funding for the location or identification of eligible recipients and would expressly prohibit the Attorney General from recovering expenses incurred in carrying out this responsibility from the Trust Fund set up to pay eligible recipients.

We also oppose the concept of a special fund incorporated in section 206 of the bill. As noted earlier, we do not believe it is the proper function of our government to adopt an “official” version of these historical events. Similarly, we oppose spending hundreds of millions of dollars to “educate” the American people to accept this official interpretation of our history.

**DEFINITION OF ELIGIBLE INDIVIDUALS**

We also oppose the breadth of the definitions of eligible individuals set forth at section 206 of the bill. First, the term “living” is imprecise. It is unclear whether the term is intended to refer to the time of the enactment of the legislation, the time when application for the benefit is made, or to the time when payment of a benefit is made.

Second, the definition would cover “any living individual” who had been subject to the exclusion, relocation, or detention, without any express exclusion of persons residing outside the United States. See, § 206(2). The all inclusiveness of the term “eligible individual” overlooks the important factor that at least several hundred of the detainees were fanatical pro-Japanese, had terrorized their fellow detainees loyal to the United States, and voluntarily sought repatriation to Japan after the end of the war. See, Acheson v. Murakami, 176 F. 2d 953, 958 (9th Cir. 1949); McGrath v. Abo, 186 F. 2d 766, 771–72 (9th Cir.), cert. denied, 342 U.S. 832 (1951); and in particular Findings of the Fact 18, 20, 22, 25, 27, 29, 35, 39, 40, 43, 46 of the United States District Court for the Southern District of California in Murakami v. Acheson, attached to and made part of the court of appeals’ decision in that case. It would be unfair to the United States and to the loyal persons of Japanese descent if the benefits of this legislation were available to persons who were disloyal to the United States.

**ADDITIONAL VIEWS OF HON. DANIEL E. LUNGREN**

As the Majority has noted, the purpose of H.R. 442 is to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians. As the Vice-Chairman and only sitting member of Congress to have served on the Commission I concurred with its findings that:

The broad historical causes that shaped these decisions were race prejudice, war hysteria and a failure of political leadership.1

These findings were the result of 20 days of hearings, and testimony from over 750 witnesses. In terms of the historical record, there was no dissent with respect to the fact that all three of these elements, race prejudice, war hysteria, and a failure of political leadership, played a role in leading to the relocation and internment.

In this regard the decision of the Committee to delete the reference to “a failure of political leadership” is inconsistent with the findings of the Commission. While a certain humility is called for in examining the actions of public officials with the advantage of 20-20 hindsight, it is nonetheless clear that honest mistakes in judgment were made by men of otherwise unquestioned character. For example:

In May 1944 Secretary Stimson put before President Roosevelt and the Cabinet his position that the exclusion no longer had a military justification. But the President was unwilling to act to end the exclusion until the first Cabinet meeting following the Presidential election of November 1944. The inescapable conclusion from this factual pattern is that the delay was motivated by political considerations.

By the participants own accounts, there is no rational explanation for maintaining the exclusion of loyal ethnic Japanese from the West Coast for the eighteen months after May 1943—except political pressure and fear. Certainly there was no justification arising out of military necessity.2

I therefore object to the Committee’s departure from the Commission’s own findings on this issue.

In the historical report of the Commission, “Personal Justice Denied,” we achieved what I believed to be its primary charge—to educate the American people about how such a thing could happen.

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2 Ibid., pp. 15-16.
The preservation of a credible sense of our nation's history enables us to acknowledge error with the hope that doing so will lessen the possibility that such mistakes will ever happen again.

Thus, I concur with the Committee report to the extent that it is consistent with the findings of the Commission in acknowledging the error in public policy which led to the internment and relocation.

Yet, in my estimation one of the serious flaws in the Commission report was the failure of the Commission to hear any testimony or provide any serious analysis of a Department of Defense publication, "The MAGIC Background of Pearl Harbor." To overlook the impact that the decoded Japanese cables compiled in the "MAGIC" volumes might have had with respect to the decisions of our nation's leadership unfortunately undermines the credibility of our historical pursuit.

This is a ripe area for further historical scrutiny. To the extent that the cables impacted the decision making process they are relevant in judging our government's decision makers of that time. Accordingly, excerpts have been appended to these remarks in order to be studied in that context.

Consistent with my views expressed on the Commission itself, I must also dissent from the position of the majority with respect to the question of reparation payments.

It was clear in creating the Commission, that there was no understanding that its purpose was to provide monetary redress. In fact, many of the most ardent proponents of the legislation which gave rise to the Commission went to great lengths to assure us that this was indeed not the case. This is illustrated by testimony before the Senate Committee on Governmental Operations by Mr. William Hohri, a proponent of reparations. In his statement to the Committee, he indicated that a primary cosponsor of the legislation authorizing the Commission had said that "the only condition I made the other four Members of Congress to agree to was no monetary reparations would ever be asked. If they had not agreed, I would not have endorsed the bill."

While the Congress certainly has the right to make an independent judgment on the issue of reparations at this time, it is in my view inappropriate. Ironically, the rationale of the Commission report eloquently undermined its recommendations for reparations:

Two and a half years behind the barbed-wire of a relocation camp, branded potentially disloyal because of one's ethnicity alone—these injustices cannot be translated into dollars and cents. Some find such an attempt in itself a means of minimizing the enormity of these events in a constitutional republic. History cannot be undone; anything we do now must inevitably be an expression of regret and an affirmation of our better values as a nation, not an accounting which balances or erases the events of the war. That is now beyond anyone's power.4

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4 Hearing Before the Committee on Governmental Affairs on S. 1647, United States Senate, March, 18, 1980, (96th Cong.) p. 157.

FOREWORD

The Department of Defense is releasing for public use and research this multi-volume study giving the "MAGIC" or communications intelligence background of the 1941 Pearl Harbor disaster. In its review of classified records pursuant to E.O. 11652, the Department of Defense decided that it was in the public interest to declassify the intelligence which the U.S. obtained from the communications of its World War II enemies. This study contains a major part of the communications intelligence which the U.S. derived from intercepted Japanese communications during 1941.

The documentation presented here is both voluminous and significant. The large volume of intelligence concerning Japanese secret plans, policies, and activities which U.S. cryptologic specialists produced will augment the information already available on Pearl Harbor from Congressional and other public hearings. Of particular importance in this study is the correlation of the intelligence with the discussions of Secretary of State Hull and Japanese Ambassador Nomura in the critical months before Pearl Harbor. Scholars no doubt will find new challenges in this voluminous intelligence information as they examine not only the decisions made by the U.S. but also the intelligence which influenced and occasionally prompted those decisions.

Department of Defense

1977

United States of America
THE "MAGIC" BACKGROUND OF PEARL HARBOR

PREFACE

By the fall of 1940 United States government cryptanalysts had solved some of the Japanese Foreign Office's highest grade cryptographic systems. The interception, decryption and translation, on a current basis, of secret Japanese world-wide diplomatic messages then began. The information the United States derived from this source, designated MAGIC, was highly classified and closely guarded. It went to only a few of the highest-level United States officials.

Included in MAGIC were dispatches between the Foreign Office in Tokyo and the Japanese Ambassador in Washington. Intelligence gained by the United States from these particular dispatches became especially important during the "talks" between the United States Secretary of State, Mr. Cordell Hull, and the Japanese Ambassador, Admiral Kichisaburo Nomura. Begun in February 1941 and lasting until the military forces of Japan attacked Pearl Harbor, these talks proceeded in secret by agreement between the two sides. Their objective was to improve the rapidly deteriorating United States-Japanese relations. Held in Washington, these talks usually took place in Mr. Hull's apartment or, by means of secret access, in the White House with the President himself. Secretary Hull's memoirs of these talks appear in the United States Department of State official history of that period, published in 1943: Papers Relating to The Foreign Relations of the United States, Japan 1931-1941, two volumes (GPO). During 1944, several members of the United States cryptanalytic organization began preparing a highly classified history of these critical United States-Japanese negotiations. They placed in juxtaposition an account of the talks from Mr. Hull's memoirs and the Japanese diplomatic messages available to the United States which were pertinent to those negotiations. The information so arranged became Part A of each of the five volumes in the series. Parts B and C contained dispatches dealing with Japanese espionage activities in the Western hemisphere and Japanese diplomatic relations world-wide, respectively. Included in the appendix to each volume were the actual translated Japanese messages which had been used as the basis for that particular narrative section. The compilers of this historical account completed the five volumes in 1946.

In 1945, the Joint Congressional Committee on the Investigation of the Pearl Harbor Attack used some of these translations, especially those of late 1941, as unclassified exhibits.

A few explanations for the reader are in order. Occasionally in the text of a given translation a series of dashes will occur. These blank spaces indicate that a portion of the original encrypted text was not intercepted, was garbled, or could not be decrypted.

The date when each decrypted message was translated, e.g., "TRANS 8-28-41", shows the earliest date when this information could have been made available to that limited number of senior officials of the United States government authorized to receive this material. In this connection, the reader may wish to review the system of dissemination of MAGIC during this period, as published in the records of the Joint Congressional Committee on the Investigation of the Pearl Harbor Attack (PHA) (see, for example, Volume 36, p. 22-23; Volume II, p. 5475). The Japanese diplomats of 1941 exchanged a large number of messages, and senior United States officials probably could not have read all these messages in their entirety. Which messages were actually seen by them and which were not are questions beyond the scope of this study.

The date shown at the top right of the translation, it is important to note, is always the date assigned by the originator of the message. The time in hours and minutes is not available. An understanding of the world's time zones is essential, particularly for the period just prior to the attack on Pearl Harbor. Technical problems account for the differences which occur between the "day of origin" and "the day translated."

From time to time references are made to "Kana". Kana refers to the system of notation for representing the Japanese language in terms of sounds rather than in written ideographs. This system consists of approximately fifty syllables: a, i, u, e, o, ka, ki, ku, ke, ko, etc. There is a symbol for each that may be used in written form. For example, ROOSEVELT in Kana becomes "RO-O-SU-BE-RU-TO." These symbols are in contrast to the ideographic system, in which each character represents a unique meaning, rather than a sound. When the United States translator could not be certain of the name (place or person) he indicates this fact in a footnote as "Kana spelling." The Department of Defense reviewed the original series of volumes for declassification and reissue in unclassified form. In this process the reviewers located many additional pertinent Japanese messages. They either integrated them at the appropriate places in the appendices or included them in the last volume of the series. Necessarily, there has been editing, cross-checking, clarification and supplementation. These five volumes, The "MAGIC" Background of Pearl Harbor, should best be viewed as a compilation of historical source materials—many of which have not been disclosed to the public before—and not necessarily as a definitive history of that tumultuous period.

In the process of declassifying and re-publishing the original 1944 version of The "MAGIC" Background of Pearl Harbor, efforts were made to preserve as much of the original publication as possible. The original style and format remain the same. Spellings of personal and place names are those of that period, except where some misunderstanding might arise. The text and decrypted messages still reflect the strong emotions of a nation at war. References to the enemy, now considered perhaps dated and quaint, were not always the most flattering. These references remain intact. Identifications of individuals are those given in the original. The re-published version respects the rights of privacy of individuals, business firms and so on. From time-to-time the footnote, "DoD Comment: Name withheld" will be seen.

The original translations, decrypted by U.S. cryptanalysts in 1941, were heavily footnoted with cross references, identifying data, and clarifying information. In accordance with editorial practices of that time, these footnotes were placed at the end of the translation, regardless of the number of pages. Both the original 1944 versions and the declassified re-publication continue that editorial practice.

Most of the technical processing details and symbols have been deleted. Such information, it is believed, would not only be superfluous and confusing to the reader, but would be of no historical value. Each of the first four volumes covers a particular period. Volume V contains supplementary and explanatory material, including an Index to all the volumes.

Department of Defense

United States of America
No. 118
FROM: Tokyo (Matsuoka) January 30, 1941
TO: Washington (Koshi)

Foreign Office secret.

Herefore, we have placed emphasis on publicity and propaganda work in the United States. In view of the critical situation in the recent relations between the two countries, and for the purpose of being prepared for the worst, we have decided to alter this policy. Taking into consideration the small amount of funds we have at our disposal, we have decided to de-emphasize propaganda for the time being, and instead, to strengthen our intelligence work.

Though we must give the matter of intelligence work our further study—in this connection we are at present conferring with the intelligence bureau—we have mapped out a fundamental program, the outline of which is contained in my supplementary cable No. 44".

Please, therefore, reorganize your intelligence set-up and put this new program into effect as soon as possible.

Cable copies of this message, as "Minister's orders" to Canada, Mexico, (a copy to be relayed from Mexico to Mexicali), San Francisco, (copies from San Francisco to Honolulu, Los Angeles, Portland, Seattle, and Vancouver), New York, New Orleans, and Chicago.

No. 119
FROM: Tokyo (Matsuoka) January 30, 1941
TO: Washington (Koshi)

(In two parts—complete).

Foreign Office secret.

(1) Establish an intelligence organ in the Embassy which will maintain liaison with private and semi-official intelligence organs (see my message to Washington #591 and #732 from New York to Tokyo, both of last year's series).

With regard to this, we are holding discussions with the various circles involved at the present time.

(2) The focal point of our investigations shall be the determination of the total strength of the U.S. Our investigations shall be divided into three general classifications: political, economic, and military, and definite course of action shall be mapped out.

(3) Make a survey of all persons or organizations which either openly or secretly oppose participation in the war.

(4) Make investigations of all anti-Semitism, communism, movements of Negroes, and labor movements.

(5) Utilization of U.S. citizens of foreign extraction (other than Japanese), aliens (other than Japanese), communists, Negroes, labor union members, and anti-Semitism, in carrying out the investigations described in the preceding paragraph would undoubtedly bear the best results.

These men, moreover, should have access to governmental establishments, (laboratories?), governmental organizations of various characters, factories, and transportation facilities.

No. 120
FROM: New York (Morishima) February 26, 1941
TO: Tokyo

The situation is very strained and we have to review our Embassy's intelligence and propaganda work. On this subject last year I sent you my # 762. You in return sent # 43* and # 44' in the form of instructions to Washington. I am endeavoring to strengthen and further revise my work here in New York and in order to achieve liaison and cooperation, I consider it necessary to have Consul FUKUSHIMA, who has been doing this kind of work all along and who knows his business, make a trip to New York before going back to Japan. Therefore, I want you to be sure to approve of this.

Relayed to Los Angeles.

No. 121
FROM: Mexico (Miura) February 14, 1941
TO: Tokyo

(Abstract)

Some recent messages have been badly garbled. I suspect that American companies may be purposely garbling this text.
(2) Official and public attitude and reaction to the above.
(3) Number of persons on the staff and employed by the offices of the above mentioned three countries.
(4) Has there been an increase in the influx of nationals of those three countries?
(5) All other items which may be of value in determining our policy.
Please send the outline of your findings in so far as the measures taken by Germany are concerned, by cable.

*Outline of revised policy to be followed by Japanese offices in South and Central America in investigating activities. See 1, 129.

Trans. 3-6-41

No. 131
FROM: Tokyo (Matsuoka)
TO: Washington (Koshi)
February 15, 1941

(2 parts—complete)

Re my # 43.

The information we particularly desire with regard to intelligence involving U.S. and Canada, are the following:
1. Strengthening or supplementing of military preparations on the Pacific Coast and the Hawaii area; amount and type of stores and supplies; alterations to air ports (also carefully note the clipper traffic).
2. Ship and plane movements (particularly of the large bombers and sea planes).
3. Whether or not merchant vessels are being requisitioned by the government (also note any deviations from regular schedules), and whether any remodelling is being done to them.
4. Calling up of army and navy personnel, their training, (outlook on maneuvers) and movements.
5. Words and acts of minor army and navy personnel.
6. Outlook of drafting men from the view-point of race. Particularly, whether Negroes are being drafted, and if so, under what conditions.
7. Personnel being graduated and enrolled in the army and navy and aviation service schools.
8. Whether or not any troops are being dispatched to the South Pacific by transports; if there are such instances, give description.
9. Outlook of the developments in the expansion of arms and the production set-up; the capacity of airplane production, increase in the ranks of labor.
10. General outlooks on Alaska and the Aleutian Islands, with particular stress on items involving plane movements and shipment of military supplies to those localities.
12. Contacts (including plane connections) with Central and South America and the South Pacific area. Also outlook on shipment of military supplies to those areas.

Please forward copies of this message as a "Minister's Instruction" to New York, San Francisco, Los Angeles, Seattle, Portland, (Chicago or New Orleans?) Vancouver, Ottawa, and Honolulu. Also to Mexico City and Panama as reference material.

*See 1, 165. It is routed as Foreign Minister's instructions to: Ottawa, Mexico, San Francisco, New York, New Orleans, San Francisco to relay to Honolulu, Los Angeles, Seattle, Portland, Vancouver.

Trans. 5-19-41

No. 175
FROM: Seattle (Sato)
TO: Tokyo
May 11, 1941

(3 parts—complete)

1. *Political Contacts.*

We are collecting intelligences revolving around political questions, and also the question of American participation in the war which has to do with the whole country and this local area.
2. **Economic Contacts.**

We are using foreign company employees, as well as employees in our own companies here, for the collection of intelligences having to do with economics along the lines of the construction of ships, the number of airplanes produced and their various types, the production of copper, zinc and aluminum, the yield of tin for cans, and lumber. We are now exerting our best efforts toward the acquisition of such intelligences through competent Americans. From an American, whom we contacted recently, we have received a private report on machinists of German origin who are Communists and members of the labor organizations in the Bremerton Naval Yard and Boeing airplane factory. Second generation Japanese

3. **Military Contacts.**

We are securing intelligences concerning the concentration of warships within the Bremerton Naval Yard, information with regard to mercantile shipping and airplane manufacturer, movements of military forces, as well as that which concerns troop maneuvers.

With this as a basis, men are sent out into the field who will contact Lt. Comdr. OKADA, and such intelligences will be wired to you in accordance with past practice. KANEKO is in charge of this. Recently we have on two occasions made investigations on the spot of various military establishments and concentration points in various areas. For the future we have made arrangements to collect intelligences from second generation Japanese draftees on matters dealing with the troops, as well as troop speech and behavior.

4. **Contacts With Labor Unions.**

The local labor unions A.F. of L. and C.I.O. have considerable influence. The (Socialist ?) Party maintains an office here (its political sphere of influence extends over twelve zones.) The C.I.O., especially, has been very active here. We have had a first generation Japanese, who is a member of the labor movement and a committee chairman, contact the organizer, and we have received a report, though it is but a resume, on the use of American members of the (Socialist ?) Party. OKAMARU is in charge of this.

5. In order to contact Americans of foreign extraction and foreigners, in addition to third parties, for the collection of intelligences with regard to anti-participation organizations and the anti-Jewish movement, we are making use of a second generation Japanese lawyer.

This intelligence

Trans. 6-9-41
COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS ACT

JULY 1, 1980.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Danielson, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 5499]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5499) to establish a Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order No. 9066, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert:

SHORT TITLE

Section 1. This Act may be cited as the “Commission on Wartime Relocation and Internment of Civilians Act”.

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

(1) approximately one hundred and twenty thousand civilians were relocated and detained in internment camps pursuant to Executive Order Numbered 9066, issued February 19, 1942, and other associated actions of the Federal Government;

(2) approximately one thousand alien civilian American citizens were relocated and, in some cases, detained in internment camps pursuant to directives of United States military forces during World War II and other associated actions of the Federal Government; and

(3) no sufficient inquiry has been made into the matters described in paragraphs (1) and (2).

(b) It is the purpose of this Act to establish a commission to—

(1) review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens;

59-006 O
(2) review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and
(3) recommend appropriate remedies.

ESTABLISHMENT OF COMMISSION

Sec. 3. (a) There is established the Commission on Wartime Relocation and Internment of Civilians (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of seven members, who shall be appointed within 90 days after the date of enactment of this Act as follows:
(1) Three members shall be appointed by the President.
(2) Two members shall be appointed by the Speaker of the House of Representatives.
(3) Two members shall be appointed by the President pro tempore of the Senate.

(c) The term of office for the members shall be for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) The first meeting of the Commission shall be called by the President within 30 days after the date on which legislation is enacted making appropriations to carry out this Act, whichever date is later.

(e) Four members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) The Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Commission.

(g) Each member of the Commission who is not otherwise employed by the United States Government shall receive compensation at a rate equal to the rate prescribed for GS-18 under the General Schedule contained in section 5332 of title 5, United States Code, for each day, including traveltime, he or she is engaged in the actual performance of his or her duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

DUTIES OF THE COMMISSION

Sec. 4. (a) It shall be the duty of the Commission to:
(1) review the facts and circumstances surrounding Executive Order Number 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens;
(2) review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and
(3) recommend appropriate remedies.

(b) The Commission shall hold public hearings in such cities of the United States that it finds appropriate.

(c) The Commission shall submit a written report of its findings and recommendations to Congress not later than the date which is one year after the date of the first meeting called pursuant to section 3(d) of this Act.

POWER OF THE COMMISSION

Sec. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, and in such manner, as the Commission shall direct. The Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) The Commission may acquire directly from the head of any department, agency, instrumentality, or other authority of the executive branch of the Government, available information which the Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

ADMINISTRATIVE PROVISIONS

Sec. 6. The Commission is authorized to:
(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and 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 Commission may not exceed a rate equivalent to the rate payable under GS-18 of the General Schedule under section 5332 of such title;
(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;
(3) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;
(4) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and
(5) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

TERMINATION

Sec. 7. The Commission shall terminate 90 days after the date on which the report of the Commission is submitted to Congress pursuant to section 4(c) of this Act.

AUTHORIZATION OF APPROPRIATION

Sec. 8. To carry out the provisions of this Act, there are authorized to be appropriated $1,500,000.

PURPOSE

It is the purpose of this bill to establish a commission to review the facts and circumstances surrounding Executive Order No. 9066, issued February 19, 1942; to review the impact of this Executive Order on American citizens and permanent resident aliens; and to recommend appropriate remedies. The Commission is also charged with reviewing the circumstances surrounding the relocation, and in some cases, internment of the Aleut civilian citizens pursuant to U.S. military directives during World War II.

BACKGROUND

On February 19, 1942, President Franklin Roosevelt issued Executive Order 9066, which authorized establishment of military areas for the internment of American citizens and resident aliens. This order resulted in the evacuation and internment of more than 120,000 Japanese American civilian citizens and resident aliens. Executive Order 9066 empowered military commanders to prescribe certain military areas from which they could exclude any persons, The
order did not specifically mention or specify any particular groups, but was used to intern Japanese Americans as a “military necessity.” However, only Japanese Americans on the mainland were interned. Further, only persons of Japanese descent were involved in this internment process. German and Italian aliens were not under any such restrictions.

Also, during World War II, approximately 1,000 citizens of the Aleutian and Pribilof Islands were relocated and, in some cases, interned on the mainland because of the threat of military action against those islands. Evidence submitted at the hearings on this bill indicates that during this internment, many Aleuts died from lack of adequate shelter, poor sanitary conditions and inadequate medical care. Since this situation has never been fully examined, the committee felt it was a proper subject to include as a part of the work of the Commission.

Executive Order 9066 was sanctioned by the Congress in connection with the act of March 21, 1942, 56 Stat. 173. It was also approved by the courts in the cases of Hirabayashi v. United States, 320 U.S. 81 (1943), ex parte Endo 323 U.S. 283 (1944) and Achen v. Murakami, 176 F 2d 953 (9th Cir. 1949). (See also Korematsu v. United States, 323 U.S. 214 (1944)).

The Japanese-American Evacuation Claims Act was enacted into law on July 2, 1944. This statute authorized the Attorney General, for a period of 18 months or until January 3, 1950, to receive, adjudicate and compromise claims submitted by persons of Japanese ancestry for damagess or losses of real or personal property which occurred as the result of their evacuation. Under the program which officially commenced on July 1, 1949 and was concluded with the last award on November 18, 1958, the Department of Justice received 26,565 claims and awarded $37,974,240 in settlements to the claimants. The evacuation claims program was administered by the Japanese Claims Section of the Civil Division of the Department of Justice.

On August 7, 1944, President Roosevelt authorized the Secretary of the Treasury to pay from an emergency fund a total of $10,000 to cover the payment of all claims of damages due to the relocation by the military of persons from the Aleutian and Pribilof Islands. This amounted to about $10 for each person who was relocated.

STATEMENT

On June 2, 1980, the Subcommittee on Administrative Law and Governmental Relations held a hearing on this subject and received testimony from various witnesses. Those testifying in support of this legislation included Majority Leader Jim Wright; Representatives Norman Mineta and Robert Matsui; Mr. Stuart E. Schiffer, Deputy Assistant Attorney General for the Civil Division, the Department of Justice; and members of several voluntary organizations representing Japanese Americans and Native American Aleut citizens.

These witnesses presented a compelling use for the creation of this Commission to study the relocation and internment of Japanese Americans and citizens of the Aleutian and Pribilof Islands during World War II. The committee heard of cases in which Americans of Japanese descent were stripped of their worldly possessions and forced to relocate in internment camps, often many miles from their homes and on very short notice. The testimony revealed that this deprivation of liberty and the taking of property from these Japanese Americans took place without any trials, without any accusations being brought by the Government, and without any finding of wrongdoing by these people.

The committee determined that there was substantial evidence of mistreatment of persons of Japanese descent during World War II. Further, the committee found that no significant study has been done by the Government to determine the extent of any civil rights violations, and to what extent such occurrences can be prevented in the future. Therefore, the committee felt that a commission should be established as provided in this act to study this internment policy and to make recommendations regarding any possible remedies that may be appropriate.

The committee also received testimony from representatives of Native American Aleut citizens of the Pribilof and Aleutian Islands who described the relocation and internment of approximately 1,000 citizens by the American military during World War II. It was revealed that many American citizens and residents of the Aleutian and Pribilof Islands were removed from their homes and detained in internment camps maintained in southeastern Alaska by officials of the U.S. Department of the Interior from 1942 until 1945. This relocation was in response to the Japanese bombing of Dutch Harbor on the Aleutian chain. The testimony indicated that these Aleut citizens were kept in camps and their movements were severely restricted. Further, it was stated that at these camps there was inadequate shelter, medical support and clothing which resulted in rampant disease causing death to many of the Aleuts. As a result of this testimony, the committee felt that a study of this situation should be included as a part of the work of the Commission.

Finally, the committee considered a proposal offered by Representative Mike Lowry which would have paid to each person of Japanese ancestry or their heirs interned $15,000 plus $15 per day. The Justice Department estimated that such an approach would cost the taxpayers approximately $3 billion. Further, it was pointed out that it would be difficult and expensive to locate all of these interned or their heirs. For these reasons, the committee rejected this proposal. However, the committee has recommended that a payment plan should be one of the factors considered by the Commission in determining its recommendations to Congress, but the bill does not mandate that such a plan be included in those recommendations.

It is the committee's intention that the Commission will have a three-fold function. First, it will have an educational purpose, where through hearings and appropriate publicity, Americans of all ages will be fully informed about this unfortunate episode in our history. Second, the committee hopes that the Commission’s findings will serve a deterrent function, where a comprehensive study of these events will serve as a warning to future generations so that an occurrence such as this should not, and will not happen again. Finally, the committee feels that the Commission’s deliberations will provide a focus for a discussion of the various redress proposals that have been suggested and thereby make appropriate recommendations to the Congress.

Thus, the committee recommends that H.R. 5499, as amended, be considered favorably.
SECTION BY SECTION ANALYSIS OF THE AMENDED BILL

Section 1—Short Title

This section provides that the act may be cited as the Commission on Wartime Relocation and Internment of Civilians Act.

Section 2—Findings and Purpose

This section states the findings of Congress to be that approximately 120,000 American citizens and permanent resident aliens were relocated and interned during World War II pursuant to Executive Order 9066 issued by President Franklin Roosevelt on February 19, 1942. Also, the Congress finds that approximately 1,000 American citizens and residents of the Aleutian and Pribilof Islands were relocated, and in some cases, interned pursuant to directives of the U.S. military forces during this period. Finally, the Congress makes the findings that although there have been some studies done in the past, no sufficient inquiry has been made into the above described matters.

This section also states the purpose of the Commission which is actually established in section 3 of the bill. The purpose of the Commission is to review the facts and circumstances surrounding the implementation of Executive Order 9066 and the impact it had on the 120,000 persons relocated and interned during World War II. Its purpose is also to review the directives of the U.S. military forces which resulted in the relocation and internment of approximately 1,000 American citizens and permanent resident aliens of the Aleutian and Pribilof Islands during World War II. Finally, the Commission is to recommend appropriate remedies regarding each of these situations.

The committee intends that the Commission is to view its purpose broadly. Further the committee intends that the relocation and internment of any person, wherever interned, during this period pursuant to Executive Order 9066 and pursuant to the military directives relating to persons in the Aleutian and Pribilof Islands should be studied as a part of the work of the Commission.

Section 3—Establishment of Commission

This section actually establishes the Commission. The Commission will be composed of seven members—three members appointed by the President, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President Pro Tempore of the Senate. All of the members of the Commission must be appointed within 90 days from the date of enactment of this bill. This time limit on appointments is intended to ensure that the Commission is established in a timely fashion.

The first meeting of the Commission is to be within 120 days of the enactment of this act, or within 30 days after the date on which legislation is enacted making appropriations to carry out the act, whichever date is later. This bill authorizes $1.5 million for the Commission to carry out its mandate. However, a bill actually appropriating such funds needs to be enacted before the Commission can begin its work. Therefore, the committee has tied the beginning of the Commission to the date of the enactment of the bill which appropriates the money for its operation. By adopting this approach, the committee has eliminated the possibility that the Commission could be required to meet without having the necessary funds to perform its duties.

This section also provides that four members of the Commission shall constitute a quorum and that the term of office for members shall be for the life of the Commission. Each member of the Commission shall be compensated at a rate equal to the daily rate prescribed for GS-18 under the General Schedule, unless the member is already employed by the U.S. Government, in which case there will be no additional compensation for that member other than reimbursements for necessary expenses.

Section 4—Duties of the Commission

The duties of the Commission are identical with its purposes as established in section 2 of the bill. Again, the duties of the Commission are to be construed broadly as are its purposes as discussed above under section 2.

As introduced, the bill would have required that the Commission hold public hearings in Los Angeles, San Francisco, and Fresno, Calif.; Portland, Oreg.; Seattle, Wash.; Anchorage, Unalaska, and Saint Paul, Alaska; Phoenix, Ariz.; Salt Lake City, Utah; Denver, Colo.; Chicago, Ill.; New York, N.Y.; Washington, D.C., and in any other city that the Commission would have found appropriate. The committee felt that hearings should be held throughout the United States in those locales where the affected parties reside, but it also felt that the Commission should be given the flexibility to determine where the hearings are to be conducted. Therefore, this section as amended merely requires that the Commission hold public hearings “in such cities of the United States that it finds appropriate’.

However, the committee feels that these hearings should be held in locations that are convenient to the parties who will be testifying. The committee was specifically concerned about the remote locations of some of the persons who will want to testify regarding the situation in the Aleutian and Pribilof Islands during World War II. The committee hopes that the Commission will hold hearings in Alaska for the convenience of the affected parties in that region.

Finally, this section requires the Commission to submit a written report to the Congress which includes its findings and recommendations not later than one year from the date of the first meeting of the Commission.

Section 5—Powers of the Commission

The Commission may hold hearings and call for whatever form of testimony it deems advisable; witnesses, books, records, correspondence, memoranda, papers, and documents. The Commission is authorized to request that the Attorney General invoke the aid of the U.S. district courts when necessary to compel by subpoena or otherwise necessary testimony or evidence. This access to subpoena power was considered by the committee to be an essential part of the establishment of this Commission. This provision will help to ensure that the Commission is able to obtain the necessary evidence to enable it to adequately perform its duties. This section also requires that all governmental agencies shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.
Section 6—Administrative Provisions

This section authorizes the Commission to appoint and fix the compensation of its personnel without regard to title 5 of the United States Code. The compensation rate may not exceed the rate payable under GS-18 of the General Schedule. The Commission is authorized to enter into agreements with the Administrator of General Services for financial and administrative services that will be reimbursed from Commission funds, and to procure supplies, services, and property by contract to the extent provided for in appropriations acts. Also the Commission is authorized to enter into contracts with Federal and State agencies, private firms, and institutions necessary to discharge its duties consistent with appropriation acts.

Section 7—Termination

The Commission is to terminate 90 days after the filing of the report as required in section 4.

Section 8—Authorization of Appropriations

The bill, as amended, authorizes the appropriation of $1.5 million to carry out the provisions of this act.

COMMITTEE VOTE (RULE XI, CL. 2(1)(2)(B))

On June 24, 1980, with a majority present and voting, the Committee on the Judiciary ordered favorably reported to the House the bill H.R. 5499, as amended, by voice vote. The committee directed that the amendments agreed to in the course of the full committee consideration be incorporated in a single committee amendment in the nature of a substitute.

COMMITTEE COST ESTIMATE (RULE XIII, CL. 7(8)(1))

The bill would authorize $1.5 million to pay the expense incurred from the establishment of this Commission. The Commission will have to hire a staff to help with the mandated report, and considerable travel expense is anticipated. The bill contemplates that the Commission will conduct its hearings in locations convenient to the affected parties. Therefore, most if not all of the hearings will be held outside of Washington, D.C., and this will result in considerable expense to the Commission. For these reasons, the committee approved the bill with a $1.5 million authorization.

The estimated annual cost of the act is as follows:

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<th>Fiscal year</th>
<th>Estimated authorization level (in millions of dollars)</th>
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The Subcommittee on Administrative Law and Governmental Relations of the committee, in accordance with rule VI(b) of the Rules of the Committee of the Judiciary (96 Congress), exercises the Committee's legislative and oversight responsibilities with respect to claims against the United States. Since the Commission will be examining potential claims against the United States and reviewing the claims paid pursuant to the Japanese-American Evacuation Claims Act, this subcommittee will be charged with oversight responsibilities regarding the work of this Commission.

BUDGET STATEMENT (RULE XI, CL. 2(1)(3)(B))

As has been stated in the Committee cost estimate set forth above, H.R. 5499, as amended, will require the expenditure of $1.5 million to carry out the purposes of the act.

The estimate received from the Director of the Congressional Budget Office is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Hon. Peter W. Rodino, Jr.,
Chairman, Committee on the Judiciary, U.S. House of Representatives, 2137 Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 5499, the Commission on Wartime Relocation and Internment of Civilians Act.

Should the committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

June 25, 1980.

3. Bill status: As ordered reported by the House Committee on the Judiciary on June 24, 1980.
4. Bill purpose: The purpose of this legislation is to establish a commission to review the circumstances surrounding the relocation and internment of persons pursuant to Executive Order No. 9066 and directives of the U.S. military forces and recommend appropriate remedies therefor. The bill authorizes the appropriation of $1.5 million to carry out the provisions of the act.
5. Cost estimate:

Estimated authorization level:

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<th>Fiscal year</th>
<th>Millions</th>
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<td>1981</td>
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Estimated outlays:

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<th>Fiscal year</th>
<th>Millions</th>
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The costs of this bill fall within budget function 800.

6. Basis of estimate: For the purpose of this estimate, it has been assumed that the full amount authorized will be appropriated and that both this bill and appropriation legislation will be enacted by October 1, 1980. The bill requires that the Commission submit a report of its findings to Congress no later than 1 year after its first meeting (which under these assumptions should be no later than February 1, 1982) and terminate 90 days thereafter. Therefore, it has been estimated that two-thirds of the total amount will be spent by the end of fiscal year 1981, with the remaining one-third to be spent in the following year.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 12, 1980, the Congressional Budget Office prepared a cost estimate for S. 1647, a similar bill ordered reported by the Senate Committee on Governmental Affairs on May 5, 1980, and passed by the Senate on May 22. The Senate bill differed primarily in that it required the report to be submitted by October 1, 1981, leading to a different estimated spending rate.


10. Estimate approved by:

   JAMES L. BLUM,
   Assistant Director for Budget Analysis.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS (RULE XI, CL. 2 (1) (3) (D))

No findings or recommendations of the Committee on Government Operations were received as referred to in subdivision (d) of clause 2 (1) (3) of House rule XI.

INFLATIONARY IMPACT STATEMENT (RULE XI, CL. 2 (1) (4))

In compliance with clause 2 (1) (4) of House rule XI, the committee states that H.R. 5499, as amended, will have no inflationary impact on prices and costs in the operation of the national economy.
Public Law 97-152
97th Congress

An Act

To extend the date for the submission to the Congress of the report of the Commission on Wartime Relocation and Internment of Civilians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(c) of the Commission on Wartime Relocation and Internment of Civilians Act (94 Stat. 965; 50 U.S.C. app. 1981 note) is amended by striking out "the date which" and all that follows through "Act" and inserting in lieu thereof "December 31, 1982".

Approved March 16, 1982.

LEGISLATIVE HISTORY—H.R. 5021:
HOUSE REPORT No. 97-378 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Public Law 97–3
97th Congress

An Act

To increase the number of members of the Commission on Wartime Relocation and Internment of Civilians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) subsection (b) of section 3 of the Commission on Wartime Relocation and Internment of Civilians Act is amended by striking out “seven” and inserting in lieu thereof “nine”.
(2) Clause (2) of such subsection is amended by striking out “Two” and inserting in lieu thereof “Three”.
(3) Clause (3) of such subsection is amended by striking out “Two” and inserting in lieu thereof “Three”.
(b) Subsection (e) of section 3 of such Act is amended by striking out “Four” and inserting in lieu thereof “Five”.

Approved February 10, 1981.

LEGISLATIVE HISTORY—S. 253:
Jan. 27, considered and passed Senate.
Jan. 28, considered and passed House.
CONTINUING APPROPRIATIONS FOR
FISCAL YEAR 1981
Joint Resolution

Making further continuing appropriations for the fiscal year 1981, and for other purposes.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1981, and for other purposes, namely:

Sec. 101. (a)(1) Such amounts as may be necessary for projects or activities (not otherwise specifically provided for in this joint resolution) for which appropriations, funds, or other authority would be available in the following appropriation Acts:


(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever an Act listed in this subsection as passed by the House as of October 1, 1980, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1980, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: Provided, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1980, the pertinent project or activity shall be continued under the appropriate, fund, or authority granted by the one House, but at a rate for operations not exceeding the rate for the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980.

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1980, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the rate permitted by the action of the House, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980, except section 201 of title II of the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriations Act, 1980 (H.R. 4389) as adopted by the House of Representatives August 2, 1979.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1980, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill by both the House and the Senate.

(b) Notwithstanding section 10 of Public Law 91-672, the amendments made by sections 201 and 501 of Public Law 95-118, and section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, such amounts as are necessary to carry out the rates and terms agreed to in the Conference Report 96-1536 as reported and agreed to December 13, 1980, for section 101(b) of H.J. Res. 637.

(c) Such amounts as may be necessary for continuing projects and activities under all the conditions and to the extent and in the manner as provided in H.R. 7593, entitled the "Legislative Branch Appropriation Act, 1981", as passed the House of Representatives, July 21, 1980, and the provisions of H.R. 7593 shall be effective as if enacted into law; except that the provisions of section 309 of H.R. 7593 shall not apply to the General Accounting Office, and the last proviso under the heading "Government Printing Office, Office of Superintendent of Documents, Salaries and Expenses" in H.R. 7593 shall not apply, and the provisions of section 306 (a), (b), and (d) of H.R. 7593 (providing salary pay cap limitations for executive, legislative, and judicial employees and officials) shall apply to any appropriation, fund, or authority made available for the period October 1, 1980, through June 30, 1981, by this or any other Act. Notwithstanding section 102(c) of this joint resolution, for mileage of Members, as authorized by law, $210,000.

(d) Such amounts as may be necessary for continuing the following activities not otherwise provided for, which were conducted in fiscal year 1980, but at a rate for operations not in excess of the rate for fiscal year 1980: Provided, That no appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or authority were not available during fiscal year 1980:

activities of the Council on Wage and Price Stability;
activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol;
activities of the National Health Service Corps under section 338(a) of the Public Health Service Act;
activities for support of nursing research under section 301 of the Public Health Service Act;
activities for support of health professions education and nurse training under titles VII and VIII of the Public Health Service Act including authority to guarantee new loans under the Health Education Assistance Loans (HEAL) program;
activities under the Community Mental Health Centers Act;
activities of the National Arthritis Advisory Board and the National Diabetes Advisory Board; and activities under the terms, conditions and limitations included in the applicable appropriation Act for 1980:
activities under title IV of the Federal Mine Health and Safety Act of 1977;
activities under the Social Security Act;
retirement pay and medical benefits for commissioned officers of the Public Health Service;
activities under title IV, part B, of the Higher Education Act;
Notwithstanding paragraph 1393(a) of the Education Amendments of 1980, paragraph 416 of such amendments shall be effective on July 1, 1981;
Notwithstanding any other provision of this joint resolution except section 102, activities of the Department of Labor, Employment and Training Administration for “Federal unemployment benefits and allowances” and “Advances to the unemployment trust fund and other funds”;
appropriations of the Department of Labor, Employment Standards Administration for “Special benefits” and “Black Lung Disability Trust Fund”.

(f) Such amounts as may be necessary for Department of Energy, Operating Expenses, Energy Supply, Research and Development Activities, to continue the breeder reactor demonstration project, or such project alternative as may be approved by Congress in authorizing legislation, at the current rate of operations notwithstanding the provisions of section 102 (a) and (b) of this joint resolution.

(g) Activities of the Department of Health and Human Services to process, maintain, return or resettle Cuban and Haitian entrants shall be funded at not to exceed an annual rate provided in the budget estimate.

(h) Notwithstanding any other provision of law, amounts appropriated to the State and Local Government Fiscal Assistance Trust Fund shall be available for payments to units of local government in accordance with the provisions and conditions set forth in the State and Local Fiscal Assistance Act of 1972, as amended and as further amended by H.R. 7112 as enacted by the Congress, for a one-year entitlement period beginning October 1, 1980, but at not to exceed an annual rate for operations of $4,566,700,000.

(i) Notwithstanding any other provision of this joint resolution: There is appropriated additional amount of $46,700,000, to remain available until expended, for Department of Energy, Operating Expenses, Atomic Energy Defense Activities, and an additional amount of $65,300,000, to remain available until expended, for Department of Energy, Plant and Capital Equipment, Atomic Energy Defense Activities, such amounts to be merged with and subject to the same provisions as amounts previously provided for such Activities in Public Law 96-367, Energy and Water Development Appropriation Act, 1981; section 120(b) of the Water Resources Development Act of 1976 (90 Stat. 2294) is amended by striking out “for the fiscal years ending September 30, 1978, and September 30, 1979”;
and appropriations and funds made available to the Appalachian Regional Commission, including the Appalachian Regional Development Programs, by this or any other Act shall be used by the Commission in accordance with the provisions of the applicable appropriation Act and pursuant to the Appalachian Regional Development Act of 1965, as amended, notwithstanding the provisions of section 405 of said Act.

(j) Notwithstanding section 101(a) of this joint resolution, not to exceed $1,850,000,000 shall be available for an annual rate for operations to continue the low-income energy assistance program under the State allocations provided for in H.R. 7998 as passed by the House of Representatives August 27, 1980, and in House Report 96-1244, except that the sum of $50,000,000 shall be reserved for payments to any State which would receive under the above formula an amount less than 75 per cent of the amount it would have received under the State allocation formula for low-income energy assistance as provided in the regulations published on May 20, 1980, in volume 45, numbered 106, Federal Register, pages 36510-36888, such payments to be, to the maximum extent possible, the amount necessary for the allocations to those States to be equal to 75 per cent of their allocation under such regulations; the energy assistance program shall be continued under the terms and conditions of such regulations, as provided in any nonformula amendments thereto, except that an eligible household shall also include any single person household at or below 125 per centum of poverty: Provided, That none of the funds appropriated in this paragraph shall be used to provide assistance either in cash or in kind to any household during fiscal year 1981 which exceeds a value of $750, except this $750 limitation may be waived by the Secretary of Health and Human Services upon request of a State.

(k) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1981 (H.R. 7591), to the extent and in the manner provided for in such Act as enacted by the Congress.

(l) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the District of Columbia Appropriation Act, 1981 (H.R. 8061), to the extent and in the manner provided for in such Act as enacted by the Congress.

(m) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981 (H.R. 7631), to the extent and in the manner provided for in such Act as enacted by the Congress.

(n) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of the Interior and Related Agencies Appropriation Act, 1981 (H.R. 7724) to the extent and in the manner provided for in such Act as enacted by the Congress.

(o) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1981 (H.R. 7725) to the extent and in the manner provided for in such Act as enacted by the Congress.

(p) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of Defense Appropriation Act, 1981 (H.R. 8105) to the extent and in the manner provided for in such Act as enacted by the Congress.

Sec. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from December 15, 1980, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) June 30, 1981, whichever first occurs.
Sec. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 655(d)(2) of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

Sec. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such projects or activity are available under this joint resolution.

Sec. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Sec. 106. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Sec. 107. No provision in any appropriation Act for the fiscal year 1981 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

Sec. 108. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations were available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Sec. 109. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims or rape or incest when such rape has been reported within seventy-two hours to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy; Provided, however, That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

Sec. 110. Funds contained in Public Law 95–205 for carrying out section 525 of the Education Amendments of 1976 shall remain available through September 30, 1982.

Sec. 111. Notwithstanding any other provision of this joint resolution, there is appropriated such amounts as are required for allowances and office staff for the former President pursuant to 3 U.S.C. 102 note: Provided, That the aggregate amount to be expended for the Allowances and Office Staff for Former Presidents account shall not exceed $829,000: Provided further, That such amounts as are necessary may be expended under Operating Expenses, National Archives and Records Service for the provision of a temporary repository and essential archival processing of Presidential materials.
IV of the Comprehensive Employment and Training Act, new budget authority for the youth employment and training program under subpart (3) of part A of title IV of that Act shall be at the annual rate of $746,000,000.

Sect. 119. None of these funds may be used for the purpose of publishing in the Federal Register, implementing or enforcing the proposed Conditions of Participation for Skilled Nursing Facilities (SNF's) or Intermediate Care Facilities (ICF's) which were first published as proposed in the Federal Register on July 14, 1980, prior to receipt of revised cost estimates by the Department and the final draft of a General Accounting Office evaluation of the impact of the proposed regulations, and in no case, prior to January 12, 1981.

Approved December 16, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1484 accompanying H.J. Res. 637 (Comm. on Appropriations) and No. 96-1536 accompanying H.J. Res. 637 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 10, 11, H.J. Res. 637 considered and passed Senate, amended.
Dec. 12, House disagreed to Senate amendments.
Dec. 13, House agreed to conference report; concurred in certain Senate amendments and in others with amendments; Senate agreed to conference report, and insisted on its amendment No. 7; House agreed to further conference; H.J. Res. 644 considered and passed House.
Dec. 16, Senate further insisted on its amendment No. 7 to H.J. Res. 637; H.J. Res. 644 considered and passed Senate, amended; House agreed to Senate amendment with an amendment; Senate agreed to House amendment.
COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS ACT
To establish a Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order Numbered 9066, and for other purposes.

Section 1. This Act may be cited as the “Commission on Wartime Relocation and Internment of Civilians Act”.

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—
(1) approximately one hundred and twenty thousand civilians were relocated and detained in internment camps pursuant to Executive Order Numbered 9066, issued February 19, 1942, and other associated actions of the Federal Government;
(2) approximately one thousand Aleut civilian American citizens were relocated and, in some cases, detained in internment camps pursuant to directives of United States military forces during World War II and other associated actions of the Federal Government; and
(3) no sufficient inquiry has been made into the matters described in paragraphs (1) and (2).

(b) It is the purpose of this Act to establish a commission to—
(1) review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens;
(2) review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and
(3) recommend appropriate remedies.

ESTABLISHMENT OF COMMISSION

Sec. 3. (a) There is established the Commission on Wartime Relocation and Internment of Civilians (hereinafter referred to as the “Commission”).

(b) The Commission shall be composed of seven members, who shall be appointed within ninety days after the date of enactment of this Act as follows:
(1) Three members shall be appointed by the President.
(2) Two members shall be appointed by the Speaker of the House of Representatives.

Meetings.

Sec. 4. (a) It shall be the duty of the Commission to—
(1) review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens;
(2) review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and
(3) recommend appropriate remedies.

(b) The Commission shall hold public hearings in such cities of the United States that it finds appropriate.

POWERS OF THE COMMISSION

Sec. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

Term.
(b) The Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information which the Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

ADMINISTRATIVE PROVISIONS

Sec. 6. The Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and 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 Commission may not exceed a rate equivalent to the rate payable under GS-18 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(4) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(5) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

TERMINATION

Sec. 7. The Commission shall terminate ninety days after the date on which the report of the Commission is submitted to Congress pursuant to section 4(c) of this Act.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8. To carry out the provisions of this Act, there are authorized to be appropriated $1,500,000.

Approved July 31, 1980.
Public Law 97–12  
97th Congress  
An Act  

Making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the “Supplemental Appropriations and Rescission Act, 1981”) for the fiscal year ending September 30, 1981, that the following rescissions of budget authority are made, and for other purposes, namely:

TITLE I  
CHAPTER I  
DEPARTMENT OF AGRICULTURE  

SCIENCE AND EDUCATION ADMINISTRATION  

Of the amounts appropriated under the headings “Extension activities” and “Cooperative research” in the Agriculture, Rural Development and Related Agencies Appropriation Act, 1981 (Public Law 96–528), for payment to carry out cooperative agricultural extension work under the Smith-Lever Act, as amended, and cooperative forestry and other research under the Hatch Act, as amended, American Samoa and Micronesia shall be entitled to a distribution, as determined by the Secretary of Agriculture, for the fourth quarter of fiscal year 1981.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE  

For an additional amount for “Animal and Plant Health Inspection Service”, $13,250,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE  

DAIRY AND BEEKEEPER INDEMNITY PROGRAMS  

(DEFERRAL)  

Of the funds provided under this head in the Agriculture, Rural Development and Related Agencies Appropriation Act, 1981 (Public Law 96–528), $1,500,000 may be withheld from obligation until October 1, 1981.

FEDERAL CROP INSURANCE CORPORATION  

ADMINISTRATIVE AND OPERATING EXPENSES  

For an additional amount for “Administrative and operating expenses”, $23,181,000.

FARMERS HOME ADMINISTRATION  

RURAL HOUSING INSURANCE FUND  

MODERATE INCOME HOUSING LOANS  

(DEFERRAL AND RESCISSION)  

Of the funds provided under this head in the Agriculture, Rural Development and Related Agencies Appropriation Act, 1981 (Public Law 96–528), $166,000,000 may be withheld from obligation until October 1, 1981, and $150,000,000 are rescinded.

AGRICULTURAL CREDIT INSURANCE FUND  

FARM OWNERSHIP LOANS  

(DEFERRAL AND RESCISSION)  

Of the funds provided under this head in the Agriculture, Rural Development and Related Agencies Appropriation Act, 1981 (Public Law 96–528), $166,000,000 may be withheld from obligation until October 1, 1981, and $150,000,000 are rescinded.

SOIL AND WATER LOANS  

(DEFERRAL)  

Of the funds provided under this head in the Agriculture, Rural Development and Related Agencies Appropriation Act, 1981 (Public Law 96–528), $5,000,000 may be withheld from obligation until October 1, 1981.

RURAL DEVELOPMENT INSURANCE FUND  

ALCOHOL PRODUCTION FACILITY LOANS  

For loans to be guaranteed under this fund in accordance with and subject to the provision of 7 U.S.C. 1932(a), $250,000,000.

DEPARTMENT OF THE TREASURY  

ENERGY SECURITY RESERVE  

(RESCISSON)  

Of the funds provided under this head for fiscal year 1980 in Public Law 96–504, $505,000,000 are rescinded.
DEPARTMENT OF AGRICULTURE

RURAL COMMUNITY FIRE PROTECTION GRANTS
(DEFERRAL)

Of the funds appropriated under this head in the Agriculture, Rural Development and Related Agencies Appropriation Act, 1981 (Public Law 96-528), $1,500,000 may be withheld from obligation until October 1, 1981.

RURAL DEVELOPMENT PLANNING GRANTS
(DEFERRAL)

Of the funds appropriated under this head in the Agriculture, Rural Development and Related Agencies Appropriation Act, 1981 (Public Law 96-528), $2,000,000 may be withheld from obligation until October 1, 1981.

RURAL HOUSING SUPERVISORY ASSISTANCE GRANTS
(RESCSSION)

Of the funds appropriated under this head in the Agriculture, Rural Development and Related Agencies Appropriation Act, 1981 (Public Law 96-528), $500,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION
RURAL COMMUNICATION DEVELOPMENT FUND
(RESCSSION)

Of the loan levels authorized under section 310B under this head in Public Law 96-528, making appropriations for fiscal year 1981, $16,000,000 are rescinded.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for “Child nutrition programs”, $109,875,000: Provided, That this appropriation shall be available only to the extent an official supplemental request is transmitted to the Congress.

FOOD STAMP PROGRAM

For an additional amount for the “Food stamp program”, $1,740,724,000: Provided, That this appropriation shall be available only upon enactment into law of authorizing legislation, but pending the enactment into law of such legislation, funds received from the sale of surplus agricultural commodities shall be available to the extent and in the manner provided in this paragraph: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That of the amounts provided herein, $586,124,000 shall be available upon certification by the Secretary of Agriculture that the Department of Agriculture is using all regulatory and administrative methods available under law to curtail fraud, waste, error, and abuse in the program: Provided further, That this appropriation shall be available only to the extent an official amended supplemental request is transmitted to the Congress: Provided further, That the funds provided herein shall remain available until September 30, 1981.

CHAPTER II

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for “Periodic censuses and programs”, $24,200,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS
(RESCSSION)

Of the funds appropriated for “Economic development assistance programs” in Public Law 96-536, $187,850,000 are rescinded.

REGIONAL DEVELOPMENT PROGRAMS
(RESCSSION)

Of the funds appropriated for “Regional development programs” in Public Law 96-536, $21,000,000 are rescinded, and the balance remaining under this head shall be available only to the extent necessary to complete termination of the program.

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES
(RESCSSION)

Of the funds appropriated for United States Travel Service, “Salaries and expenses” in Public Law 96-536, $41,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, research, and facilities”, $4,677,000, to remain available until expended: Provided, That no funds available to this agency shall be used to either reduce or plan for a reduction in full-time permanent employment of less than twelve thousand five hundred and eighty (12,580): Provided further, That if the Secretary determines that the orderly and efficient operation of the Department of Commerce requires that he not comply with the preceding proviso, he need not comply and shall
submit to the Committees on Appropriations of the House and Senate, a report explaining his reasons for not complying.

(RESCISSION)

Of the funds appropriated for “Operations, research, and facilities” in Public Law 96-536, $23,640,000 are rescinded.

CONSTRUCTION

(RESCISSION)

91 Stat. 432.

Of the funds appropriated under this head in Public Law 95-86, $11,000,000 are rescinded.

COASTAL ENERGY IMPACT FUND

(DEFERRAL)

91 Stat. 431.

Of the funds appropriated under this head in Public Law 95-86, $7,000,000 are deferred for obligation until October 1, 1981.

COASTAL ZONE MANAGEMENT

(TRANSFER OF FUNDS)

For an additional amount for “Coastal zone management”, $33,000,000, to be derived by transfer from “Coastal energy impact fund”, to remain available until expended.

PROMOTE AND DEVELOP FISHERY PRODUCTS AND RESEARCH PERTAINING TO AMERICAN FISHERIES

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves $2,500,000 of the proposed deferral D81-105, relating to Department of Commerce, National Oceanic and Atmospheric Administration, “Promote and Develop Fishery Products and Research Pertaining to American Fisheries”, as set forth in the message of April 27, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon enactment into law of this Act, and the amount of the proposed deferral disapproved herein shall be made available for obligation.

FOREIGN FISHING OBSERVER FUND

(RESCISSION)

94 Stat. 1069.

Of the funds appropriated for the Foreign Fishing Observer Fund in Public Law 96-536, $2,500,000 are rescinded.

FISHERMEN’S GUARANTY FUND

(RESCISSION)

94 Stat. 1069.

Note

16 USC 1827.

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SCIENCE AND TECHNICAL RESEARCH

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds appropriated for “Scientific and technical research and services” in Public Law 96-536, $3,370,000 are rescinded.

94 Stat. 3166.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

94 Stat. 3166.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

(RESCISSION)

Of the funds appropriated for the National Telecommunications and Information Administration, “Salaries and expenses” in Public Law 96-536, $163,000 are rescinded.

94 Stat. 3166.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

(RESCISSION)

Of the funds appropriated for “Public telecommunications facilities, planning and construction” in Public Law 96-536, $6,000,000 are rescinded.

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves $55,000,000 of the proposed deferral D81-80 relating to the Department of Commerce, Maritime Administration, “Ship construction” as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

RESEARCH AND DEVELOPMENT

(RESCISSION)

94 Stat. 3166.

Of the funds appropriated for the Maritime Administration, “Research and development” in Public Law 96-536, $2,500,000 are rescinded.

94 Stat. 3166.
DEPARTMENT OF JUSTICE

General Administration

SALARIES AND EXPENSES

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves $3,165,000 of the proposed deferral D81-85 relating to the Department of Justice, General Administration, "Salaries and expenses" as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, General legal activities", $800,000, to be derived by transfer from Federal Prison System, "Buildings and facilities".

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, United States Attorneys and Marshals", $7,251,000, of which $6,371,000 shall be derived by transfer from Federal Prison System, "Buildings and facilities".

FEES AND EXPENSES OF WITNESSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Fees and expenses of witnesses", $6,200,000, of which $2,931,000 is to be derived from Office of Justice Assistance, Research, and Statistics, "Law enforcement assistance".

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $12,203,000, of which $4,820,000 shall be derived by transfer from General Administration, "Salaries and expenses" and $6,202,000 shall be derived by transfer from Federal Prison System, "Buildings and facilities": Provided, That no part of any appropriation contained in this Act nor any part of the appropriation contained in Public Law 96-536 for the Federal Bureau of Investigation, "Salaries and expenses" in excess of $35,218,000 shall be available for paying to the Administrator of the General Services Administration the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $875,000, to be derived by transfer from Federal Prison System, "Buildings and facilities": Provided, That $1,700,000 appropriated for Drug Enforcement Administration, "Salaries and expenses" in Public Law 96-536 shall remain available until September 30, 1982, for purchase of evidence and purchase of information.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D81-86 relating to the Department of Justice, Federal Prison System, "Salaries and expenses" as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

RESEARCH AND STATISTICS

For an additional amount for "Research and statistics", $15,353,000.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $1,475,000, and $3,000,000 to be derived by release of that amount which was
withheld from obligation pursuant to section 105 of H.R. 7584 as incorporated into Public Law 96-536; and $20,964,000 to be derived by transfer from “Contributions to international organizations” by release of that amount which was withheld from obligation pursuant to section 105 of H.R. 7584 as incorporated into Public Law 96-536: Provided, That $35,800,000 appropriated for “Administration of foreign affairs, salaries and expenses” by Public Law 96-536 shall remain available until September 30, 1982.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

(TRANSFER OF FUNDS)

For an additional amount for “Payment to the American Institute in Taiwan”, $275,000 to be derived by transfer from “Acquisition, operation, and maintenance of buildings abroad” by release of that amount which was withheld from obligation pursuant to section 105 of H.R. 7584 as incorporated into Public Law 96-536.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Payment to the Foreign Service retirement and disability fund”, $5,321,000, and $4,030,000 to be derived by transfer from “Acquisition, operation, and maintenance of buildings abroad” by release of that amount which was withheld from obligation pursuant to section 105 of H.R. 7584 as incorporated into Public Law 96-536; and $2,695,000 to be derived by transfer from “Acquisition, operation, and maintenance of buildings abroad” by release of that amount which was withheld from obligation pursuant to section 105 of H.R. 7584 as incorporated into Public Law 96-536.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

(RESCISION)

Of the funds appropriated for “Contributions to international organizations” in Public Law 96-536, $84,000,000 are rescinded.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

For an additional amount for “Care of the building and grounds”, $42,000.
COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

SALARIES AND EXPENSES
Funds appropriated for the Commission on Wartime Relocation and Internment of Civilians, “Salaries and expenses” by Public Law 96-536 shall remain available until September 30, 1982.

DEPARTMENT OF THE TREASURY
BUREAU OF GOVERNMENT FINANCIAL OPERATIONS
FISHERMEN’S PROTECTIVE FUND
For payment to the Fishermen’s Protective Fund, in accordance with section 5 of the Public Law 92-569 approved October 26, 1972, $8,300,000, to remain available until expended.

FEDERAL TRADE COMMISSION
SALARIES AND EXPENSES
(RECSSION)
Of the funds appropriated for the Federal Trade Commission, “Salaries and expenses” in Public Law 96-536, $226,000 are rescinded.

INTERNATIONAL COMMUNICATION AGENCY
SALARIES AND EXPENSES
(TRANSFER OF FUNDS)
For an additional amount for “Salaries and expenses”, $350,000, to be derived by transfer from “Salaries and expenses (special foreign currency program)”.  
SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)
(DISAPPROVAL OF DEFERRAL)
The Congress disapproves $350,000 of the proposed deferral D81-75 relating to the International Communication Agency, “Salaries and expenses (special foreign currency program)” as set forth in the message of February 13, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

INFORMATIONAL MEDIA GUARANTEE FUND
The Secretary of the Treasury shall cancel all notes originally issued or assumed by the Director of the United States Information Agency for purposes of payments under Informational Media Guarantees, and sums owing and unpaid thereon, including interest to the time of cancellation.

SALARIES AND EXPENSES (RESCISSION)
Of the funds appropriated for the Small Business Administration, “Salaries and expenses” in Public Law 96-536, $700,000 are rescinded: Provided, That $8,500,000 shall be available for Small Business Development Centers for fiscal year 1981 pursuant to section 203 of the Small Business Act, as amended.

BUSINESS LOAN AND INVESTMENT FUND
(DISAPPROVAL OF DEFERRAL)
The Congress disapproves $73,400,000 of the proposed deferral D81-41A relating to the Small Business Administration, “Business loan and investment fund” as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment into law of this bill.

SURETY BOND GUARANTEES REVOLVING FUND
(DISAPPROVAL OF DEFERRAL)
The Congress disapproves the proposed deferral D81-102 relating to the Small Business Administration, “Surety bond guarantees revolving fund” as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment into law of this bill.

CHAPTER III
DEPARTMENT OF DEFENSE—MILITARY
MILITARY PERSONNEL
MILITARY PERSONNEL, ARMY
For an additional amount for “Military personnel, Army”, $8,400,000.
MILITARY PERSONNEL, NAVY
For an additional amount for “Military personnel, Navy”, $290,089,000.
MILITARY PERSONNEL, MARINE CORPS
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Military personnel, Marine Corps”, $45,500,000, and in addition, $47,800,000, which shall be derived by transfer from “Retired pay, Defense”.

Effective date.
MILITARY PERSONNEL, AIR FORCE
For an additional amount for “Military personnel, Air Force”, $140,150,000.

SPECIAL PAY FOR AVIATION OFFICERS
For the payment of special pay under section 301b of title 37, United States Code, $55,500,000, to be transferred to the various military personnel accounts.

RESERVE PERSONNEL, ARMY
For an additional amount for “Reserve personnel, Army”, $9,200,000.

RESERVE PERSONNEL, MARINE CORPS
For an additional amount for “Reserve personnel, Marine Corps”, $8,257,000.

NATIONAL GUARD PERSONNEL, ARMY
For an additional amount for “National Guard personnel, Army”, $27,400,000.

NATIONAL GUARD PERSONNEL, AIR FORCE
For an additional amount for “National Guard personnel, Air Force”, $10,600,000.

OPERATION AND MAINTENANCE
OPERATION AND MAINTENANCE, ARMY
For an additional amount for “Operation and maintenance, Army”, $466,149,000; and, in addition, $2,985,000 for liquidation of contract authority in “Operation and maintenance, Army” for fiscal year 1980; and, the amount of funds which can be used for emergencies and extraordinary expenses is increased to $4,159,000.

ARMY STOCK FUND
For the Army Stock Fund, $34,000,000.

OPERATION AND MAINTENANCE, NAVY
For an additional amount for “Operation and maintenance, Navy”, $561,605,000; and, in addition, $3,620,000,000 for liquidation of contract authority in “Operation and maintenance, Navy” for fiscal year 1980; and, the amount of funds available only for regularly scheduled ship overhauls, restricted availabilities and expenses associated with the installation of equipment, improvements, and modifications scheduled to be accomplished concurrently during an overhaul or restricted availability is decreased to $3,620,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS
For an additional amount for “Operation and maintenance, Marine Corps”, $56,906,000; and, in addition, $4,077,000 for liquidation of contract authority in “Operation and maintenance, Marine Corps” for fiscal year 1980.

OPERATION AND MAINTENANCE, AIR FORCE
For an additional amount for “Operation and maintenance, Air Force”, $923,568,000; and, in addition, $388,743,000 for liquidation of contract authority in “Operation and maintenance, Air Force” for fiscal year 1980.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES
For an additional amount for “Operation and maintenance, Defense Agencies”, $111,675,000; and, in addition, the amount of funds which can be used for emergencies and extraordinary expenses is increased to $5,454,000.

DEFENSE STOCK FUND
For an additional amount for the “Defense stock fund”, $423,000,000.

OPERATION AND MAINTENANCE, ARMY RESERVE
For an additional amount for “Operation and maintenance, Army Reserve”, $15,300,000.

OPERATION AND MAINTENANCE, NAVY RESERVE
For an additional amount for “Operation and maintenance, Navy Reserve”, $17,737,000; and, in addition, $8,786,000 for liquidation of contract authority in “Operation and maintenance, Navy Reserve” for fiscal year 1980.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE
For an additional amount for “Operation and maintenance, Air Force Reserve”, $25,400,000; and, in addition, $14,997,000 for liquidation of contract authority in “Operation and maintenance, Air Force Reserve” for fiscal year 1980.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD
For an additional amount for “Operation and maintenance, Army National Guard”, $25,150,000; and, in addition, $2,663,000 for liquidation of contract authority in “Operation and maintenance, Army National Guard” for fiscal year 1980.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD
For an additional amount for “Operation and maintenance, Air National Guard”, $70,900,000; and, in addition, $44,235,000 for liquidation of contract authority in “Operation and maintenance, Air National Guard” for fiscal year 1980.

CLAIMS, DEFENSE
For an additional amount for “Claims, defense”, $6,000,000.
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

MISSILE PROCUREMENT, ARMY
For an additional amount for "Missile procurement, Army, 1981/1983", $25,100,000, to remain available for obligation until September 30, 1983.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY
For an additional amount for "Procurement of weapons and tracked combat vehicles, Army, 1981/1983", $796,000,000, to remain available for obligation until September 30, 1983.

PROCUREMENT OF AMMUNITION, ARMY

OTHER PROCUREMENT, ARMY
For an additional amount for "Other procurement, Army, 1981/1983", $598,750,000, to remain available for obligation until September 30, 1983.

AIRCRAFT PROCUREMENT, NAVY
For an additional amount for "Aircraft procurement, Navy, 1981/1983", $143,600,000, to remain available for obligation until September 30, 1983.

SHIPBUILDING AND CONVERSION, NAVY
For an additional net amount for "Shipbuilding and conversion, Navy, 1981/1983", $143,600,000, to remain available for obligation until September 30, 1983.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY
For an additional amount for "Research, development, test, and evaluation, Army, 1981/1982", $41,017,000, to remain available for obligation until September 30, 1982.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY
For an additional amount for "Research, development, test, and evaluation, Navy, 1981/1982", $113,609,000, of which not to exceed $2,000,000 is for research and development in connection with the reactivation of the battleship U.S.S. New Jersey and not to exceed $1,000,000 is for research and development in connection with the reactivation of the battleship U.S.S. Iowa, to remain available for obligation until September 30, 1982.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE
For an additional amount for "Research, development, test, and evaluation, Air Force, 1981/1982", $308,976,000, to remain available for obligation until September 30, 1982.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

GENERAL PROVISIONS

Appropriations or funds available to the Department of Defense may be transferred to fiscal year 1981 Department of Defense appropriations for Research, development, test, and evaluation to the extent necessary to meet increased pay costs authorized by or pursuant to law.

None of the funds appropriated to the Department of Defense for fiscal year 1981 and hereafter shall be available for obligation to
reimburse a contractor for the cost of commercial insurance (other
than insurance normally maintained by the contractor in connection
with the general conduct of his business) that would protect against
costs of the contractor for correction of the contractor's own defects in
materials or workmanship incident to the normal course of construc-
tion (those defects in materials or workmanship which do not consti-
tute a fortuitous or casualty loss).

CHAPTER IV
DEPARTMENT OF ENERGY
OPERATING EXPENSES
ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES
(RESCSSION AND DEFERRAL)
Of the funds appropriated for "Operating expenses, energy supply,
research and development activities" in Public Law 96-367 and other
Acts making appropriations for Energy and Water Development,
$82,511,000 are rescinded and $105,688,000 are deferred for obligation
until October 1, 1981.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES
(RESCSSION)
Contract authority deemed to have been made available for "Oper-
ating expenses, uranium supply and enrichment activities" in Public
Law 96-367 and other Acts making appropriations for Energy and Water
Development, in the amount of $979,585,000 is hereby rescinded.

GENERAL SCIENCE AND RESEARCH ACTIVITIES
(DEFERRAL)
Of the funds appropriated for "Operating expenses, general science
and research activities", in Public Law 96-367 and other Acts making
appropriations for Energy and Water Development, $5,000,000 are
defered for obligation until October 1, 1981.

ATOMIC ENERGY DEFENSE ACTIVITIES
(DISAPPROVAL OF DEFERRAL)
The Congress disapproves the proposed deferral D81-29A relating
to the Atomic Energy Defense Activities inertial confinement fusion
program as set forth in the message of March 10, 1981, which was
transmitted to the Congress by the President. This disapproval shall
be effective upon enactment into law of this bill. The funds shall be
made available for obligation to carry out the inertial confinement
fusion program activities authorized in Public Law 96-540.

Effective date.

DEPARTMENTAL ADMINISTRATION
GENERAL ADMINISTRATION
For an additional amount for "Operating expenses, departmental
administration, general administration", $41,000,000, to remain
available until expended.

PLANT AND CAPITAL EQUIPMENT
ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES
(RESCSSION AND DEFERRAL)
Of the funds appropriated for "Plant and capital equipment, energy
supply, research and development activities" in Public Law
96-367 and other Acts making appropriations for Energy and Water
Development, $2,500,000 are rescinded and $36,647,000 are deferred
for obligation until October 1, 1981.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES
(RESCSSION)
Contract authority deemed to have been made available for "Plant
and capital equipment, uranium supply and enrichment activities"
in Public Law 96-367 and other Acts making appropriations for
Energy and Water Development, in the amount of $274,460,000 is
hereby rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES
For an additional amount for "Plant and capital equipment, atomic
energy defense activities", $10,000,000, to remain available until
expended.
(DEFERRAL)
Of the funds appropriated for "Plant and capital equipment,
atomic energy defense activities" in Public Law 96-367 and other
Acts making appropriations for Energy and Water Development,
$30,000,000 are deferred for obligation until October 1, 1981.

DEPARTMENTAL ADMINISTRATION
(RESCSSION)
Of the funds appropriated for "Plant and capital equipment,
departmental administration" in Public Law 96-367 and other Acts
making appropriations for Energy and Water Development,
$11,500,000 are rescinded.
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GEOTHERMAL RESOURCES DEVELOPMENT FUND

GEOTHERMAL LOAN GUARANTEE AND INTEREST ASSISTANCE PROGRAM

(RESCISSON AND DEFERRAL)

Of the funds appropriated for “Geothermal resources development fund, geothermal loan guarantee and interest assistance program” in Public Law 94-355, Public Law 95-96, Public Law 96-69, Public Law 96-367 and other Acts making appropriations for Energy and Water Development, $21,982,000 are rescinded and $101,000 are deferred for obligation until October 1, 1981. Amounts required for interest assistance payments hereafter shall be met from funds provided annually in appropriations Acts and the moneys remaining in the fund shall be available generally for the purposes specified in title II of Public Law 94-355.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—Civil

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for “Operation and maintenance, general”, $34,000,000, to remain available until expended. Any activity undertaken by virtue of funds appropriated herein for the relief of the emergency situation created by the eruptions of the volcano at Mount Saint Helens in Washington State is not prohibited by or otherwise subject to regulation under section 301, 402, or 404 of the Federal Water Pollution Control Act of 1972, as amended, or section 10 of the River and Harbor Act of 1899. Provided, That as expeditiously as possible, consistent with the protection of the public interests through the continuation of the emergency dredging, disposal, and related activities necessary, the Corps of Engineers shall initiate accelerated and abbreviated procedures, including as is appropriate, public notices and opportunities for public hearings, for such activities under section 404 of the Federal Water Pollution Control Act of 1972, as amended and section 10 of the River and Harbor Act of 1899.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for flood control and coastal emergencies, $25,000,000, to remain available until expended. Any activity undertaken by virtue of funds appropriated herein for the relief of the emergency situation created by the eruptions of the volcano at Mount Saint Helens in Washington State is not prohibited by or otherwise subject to regulation under section 301, 402, or 404 of the Federal Water Pollution Control Act of 1972, as amended, or section 10 of the River and Harbor Act of 1899. Provided, That as expeditiously as possible, consistent with the protection of the public interests through the continuation of the emergency dredging, disposal, and related activities necessary, the Corps of Engineers shall initiate accelerated and abbreviated procedures, including as is appropriate, public notices and opportunities for public hearings, for such activities under section 404 of the Federal Water Pollution Control Act of 1972, as amended, and section 10 of the River and Harbor Act of 1899.

INDEPENDENT AGENCIES

Funds Appropriated to the President

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

(RESCISSION)

Of the funds appropriated for “Funds appropriated to the President, Appalachian regional development programs” in the Energy and Water Development Appropriation Act, 1981, $40,000,000 are rescinded.

(DEFERRAL)

Of the funds appropriated for “Funds appropriated to the President, Appalachian regional development programs” in the Energy and Water Development Appropriation Act, 1981, $15,000,000 are deferred for obligation until October 1, 1981.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated for the Nuclear Regulatory Commission in the Energy and Water Development Appropriation Act, 1981, $5,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

(RESCISSION)

Of the funds appropriated for the payment to the Tennessee Valley Authority in Public Law 96-367 making appropriations for Energy and Water Development and in Public Law 96-304 making supplemental appropriations for Energy and Water Development, $85,500,000 are rescinded.

(DEFERRAL)

Of the funds appropriated for the payment to the Tennessee Valley Authority in Public Law 96-367 making appropriations for Energy and Water Development and in Public Law 96-304 making supplemental appropriations for Energy and Water Development, $42,000,000 are deferred for obligation until October 1, 1981.
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WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

(RESCISION)

Of the funds provided for "Water resources planning" in Public Law 96-367, $5,000,000 are rescinded.

Not to exceed $2,288,000 of the unobligated balances of the Water Resources Council, as of the date of enactment of this Act, shall be reprogrammed for grants to the States provided under the authority of title III of the Water Resources Planning Act (42 U.S.C. 1962 et seq.).

CHAPTER V

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

(RESCISION)

Of the funds made available for this account by Public Law 96-536, $33,447,900 are rescinded.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $500,000,000, to be available only upon the enactment of authorizing legislation, for the first installment of the United States contribution to the sixth replenishment, to remain available until expended: Provided, That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $17,987,000, to be available only upon the enactment of authorizing legislation, for the United States share of the initial subscription to paid-in capital stock, to remain available until expended: Provided, That no such payment may be made while the United States Executive Director to the African Development Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTION

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such increase in capital stock in an amount not to exceed $53,960,035, contingent on the availability of authorizing legislation.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE President

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

AGENCY FOR INTERNATIONAL DEVELOPMENT

American Schools and Hospitals Abroad (Foreign Currency Program): For necessary expenses as authorized by section 612 of the Foreign Assistance Act of 1961 $14,300,000 in foreign currencies which the President determines to be excess to the normal requirements of the United States, which shall be available only for the American University in Cairo, Egypt, to remain available until expended: Provided, That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

INTER-AMERICAN FOUNDATION

(RESCSSION)

Of the funds made available for this account by Public Law 96-536, $138,000 are rescinded.

INDEPENDENT AGENCY

ACTION—INTERNATIONAL PROGRAMS

PEACE CORPS

For an additional amount for "Operating expenses, international programs", $531,000.
DEPARTMENT OF STATE
INTERNATIONAL NARCOTICS CONTROL
(RESCISSION)

94 Stat. 3166.

95 Stat. 36

95 Stat. 36

PUBLIC LAW 97-12—JUNE 5, 1981

Of the funds provided for this account in Public Law 96-536, $12,785,000 are rescinded.

MIGRATION AND REFUGEE ASSISTANCE
(RESCISSION)

94 Stat. 3166.

MIGRATION AND REFUGEE ASSISTANCE
(RESCISSION)

94 Stat. 3166.

Of the funds provided for this account in Public Law 96-536, $17,500,000 are rescinded.

EXPORT-IMPORT BANK OF THE UNITED STATES

LIMITATION ON PROGRAM ACTIVITY

During fiscal year 1981, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $5,461,000,000. During fiscal year 1981, the total commitment to guarantee loans shall not exceed $8,059,000,000 of contingent liability for loan principal.

CHAPTER VI
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Housing Programs

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING
(RESCSSION)

94 Stat. 3044.

94 Stat. 3044.

Of the amounts of additional contract authority provided under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, as authorized by section 5 of the United States Housing Act of 1937, $30,611,608 for existing units under section 8, including section 8(j) of such Act, $197,102,148 for newly constructed and substantially rehabilitated units assisted under such Act, and $5,219,104,150 of budget authority, are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Housing Programs

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING
(RESCSSION)

94 Stat. 3044.

2 USC 1437c.
1437f.

94 Stat. 3044.

94 Stat. 3044.

Of the amounts of additional contract authority provided under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, as authorized by section 5 of the United States Housing Act of 1937, $15,000,000 for modernization of existing low-income housing projects and $300,000,000 of budget authority shall be withheld from obligation until October 1, 1981.

HOUSING PAYMENTS

For an additional amount for "Housing payments", $256,966,000.
Community Planning and Development

Comprehensive Planning Grants (Recession)

Any amounts not reserved from appropriations provided under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Acts, 1981 and prior years, including any amounts becoming available from cancellation of prior year reservations, but excluding $19,000,000, are rescinded.

Rehabilitation Loan Fund (Recession)

All unreserved funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Acts, 1981 and prior years, including any recoveries of prior reservations, but excluding necessary funds for operating costs and the capitalization of delinquent interest on delinquent or defaulted loans, are rescinded: Provided, That the gross amounts administratively committed for the principal amounts of direct loans for fiscal year 1981 shall not exceed the amount of the appropriation remaining following the rescission herein, plus loan repayments and other income becoming available during the year, but excluding amounts becoming available from canceled prior year commitments.

Neighborhoods, Voluntary Associations and Consumer Protection

Housing Counseling Assistance (Recession)

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $5,000,000 are rescinded.

Neighborhood Self-Help Development Program (Recession)

All unobligated funds provided under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Acts, 1981 and prior years, are rescinded. In addition, all recoveries of prior obligations are rescinded as they become available: Provided, That $501,500 of funds appropriated for Community Development Grants in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, shall be available from the Secretary's Discretionary Fund to fully fund the balance of the grant commitments made for the nine Neighborhood Self-Help Development projects approved after September 30, 1980, and before March 17, 1981.

Policy Development and Research

Research and Technology (Recession)

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $5,000,000 are rescinded.

Independent Agencies

Environmental Protection Agency

Research and Development (Recession)

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $499,300 are rescinded.

Abatement, Control and Compliance (Recession)

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $4,953,100 are rescinded.

Payment to the Hazardous Substance Response Trust Fund

For payment to the Hazardous Substance Response Trust Fund as authorized by Public Law 96-510, $9,000,000.

Hazardous Substance Response Trust Fund

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4), $68,000,000, to be derived from the Hazardous Substance Response Trust Fund, to remain available until expended. Funds appropriated under this account may be allocated to other Federal agencies in accordance with section 111(a) of Public Law 96-510.

Construction Grants (Recession)

Of the funds appropriated under this head, $880,000,000 in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1980, and $756,000,000 in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, are rescinded. The reduction in each appropriation will be distributed among the States according to the allotment formula specified in section 205(c) of Public Law 92-500, as amended by Public Law 95-217. Whenever a State's share of the reduction from an appropriation, as determined by the formula, is greater than its unobligated balance for that appropriation, as determined by the
Administrator of the Environmental Protection Agency upon the date of enactment of this Act, the shortfall will be distributed according to the allotment formula among all the States which still have funds remaining from that appropriation. This process of distributing the shortfall will continue until the amount of the reduction has been allocated among the States.

Of the funds appropriated under this head in the Public Works Employment Appropriation Act, 1977, $64,000,000 are rescinded.

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY
(RESCISSON)
Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $708,000 are rescinded.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY
(RESCISSON)
Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $595,000 are rescinded.

FEDERAL EMERGENCY MANAGEMENT AGENCY
FUNDS APPROPRIATED TO THE PRESIDENT
DISASTER RELIEF
(RESCISSON)
Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $8,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
RESEARCH AND DEVELOPMENT
(RESCISSON)
Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $46,000,000 are rescinded, and of the amounts remaining for research and related activities under Public Law 96-526: (1) not more than $37,000,000 shall be available for scientific, technological, and international affairs; (2) not more than $33,000,000 shall be available for engineering; (3) not more than $18,053,000 shall be available for earthquake hazards mitigation; (4) not more than $1,240,000 shall be available for the establishment and operation of three university-based Innovation Centers; (5) not more than $2,800,000 shall be available for grants to two-year and four-year colleges for equipment and instrumentation costing $35,000 or less; (6) not more than $300,000 shall be available for small business innovation for projects to aid the handicapped; and (7) not more than $1,400,000 shall be available for special programs for women and minorities in science and technology. None of these funds shall be available for separately targeted programs for appropriate technology, science faculty improvement programs for two-year and four-year college faculty research participation, and research opportunity grants and visiting professorships for women.

SCIENCE EDUCATION ACTIVITIES
(RESCISSON)
Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $10,000,000 are rescinded: Provided, That of the amounts remaining for science education activities under Public Law 96-526, not more than (1) $15,000,000 shall be available for women and minorities in science and technology activities and (2) $500,000 shall be available for science education programs related to appropriate technology.

SELECTIVE SERVICE SYSTEM
SALARIES AND EXPENSES
(RESCISSON)
Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $1,940,000 are rescinded.
VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS
For an additional amount for "Compensation and pensions", $990,000,000, to remain available until expended.

READJUSTMENT BENEFITS
For an additional amount for "Readjustment benefits", $467,500,000, to remain available until expended.

VETERANS INSURANCE AND INDEMNITIES
For an additional amount for "Veterans insurance and indemnities", $3,555,000, to remain available until expended.

MEDICAL CARE
For an additional amount for "Medical care", $79,967,000.

(DISAPPROVAL OF DEFERRAL)
The Congress disapproves the proposed deferral D81-95 relating to the Veterans Administration, Medical care, as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment into law of this bill.

MEDICAL CARE
(RESCission)
Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriations Acts, 1981 and prior years, $25,789,000 are rescinded.

MEDICAL AND PROSTHETIC RESEARCH
(DISAPPROVAL OF DEFERRAL)
The Congress disapproves the proposed deferral D81-96 relating to the Veterans Administration, Medical and prosthetic research, as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment into law of this bill.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES
(DISAPPROVAL OF DEFERRAL)
The Congress disapproves the proposed deferral D81-97 relating to the Veterans Administration, Medical administration and miscellaneous operating expenses, as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment into law of this bill.

CONSTRUCTION, MAJOR PROJECTS
(RESCission)
Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Acts, 1981 and prior years, $162,160,000 are rescinded.

(DISAPPROVAL OF DEFERRAL)
The Congress disapproves $85,965,000 of the proposed deferral D81-98 relating to the Veterans Administration, Construction, major projects, as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

VOCATIONAL REHABILITATION REVOLVING FUND
To increase the "Vocational rehabilitation revolving fund" established by the Act of March 24, 1943, as amended (38 U.S.C. 1512), $1,250,000, to remain available until expended.

CORPORATIONS
FEDERAL HOME LOAN BANK BOARD
LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD
The limitation on nonadministrative expenses is increased by $930,000.

CHAPTER VII
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MANAGEMENT OF LANDS AND RESOURCES
For an additional amount for "Management of lands and resources", $55,200,000.

OFFICE OF WATER RESEARCH AND TECHNOLOGY
SALARIES AND EXPENSES
(RESCission and DEFERRal)
Of the funds appropriated under this head in the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514) $2,745,000 shall not become available for obligation until October 1, 1981, and shall remain available for obligation until September 30, 1983, and $5,900,000 are rescinded.
United States Fish and Wildlife Service

Resource Management

For an additional amount for "Resource management", $2,000,000.

Construction and Anadromous Fish (Recession)

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), $2,500,000 are rescinded.

National Park Service

Operation of the National Park System

For an additional amount for "Operation of the national park system", $4,776,000 including $576,000 to complete construction of the Savage River Bridge at Denali National Park and Preserve, Alaska.

Urban Park and Recreation Fund (Recession)

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), and previous Interior Department Appropriations Acts, $19,000,000 are rescinded.

Land and Water Conservation Fund (Recession)

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514) and previous Interior Department Appropriations Acts, $90,000,000 are rescinded in the following amounts: $55,000,000 for payments to the States; $133,000 for the Bureau of Land Management; $4,918,000 for the Forest Service; $12,217,000 for the United States Fish and Wildlife Service; $14,782,000 for the National Park Service; and $2,950,000 for the Pinelands National Reserve: Provided, That notwithstanding the provisions of 16 U.S.C. 4601-8, the unobligated balances of the contingency reserve and funds appropriated and apportioned for the various States and Territories upon enactment of this Act shall be reallocated among the States and Territories so that each shall receive not less than seventy-five percent of the amount each would have received under the statutory allocation of the amount appropriated for payment to the States under this head in Public Law 96-514.

Historic Preservation Fund (Recession)

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), and previous Department of the Interior Appropriations Acts, $6,500,000 are rescinded.

Construction (Recession)

Of the funds appropriated under this head in Public Law 96-126, making appropriations for the Department of the Interior and related agencies, 1980, $12,000,000 available from the Highway Trust Fund to liquidate contract authority provided under section 108(a)(8) of Public Law 94-280 for engineering services, roadway excavation, and pilot boring for the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87 are rescinded.

Geological Survey

Surveys, Investigations, and Research

For an additional amount for “Surveys, investigations, and research”, $15,800,000.

Office of Surface Mining Reclamation and Enforcement

Regulation and Technology (Recession and Deferral)

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), $3,154,000 are rescinded and $5,800,000 shall not become available for obligation until October 1, 1981, to remain available for obligation until September 30, 1982.

Bureau of Indian Affairs

Operation of Indian Programs

For an additional amount for “Operation of Indian programs”, $7,350,000.

Office of Territorial Affairs

Administration of Territories

For an additional amount for “Administration of territories”, $5,704,000, to remain available until expended.

Secretarial Offices

Office of the Solicitor

Salaries and Expenses

For an additional amount for “Salaries and expenses”, $62,000.
OFFICE OF THE SECRETARY
INSPECTOR GENERAL

For an additional amount for "Inspector General", $200,000.

YOUTH CONSERVATION CORPS
(RESCISSION)

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), $34,000,000 are rescinded: Provided, That notwithstanding provisions of 16 U.S.C 1704(d) and 1706 the unrescinded balance of the amount appropriated under this head in Public Law 96-514 shall be allocated as follows: $18,000,000 for the purposes of 16 U.S.C 1704; $4,000,000 to the Secretary of the Interior; and $4,000,000 to the Secretary of Agriculture.

RURAL WATER TREATMENT AND DISTRIBUTION SYSTEM
(DEFERRAL)

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), $1,900,000 shall not become available for obligation until the conditions of Section 9(b) of Public Law 96-355 regarding deauthorization of the Oahe unit have been met.

RELATED AGENCIES
DEPARTMENT OF AGRICULTURE
Forest Service
NATIONAL FOREST SYSTEM

For an additional amount for "National forest system", $100,000,000.

CONSTRUCTION AND LAND ACQUISITION

For an additional amount for "Construction and land acquisition", $62,542,000, to remain available until expended for construction of forest development roads and trails by the Forest Service: Provided, That section 14(i) of the National Forest Management Act of 1976 (Public Law 94-588) may be waived at the discretion of the Secretary if he determines that such action will facilitate the salvage of timber damaged by the eruption of Mount Saint Helens: Provided further, That $22,607,000 appropriated in the Department of the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), for timber management and any related activities, including roads, on the Tongass National Forest, Alaska, that are replaced by funds provided under the authority of section 705(a) of Public Law 96-487 (which fund is hereby established at not less than $25,000,000 for fiscal year 1981), are transferred to this account, to remain available until expended, to facilitate timber salvage activities in the Mount Saint Helens volcano area of the Gifford Pinchot National Forest as follows: construction of forest development roads and trails by the Forest Service $18,812,000; land line location $300,000; timber sales preparation $800,000; and road maintenance $2,695,000.

DEPARTMENT OF ENERGY
ALTERNATIVE FUELS PRODUCTION
(RESCISSION)

Of the funds provided under this head in Public Law 96-304, $300,000,000 provided for support of preliminary alternative fuels commercialization activities are rescinded; and of the funds provided under this head in Public Law 96-126, $875,000,000 for the Solar and Conservation Reserve are rescinded.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT
(RESCISSION AND DEFERRAL)

Of the funds appropriated under this head in the Department of Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), $53,036,000 are rescinded and $9,000,000 shall not become available for obligation until October 1, 1981.

FOSSIL ENERGY CONSTRUCTION
(RESCISSION AND DEFERRAL)

Of the funds appropriated under this head in the Department of Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), $89,400,000 are rescinded and $235,000,000 shall not become available for obligation until October 1, 1981.

ENERGY PRODUCTION, DEMONSTRATION, AND DISTRIBUTION
(RESCISSION AND DEFERRAL)

Of the funds appropriated under this head in the Department of Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), $400,000 shall not become available for obligation until October 1, 1981, and $10,348,000 are rescinded.

ENERGY CONSERVATION
(RESCISSION AND DEFERRAL)

Of the funds appropriated under this head in the Department of Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), and in the Supplemental Appropriations Act, 1978 (Public Law 95-240), $400,000 shall not become available for obligation until October 1, 1981, and $10,348,000 are rescinded.

ECONOMIC REGULATION
(RESCISSION AND DEFERRAL)

Of the funds appropriated under this head in the Department of Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), $17,167,000 are rescinded and $38,200,000 shall not become available for obligation until October 1, 1981.
For an additional amount for “Strategic petroleum reserve”, $1,305,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

Of the funds appropriated under this head in the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), $13,700,000 are rescinded.

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

Of the funds appropriated under this head in the Supplemental Appropriations and Rescissions Act, 1980 (Public Law 96-304) to the Secretary of Energy to carry out the provisions of title II of the Energy Security Act, Public Law 96-294, $250,600,000 for the purposes of subtitle A and $218,900,000 for the purposes of subtitle B are rescinded.

(TRANSFER)

Funds not to exceed $5,310,000,000 to be derived by transfer of the balance of the amounts not committed or not conditionally committed which were appropriated by Public Law 96-304 and Public Law 96-120 from the Energy Security Reserve to the Department of Energy shall be available to carry out the provisions of title I of the Energy Security Act, Public Law 96-294 only upon a Presidential determination that the Synthetic Fuels Corporation is fully operational.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration

INDIAN HEALTH SERVICES

For an additional amount for “Indian health services”, $120,000.

INDIAN HEALTH FACILITIES

For an additional amount for “Indian health facilities”, $2,500,000, to remain available until expended, for site reviews, water investigations, and preliminary engineering and design of sanitation facilities for 2840 Indian housing units.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, $200,000 to remain available for obligation until September 30, 1982.

FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE

PERMITTING AND ENFORCEMENT

(RESCISSION)

Of the funds appropriated under this head in the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514), $445,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

EMPLOYMENT AND TRAINING ASSISTANCE

(RESCISSION)

Of the funds provided for “Employment and training assistance” for fiscal year 1981 in Public Law 96-536, as amended, $82,500,000 are rescinded: Provided, That notwithstanding any other provision of law, $686,000,000 shall be available for the Youth Employment and Training Program authorized under title IV, part A, subpart 3, of the Comprehensive Employment and Training Act: Provided further, That notwithstanding any other provision of law, $70,136,000 shall be available for title II, part A, section 202(e), of the Comprehensive Employment and Training Act.

TEMPORARY EMPLOYMENT ASSISTANCE

(RESCISSION)

Of the funds made available under this head in Public Law 96-536, as amended, and in previous years, any unobligated balances remaining available as of September 30, 1981, are rescinded: Provided, That fiscal year 1981 allocations made pursuant to section 604 of Public Law 95-524 shall be reduced in the amount of $234,475,000.
LAbor-MAnagement Services Administration

SALARIES AND EXPENSES

(RESCISION)

Of the funds provided for "Salaries and expenses" for fiscal year 1981 in Public Law 96-536, as amended, $570,000 are rescinded.

EMPLOYMENT Standards Administration

SALARIES AND EXPENSES

(RESCISION)

Of the funds provided for "Salaries and expenses" for fiscal year 1981 in Public Law 96-536, as amended, $406,000 are rescinded.

BLACK Lung Disability Trust Fund

For an additional amount for "Black lung disability trust fund", for transfer to Employment Standards Administration, Salaries and expenses, $3,700,000.

OCCupational Safety and Health Administration

SALARIES AND EXPENSES

(RESCISION)

Of the funds provided for "Salaries and expenses" for fiscal year 1981 in Public Law 96-536, as amended, $920,000 are rescinded.

MINE Safety and Health Administration

SALARIES AND EXPENSES

(RESCISION)

Of the funds provided for "Salaries and expenses" for fiscal year 1981 in Public Law 96-536, as amended, $660,000 are rescinded.

Bureau of Labor Statistics

SALARIES AND EXPENSES

(RESCISION)

Of the funds provided for "Salaries and expenses" for fiscal year 1981 in Public Law 96-536, as amended, $160,000 are rescinded.

Departmental Management

SALARIES AND EXPENSES

(RESCISION)

Of the funds provided for "Salaries and expenses" for fiscal year 1981 in Public Law 96-536, as amended, $300,000 are rescinded.

DEPARTMENT OF Health and Human Services

Health Services Administration

HEALTH Services

(RESCISION)

Of the funds provided for "Health services", for fiscal year 1981 in Public Law 96-536, as amended, $49,776,000 are rescinded: Provided, That not more than $128,399,000 shall be available under this head for operation of Public Health Service hospitals and clinics.

Centers for Disease Control

PREVENTive Health Services

For an additional amount for "Preventive health services", $2,000,000, to remain available until expended: Provided, That these funds are to be derived from unobligated balances provided under Public Law 94-266 for National influenza immunization.

(RESCISION)

Of the funds provided for "Preventive health services" for fiscal year 1981 in Public Law 96-536, as amended, $44,981,000 are rescinded; and of the funds provided under this heading in Public Law 94-266, $9,400,000 are rescinded.

National Institutes of Health

National Cancer Institute

(RESCISION)

Of the funds provided for "National Cancer Institute" for fiscal year 1981 in Public Law 96-536, as amended, $10,785,000 are rescinded.

National Heart, Lung, and Blood Institute

(RESCISION)

Of the funds provided for "National Heart, Lung, and Blood Institute" for fiscal year 1981 in Public Law 96-536, as amended, $9,955,000 are rescinded.

National Institute of Arthritis, Metabolism, and Digestive Diseases

(RESCISION)

Of the funds provided for "National Institute of Arthritis, Metabolism, and Digestive Diseases" for fiscal year 1981 in Public Law 96-536, as amended, $2,113,000 are rescinded.
NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

(RECSSION)

Of the funds provided for "National Institute of Neurological and Communicative Disorders and Stroke" for fiscal year 1981 in Public Law 96-536, as amended, $997,000 are rescinded.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

(RECISION)

Of the funds provided for "National Institute of General Medical Sciences" for fiscal year 1981 in Public Law 96-536, as amended, $1,571,000 are rescinded.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

(RECISIoN)

Of the funds provided for "National Institute of Child Health and Human Development" for fiscal year 1981 in Public Law 96-536, as amended, $2,694,000 are rescinded.

NATIONAL EYE INSTITUTE

(RECISIoN)

Of the funds provided for "National Eye Institute" for fiscal year 1981 in Public Law 96-536, as amended, $2,137,000 are rescinded.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

(RECISIoN)

Of the funds provided for "National Institute of Environmental Health Sciences" for fiscal year 1981 in Public Law 96-536, as amended, $3,630,000 are rescinded.

NATIONAL INSTITUTE ON AGING

(RECISIoN)

Of the funds provided for "National Institute on Aging" for fiscal year 1981 in Public Law 96-536, as amended, $377,000 are rescinded.

RESEARCH RESOURCES

(RECISIoN)

Of the funds provided for "Research resources" for fiscal year 1981 in Public Law 96-536, as amended, $8,623,000 are rescinded.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

(RECISIoN)

Of the funds provided for "Alcohol, drug abuse, and mental health" for fiscal year 1981 in Public Law 96-536, as amended, $112,244,000 are rescinded.

SAINT ELIZABETHS HOSPITAL, CONSTRUCTION AND RENOVATION

(RECISIoN)

Of the funds provided for "Saint Elizabeths Hospital, construction and renovation" for fiscal year 1981 in Public Law 96-536, as amended, $1,500,000 are rescinded.

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

(RECISIoN)

Of the funds provided for "Health resources" for fiscal year 1981 in Public Law 96-536, as amended, $158,189,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $40,000,000; such sums may be transferred to other appropriations of the Public Health Service to pay costs associated with the reduction or termination of various programs of the Service.

(PERCISION)

Of the funds provided for "Salaries and expenses" for fiscal year 1981 in Public Law 96-536, as amended, $38,270,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PAYMENTS TO HEALTH CARE TRUST FUNDS

(RECISIoN)

Of the funds provided for "Payments to health care trust funds" for fiscal year 1981 in Public Law 96-536, as amended, $6,620,000 are rescinded.

PROGRAM MANAGEMENT

(RECISIoN)

Of the funds provided for "Program management" for fiscal year 1981 in Public Law 96-536, as amended, $7,494,000 are rescinded. Further, the amount to be transferred to this appropriation as authorized by section 201(g)(1) of the Social Security Act, from the...
Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein, is reduced by $16,982,000.

**Social Security Administration**

**Limitation on Administrative Expenses**

The amount available to process workloads not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved, is increased to $80,000,000.

**Low Income Energy Assistance**

Of the funds provided for “Low income energy assistance” for fiscal year 1981 in Public Law 96-536, as amended, $500,000 are rescinded.

**Refugee Assistance**

Of the funds provided for “Refugee assistance” for fiscal year 1981 in Public Law 96-536, as amended, $41,805,000 are rescinded.

**Cuban and Haitian Entrants Reception and Processing**

Of the funds provided for “Cuban and Haitian entrants reception and processing” for fiscal year 1981 in Public Law 96-536, as amended, $10,000,000 are rescinded.

**Cuban and Haitian Entrants Domestic Assistance**

For an additional amount for “Cuban and Haitian entrants domestic assistance”, $6,000,000, to remain available until September 30, 1982, for education expenses pursuant to section 501(a) of the Refugee Education Assistance Act of 1980: Provided, That no funds shall be provided to any school district with fewer than 10,000 eligible students.

**Assistant Secretary for Human Development Services**

**Grants to States for Social and Child Welfare Services**

For an additional amount for “Grants to States for social and child welfare services” for fiscal year 1981, $5,000,000 to carry out activities authorized by section 470 of the Social Security Act.

**Human Development Services**

Of the funds provided for “Human development services” for fiscal year 1981 in Public Law 96-536, as amended, $13,500,000 are rescinded.

**Departmental Management**

**Policy Research**

Of the funds provided for “Policy research” for fiscal year 1981 in Public Law 96-536, as amended, $2,500,000 are rescinded.

**Department of Education**

**Elementary and Secondary Education**

Of the funds provided under this head in Public Law 96-536, as amended, $10,455,000 of the amount provided for title I, parts A and B, $25,270,000 of the amount provided for title IV, part C, $8,925,000 of the amount provided for title V, part B, and $17,496,000 of the amount provided for title VII of the Elementary and Secondary Education Act, and $500,000 provided for sections 1524 and 1525 of the Education Amendments of 1978 are rescinded: Provided, That of the amount remaining for title I, parts A and B of the Elementary and Secondary Education Act, $100,000,000 shall be for the purpose of section 117, $266,400,000 shall be for the purposes of subpart 1 of such part B, $152,625,000 shall be for the purposes of subpart 2 of such part B, and $33,975,000 shall be for the purposes of subpart 3 of such part B and any reductions required thereby shall be proportionate among the States: Provided further, That notwithstanding the provision of sections 404(a)(9) and 523(c), none of the funds appropriated for title IV, part C of the Elementary and Secondary Education Act may be expended for the purposes of title V, part B of such Act: Provided further, That any reductions required in title IV, part C and title V, part B, of the Elementary and Secondary Education Act shall be proportionate among the States.

**School Assistance in Federally Affected Areas**

Of the funds provided for “School assistance in Federally affected areas” for fiscal year 1981 in Public Law 96-536, as amended, $33,250,000 are rescinded: Provided, That the amounts paid with respect to entitlements under sections 2 and 3 shall be limited to 95 per centum of the amounts otherwise payable under those sections for fiscal year 1981.
SECONDARY EDUCATION AND VETERANS AFFAIRS (Continued)

PUBLIC LAW 97-12—JUNE 5, 1981

EQUAL EDUCATIONAL OPPORTUNITIES

(RECISION)

Of the funds provided for title IV of the Civil Rights Act of 1964, the Emergency School Aid Act, and title IX, part C of the Elementary and Secondary Education Act of 1965, for fiscal year 1981 in Public Law 96-536, as amended, $97,563,000 are rescinded.

LIBRARIES AND LEARNING RESOURCES

(RECISION)

Of the funds provided for “Libraries and learning resources” for fiscal year 1981 in Public Law 96-536, as amended, $10,000,000 of the amount provided for title IV, part B of the Elementary and Secondary Education Act, $25,000,000 of the amount provided for title II, part A of the Higher Education Act, and $25,000,000 of the amount provided for title II, part B of the Higher Education Act are rescinded, and the remaining funds provided for fiscal year 1981 may be expended without regard to the provisions of section 402(a)(2)(A)(i) of title IV, part A of the Elementary and Secondary Education Act.

EDUCATION FOR THE HANDICAPPED

(RECISION)

Of the funds provided for “Education for the handicapped” for fiscal year 1981 in Public Law 96-536, as amended, $76,819,000 are rescinded: Provided, That $874,500,000 for section 611 and $25,000,000 for section 619 of the Education of the Handicapped Act shall become available for obligation on July 1, 1981, and shall remain available until September 30, 1982.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

(RECISION)

Of the funds provided for “Rehabilitation services and handicapped research” for fiscal year 1981 in Public Law 96-536, as amended, $12,126,000 are rescinded: Provided, That $874,500,000 for section 112 of the Rehabilitation Act of 1973 shall be $2,800,000: Provided further, That $650,000 provided under this head in Public Law 96-536, as amended, for carrying out section 130 of the Rehabilitation Act of 1973 shall be made available to the Navajo Tribal Council.

VOCATIONAL AND ADULT EDUCATION

(RECISION)

Of the funds provided for “Vocational and adult education” for the fiscal year 1981 in Public Law 96-536, as amended, $98,442,000 of the amount available for the purpose of carrying out the Vocational Education Act of 1968, as amended, $20,000,000 of the amount available for the purpose of carrying out the Adult Education Act, $5,000,000 of the amount available for the purpose of carrying out the Career Incentive Act, $8,862,000 of the amount available for the purpose of carrying out title VIII, section 804 of the Elementary and Secondary Education Act, and $20,000,000 of the amount available for the purpose of carrying out title IX, part A of the Higher Education Act are rescinded: Provided, That the funds appropriated in Public Law 96-536, as amended, for fiscal year 1981, $12,800,000 of the amount provided for title I, part B, $3,000,000 of the amount provided for section 417, $6,020,000 of the amount provided for section 420, and $2,150,000 of the amount provided for title IX, part B of the Higher Education Act are rescinded: Provided, That not to exceed $3,138,000 remaining for title VIII of the Elementary and Secondary Education Act be used for the purpose of carrying out sections 809, 810, and 812 of the Act.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for “Student financial assistance” to carry out title IV, part A, subpart 1 of the Higher Education Act, $4,455,000,000, which shall remain available until September 30, 1982: Provided, That no funds provided herein or under Public Law 96-86 or Public Law 96-536 to carry out subpart 1 of part A of the Higher Education Act shall be reserved for or paid for administrative expenses: Provided further, That with funds appropriated herein and in the 1981 Continuing Resolution, Public Law 96-536, as amended, eligibility for a Pell grant in academic year 1981-82 shall be based on a maximum grant of $1,750, notwith­standing section 411(a)(2)(A)(i) of the Higher Education Act: Provided further, That notwithstanding the provisions of subpart 1, section 103, $2,243,100 shall be made available for the National Occupational Information Coordinating Committee: Provided further, That the $3,138,000 remaining for title VIII of the Elementary and Secondary Education Act shall be used for the purpose of carrying out sections 809, 810, and 812 of the Act.

HIGHER AND CONTINUING EDUCATION

(RECISION)

Of the amount made available under this head in Public Law 96-536, as amended, not more than $10,000,000 shall be available for title VII, part A of the Higher Education Act, and of the amount made available under this head in Public Law 96-536, as amended, for fiscal year 1981, not more than $2,150,000 of the amount provided for title IX, part B of the Higher Education Act are rescinded: Provided, That not to exceed $7,477,000 shall be for carrying out part B, subpart 2 of the Vocational Education Act: Provided further, That notwithstanding the provisions of subpart 1, section 103, $2,243,100 shall be made available for the National Occupational Information Coordinating Committee: Provided further, That no funds provided herein or under Public Law 96-86 or Public Law 96-536 to carry out subpart 1 of part A of the Higher Education Act shall be reserved for or paid for administrative expenses: Provided further, That with funds appropriated herein and in the 1981 Continuing Resolution, Public Law 96-536, as amended, eligibility for a Pell grant in academic year 1981-82 shall be based on a maximum grant of $1,750, notwith­standing section 411(a)(2)(A)(i) of the Higher Education Act: Provided further, That notwithstanding any other provisions of law, of the sums appropriated pursuant to section 461(b)(1) of the Higher Education Act of 1965 for purposes of the fiscal year ending September 30, 1981, the Secretary shall apportion to each State an amount that bears the same ratio to the total amount of such sums as the amount received by the State under section 462(a)(1) of the Act in fiscal year 1980 bears to the sum of such amounts for all the States.

STUDENT LOAN INSURANCE

No amounts provided herein or under Public Law 96-86 or Public Law 96-536 shall be reserved for, or paid to, educational institutions to meet administrative expenses.

PUBLIC LAW 97-12—JUNE 5, 1981

SECONDARY EDUCATION AND VETERANS AFFAIRS (Continued)

Of the amount made available under this head in Public Law 96-536, as amended, $10,000,000 available for title VII, part A of the Higher Education Act are rescinded: Provided, That not to exceed $93,323,000 shall be for carrying out part A, subpart 2 of the Vocational Education Act: Provided further, That not to exceed $3,138,000 remaining for title VIII of the Elementary and Secondary Education Act shall be used for the purpose of carrying out sections 809, 810, and 812 of the Act.
95 STAT. 58
PUBLIC LAW 97-12—JUNE 5, 1981

94 Stat. 3166.
20 USC 1134d, 1134e.
20 USC 1015.

96–536, as amended, for title IX, part B are available notwithstanding the provisions of section 922b(2) of the Higher Education Act: Provided further, That $2,200,000 of the amount made available in Public Law 96–536 for title I, part B of the Higher Education Act is available only for section 116(d).

HIGHER EDUCATION FACILITIES LOAN AND INSURANCE FUND

(DEFERRAL)

Deferral D81–82, transmitted in the Special Message of March 10, 1981 (House Document 97–28), is hereby disapproved. Funds proposed to be deferred in deferral D81–82 shall be obligated and expended.

COLLEGE HOUSING LOANS

(RESCISION)

Of the funds appropriated for participation sales insufficiencies for fiscal year 1981 in Public Law 96–536, as amended, $14,271,000 are rescinded. Payments of insufficiencies in fiscal year 1981 as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717) shall be made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749) using loan repayments and other income available during fiscal year 1981.

SCHOOL IMPROVEMENT

(RESCISION)

Of the funds provided for “School improvement” in Public Law 96–536, as amended, for fiscal year 1981, $37,843,000 of the amount appropriated for title II, title III (part A, part B, part C, and part L), and title IX, parts A and E of the Elementary and Secondary Education Act, title III, section 305(c)(2) of the Comprehensive Employment and Training Act of 1973, as amended, and title V (part A and part B), section 582 of the Higher Education Act, the Alcohol and Drug Abuse Education Act, part B of the Headstart-Follow Through Act, section 3(a)(1) of the National Science Foundation Act of 1950, and section 422(a) of the General Education Provisions Act, as amended, are rescinded: Provided, That $17,225,000 shall be made available under title II, part A of the Elementary and Secondary Education Act.

EDUCATIONAL STATISTICS

(RESCISION)

Of the funds provided in Public Law 96–536, as amended, to carry out section 406 of the General Education Provisions Act, $1,000,000 are rescinded.

PUBLIC LAW 97-12—JUNE 5, 1981

95 STAT. 59
RESEARCH AND RELATED ACTIVITIES

(RESCISION)

Of the funds provided for “Research and related activities” for fiscal year 1981 in Public Law 96–536, as amended, $8,500,000 of the amounts appropriated for section 405 of the General Education Provisions Act are rescinded.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(RESCISION)

Of the funds appropriated under this head for fiscal year 1981 in Public Law 96–536, as amended, $500,000 for the purposes of part D of the General Education Provisions Act are rescinded.

RELATED AGENCIES

ACTION

OPERATING EXPENSES, DOMESTIC PROGRAMS

(RESCISION)

Of the funds provided under this heading for Action for fiscal year 1981 in Public Law 96–536, as amended, $5,187,000 are rescinded.

COMMUNITY SERVICES ADMINISTRATION

COMMUNITY SERVICES PROGRAM

(RESCISION)

Of the funds provided for “Community services program” for fiscal year 1981 in Public Law 96–536, as amended, $16,915,000 are rescinded.

COMMUNITY DEVELOPMENT CREDIT UNIONS REVOLVING FUND

During 1981 no obligations for direct loans shall be incurred.

RURAL DEVELOPMENT LOAN FUND

During 1981 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed $5,500,000. During 1981, no commitments to guarantee loans shall be made.
Corporation for Public Broadcasting

Public Broadcasting Fund

(Recession)

Of the funds provided for “The Corporation for Public Broadcasting” for fiscal year 1981 in Public Law 96-336, as amended, $35,000,000 are rescinded.

Federal Mine Safety and Health Review Commission

Salaries and Expenses

(Recession)

Of the funds provided for the Federal Mine Safety and Health Review Commission, “Salaries and expenses” for fiscal year 1981 in Public Law 96-336, as amended, $371,000 are rescinded.

National Commission on Student Financial Assistance

For necessary expenses to carry out section 491 of the Higher Education Act, $250,000.

National Labor Relations Board

Salaries and Expenses

(Recession)

Of the funds provided for “Salaries and expenses” for fiscal year 1981 in Public Law 96-336, as amended, $1,060,000 are rescinded.

Occupational Safety and Health Review Commission

Salaries and Expenses

(Recession)

Of the funds provided for the Occupational Safety and Health Review Commission, “Salaries and expenses” for fiscal year 1981 in Public Law 96-336, as amended, $54,000 are rescinded.

Soldiers’ and Airmen’s Home

Operation and Maintenance

For an additional amount for “Operation and maintenance”, $755,000, to be paid from the Soldiers’ and Airmen’s Home permanent fund.

General Provision

Of the total amounts appropriated for the Department of Health and Human Services for fiscal year 1981, $15,500,000 are hereby rescinded from funds available for travel, consultants, consultant services, training, and furniture and equipment purchases.
Travel expenses.

2 USC 58b.

2 USC 61-1 note.

cional Assistance Allowance (hereinafter referred to as the "clerk hire allowance") to such Senator's Official Office Expense Account any balance remaining, or any portion thereof in such clerk hire allowance as of the close of the fiscal year. Any balance so transferred to a Senator's Official Office Expense Account shall be available only for expenses incurred during the calendar year in which occurred the close of the fiscal year with respect to which the balance occurs as may be specified by the Senator.

(b) Transfer of funds under subsection (a) shall be made from the appropriation "Administrative, Clerical, and Legislative Assistance Allowance to Senators" under the heading "Senate" and "Salaries, officers, and employees" for transfer to the appropriation "Miscellaneous items" for allocation to Senatorial Official Office Expense Accounts.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Edith Mae Guyer, widow of Tennyson Guyer, late a Representative from the State of Ohio, $60,663.

COMMITTEE ON APPROPRIATIONS

STUDIES AND INVESTIGATIONS

For an additional amount for "Committee on Appropriations (Studies and investigations)", $652,000.

ALLOWANCES AND EXPENSES

For an additional amount for "Allowances and expenses", for supplies, materials, administrative costs and Federal tort claims, $3,150,000.

ADMINSITIVE PROVISIONS

SEC. 111. Of the amounts appropriated in fiscal year 1981 for the House of Representatives under the headings "Committee employees", "Special and select committees", "Salaries, officers and employees", and "Allowances and expenses", such amounts as are deemed necessary for the payment of salaries and expenses may be transferred among the aforementioned accounts upon approval of the Committee on Appropriations of the House of Representatives.

SEC. 112. No part of the funds appropriated by this or any other Act for or resolution shall be available for planning or administering any user-reimbursement program or policy that requires reimbursement for computer services and equipment provided by the House Information Systems to the committees of the House of Representatives or the House Leadership offices.

JOINT ITEMS

OFFICIAL MAIL COSTS

For an additional amount for "Official mail costs", $15,400,000.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", Office of Technology Assessment, $1,100,000.
94 Stat. 3166.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS

(RESCission)

Of the funds appropriated under this head in H.R. 7593, and made available by Public Law 96–536, making continuing appropriations through June 5, 1981, $97,000 are rescinded.

CAPITOL GROUNDS

(RESCission)

Of the funds appropriated under this head in H.R. 7593, and made available by Public Law 96–536, making continuing appropriations through June 5, 1981, $10,000 are rescinded.

ACQUISITION OF PROPERTY AS AN ADDITION TO THE CAPITOL GROUNDS

To enable the Architect of the Capitol, under the direction of the House Office Building Commission, to carry out the provisions of the Public Law 96–432, approved October 10, 1980 (94 Stat. 1851), relating to the acquisition of property in squares 693, 640, and 582 in the District of Columbia, including necessary incidental expenses: Provided, That upon acquisition of such real property pursuant to this paragraph, the structure located on lot 801 of square 693 shall become a part of the House Office Buildings, subject to the provisions of the Act of July 31, 1946 (40 U.S.C. secs. 193a through 193m, 212a and 212b), including any amendments thereto, which are applicable to the Capitol Buildings, and to the Act of March 4, 1907 (40 U.S.C. 175); $11,500,000, to remain available until expended.

SENATE GARAGE

(RESCission)

Of the funds appropriated under this head in H.R. 7593, and made available by Public Law 96–536, making continuing appropriations through June 5, 1981, $102,000 are rescinded.

HOUSE OFFICE BUILDINGS

(RESCission)

Of the funds appropriated under this head, $497,000 are rescinded, consisting of $200,000 included under this head in H.R. 7593, and made available by Public Law 96–536, making continuing appropriations through June 5, 1981, and $297,000 included under this head in Public Law 95–391.

CAPITOL POWER PLANT

(INCLUDING RESCission)

For an additional amount for “Capitol power plant”, $2,000,000, of which $300,000 shall remain available until expended. Of the funds made available under this head in Public Law 94–440, $24,000 are rescinded, together with $70,000 included under this head in H.R. 7593, and made available by Public Law 96–536.

LIBRARY BUILDINGS AND GROUNDS

(RESCission)

Of the funds appropriated under this head, $508,000 are rescinded, consisting of $430,000 included under this head in H.R. 7593, and made available by Public Law 96–536, making continuing appropriations through June 5, 1981, and $78,000 included under this head in Public Law 94–59.

LIBRARY OF CONGRESS

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS

(SPECIAL FOREIGN CURRENCY PROGRAM)

(RESCission)

Of the funds appropriated under this head, $500,000 are rescinded, consisting of $86,000 withheld from obligation pursuant to section 309 of H.R. 7593 and made available by Public Law 96–536, making continuing appropriations through June 5, 1981, and $414,000 included under this head in Public Law 95–391.

ADMINISTRATIVE PROVISION

Not to exceed $250,000 of the unobligated balance of that part of the appropriation “Salaries and expenses, Library of Congress” initially for the fiscal year 1980 and continued until September 30, 1981, for moving costs to the James Madison Memorial Building, is hereby further continued available until September 30, 1982.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, $14,000.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, Office of Superintendent of Documents, $400,000.

GENERAL PROVISIONS

The provisions of sections 491(c) and 491(d) of the Legislative Reorganization Act of 1970, as amended (2 U.S.C. 88b–1), shall not apply to the pay of pages of the Senate and House of Representatives during the period when the Senate and/or the House of Representatives adjourns or recesses on or after the first of August for a period of
at least thirty days but not more than forty-five days. Such pay may continue until the end of such period of adjournment or recess.

CHAPTER X
MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military construction, Army”, $28,400,000, to remain available until September 30, 1985; and $28,500,000 shall be available in addition to existing limitations for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, NAVY

For an additional amount for “Military construction, Navy”, $15,882,000, to remain available until September 30, 1985; and $23,000,000 shall be available in addition to existing limitations for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military construction, Air Force”, $76,100,000, of which $35,000,000 shall be available, in addition to existing limitations, for study, planning, design, architect and engineer services, to remain available until September 30, 1985.

(DEFERRAL)

Of the funds appropriated in the Military Construction Appropriations Act, 1981 (Public Law 96-436) under Military construction, Air Force for study, planning, design, architect, and engineering services, $92,000,000 are deferred for obligation until the President of the United States certifies to the Congress his decision on the basing mode for the MX missile.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

For an additional amount for “Military construction, Defense agencies”, $16,400,000, of which $10,500,000 shall be available, in addition to existing limitations, for study, planning, design, architect and engineer services, to remain available until September 30, 1985.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD


FAMILY HOUSING, DEFENSE

For an additional amount for “Family housing, Defense”, $84,000,000. The limitation for Air Force, construction, is increased to $65,975,000; and the limitation for the Department of Defense, operation, maintenance, is increased to $1,722,926,000; and the amount available only for the maintenance of real property facilities shall not be less than $764,625,000 rather than $811,711,000. Amounts provided for construction shall remain available until September 30, 1985.

CHAPTER XI
DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for “Operating expenses”, $95,575,000.

RETIED PAY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Retired pay”, $12,000,000, and, in addition, not to exceed $2,000,000 shall be derived by transfer from the unobligated balance in the appropriation “Acquisition, construction, and improvements”.

RESERVE TRAINING

For an additional amount for “Reserve training”, $1,000,000.

DEEPWATER PORT LIABILITY FUND

For necessary expenses to carry out the provisions of section 18 of the Deepwater Port Act of 1974 (Public Law 93-627), $5,000,000, to be derived from the Deepwater Port Liability Fund, to remain available until expended. In addition, the Secretary of Transportation is authorized to issue, and the Secretary of the Treasury is authorized to purchase, without fiscal year limitation, notes or other obligations pursuant to section 18(f)(3) of the Act, in such amounts and at such times as may be necessary to meet the obligations of the Fund. None of the authority provided under this or any other Act shall be available for the implementation or execution of programs the obligations for which are in excess of $50,000,000 in fiscal year 1981 for the “Deepwater port liability fund”.

POLLUTION FUND

For carrying out the provisions of subsections (c), (d), (i), and (l) of section 311 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1321, $15,000,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves $30,000,000 of the proposed deferral D81-17B relating to Federal Aviation Administration, Facilities and Equipment (Airport and Airway Trust Fund), as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment of this Act.
into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

GRANTS-IN-AID FOR AIRPORT PLANNING AND DEVELOPMENT

(LIMITATION ON OBLIGATIONS)

The limitation in section 302 of the Department of Transportation and Related Agencies Appropriation Act, 1981 (Public Law 96-400), is amended by deleting "$700,000,000" and inserting in lieu thereof "$450,000,000".

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The limitation "Federal Aviation Administration, aircraft purchase loan guarantee program" contained in the Department of Transportation and Related Agencies Appropriation Act, 1981, is amended by deleting "$400,000,000" and inserting in lieu thereof "$350,000,000".

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(TRUST FUND)

For an additional amount for "Highway-related safety grants", $12,000,000, to remain available until expended, to be derived from the Highway Trust Fund.

NATIONAL SCENIC AND RECREATIONAL HIGHWAY

(LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional amount for "National scenic and recreational highway", $7,000,000, to remain available until expended, to be derived from the Highway Trust Fund.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(TRUST FUND)

For an additional amount for "Federal-aid highways", $1,250,000,000 or so much as may be available in and derived from the Highway Trust Fund, to remain available until expended.

URBAN HIGH DENSITY TRAFFIC PROGRAM

Notwithstanding any other provision of law, obligations authorized out of the Highway Trust Fund are increased by $33,959,000, to remain available until expended, for the purpose of completing routes designated under the urban high density traffic program prior to May 5, 1976.

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

For an additional amount for "Access highways to public recreation areas on certain lakes", $10,000,000, to remain available until September 30, 1983.

FEDERAL RAILROAD ADMINISTRATION

RAIL SERVICE ASSISTANCE

(INCLUDING DISAPPROVAL OF DEFERRAL)

For an additional amount for "Rail service assistance", $60,381,000 for payment to the Secretary of the Treasury for debt reduction. The Congress disapproves $40,000,000 of the proposed deferral DS1-91 relating to the Federal Railroad Administration, Rail Service Assistance, as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

After reserving funds for the grant agreements executed prior to March 10, 1981, for the remainder of the fiscal year 1981, the Secretary shall obligate available funds up to the extent of the entitlements which existed immediately prior to March 10, 1981, or on the basis of the rail transportation needs to be addressed by the project to be funded.

CONRAIL WORKFORCE REDUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Conrail Workforce Reduction Program, to remain available until expended, $15,000,000 which shall be transferred to the United States Railway Association in accordance with section 405b(1) of Public Law 96-448, of which $5,000,000 shall be derived by transfer from "Rail service assistance".

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

(RESCISION)

Of the funds authorized to be expended under this head by the Department of Transportation and Related Agencies Appropriation Act, 1981, and prior appropriation Acts, $1,000,000 are rescinded.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Grants to the National Railroad Passenger Corporation", for operating losses incurred by the Corporation, $15,300,000 to be derived by transfer from the unobligated balances under the appropriations "Department of the Treasury, Office of the Secretary, Investment in Fund Anticipation Notes" and "Federal Railroad Administration, Railroad Rehabilitation and Improvement Financing Funds", to remain available until expended for operating expenses incurred by the Corporation. Amounts
appropriated in fiscal years 1980 and 1981 pursuant to section 122(b)(1)(D) of the Amtrak Reorganization Act of 1979 for labor protection shall be used for operating expenses incurred by the Corporation.

**PAYMENTS TO THE ALASKA RAILROAD REVOLVING FUND**

For an additional amount for “Payments to the Alaska railroad revolving fund”, $2,000,000 to remain available until expended.

**SETTLEMENTS OF RAILROAD LITIGATION**

For necessary expenses to liquidate a promissory note pursuant to section 210(f) of the Regional Rail Reorganization Act of 1973 (Public Law 93–236), as amended, $2,113,000,000, to remain available until expended.

**RAIL LABOR ASSISTANCE**

For an additional amount for “Rail labor assistance”, $60,000,000, to remain available until expended.

**URBAN MASS TRANSPORTATION ADMINISTRATION**

**RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING**

For an additional amount for “Research, development, and demonstrations and university research and training”, $2,000,000, to remain available until expended, of which $1,040,000 shall be derived by transfer from the appropriation “Office of the Secretary, transportation planning, research and development” and $960,000 shall be derived by transfer from the appropriation “Federal Railroad Administration, railroad research and development”.

**URBAN DISCRETIONARY GRANTS**

(DEFERRAL)

Of the funds appropriated under this head in the Department of Transportation and Related Agencies Appropriation Act, 1981, $220,000,000 shall not become available for obligation until October 1, 1981.

**WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT**

(RESCISSON)

Of the funds appropriated under this head in Public Law 96–38, Public Law 96–131 and Public Law 96–400, making appropriations for a waterborne transportation demonstration project for fiscal years 1979, 1980, and 1981, $20,700,000 are rescinded.

**INTERSTATE TRANSFER GRANTS**

For an additional amount for “Interstate transfer grants”, $65,000,000, to remain available until expended.

**LIMITATION ON ADMINISTRATIVE EXPENSES**

The limitation on administrative expenses is increased to $1,685,000, which shall be computed on an accrual basis.

**RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION**

**COOPERATIVE AUTOMOTIVE RESEARCH PROGRAM**

(RESCSSION)

Appropriations under this heading contained in Public Law 96–400 are hereby rescinded in the amount of $11,500,000.

**OFFICE OF THE INSPECTOR GENERAL**

**SALARIES AND EXPENSES**

For an additional amount for “Salaries and expenses”, $1,000,000.

**RELATED AGENCIES**

**CIVIL AERONAUTICS BOARD**

**PAYMENTS TO AIR CARRIERS**

For an additional amount for “Payments to air carriers”, $20,000,000, to remain available until expended.

**INTERSTATE COMMERCE COMMISSION**

**PAYMENTS FOR DIRECTED RAIL SERVICE**

(TRANSFER OF FUNDS)

For necessary expenses for “Payments for directed rail service”, $2,500,000, to be derived by transfer from Interstate Commerce Commission, “Salaries and expenses”, to remain available until expended.

**NATIONAL CLEAN-UP AND FLAG-UP AMERICA’S HIGHWAYS WEEK**

The week of June 28 through July 4, 1981, is designated as “National Clean-up and Flag-up America's Highways Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

**MOTOR CARRIER RATERMAKING STUDY COMMISSION**

**SALARIES AND EXPENSES**

For necessary expenses of the Motor Carrier Ratemaking Study Commission as authorized by Public Law 96–296, $2,000,000 to remain available until expended.
PUBLIC LAW 97-12—JUNE 5, 1981

PANAMA CANAL COMMISSION

OPERATING EXPENSES

For payment to the Republic of Panama, pursuant to Article XIII, paragraph 4(c) of the Panama Canal Treaty of 1977, $2,699,000, to be derived from the Panama Canal Commission Fund.

EMERGENCY FUND

For expenses necessary to defray emergency expenditures and to insure continuous efficient and safe operation of the Panama Canal, when funds appropriated for the operation and maintenance of the Canal prove insufficient for such purposes, $10,000,000, to be derived from the Panama Canal Commission Fund, to remain available until expended.

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

INVESTMENT IN FUND ANTICIPATION NOTES

(RESCISION)

Of the funds appropriated under this head in the Department of Transportation and Related Agencies Appropriation Act, 1981, and prior appropriation Acts, $1,000,000 are rescinded.

UNITED STATES RAILWAY ASSOCIATION

PAYMENTS FOR PURCHASE OF CONRAIL SECURITIES

For an additional amount for acquisition of series A preferred stock issued by the Consolidated Rail Corporation, to remain available until expended, $300,000,000.

GENERAL PROVISION

(a) Notwithstanding section 16 of the Federal Airport Act (as in effect on May 29, 1947), the Secretary of Transportation is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), as if the property described in subsection (b) has been conveyed pursuant to the Surplus Property Act of 1944, as amended, and the provisions of subsection (c) to grant a release or releases without monetary consideration to the United States with respect to the property described in subsection (b) from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated May 29, 1947, under which the United States conveyed certain property to the City of Gary, Indiana, for airport purposes.

(b) The property to which subsection (a) applies is that portion of the property conveyed to the City of Gary, Indiana, by the deed of conveyance dated May 29, 1947, which is described as follows: lying in the County of Lake in the State of Indiana, the westerly 500 feet of the southeast quarter of section 35, township 37 north, range 9 west lying north of the Grand Calumet River, containing 25.7 acres, more or less.

(c) Any release granted by the Secretary of Transportation under subsection (a) shall be subject to the following conditions:

1. The City of Gary, Indiana, shall agree that in conveying any interest in the property described in subsection (b) the city will receive an amount for such interest which is equal to the fair market value (as determined in a manner approved by such Secretary).

2. Any such amount so received by such city shall be used by such city for the development, improvement, operation, or maintenance of a public airport owned by such city.

CHAPTER XII

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, $10,000,000, to be used for the implementation of the Air Module Concept; including acquisition (purchase of four), operation and maintenance of aircraft: Provided, That none of the funds made available by this Act shall be available for administrative expenses in connection with effecting the reduction of employment in the U.S. Customs Service below the level on April 30, 1981.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICE AND RETURNS PROCESSING

For an additional amount for the tax counseling for the elderly program (TCE), $500,000. This additional amount shall be used to retroactively reimburse volunteer tax counselors for personal and administrative expenses incurred during the past 1980 income tax filing season.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, $11,629,000.

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, $7,563,000.
UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND
(INCLUDING TRANSFER OF FUNDS)
(RECISISON)

Of the amounts in the Postal Service Fund, $250,000,000 shall be transferred to the account entitled “Payment to the Postal Service fund” and, when transferred, are rescinded.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON WAGE AND PRICE STABILITY

SALARIES AND EXPENSES
(RECISISON)

Of the funds provided for the activities of the Council on Wage and Price Stability in Public Law 96-536, $1,500,000 are rescinded: Provided, That no funds appropriated or made available by this or any other Act shall be available to fund the Council on Wage and Price Stability after June 5, 1981.

INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, $39,000.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1981, $33,636,000 shall be made available for such purposes in the aggregate amount of $1,647,525,000, of which (1) not to exceed $2,336,000 shall remain available until expended for the construction and acquisition of facilities as follows:

Payment of Construction Claims:
- Florida: West Palm Beach, U.S. Courthouse and Post Office, $1,000,000
- Massachusetts: Andover, Internal Revenue Service Center, $700,000
- Virginia: Quantico, Federal Bureau of Investigation Academy, $250,000
- Acquisition: Charlotte, Federal Executive Institute, $2,270,000

Provided, That $1,884,000 previously authorized for the acquisition of excess United States Postal Service properties pursuant to Public Law 96-429, under the heading “Federal Building Fund, Limitation on Availability of Revenue”, shall be made available for such purposes: Provided further, That the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in other such projects but by not to exceed 10 per centum: Provided further, That all funds for direct construction projects shall expire on September 30, 1982, except for funds for projects as to which funds have been obligated in whole or in part prior to such date: (2) not to exceed $3,700,000 for real property operations: Provided, That any revenues and collections and any other sums accruing to this fund during fiscal year 1981, excluding reimbursements under section 210(d), in excess of $1,647,525,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriation Acts.

GENERAL SUPPLY FUND

(INCLUDING TRANSFER OF FUNDS)

To increase the capital of the General Supply Fund, established by section 109 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 756), $150,000,000, and in addition, $72,300,000, to be derived by transfer from operating surpluses in the fund in fiscal years 1978, 1979, and 1980: Provided, That the Administrator of the General Services Administration is authorized hereafter to retain from any surplus generated from the operation of the fund such sums as may be necessary to maintain a sufficient level of inventory of personal property to meet the needs of the Federal agencies.

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For an additional amount for “Operating expenses”, $1,100,000.

OFFICE OF PERSONNEL MANAGEMENT

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for “Payment to Civil Service retirement and disability fund”, $513,007,000.

INTERGOVERNMENTAL PERSONNEL ASSISTANCE

(RECISISON)

Of the funds provided for the Intergovernmental Personnel Act Grant program for fiscal year 1981 in Public Law 96-536, $5,600,000 are rescinded: Provided, That no funds appropriated or made available by this or any other Act shall be available to fund the Intergovernmental Personnel Act Grant program after June 5, 1981.

REVOLVING FUND

For additional working capital for the revolving fund of the Office of Personnel Management established by 5 U.S.C. 1304(e), $1,800,000, to remain available until expended.
PUBLIC LAW 97-12—JUNE 5, 1981 95 STAT. 76

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The limitation on the transfer of funds from the Civil Service Retirement and Disability Fund for reimbursement of administrative expenses for the adjudication of retirement appeals in amounts determined by the Merit Systems Protection Board is increased for the current fiscal year to $950,000.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds provided for the Merit Systems Protection Board, "Salaries and expenses" for fiscal year 1981 in Public Law 96-536, $210,000 are rescinded.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,400,000. The limitation on obligations for travel and transportation of persons is increased to $1,309,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $221,000: Provided, That the limitation on travel expenses is increased by $45,000.

GENERAL PROVISION

None of the funds made available to the Department of the Treasury by this Act shall be used to implement changes shortening the time granted, or altering the mode of payment permitted, for payment of excise taxes by law or regulations in effect on January 1, 1981.

CHAPTER XIII

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA


PUBLIC LAW 97-12—JUNE 5, 1981 95 STAT. 77

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(RESCISSION)

Of the funds appropriated for "Governmental direction and support" for fiscal year 1981 in Public Law 96-530, $3,665,500 are rescinded: Provided, That outstanding settlements of claims and suits not to exceed $200,000 in total shall be paid in the same manner as judgments rendered against the District of Columbia government.

ECONOMIC DEVELOPMENT AND REGULATION

(RESCISSION)

Of the funds appropriated for "Economic development and regulation" for fiscal year 1981 in Public Law 96-530, $40,500 are rescinded.

PUBLIC SAFETY AND JUSTICE

For an additional amount for "Public safety and justice", $3,394,000.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSIONS)

For an additional amount for "Public education system", $2,970,000, to be allocated as follows: $1,100,000 for the District of Columbia Public Schools, and $1,870,000 for the School Transit Subsidy: Provided, That of the funds appropriated under this heading for the Public Library for fiscal year 1981 in Public Law 96-530, $298,800 are rescinded: Provided further, That of the funds appropriated under this heading for the Commission on the Arts and Humanities for fiscal year 1981 in Public Law 96-530, $5,000 are rescinded: Provided further, That of the funds appropriated under this heading for the Educational Institution Licensure Commission for fiscal year 1981 in Public Law 96-530, $3,500 are rescinded.

HUMAN SUPPORT SERVICES

For an additional amount for "Human support services", $20,754,100: Provided, That $3,500,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation.

TRANSPORTATION SERVICES AND ASSISTANCE

(RESCISSION)

Of the funds appropriated for "Transportation services and assistance" for fiscal year 1981 in Public Law 96-530, $3,031,600 are rescinded.
ENVIRONMENTAL SERVICES AND SUPPLY

(RESCISION)

Of the funds appropriated for “Environmental services and supply” for fiscal year 1981 in Public Law 96-530, $121,600 are rescinded.

WATER AND SEWER ENTERPRISE FUND

For an additional amount for “Water and Sewer Enterprise Fund”, $3,017,800.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For establishment of the Washington Convention Center Enterprise Fund, $382,600.

CAPITAL OUTLAY

For an additional amount for “Capital outlay”, $696,000.

TITLE II

INCREASED PAY COSTS FOR THE FISCAL YEAR 1981

For additional amounts for appropriations for the fiscal year 1981, for increased pay costs authorized by or pursuant to law as follows:

LEGISLATIVE BRANCH

Senate

“Salaries, officers and employees”, $11,740,000;
“Office of the Legislative Counsel of the Senate”, $80,000;
“Office of Senate Legal Counsel”, $40,000;
“Senate Policy Committees”, $131,000;
“Inquiries and investigations”, $1,627,000;
“Folding documents”, $11,000;

House of Representatives

“House leadership offices”, $147,000;
“Salaries, officers and employees”, $2,193,000;
“Committee employees”, $2,225,000;
“Committee on Appropriations (studies and investigations)”, $161,000;
“Office of Law Revision Counsel”, $11,000;
“Office of the Legislative Counsel”, $105,000;
“Members’ clerk hire”, $11,540,000;
“Allowances and expenses”, $2,155,000;

Joint Items

“Joint Economic Committee”, $57,000, and in addition, $43,000 to be derived by release of that amount withheld from obligation by the Secretary of the Senate pursuant to section 309 of H.R. 7593 as provided by section 101(c) of Public Law 96–536;
“Joint Committee on Taxation”, $127,000;
Library of Congress

INCLUDING TRANSFER OF FUNDS

"Salaries and expenses", $2,908,000, and in addition, $883,600 to be derived by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 309 of H.R. 7593 as provided by section 101(c) of Public Law 96-536; $1,446,350 to be derived by transfer from the appropriation "Books for the blind and physically handicapped: Salaries and expenses" by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 309 of H.R. 7593 as provided by section 101(c) of Public Law 96-536; and $88,750 to be derived by transfer from the appropriation "Furniture and furnishings" by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 309 of H.R. 7593 as provided by section 101(c) of Public Law 96-536;

Copyright Office: "Salaries and expenses", $655,000, and in addition, $200,300 to be derived by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 309 of H.R. 7593 as provided by section 101(c) of Public Law 96-536;

Congressional Research Service: "Salaries and expenses", $1,033,000, and in addition, $573,000 to be derived by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 309 of H.R. 7593 as provided by section 101(c) of Public Law 96-536;

Books for the Blind and Physically Handicapped: "Salaries and expenses", $219,000 to be derived by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 309 of H.R. 7593 as provided by section 101(c) of Public Law 96-536;

"Collection and distribution of library materials (Special Foreign Currency Program)", $21,000, to remain available until expended;

General Accounting Office

"Salaries and expenses", $10,602,000;

Government Printing Office

Office of Superintendent of Documents: "Salaries and expenses", $200,000;

THE JUDICIARY

Supreme Court of the United States

"Salaries and expenses", $700,000;

Court of Customs and Patent Appeals

"Salaries and expenses", $72,000;

U.S. Court of International Trade

"Salaries and expenses", $114,000;

Court of Claims

"Salaries and expenses", $267,000;

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Court of Appeals, District Courts, and Other Judicial Services

INCLUDING TRANSFER OF FUNDS

"Salaries of judges", $1,500,000;

"Salaries of supporting personnel", $18,750,000 of which $12,500,000 is to be derived by transfer from "Space and facilities";

"Salaries and expenses of magistrates", $700,000;

"Bankruptcy Courts, salaries and expenses", $3,500,000;

Administrative Office of the United States Courts

"Salaries and expenses", $875,000;

Federal Judicial Center

"Salaries and expenses", $222,000;

Executive Office of the President

White House Office

"Salaries and expenses", $905,000;

Executive Residence at the White House

"Operating expenses", $218,000;

Special Assistance to the President

"Salaries and expenses", $60,000;

Council of Economic Advisers

"Salaries and expenses", $34,000;

National Security Council

"Salaries and expenses", $171,000;

Office of Administration

"Salaries and expenses", $200,000;

Office of Management and Budget

"Salaries and expenses", $1,416,000;

Office of Federal Procurement Policy

"Salaries and expenses", $128,000;

Office of the United States Trade Representative

"Salaries and expenses", $260,000;
FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DEVELOPMENT ASSISTANCE

"Operating expenses of the International Development Cooperation Agency", $10,408,000; of which not to exceed $5,540,000 shall be for operating expenses, Agency for International Development—Washington, and $114,000 shall be for operating, administrative expenses, International Development Cooperation Agency;

DEPARTMENT OF AGRICULTURE

"Office of the Secretary", $416,000;
"Departmental Administration", for budget, planning and evaluation, and public participation, $125,000; and for operations and finance, personnel, equal opportunity, safety and health management, management analysis, and small and disadvantaged business utilization, $579,000; making a total of $704,000;
"Office of Governmental and Public Affairs", $42,000;
"Office of the General Counsel", $910,000;
"Office of the Inspector General", $700,000;

SCIENCE AND EDUCATION ADMINISTRATION

"Agricultural research", $10,464,000;
"Extension activities", $136,000;
"Technical information systems", $281,000;
"Economics and Statistics Service", $2,951,000;
"Foreign Agricultural Service", $281,000;

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $13,163,000. In addition, not to exceed an additional $6,831,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund;

RURAL ELECTRIFICATION ADMINISTRATION

"Salaries and expenses", $590,000;

FARMERS HOME ADMINISTRATION

"Salaries and expenses", $7,513,000;

SOIL CONSERVATION SERVICE

"Conservation operations", $18,862,000;
"River basin surveys and investigations", $881,000;
"Watershed planning", $813,000;
"Great Plains Conservation Program", $664,000 to remain available until expended;
"Animal and Plant Health Inspection Service", $9,880,000;

FEDERAL GRAIN INSPECTION SERVICE

"Salaries and expenses", $605,000;

AGRICULTURAL MARKETING SERVICE

"Marketing services", $1,773,000;
"Food Safety and Quality Service", $17,788,000; "Funds for strengthening markets, income and supply (section 32)" (increase of $340,000 in the limitation, "marketing agreements and orders");

FOOD AND NUTRITION SERVICE

"Food program administration", $592,000;

FOREST SERVICE

"Forest research", $5,612,000;
"State and private forestry", $1,068,000, of which $1,053,000 shall remain available for obligation until September 30, 1982, to carry out activities authorized in Public Law 95-313;
"National forest system", $41,436,000, of which $7,536,000 for reforestation and stand improvement, cooperative law enforcement, and maintenance of forest roads and trails shall remain available for obligation until September 30, 1982;
"Construction and land acquisition", $11,378,000 to remain available until expended;

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

"Salaries and expenses", $1,100,000;

BUREAU OF THE CENSUS

"Salaries and expenses", $2,600,000;
"Periodic censuses and programs", $7,200,000, to remain available until expended;

ECONOMIC AND STATISTICAL ANALYSIS

"Salaries and expenses", $890,000;

INTERNATIONAL TRADE ADMINISTRATION

"Operations and administration", $1,700,000, to remain available until expended;

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Operations, research, and facilities", $20,716,000, to remain available until expended, of which $2,500,000 shall be derived by transfer from "Promote and develop fishery products and research pertaining to American fisheries";

PATENT AND TRADEMARK OFFICE

"Salaries and expenses", $3,600,000;
MARITIME ADMINISTRATION

“Operations and training”, $450,000, to remain available until expended;

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

“Military personnel, Army”, $1,079,432,000;
“Military personnel, Navy”, $745,553,000;
“Military personnel, Marine Corps”, $236,714,000;
“Military personnel, Air Force”, $885,362,000;
“Reserve personnel, Army”, $70,955,000;
“Reserve personnel, Navy”, $16,755,000;
“Reserve personnel, Marine Corps”, $9,333,000;
“Reserve personnel, Air Force”, $18,386,000;
“National Guard personnel, Army”, $104,803,000;
“National Guard personnel, Air Force”, $34,437,000;

OPERATION AND MAINTENANCE

“Operation and maintenance, Army”, $391,600,000;
“Operation and maintenance, Navy”, $431,800,000;
“Operation and maintenance, Marine Corps”, $21,100,000;
“Operation and maintenance, Air Force”, $291,000,000;
“Operation and maintenance, Defense Agencies”, $2,000,000;
“Operation and maintenance, Army Reserve”, $19,100,000;
“Operation and maintenance, Navy Reserve”, $5,000,000;
“Operation and maintenance, Air Force Reserve”, $17,900,000;
“Operation and maintenance, Army National Guard”, $41,800,000;
“Operation and maintenance, Air National Guard”, $41,400,000;
“National Board for the Promotion of Rifle Practice, Army”, $20,000;
“Court of Military Appeals, Defense”, $113,000;

FAMILY HOUSING

“Family housing, Defense”, $17,938,000 (and an increase of $17,938,000 in the limitation on Department of Defense, operation, maintenance);

DEPARTMENT OF DEFENSE—CIVIL

SOLDIERS’ AND AIRMEN’S HOME

“Operation and maintenance”, $1,074,000;

CORPS OF ENGINEERS—CIVIL

“Construction general”, $8,150,000, to remain available until expended;
“Operation and maintenance general”, $31,300,000, to remain available until expended;
“General expenses”, $5,600,000;

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

“Salaries and expenses”, $2,497,000;

DEPARTMENT OF ENERGY

“Fossil energy research and development”, $1,518,000, to remain available until expended;
“Energy production, demonstration, and distribution”, $599,000, to remain available until expended;
“Energy conservation”, $348,000, to remain available until expended;
“Economic regulation”, $6,012,000;
“Strategic petroleum reserve”, $507,000 to remain available until expended;

DEPARTMENTAL ADMINISTRATION

“General administration”, $4,240,000 to remain available until expended;

FEDERAL ENERGY REGULATORY COMMISSION

“Salaries and expenses”, $1,000,000;

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

“Salaries and expenses”, $5,890,000;

HEALTH SERVICES ADMINISTRATION

“Health services”, $5,310,000;
“Indian health services”, $12,556,000;

CENTER FOR DISEASE CONTROL

“Preventive health services”, $2,000,000;

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

“Saint Elizabeths Hospital”, $4,591,000;

HEALTH RESOURCES ADMINISTRATION

(TRANSFER OF FUNDS)

“Health resources”, $3,062,000, to be derived by transfer from unobligated regional medical program, physician shortage area scholarship, and health professions teaching facilities construction funds provided under Public Laws 93-50, 93-192, and 94-303;

HEALTH CARE FINANCING ADMINISTRATION

“Program management”, $3,000,000 to be derived by transfer from the “Federal Hospital Insurance Trust Fund” and the “Federal Supplementary Medical Insurance Trust Fund”;

87 Stat. 99, 746;
90 Stat. 610.
SOCIAL SECURITY ADMINISTRATION

"Limitation on administrative expenses" (increase of $30,000,000 in the limitation on salaries and expenses paid from the trust funds and the supplemental security income program);

"Supplemental security income", $25,000,000;

OFFICE OF HUMAN DEVELOPMENT SERVICES

"Human development services", $1,116,000;

DEPARTMENTAL MANAGEMENT

(TRANSFER OF FUNDS)

"General departmental management", $8,300,000, of which $3,800,000 is to be derived by transfer from "Office of the Inspector General" and $700,000 is to be derived by transfer from "Policy research" and $3,800,000 is to be derived by transfer from "Social Security Administration, limitation on administrative expenses";

"Office of Consumer Affairs", $100,000;

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $20,494,000, of which $14,494,000 shall be derived by transfer from various funds of the Federal Housing Administration;

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

"Management of lands and resources", $7,568,000;

WATER AND POWER RESOURCES SERVICE

(INCLUDING TRANSFER OF FUNDS)

"General investigations", $1,400,000;
"Operation and maintenance", $5,200,000, of which $379,000 shall be derived from the Colorado River Dam Fund;
"Construction program", $5,474,000;
"General administrative expenses", $2,350,000;

U.S. FISH AND WILDLIFE SERVICE

"Resource management", $5,864,000;

NATIONAL PARK SERVICE

"Operation of the national park system", $9,437,000;
"Land and water conservation fund", of the amount heretofore appropriated under this heading, an additional amount of $413,000 shall be available for administrative expenses of the Heritage Conservation and Recreation Service;

"John F. Kennedy Center for the Performing Arts", $141,000;

GEOLOGICAL SURVEY

"Surveys, investigations, and research", $13,864,000;

BUREAU OF MINES

"Minerals and minerals", $2,891,000;

BUREAU OF INDIAN AFFAIRS

"Operation of Indian programs", $18,051,000;

OFFICE OF TERRITORIAL AFFAIRS

(INCLUDING TRANSFER OF FUNDS)

"Trust Territory of the Pacific Islands", $168,000, of which $73,000 is to be derived by transfer from Office of Territorial Affairs, "Administration of territories";

OFFICE OF THE SOLICITOR

"Salaries and expenses", $1,032,000;

OFFICE OF THE SECRETARY

"Departmental management", $1,536,000;
"Construction management", $39,000;
"Inspector General", $472,000;

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

"Salaries and expenses", $1,400,000;

UNITED STATES PAROLE COMMISSION

"Salaries and expenses", $275,000;

LEGAL ACTIVITIES

"Salaries and expenses, general legal activities", $6,400,000;
"Salaries and expenses, Foreign Claims Settlement Commission", $22,000;
"Salaries and expenses, United States Attorneys and Marshals", $8,500,000: Provided, That amounts provided for the processing and detention of Cuban nationals under title VII of H.R. 7584, as incorporated into Public Law 96-536 are available to pay other expenses under this head;

"Salaries and expenses, Community Relations Service", $270,000;

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", $38,800,000;
IMMIGRATION AND NATURALIZATION SERVICE

“Salaries and expenses”, $11,600,000;

DRUG ENFORCEMENT ADMINISTRATION

“Salaries and expenses”, $8,500,000;

FEDERAL PRISON SYSTEM

“Salaries and expenses”, $7,465,000;
“Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated” (increase of $101,000 in the limitation on Administrative expenses; and $179,000 on Vocational expenses);

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

“Research and statistics”, $800,000;

DEPARTMENT OF LABOR

(INCLUDING TRANSFER OF FUNDS)

EMPLOYMENT AND TRAINING ADMINISTRATION

“Program administration”, $5,064,000, to be derived by transfer from “Employment and training assistance”, together with not to exceed $1,425,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which $396,000 shall be for carrying into effect the provisions of 38 U.S.C. 2001-03;

LABOR-MANAGEMENT SERVICES ADMINISTRATION

“Salaries and expenses”, $1,915,000 to be derived by transfer from Employment and Training Administration, “Employment and training assistance”;

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

“Salaries and expenses”, $3,090,000 to be derived by transfer from Employment and Training Administration, “Employment and training assistance”;

MINES SAFETY AND HEALTH ADMINISTRATION

“Salaries and expenses”, $4,475,000 to be derived by transfer from Employment and Training Administration, “Employment and training assistance”;

BUREAU OF LABOR STATISTICS

“Salaries and expenses”, $4,917,000 to be derived by transfer from Employment and Training Administration, “Employment and training assistance”;

DEPARTMENTAL MANAGEMENT

“Salaries and expenses”, $829,000, to be derived by transfer from Employment and Training Administration, “Employment and training assistance”, together with not to exceed $60,000 to be derived by transfer from the Employment Security Administration account, Unemployment Trust Fund;

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

“Salaries and expenses”, $17,200,000;

INTERNATIONAL COMMISSIONS

International Boundary and Water Commission, United States and Mexico:
“Salaries and expenses”, $329,000;
“American sections, international commissions”, $25,000;

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

“Salaries and expenses”, $527,000;
“Limitation on working capital fund” (increase of $1,000,000 in the limitation on Working Capital Fund);

COAST GUARD

“Operating expenses”, $48,520,000;
“Reserve training”, $3,476,000;

FEDERAL AVIATION ADMINISTRATION

“Operations”, $106,880,000;
“Operation and maintenance, metropolitan Washington airports”, $623,000;

FEDERAL HIGHWAY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

“Motor carrier safety”, $555,000, to be derived by transfer from “Baltimore-Washington Parkway”;
“Limitation on general operating expenses” (increase of $5,000,000; in the limitation on general operating expenses);

FEDERAL RAILROAD ADMINISTRATION

“Office of the Administrator”, $368,000;

URBAN MASS TRANSPORTATION ADMINISTRATION

(TRANSFER OF FUNDS)

“Administrative expenses”, $1,000,000, to be derived by transfer from “Research and special programs” appropriation;
SAINTE LAWRENCE SEAWAY DEVELOPMENT CORPORATION

"Limitation on administrative expenses, Saint Lawrence Seaway Development Corporation" (increase of $45,000 in the limitation on administrative expenses)

OFFICE OF THE INSPECTOR GENERAL
(TRANSFER OF FUNDS)

"Salaries and expenses", $885,000 to be derived from funds available under 28 U.S.C. 104(a) for payment of obligations;

DEPARTMENT OF THE TREASURY
OFFICE OF THE SECRETARY

"Salaries and expenses", $1,507,000;
"International affairs", $185,000;

OFFICE OF REVENUE SHARING

"Salaries and expenses", $216,000;

FEDERAL LAW ENFORCEMENT TRAINING CENTER

"Salaries and expenses", $248,000;

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

"Salaries and expenses", $3,741,000;
"Chrysler Corporation loan guarantee program", $29,000;

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

"Salaries and expenses", $5,550,000;

UNITED STATES CUSTOMS SERVICE

"Salaries and expenses", $16,468,000;

BUREAU OF THE MINT

"Salaries and expenses", $946,000;

INTERNAL REVENUE SERVICE
(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $7,008,000, of which $4,686,000 is to be derived from "Administering the Public Debt";
"Taxpayer service and returns processing", $34,767,000;
"Examinations and appeals", $47,008,000;
"Investigation and collections", $32,980,000;

UNITED STATES SECRET SERVICE

"Salaries and expenses", $9,710,000;

ENVIRONMENTAL PROTECTION AGENCY

"Salaries and expenses", $6,165,000;

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

"Research and program management", $41,400,000;

VETERANS ADMINISTRATION

"Medical care", $265,205,000;
"Medical and prosthetic research", $7,917,000, to remain available until September 30, 1982;
"Medical administration and miscellaneous operating expenses", $1,591,000;
"General operating expenses", $15,659,000;

OTHER INDEPENDENT AGENCIES

ACTION

"Operating expenses, domestic programs", $230,000;

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

"Salaries and expenses", $67,000;

ADVISORY COUNCIL ON HISTORIC PRESERVATION

"Salaries and expenses", $67,000;

AMERICAN BATTLE MONUMENTS COMMISSION

"Salaries and expenses", $797,000;

CIVIL AERONAUTICS BOARD

"Salaries and expenses", $775,000;

COMMISSION OF FINE ARTS

"Salaries and expenses", $13,000;

COMMISSION ON CIVIL RIGHTS

"Salaries and expenses", $300,000;

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

"Salaries and expenses", $26,000;

COMMODITY FUTURES TRADING COMMISSION

"Salaries and expenses", $815,000;

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"Salaries and expenses", $1,200,000;
PUBLIC LAW 97-12—JUNE 5, 1981

EXPORT-IMPORT BANK OF THE UNITED STATES

“Limitation on administrative expenses” (increase of $366,000 in the limitation on administrative expenses);

FARM CREDIT ADMINISTRATION

“Limitation on administrative expenses” (increase of $688,000 in the limitation on administrative expenses);

FEDERAL COMMUNICATIONS COMMISSION

“Salaries and expenses”, $3,437,000;

FEDERAL ELECTION COMMISSION

“Salaries and expenses”, $379,000;

FEDERAL HOME LOAN BANK BOARD

“Limitation on administrative and nonadministrative expenses, Federal Home Loan Bank Board” (increase of $1,000,000 in the limitation on administrative expenses and an increase of $1,400,000 in the limitation on nonadministrative expenses);

FEDERAL LABOR RELATIONS AUTHORITY

“Salaries and expenses”, $622,000;

FEDERAL MARITIME COMMISSION

“Salaries and expenses”, $100,000;

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

Limitations on availability of revenue: In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1981, $19,470,000 shall be available for such purposes and the limitation on the amount available for real property operations is increased to $551,144,000 and the limitation on the amount available for program direction and centralized services is increased to $82,179,000: Any revenues and collections and any other sums accruing to this fund during fiscal year 1981, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $1,617,489,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriation Acts;

FEDERAL SUPPLY SERVICE

(INCLUDING TRANSFER OF FUNDS)

“Operating expenses”, $5,948,000, of which $444,000 shall be derived by transfer from the appropriation for “Office of Inspector General”;

TRANSPORTATION AND PUBLIC UTILITIES SERVICE

“Operating expenses”, $830,000;

NATIONAL ARCHIVES AND RECORDS SERVICE

(INCLUDING TRANSFER OF FUNDS)

“Operating expenses”, $1,899,000, of which $50,000 shall be derived by transfer from the appropriation for “Consumer Information Center” and $8,000 shall be derived by transfer from the appropriation for “Allowances and office staff for former Presidents”;

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

“Operating expenses”, $498,000;

FEDERAL PROPERTY RESOURCES SERVICE

“Operating expenses”, $1,189,000;

GENERAL MANAGEMENT AND ADMINISTRATION

“Salaries and expenses”, $3,981,000;

INTELLIGENCE COMMUNITY STAFF

“Intelligence Community Staff”, $447,000;

INTERGOVERNMENTAL AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

“Salaries and expenses”, $72,000;

DELAWARE RIVER BASIN COMMISSION

“Salaries and expenses”, $3,000;

SUSQUEHANNA RIVER BASIN COMMISSION

“Salaries and expenses”, $3,000;

INTERNATIONAL COMMUNICATION AGENCY

“Salaries and expenses”, $9,846,000;

INTERNATIONAL TRADE COMMISSION

“Salaries and expenses”, $500,000;

MERIT SYSTEMS PROTECTION BOARD

“Office of the Special Counsel”, $140,000;

NATIONAL CAPITAL PLANNING COMMISSION

“Salaries and expenses”, $130,000;
PUBLIC LAW 97-12—JUNE 5, 1981

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

"Salaries and expenses", $285,000;

NATIONAL LABOR RELATIONS BOARD

"Salaries and expenses", $2,913,000;

NATIONAL SCIENCE FOUNDATION

"Research and related activities", $4,759,000, to remain available until September 30, 1982 (and an increase of $759,000 in the limitation on program development and management);

NATIONAL TRANSPORTATION SAFETY BOARD

"Salaries and expenses", $240,000;

OFFICE OF PERSONNEL MANAGEMENT

(including transfer of funds)

"Salaries and expenses", $2,633,000 together with an additional amount of $1,808,000 for current fiscal year administration expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in amounts to be determined by the Office of Personnel Management without regard to other statutes;

PANAMA CANAL COMMISSION

"Operating expenses", $27,000;

RAILROAD RETIREMENT BOARD

"Limitation on administration", (increase of $1,044,000 in limitation on administration paid from the railroad retirement account);

SECURITIES AND EXCHANGE COMMISSION

"Salaries and expenses", $3,850,000;

SMITHSONIAN INSTITUTION

"Salaries and expenses", $4,613,000;
"Salaries and expenses, National Gallery of Art", $337,000;
"Salaries and expenses, Woodrow Wilson International Center for Scholars", $35,000;

NAVAJO AND HOPI RELOCATION COMMISSION

"Salaries and expenses", $57,000;

UNITED STATES TAX COURT

"Salaries and expenses", $446,000.

GENERAL PROVISIONS

Sec. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 302. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1981, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

Sec. 303. No part of any appropriation contained in this Act for departments and agencies funded in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations without the approval of the Committees on Appropriations.

Sec. 304. The Social Security system is vital to the well-being of the Nation's elderly and disabled citizens and currently provides benefits to about 55 million Americans.

The Social Security system faces serious short-term and long-term financing problems that jeopardize the payment of benefits.

It is essential that Congress act forthrightly to address the Social Security financing problem and to restore the American people's confidence in the system.

Any resolution to this problem will have come as a result of a bipartisan effort.

It is the sense of the Congress that Congress should carefully study all options in order to find the most equitable solution to insuring the fiscal integrity of the system.

That Congress shall not precipitously and unfairly reduce early retirees' benefits.

That Congress will enact reforms necessary to ensure the short-term and long-term solvency of the Social Security system but will not support reductions in benefits which exceed those necessary to achieve a financially sound system and the well being of all retired Americans.

Sec. 305. None of the funds in the Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in World Trade at competitive prices as authorized by law.

TITLE IV

FURTHER CONTINUING APPROPRIATIONS

Sec. 401. Clause (c) of section 101 and clause (c) of section 102 of the joint resolution of December 16, 1980 (Public Law 96-536), are hereby amended by striking out "June 5, 1981" and inserting in lieu thereof "September 30, 1981".

Sec. 402. Section 109 of such joint resolution is amended to read as follows:

5 USC 5318 note.

Increased pay costs.

Surplus agricultural commodities, sale.

Abortion.

94 Stat. 3166, 3169.

94 Stat. 3170.
"Sec. 109. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term: Provided, however, That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.”

Sec. 403. Such joint resolution is further modified by the provisions included herein under titles I and II of this bill.

Approved June 5, 1981.
COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS ACT
Public Law 96-317
96th Congress

An Act

To establish a Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order Numbered 9066, and for other purposes.

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

SHORT TITLE

Section 1. This Act may be cited as the "Commission on Wartime Relocation and Internment of Civilians Act".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—
(1) approximately one hundred and twenty thousand civilians were relocated and detained in internment camps pursuant to Executive Order Numbered 9066, issued February 19, 1942, and other associated actions of the Federal Government;
(2) approximately one thousand Aleutian civilians citizens were relocated and, in some cases, detained in internment camps pursuant to directives of United States military forces during World War II and other associated actions of the Federal Government; and
(3) no sufficient inquiry has been made into the matters described in paragraphs (1) and (2).
(b) It is the purpose of this Act to establish a commission to—
(1) review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens;
(2) review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and
(3) recommend appropriate remedies.

ESTABLISHMENT OF COMMISSION

Sec. 3. (a) There is established the Commission on Wartime Relocation and Internment of Civilians (hereinafter referred to as the "Commission");
(b) The Commission shall be composed of seven members, who shall be appointed within ninety days after the date of enactment of this Act as follows:
(1) Three members shall be appointed by the President.
(2) Two members shall be appointed by the Speaker of the House of Representatives.
(3) Two members shall be appointed by the President pro tempore of the Senate.
(c) The term of office for members shall be for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.
(d) The first meeting of the Commission shall be called by the President within one hundred and twenty days after the date of enactment of this Act, or within thirty days after the date on which legislation is enacted making appropriations to carry out this Act, whichever date is later.
(e) Four members of the Commission shall constitute a quorum, but a lesser number may hold hearings.
(f) The Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Commission.
(g) Each member of the Commission who is not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily rate prescribed for GS-18 under the General Schedule contained in section 5332 of title 5, United States Code, for each day, including traveltime, he or she is engaged in the actual performance of his or her duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

DUTIES OF THE COMMISSION

Sec. 4. (a) It shall be the duty of the Commission to—
(1) review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens;
(2) review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and
(3) recommend appropriate remedies.
(b) The Commission shall hold public hearings in such cities of the United States that it finds appropriate.
(c) The Commission shall submit a written report of its findings and recommendations to Congress not later than the date which is one year after the date of the first meeting called pursuant to section 3(d) of this Act.

POWERS OF THE COMMISSION

Sec. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.
(b) The Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information which the Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalties, or other authorities of the executive branch of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

ADMINISTRATIVE PROVISIONS

Sect. 6. The Commission is authorized to—

1. appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and 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 Commission may not exceed a rate equivalent to the rate payable under GS-18 of the General Schedule under section 5332 of such title;

2. obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

3. enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

4. procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

5. enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

TERMINATION

Sect. 7. The Commission shall terminate ninety days after the date on which the report of the Commission is submitted to Congress pursuant to section 4(c) of this Act.

AUTHORIZATION OF APPROPRIATIONS

Sect. 8. To carry out the provisions of this Act, there are authorized to be appropriated $1,500,000.

Approved July 31, 1980.

LEGISLATIVE HISTORY:
HOUSE REPORT No. 96-1146 accompanying H.R. 5499 (Comm. on the Judiciary).
SENATE REPORT No. 96-751 (Comm. on Governmental Affairs).
July 21, H.R. 5499 passed House; passage vacated and S. 1647, amended, passed in lieu.
July 24, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, No. 31: July 31, Presidential statement.
COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS ACT
An Act

To establish a Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order Numbered 9066, and for other purposes.

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

SECTION 1. This Act may be cited as the "Commission on Wartime Relocation and Internment of Civilians Act".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

(1) approximately one hundred and twenty thousand civilians were relocated and detained in internment camps pursuant to Executive Order Numbered 9066, issued February 19, 1942, and other associated actions of the Federal Government;

(2) approximately one thousand Aleut civilian American citizens were relocated and, in some cases, detained in internment camps pursuant to directives of United States military forces during World War II and other associated actions of the Federal Government; and

(3) no sufficient inquiry has been made into the matters described in paragraphs (1) and (2).

(b) It is the purpose of this Act to establish a commission to—

(1) review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens;

(2) review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and

(3) recommend appropriate remedies.

ESTABLISHMENT OF COMMISSION

Sec. 3. (a) There is established the Commission on Wartime Relocation and Internment of Civilians (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of seven members, who shall be appointed within ninety days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives.

(3) Two members shall be appointed by the President pro tempore of the Senate.

(c) The term of office for members shall be for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) The first meeting of the Commission shall be called by the President within one hundred and twenty days after the date of enactment of this Act, or within thirty days after the date on which legislation is enacted making appropriations to carry out this Act, whichever date is later.

(e) Four members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) The Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Commission.

(g) Each member of the Commission who is not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily rate prescribed for GS-18 under the General Schedule contained in section 5332 of title 5, United States Code, for each day, including traveltime, he or she is engaged in the actual performance of his or her duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

DUTIES OF THE COMMISSION

Sec. 4. (a) It shall be the duty of the Commission to—

(1) review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens;

(2) review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and

(3) recommend appropriate remedies.

(b) The Commission shall hold public hearings in such cities of the United States that it finds appropriate.

(c) The Commission shall submit a written report of its findings and recommendations to Congress not later than the date which is one year after the date of the first meeting called pursuant to section 3(d) of this Act.

POWERS OF THE COMMISSION

Sec. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.
(b) The Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information which the Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

**ADMINISTRATIVE PROVISIONS**

Sec. 6. The Commission is authorized to—

1. appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and 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 Commission may not exceed a rate equivalent to the rate payable under GS-18 of the General Schedule under section 5332 of such title;
2. obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;
3. enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;
4. procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and
5. enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

**TERMINATION**

Sec. 7. The Commission shall terminate ninety days after the date on which the report of the Commission is submitted to Congress pursuant to section 4(c) of this Act.

**AUTHORIZATION OF APPROPRIATIONS**

Sec. 8. To carry out the provisions of this Act, there are authorized to be appropriated $1,500,000.

Approved July 31, 1980.

**LEGISLATIVE HISTORY:**

HOUSE REPORT No. 96-1146 accompanying H.R. 5499 (Comm. on the Judiciary).
SENATE REPORT No. 96-751 ( Comm. on Governmental Affairs).
May 22, considered and passed Senate.
July 21, H.R. 5499 passed House; passage vacated and S. 1547, amended, passed in lieu.
July 24, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, No. 31:
July 31, Presidential statement.
PUBLIC LAW 96–317—JULY 31, 1980

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS ACT
Public Law 96-317
96th Congress

An Act

July 31, 1980

To establish a Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order Numbered 9066, and for other purposes.

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

SECTION 1. This Act may be cited as the "Commission on Wartime Relocation and Internment of Civilians Act".

FINDINGS AND PURPOSE

Sect. 2. (a) The Congress finds that—
(1) approximately one hundred and twenty thousand civilians were relocated and detained in internment camps pursuant to Executive Order Numbered 9066, issued February 19, 1942, and other associated actions of the Federal Government;
(2) approximately one thousand Aleut civilian American citizens were relocated and, in some cases, detained in internment camps pursuant to directives of United States military forces during World War II and other associated actions of the Federal Government; and
(3) no sufficient inquiry has been made into the matters described in paragraphs (1) and (2).

(b) It is the purpose of this Act to establish a commission to—
(1) review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens;
(2) review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and
(3) recommend appropriate remedies.

ESTABLISHMENT OF COMMISSION

Sect. 3. (a) There is established the Commission on Wartime Relocation and Internment of Civilians (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of seven members, who shall be appointed within ninety days after the date of enactment of this Act as follows:
(1) Three members shall be appointed by the President.
(2) Two members shall be appointed by the Speaker of the House of Representatives.

(c) The term of office for members shall be for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) The first meeting of the Commission shall be called by the President within one hundred and twenty days after the date of enactment of this Act, or within thirty days after the date on which legislation is enacted making appropriations to carry out this Act, whichever date is later.

(e) Four members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) The Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Commission.

(g) Each member of the Commission who is not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily rate prescribed for GS-18 under the General Schedule contained in section 5332 of title 5, United States Code, for each day, including traveltime, he or she is engaged in the actual performance of his or her duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

DUTIES OF THE COMMISSION

Sect. 4. (a) It shall be the duty of the Commission to—
(1) review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens;
(2) review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and
(3) recommend appropriate remedies.

(b) The Commission shall hold public hearings in such cities of the United States that it finds appropriate.

(c) The Commission shall submit a written report of its findings and recommendations to Congress not later than the date which is one year after the date of the first meeting called pursuant to section 3(d) of this Act.

POWERS OF THE COMMISSION

Sect. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.
(b) The Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information which the Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

ADMINISTRATIVE PROVISIONS

Sec. 6. The Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and 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 Commission may not exceed a rate equivalent to the rate payable under GS–18 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(4) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(5) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

TERMINATION

Sec. 7. The Commission shall terminate ninety days after the date on which the report of the Commission is submitted to Congress pursuant to section 4(c) of this Act.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8. To carry out the provisions of this Act, there are authorized to be appropriated $1,600,000.

Approved July 31, 1980.
To establish a Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order Numbered 9066, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2 (legislative day, JUNE 21), 1979

Mr. Inouye (for himself, Mr. Matsunaga, Mr. Hayakawa, Mr. Cranston, Mr. McClure, and Mr. Church) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To establish a Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order Numbered 9066, and for other purposes.

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

    SHORT TITLE

4   SECTION 1. This Act may be cited as the “Commission on Wartime Relocation and Internment of Civilians Act”.

    FINDINGS AND PURPOSE

7   Sec. 2. (a) The Congress finds that—
Approximately one hundred and twenty thousand civilians were relocated and detained in internment camps pursuant to Executive Order Numbered 9066, dated February 19, 1942, and other associated acts of the Federal Government; and

(2) no inquiry into this matter has been made.

(b) It is the purpose of this Act to establish a factfinding commission to determine whether a wrong was committed against those American citizens and permanent resident aliens relocated and/or interned as a result of Executive Order Numbered 9066 and other associated acts of the Federal Government, and to recommend appropriate remedies.

ESTABLISHMENT OF COMMISSION

Sec. 3. (a) There is established the Commission on Wartime Relocation and Internment of Civilians (hereinafter referred to as the “Commission”).

(b) The Commission shall be composed of fifteen members, who shall be appointed as follows:

(1) Eleven members shall be appointed by the President.

(2) Two members of the House of Representatives shall be appointed by the Speaker of the House of Representatives.

(3) Two Members of the Senate shall be appointed by the President pro tempore of the Senate.

(c) The term of office for members shall be for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) The first meeting of the Commission shall be called by the President within sixty days following the date of enactment of this Act.

(e) Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) The Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Commission.

(g) Each member of the Commission who is not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily rate prescribed for GS–18 under the General Schedule contained in section 5332 of title 5, United States Code, including travel-time, for each day he or she is engaged in the actual performance of his or her duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.
DUTIES OF THE COMMISSION

Sec. 4. (a) It shall be the duty of the Commission to gather facts to determine whether a wrong was committed against those American citizens and permanent resident aliens who were subjected to relocation and/or internment by the issuance of Executive Order Numbered 9066 and other associated acts of the Federal Government.

(b) The Commission shall hold public hearings in Los Angeles, San Francisco, and Fresno, California; Portland, Oregon; Seattle, Washington; Phoenix, Arizona; Salt Lake City, Utah; Denver, Colorado; Chicago, Illinois; New York, New York; Washington, D.C.; and any other city that the Commission deems necessary and proper.

(c) The Commission shall submit a written report of its findings and recommendations to Congress not later than eighteen months after the date of the enactment of this Act.

POWERS OF THE COMMISSION

Sec. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable.

(b) The Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information which the Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

ADMINISTRATIVE PROVISIONS

Sec. 6. The Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and 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;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(3) enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the
Commission in such amounts as may be agreed upon by the Chairman and the Administrator of General Services;

(4) procure supplies, services, and property, and make contracts, without regard to the laws and procedures applicable to Federal agencies; and

(5) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

REPORT AND TERMINATION

Sec. 7. (a) The Commission shall, within eighteen months from the date of enactment of this Act, transmit a final report to the President and the Congress concerning its actions and its findings and recommendations.

(b) The Commission shall cease to exist on the date six months from the date it transmits the final report unless extended by a subsequent Act of Congress.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.
THE INTERNMENT OF JAPANESE AMERICANS DURING WORLD WAR II: A CASE OF RACISM AND HYSTERIA

AMERICAN STUDIES ENGLISH
MR. MILAN
JUNE 15, 1987
ELLEN MCCUSKER
The year is 1941. As thousands of Japanese Americans are herded like cattle into barracks far too similar to those found in Auschwitz and Bergen Belsen, an onlooker wonders about justice in the United States, the land of opportunity. The onlooker sees only the bewildered expressions on the faces of the young children and the looks of horror on those of the adults, for they know too well what could be in store for them. What is hidden from the onlooker's critical eye is the hysteria running through the United States, tearing home and families apart. He cannot physically see this horrendous irrationality, but he senses it in the eyes of the Nisei, American born Japanese.

As Japanese aggressors in the Pacific became increasingly hostile to the United States during the summer of 1941, President Franklin Roosevelt took decisive action: he responded by freezing all Japanese assets in the United States. Japan was warned of the consequences of further advances into Southeast Asia, yet her response was an all-out attempt to destroy the American fleet stationed just off the Hawaiian islands. On the morning of December 7, 1941, the Japanese bombed the American naval base at Pearl Harbor, and war began. As a result of this very hostile action on the part of the Japanese, thousands of loyal American citizens with
Japanese heritages were accused of espionage and conspiracy. Hard-working merchants were forced to place "Going Out of Business" signs in their windows as they were ordered to report to the "concentration camps" found in the desert lands in section of California. (See Figure A) School children, who had just yesterday played games with their white classmates, were now told they were not going to school, but instead, that they were leaving their homes, friends and relatives because they were of Japanese heritage. For Americans of today, the rationale for this governmental decision is very difficult to understand, let alone the youngsters of the 1940's. Race relations between whites and orientals just prior to the attack on Pearl Harbor have been described as somewhat nonexistent. According to Robert W. Kenney, the California Attorney General at this time, the anti-Japanese sentiment "had to be whipped up." (1) With the justifiable fear of a Japanese uprising in California, the press, as well as many politicians, were more than willing to "whip-up" this racism. One of the major fears of the American people at this time was the possibility that many Japanese were conspiring with their homeland to aid them in an attack on the Continental United States. Along with these perhaps justifiable fears, however, came many unjustifiable actions on the part of the
United States government. This racist overreaction is clearly seen in the fact that there was not one case of Japanese American disloyalty in the United States at this time. The Nisei were simply a race of hard-working, loyal people willing to fight for the country they loved and belonged to.

In examining the tragic story of the internment of the Japanese Americans during World War II, it is essential that one study racism in America and the hysteria that accompanied this disgraceful aspect of American history. An important aspect of this study of history and its effects on the human condition is the analysis of the bitter feelings of racism and the growth of hysterical overreaction to an event that shook the roots of every American.

A very helpful insight into the politics of prejudice and racism, found in Social Change and Prejudice by Bruno Bettelheim and Morris Janowitz, is essential to a complete understanding of the reasoning behind the governmental actions during this time period. Giving important historical information are the books East to America: A History of the Japanese in the United States, by Robert A. Wilson and Bill Hosokawa, and Justice At War: The Story of the Japanese American Internment Cases by Peter Irons, both forming a lucid understanding of just what went on during World War II in California. Also by Bill Hosokawa is Nisei;
The Quiet Americans, a book which sensitively goes into the details of the internment and some personal anecdotes which bring the crisis closer to the reader. Also contributing to an understanding of the subject is a magazine article found in Nation depicting the various cases being brought to trial in the Japanese American hopes of somehow being compensated for their losses. Finally, through an interview with Rodney Torii, a graduate student at Brown University and son of George Torii and Hiroko Muranza, two Japanese Americans incarcerated at a Manzanar camp, an essential analysis of the psychological impact on the Japanese American citizens has been gained.
During the period from early 1939 to the fateful bombing of Pearl Harbor, the American people were both frightened and concerned about the war in Europe. That war seemed worlds away from the United States, for the Atlantic and Pacific Oceans served as friendly, neutral boundaries for America. This general attitude was seen clearly in the results of a poll conducted by Elmo Roper in December of 1939 (1). It showed that 67.4% of the people of America were against any sort of United States action concerning the war in Europe. But the hostile actions in Europe caused President Roosevelt to ask Congress for $1.8 billion for militaristic build-ups. The war in Europe was gaining a great deal of attention as Hitler and his troops progressively overran Denmark and Norway, and by May they had stormed through Belgium, Luxemborg and the Netherlands. As France was conquered by Hitler, Italy, fearing that she would miss out on the glory, joined Hitler to form the Axis powers. American feelings were beginning to change. A fact evident in a follow-up survey done by Roper in May which said that 67.5% (2) of Americans believed that the United States should aid Great Britain in the fight against the Axis. President Roosevelt shared this belief with the majority of his country and urged manufacturers to increase the
production of planes to 50,000 a year; (3) and he also asked Congress for another $4.8 billion for armaments.

Despite the widespread support for President Roosevelt's actions and policies, there was still a third of the nation deeply rooted in Washington's policy of isolationism. Many of these people began holding rallies, and they preached against what appeared to be a country drifting toward war. Many referred to Roosevelt, and other realistic politicians who could see the inevitability of war, as "warmongers." (4)

Congressional acts such as the Selective Training and Service Bill which called for the first peacetime draft in the nation's history also clearly indicated to the American people and other countries that the United States was leaning more and more towards war. There was great and loud opposition to bills such as this; however, in mid-August, a Gallup poll claimed that 71% of the nation supported the draft bill, indicating a substantial change in the feelings of Americans. (5)

While the United States was just getting through the election of 1940, which again elected Franklin Roosevelt, Europe was deep in turmoil. The German Luftwaffe mercilessly bombed Great Britain, sending many frightened citizens into the ground for safety. The American citizens listened on their short-wave radios as the war got closer and closer to them. One
step that made this progress almost inevitable was Roosevelt's introduction of the Lend Lease Bill, which provided for monetary aid to "any country whose defense the President deems vital to the defense of the United States." (6) The reactions to this act were varied throughout the World. Great Britain praised the United States for its "better late than never" action; however, Italy and Germany were now determined to rip their way through Europe and eventually gain full control. But most important were the reactions and feelings regarding the overall situation in the United States, the homefront. The Nisei, American born Japanese, were a community of hard workers, and with the first few draftees in 1939, the community felt a glimmer of hope that this would be an opportunity to be welcomed into American society. The great valor of these people can be clearly seen in their feelings toward the draft. Both the Nisei and the Isei, Japanese-born Americans, realized that, although it was difficult, they must fight their ancestors. They were now American citizens and, as painful as it often was, they must prove their loyalty with the lives of their sons. One must not get the false impression, however, that these people did not want to fight, for in their hearts they would fight to the death in the defense of the United States, their new home.
The hopes of the Japanese Americans that they would now be made to feel welcome in this country as all of America stood united against the Axis powers were dashed on the morning of December 7, 1941. This fateful day was the bombing of Pearl Harbor. The Nisei awoke with the same feelings of shock and horror as Americans. But it was different, for many Americans now began to fear their Japanese neighbors. Some felt disgusted by their simple presence in the community. One man who foresaw the great racism just ahead of the United States was Saburo Kido, a well-known attorney and community leader. He felt that if war were to come, racist acts and threats against the Japanese Americans would be probable and he urged officials to keep an eye out. (7) Another influential Nisei leader, Mike Masaoka supported a policy which called for a high official, if not the President, to "issue a statement pointing out the distinction between the Japanese enemy and the resident Japanese aliens and their American born children, urging that no misdirected anger be vented on the innocent." (8)

As this prelude to racism was working its way through the United States, intelligence agencies were investigating many members of the Nisei and Isei community in the hopes of discovering overt sabotage activities. But there was virtually nothing to be discovered. These investigators often questioned
Saburo Kido about particular members of the Issei community. The questions were very specific as well as very broad. Kido, as well as many others, often wondered how one could come up with answers to hypothetical questions concerning the potential actions of individuals. Many times, this reluctance to come up with answers on the part of the Japanese was interpreted as a purposeful lack of cooperation with disloyal intentions. This reluctance was, of course, met with great disdain as well as hatred. An entire race of people was labeled because of the fears, whether justified or unjustified, of the American people. One statistic that supports the theory that racism was one of the greatest factors contributing to the actions of the United States government is that it is known that "arrests of Japanese aliens after Pearl Harbor were on the basis of suspicion and potential danger rather than for the commission of any specific subversive acts." 

The evidence is overwhelming in support of the hypothesis that the United States, just after Pearl Harbor, was a very confused and tension-filled country. People feared for their safety unnecessarily, like the government officials who imprisoned thousands of innocent Americans; others were forced to give up their pride and property in order to pacify these ridiculous fears. It is important to all Americans that a
detailed analysis of this incredible irrationality be made and studied in order to avoid a recurrence.
As the student of American history looks back on the growth and progress of the United States, there is a tendency to wonder about the true meaning of justice. This term, one used loosely by most of us, is looked upon with great suspicion by an entire race of people in America, the Japanese. As thousands of Japanese immigrants arrived in America, justice was just another word they could not understand because of the language barrier. But as they began to establish homes, businesses and families in various parts of the United States they were able to sense justice in the form of success and prosperity. One should not get the false impression that success came easy to the Japanese. Like every other race, they were met with resistance by many Americans unwilling to accept or even tolerate different races. The Japanese worked hard to establish small businesses and to gain an education in order to better themselves and their families.

By the year 1940, the Japanese population had reached 126,947, (12) and they had established themselves, or so they thought, as loyal American citizens. However, the panic that set in after the bombing of Pearl Harbor by the Empire of Japan destroyed any sense of security on the part of the Japanese. Many members of the Japanese community
understood only too well what this could mean to the Japanese Americans, yet they were virtually helpless to stop the actions of the American government, their government.

As bitter feelings became increasingly evident, the United States government not only began to investigate many members of the Nisei community, but also issued orders to the effect that they were to report to internment camps as quickly as possible. Surprisingly, resistance to these orders was minimal. One man who did challenge the orders was one Gordon Hirabayashi, a respected member of the Japanese community. Mr. Hirabayashi charged that "This order for the mass evacuation of all persons of Japanese descent denies them the right to live." (13) He was convicted and jailed for violating United States evacuation orders. On June 21, 1943, the United States Supreme Court ruled:

"We cannot close our eyes to the fact, demonstrated by experience, that in time of war, residents having ethnic affiliations with an invading enemy may be a greater source of danger than those of a different ancestry." (14)

This justification on the part of the United States government left much to be desired. One could only wonder what they would attempt to justify next.
As a result of the wartime hysteria, the constitutional rights of Japanese Americans were ignored and trampled upon, and over 110,000 American citizens were interned in concentration camps for the duration of the war. Rodney Torii, the twenty-four year old son of two Japanese Americans who were incarcerated at a camp at Manzanar, responded to an interview concerning the physical and psychological impact on his parents as a result of their time spent in the camp. Through this interview a personal insight into the details and effects of this disgraceful aspect of American history has been gained and will be shared. The following analysis is based primarily on that interview, as well as other sources.

The stories of George Torii and Hiroko Muranaza are not sad to relate because these two Japanese Americans did not let this incident destroy their lives. The great many photographs taken at the camps during World War II have revealed, through the placid faces and masked pacivity of those being interned, that most of the Japanese were not bitter toward the United States government for what was going on. (See Figure B) According to Rodney Torii, his parents do not have any feelings of bitterness because of the incident. (15) This was primarily due to the fact that the Japanese have always been an obedient people. One must question, however, the reaction that the government
faced when it began interning American citizens. Were the Japanese too passive or too obedient? Not in their eyes, for they understood only too well the fears of their fellow citizens, and many not only sympathized with them, but believed their duty was to follow the orders of their government, however wrong or misguided those orders might have been.

The question has often been raised as to what happened to the houses and other property belonging to the Japanese Americans who were interned. According to Torii, the people were forced to sell their homes and their property before reporting to the camps. (16) It is obvious, simply because of human nature and the conditions surrounding a time of panic or emergency, that the values of houses put up for sale were considerably lower than they would normally have been. (See Figure C) Many of the Nisei community were taken advantage of because they were in a situation where they had to sell their homes by a particular date and therefore could not wait for a fair offer. If a Japanese person or family owned a business, which most of them did, they were forced to either find someone to take it over or sell it. (17) Again they were often cheated out of the real value of their businesses. The true sadness of these people losing their homes and businesses is seen in Figure C. It is clear that these people, although saddened and horrified by the concept
of being imprisoned in camps, knew what they had to do and understood their duty as American citizens. Torii points out a parallel seen here to the situation in Nazi Germany, although to a lesser degree. (18)

One of the surprising responses in the survey was the answer to whether or not Rodney's family spoke freely of the internment. "I know that my parents went to a Manzanar camp as you know that your parents went to high school." (19) The simple fact that the internment was not a forbidden subject in the Torii home illustrates that the Japanese were not ashamed of what happened because they had done nothing wrong. Although the pride and dignity of thousands of American citizens were almost completely destroyed during the internment, there is virtually no long-held bitterness for the governmental action.

A word used by Torii to describe his own feelings toward the entire evacuation and relocation of thousands of Japanese American citizens is "cynical" rather than "bitter" (20). He goes on to explain that his parents were not completely destroyed by the internment, but rather they were handicapped by it. (21) A point made, that he cannot even begin to imagine attempting to rebuild a life in a city filled with racism after being imprisoned for four years, brings to life for the student of history the horror of the whole situation. (22) Imagine being robbed of all one's
property and deprived of one's rights as a citizen and then, after an indeterminable period of time, being hurled back into a resentful society without any money, property or dignity.

Aside from the obvious result of a deep loss of freedom and pride, the impact of the internment on the entire Japanese American community must be studied in order to gain full realization of this horrifying American experience. The psychological impact on each individual person as he was ordered to report to camps such as Manzanar can never be truly measured, but it is important that it be realized. One important aspect of the internment is the loss of pride and dignity on the part of the Japanese. The pain a man must have felt when he was told he must sell his property and bring his family to a concentration camp is almost unthinkable. After working day in and day out just to provide food and shelter for his family, this realization must have been a bitter blow to his dignity and self respect. Yet another blow to many Japanese men during this time was his economic status. Many times in the camps, the women and sometimes the children earned an equal amount of money as the man. (23) The man was no longer the bread winner of the family, and as a result, he lost a great deal of confidence and began to feel almost worthless. Another economic aspect of the camps and their effects that
served to harm the Japanese was the fact that many times camp jobs paid only about sixteen to nineteen dollars a month. (24) The great damage on the pride of these people can never be measured or compensated.

In addition to the economic effects mentioned above, the people of the Japanese American community were psychologically harmed by the internment. Their feeling of pride and dignity was lost forever, never to be recovered again. The impact of constantly looking out onto barbed wire and guard towers is difficult to imagine simply because it is a horrendous thought. But to the Japanese, it was more than just a frightening concept, it was reality. Dillon S. Meyer made an observation about the psychological impact of the imprisonment on the Japanese that is both truthful and frightening at the same time:

Being cut off from the main currents of American life does things to people.

It saps the initiative, weakens the instincts of human dignity and freedom...

Over the past three years, we have watched some of these formerly enterprising people become steadily obsessed with feelings of hopelessness, personal insecurity and inertia. (24)
After discussing the effects and the horrors of the entire Japanese internment crisis, it is still essential that one analyze the reasons behind this massive racist movement. In Rodney Torii's opinion, the United States government did not imprison thousands of American citizens because they were a threat to the security of the United States; rather they used this as an excuse in order to express their deplorable racist feelings. According to Torii the most important reason behind the internment was not security but racial prejudice. The government was just using the idea that there could possibly be problems on the West Coast as an excuse to isolate and alienate and entire race of people. This opinion is in direct agreement with that of Joost A. Meerloo in a treatise on prejudice:

Every war is a dramatization of man's inner war, the externalization of his inner conflicts. Man feels temporarily relieved of tensions when there is outside trouble in the world. He can postpone finding a solution to his own conflicts as long as the outside world offers a more stirring emotional drama in which he can play a role. (25)

The study of prejudice and people and the way the two interact is essential in life. Without the
knowledge of how our brothers treated one another in earlier centuries, we are liable to repeat their errors. In studying racism and human nature, one can gain a true understanding of one's own role in society as well as a feeling for the rights of fellow citizens. It is obvious that not much attention was paid to the civil rights of the Japanese Americans during World War II, and this is a disgrace that the United States must live with.
PART FOUR

Freedom is simply a word to most Americans, but to the Japanese Americans interned during World War II, it is something that they now cherish. The approximately 110,000 Japanese American citizens who were imprisoned in concentration camps just after the bombing of Pearl Harbor lost, not only their freedom, but also their property and their pride. Although most of the possessions lost were replaced after the internment due to the hard work and dedication of these people, their pride and their freedom were lost forever. Never again would these people be able to feel completely secure about their positions as American citizens because of the swiftness that this freedom had been torn from them.

The role of freedom in the American Experience is a vital one. It is the vision of every man, white, black, or oriental, to be happy; included in his sense of happiness is his freedom. If a man cannot live where he likes or make a living the way he wants, then he is not a free man. Needless to say, a man without his freedom is a man without happiness.

When the government of the United States decided to intern thousands of Japanese American citizens, a decision was made to take these people's freedom from them. As it ordered families to sell their homes and businesses, it ordered them to stop being happy as well. But the true American Experience does not involve the removal of
happiness: it involves the conquering of man's obstacles and the hard work and determination that goes along with this. The Japanese American Experience is the American Experience. Two of the many examples of this fact are George Torii and Hiroko Muranaza. Theirs is a story of both tragedy and triumph. The tragedy came early in life when they were imprisoned at a Manzanar camp for the duration of World War II. The triumph was when they overcame this monumental obstacle through determination and dedication and married and raised a successful young man. All three are proud to be Americans and we, as Americans, are lucky that the valor and courage of these people allowed for their forgiveness; but to ask that they also forget, is just too much.

In conclusion, the words of Rodney Torii will illuminate both the tragedy and triumph of the Japanese Americans:

I would also like to add that my uncle (my mother's oldest brother) died in WWII fighting for the United States. He was recruited while he was interned. He died a hero, receiving the silver star posthumously.

Upon receiving the silver star, my grandmother returned it, and asked that she have her son back instead. My grandmother died fifteen years ago. (26).
When will we return to the thousands of Japanese American citizens their pride and dignity?
Mr. and Mrs. K. Iseri say goodbye to patrons of their drugstore in Los Angeles. (National Archives)
Interior and exterior of "apartments" at Salinas Assembly Center where evacuees were sheltered until War Relocation Authority camps could be prepared in inland desert areas.
Some farmers were able to lease their land to tenants. Those who did not own land had to sell furniture and equipment for whatever they could get.
ENDNOTES


3 Ibid., p. 22.

4 Ibid.

5 Ibid.

6 Ibid., p. 23.

7 Ibid., p. 25.


9 Ibid., p. 214.

10 Ibid.

11 Ibid., p. 216.


14 Ibid.

15 Interview with Rodney Torii, Providence, Rhode Island, 1 June 1987., p. 2.

16 Ibid., p. 4.

17 Ibid.

18 Ibid.

19 Ibid., p. 1.

20 Ibid., p. 2.

21 Ibid.
22 Ibid.


24 Ibid.


26 Interview with Rodney Torii, Providence, Rhode Island, 1 June 1987., p. 4.


By Judy Niizawa

Noted historian and former museum curator, Eric Saul, made a rare public appearance in San Jose on November 5, 1989. Saul was the featured speaker at a forum entitled, "The Nisei GIs of WWII and Their Families: 47 Years to Redress". Saul spoke on how he viewed karma in the life of the Nisei and how it was inevitable that their military record would be "outstanding and meant to be understood by all of mankind. He spoke of how the U.S. Army Presidio "Go For Broke" exhibit originated. He urged the audience to secure an expert writer from among our midst to capture the history of the Nisei, or chance losing the history forever.

Eric Saul was introduced by 442 veteran, Rudy Tokiwa who was also featured as the tour coordinator in video clips taken in Europe in July, 1989. Bishop Yamaoka of the Buddhist Churches of America (BCA) accompanied the Peace and Freedom Trail Tour group which made a pilgrimage to WWII battle sites and American cemeteries at Florence, Italy and Epinal, France. Buddhist services were also held on the site of the German concentration memorial in Dachau, Germany, the first such camp. Shown were the Carmelite and International monuments, the photo museum, and the oven and shower rooms used to exterminate Jews. Four Nisei members of the tour belonged to the 522, the field artillery unit of the 442, who were among the first Americans to open up the gates of Dachau.

Rev. Kyoshiro Tokunaga, retired head minister of the San Buddhist Church, spoke briefly about his experiences being taken to a Justice Department prison because he was university educated
an a Japanese linguist. To this day it appeared that the reverend felt the experience incredulous and inhumane. He was a plaintiff in the National Coalition for Japanese American Redress and Reparations (NCJAR) and feels a responsibility, especially because of his age of eighty-four, to speak out to the injustices that JA endured. Very few survive today who were with him.

A panel made of primary sources included Marian Okamoto (SJ Betsuin-NBS), Sox Kitashima (NCRR-SF), Joe Hironaka (original 100th Battalion and aid to Spark Matsunaga), Roy Uyehata (military intelligence service who trained under John Aiso and served in the Solomon and other islands in the South Pacific). All had very poignant stories to tell from their own particular vantage points at the onset of WWII and what followed.

Greetings were spoken by Tom Nishikawa, chairman of the board of the San Jose Buddhist Church and Wayne Mitsunaga, San Jose JACL Redress Committee Chair. Judy Miizawa (San Jose Resource Center and JACL) acted as facilitator/moderator for the one-hundred participants.

Audience

Among the attendees were San Francisco JACL President, Greg Marutani, Wallace and Kathleen Munotani (Cannon Co./NCRR), Walter and Kay Tanaka (MIS). Geographic coverage went from CA to Morgan Hill to Los Baños, Newark to San Mateo and San Francisco. Among other organizations represented were Aldersgate Church, Palo Alto, San Mateo Buddhist Church, and Nihonmachi Outreach Committee (NOC). Representatives were present from the BCA Bookstore and the Japanese American Curriculum Project Bookstore.

more-more-more-more-more-more
Congressman Norman Y. Mineta squeezed an appearance in during a very busy schedule. A member of Congress for 15 years, he graciously covered the long process redress has taken to come to its current status. He acknowledged the role that various members of the audience had played in allowing the JA story to be understood by the lawmakers. Among those who did testify in 1981 attending were Sue Tokushige, Eric Saul, Marian Okamoto, and Mary Niizawa. One comment made later by an attendee was, "We should hear what Congressman Mineta does. They do so much more than people like us."

Asian Law Alliance attorney and long time activist, Richard Konda spoke about provisions and amendments which have extended redress eligibility. At least one veteran was heard saying, "I think I qualify and I didn't even know."

DISPLAYS

Four themes were provided. The first depicted the life of the late Take Honbo Niizawa and her short life as a teacher who came to California as a young bride leaving behind her entire family in Kagoshima in 1924, only to live long enough to get out of camp, the mother of eight, one an army draftee. The second display showed artifacts from Amache WRA including the vest sewn by mothers as good luck for a male entering the military, draft letters, boy scouts certificates to an Issei parent, sports memorabilia and photos. The third display contained current commemorations of the Nisei vets and war year photos. Pictures of the redress campaign efforts made by JACL and NCRR and the signing ceremonies were shown. Also, stills of the Peace and Freedom Tour with Bishop Yamaoka performing a historic first conducting Buddhist rites for men who were interned as Christians because they had been denied their own religion.
To amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under the Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 8 (legislative day, MARCH 26), 1992

Mr. INOUYE (for himself and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under the Act, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Liberties Act Amendments of 1992".

SEC. 2. AUTHORIZATION FOR TRUST FUND.

Section 104(e) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b–3(e)) is amended by striking "$1,250,000,000" and inserting "$1,570,000,000".
SEC. 3. PAYMENTS IN THE CASE OF DECEASED PERSONS.


(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting the following after subparagraph (B):

“(C) Any person asserting a claim for payment under this section on account of an individual who is deceased shall be required to certify to the Department of Justice the names of any living spouse, child, or parent of the decedent on account of whom the claim is asserted. In any case in which the Attorney General makes a payment under this section to a claimant based upon his or her certification that the claimant has informed the Government of the identities of all living spouses, children, or parents, the exclusive remedy of any spouse, child, or parent who was omitted from the certification shall be against the claimant who received the payment.”.

SEC. 4. TERMINATION OF DUTIES OF ATTORNEY GENERAL.

Section 105(e) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-4(e)) is amended by striking “when the Fund terminates” and inserting “180 days after the Fund terminates.”.

SEC. 5. EXCLUSION OF PAYMENTS AS INCOME FOR VETERANS BENEFITS.

(a) In General.—Section 105(f)(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-4(f)(2)) is amended by striking “, or the” and inserting “or available under any other law administered by the Secretary of Veterans Affairs, or for purposes of determining the”.

(b) Effective Date.—The amendment made by subsection (a) shall be effective as of August 10, 1988.

SEC. 6. DEFINITIONS.

Section 108(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-7(2)) is amended in the matter preceding subparagraph (A) by inserting “, or the spouse or a parent of an individual of Japanese ancestry,” after “Japanese ancestry”.

O
PART 2
Recommendations

Personal
Justice
Denied

REPORT OF THE
COMMISSION ON WARTIME RELOCATION
AND INTERNMENT OF CIVILIANS
PERSONAL JUSTICE DENIED
PART 2: RECOMMENDATIONS
Personal Justice Denied
Part 2: Recommendations

REPORT OF THE
COMMISSION ON WARTIME RELOCATION
AND INTERNMENT OF CIVILIANS

WASHINGTON, D.C.
JUNE 1983
From the Chair

In accordance with Public Law 96–317 and on behalf of the members of the Commission on Wartime Relocation and Internment of Civilians, I am submitting Part II of our report, Personal Justice Denied, to the Congress of the United States. Part II contains the Commission’s recommendations for remedial actions.

The members of the Commission join me in extending a very special tribute and our unending gratitude to the Special Counsel, Angus Macbeth. Angus accepted and executed the difficult role of organizing our activities and our complex tasks with great skill and enthusiasm. His goal was to make sure our reports would be complete, accurate and reflect the views of all Commission members. He achieved that goal, doing so with his usual but truly unusual talent for making the impossible seem possible and the complex, logical and understandable. Throughout, he insisted on excellence and consistently acted with intelligence, wit and great good sense. The job simply could not have been done without him.

Again, the Commission joins me in thanking other members of the staff identified in Part I who have worked with us from the beginning. We were fortunate to have found these talented and dedicated people, who contributed so much to our effort.

Many others contributed to the Commission’s tasks in essential ways. Several members of Congress and their staffs, the staff of the General Services Administration and the Office of Management and Budget were helpful and supportive along the way. And, as Chair, I personally could not have functioned without the tireless assistance of Betsy Bellows of Wald, Harkrader & Ross.

Finally, I would like to thank the members of the Commission for their assistance, support, insight and wisdom throughout the two years. I am honored to have served with these distinguished colleagues from whom I learned so much. Their friendships enriched my life and I will miss them.

—Joan Z. Bernstein
Recommendations

In 1980 Congress established a bipartisan Commission on Wartime Relocation and Internment of Civilians, and directed it to:

1. review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive Order on American citizens and permanent resident aliens.

2. review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and

3. recommend appropriate remedies.

The Commission fulfilled the first two mandates by submitting to Congress in February 1983 a unanimous report, Personal Justice Denied, which extensively reviews the history and circumstances of the fateful decisions to exclude, remove and then to detain Japanese Americans and Japanese resident aliens from the West Coast, as well as the treatment of Aleuts during World War
II. The remedies which the Commission recommends in this second and final part of its report are based upon the conclusions of that report as well as upon further studies done for the Commission, particularly an analysis of the economic impact of exclusion and detention.

In considering recommendations, the Congress and the nation therefore must bear in mind the Commission’s basic factual findings about the wartime treatment of American citizens of Japanese ancestry and resident Japanese aliens, as well as of the people of the Aleutian Islands. A brief review of the major findings of Personal Justice Denied is followed by the Commission’s recommendations.

I. AMERICAN CITIZENS OF JAPANESE ANCESTRY AND RESIDENT JAPANESE ALIENS

On February 19, 1942, ten weeks after the Pearl Harbor attack, President Franklin D. Roosevelt signed Executive Order 9066, empowering the Secretary of War and the military commanders to whom he delegated authority to exclude any and all persons, citizens and aliens, from designated areas in order to secure national defense objectives against sabotage, espionage and fifth column activity. Shortly thereafter, on the alleged basis of military necessity, all American citizens of Japanese descent and all Japanese resident aliens were excluded from the West Coast. A small number—5,000 to 10,000—were removed from the West Coast and placed in “relocation centers”—bleak barrack camps in desolate areas of the Western states, guarded by military police.

People sent to relocation centers were permitted to leave only after a loyalty review on terms set, in consultation with the military, by the War Relocation Authority, the civilian agency that ran the camps. During the course of the war, approximately 35,000 evacuees were allowed to leave the camps to join the Army, attend college outside the West Coast or take whatever private employment might be available to them. When the exclusion of Japanese Americans and resident aliens from the West Coast was ended in December 1944, about 85,000 people remained in government custody.

This policy of exclusion, removal and detention was carried out without individual review, and prolonged exclusion continued without adequate regard to evacuees’ demonstrated loyalty to the United States. Congress, fully aware of the policy of removal and detention, supported it by enacting a federal statute which made criminal the violation of orders issued pursuant to Executive Order 9066. The United States Supreme Court also upheld exclusion in the context of war, but struck down the detention of loyal American citizens on the ground that this did not rest on statutory authority. All this was done despite the fact that no documented acts of espionage, sabotage or fifth column activity were shown to have been committed by any identifiable American citizen of Japanese ancestry or resident Japanese alien on the West Coast.

Officials took far more individualized, selective action against enemy aliens of other nationalities. No mass exclusion or detention, in any part of the country, was ordered against American citizens of German or Italian descent. The ethnic Japanese suffered a unique injustice during these years.

The Commission has examined the central events which created this history, especially the decisions that proved to be turning points in the flow of events.

The federal government contended that its decision to exclude ethnic Japanese from the West Coast was justified by “military necessity.” Careful review of the facts by the Commission has not revealed any security or military threat from the West Coast ethnic Japanese in 1942. The record does not support the claim that military necessity justified the exclusion of the ethnic Japanese from

*Personal Justice Denied (467 pp., $8.50) is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; Stock Number 052-003-00897-1. Telephone orders may be placed by calling (202) 783-3238. The report also discusses the removal from Hawaii of 1,875 residents of Japanese ancestry; the internment of Germans and Italians from various parts of the country as well as the exclusion of a small number of German American and Italian American citizens from particular areas pursuant to Executive Order 9066. Japanese Americans were also excluded from Alaska.

*Recent press reports take issue with this conclusion by the Commission; this is addressed separately in an addendum to another Commission volume, Papers for the Commission.
PERSONAL JUSTICE DENIED

the West Coast, with the consequent loss of property and personal liberty.

The decision to detain followed indirectly from the alleged military necessity for exclusion. No one offered a direct military justification for detention; the War Relocation Authority adopted detention primarily in reaction to the vocal popular feeling that people whom the government considered too great a threat to remain at liberty on the West Coast should not live freely elsewhere. The WRA contended that the initial detention in relocation centers was necessary for the evacuees’ safety, and that controls on departure would assure that the ethnic Japanese escaped mistreatment by other Americans when they left the camps. It follows, however, from the Commission’s conclusion that no military necessity justified the exclusion that there was no basis for this detention.

In early 1943, the government proposed to end detention, but not exclusion, through a loyalty review program designed to open the gates of the camps for the loyal, particularly those who volunteered to join the Army. This program represented a compromise between those who believed exclusion was no longer necessary and those who would prolong it. It gave some ethnic Japanese an opportunity to demonstrate loyalty to the United States most graphically—on the battlefield. Particularly after detention, such means of proving loyalty should not have been necessary. Yet distinguished service of Japanese Americans both in Europe and the Pacific had a profound impact in fostering postwar acceptance of the ethnic Japanese in America. It opened the gates of the camps and began to reestablish normal life for some people. But it did not grant the presumption of loyalty to all American citizens of Japanese descent. With no apparent rationale or justification, the loyalty review program failed to end exclusion from the West Coast of those who were found loyal.

By the spring of 1943, the highest civilian and military officials of the War Department had concluded that, after the loyalty review, military requirements no longer justified excluding American citizens of Japanese descent or resident aliens from the West Coast. The exclusion was imposed through orders based on the Secretary of War’s authority; nevertheless, the War Department did not act to lift the ban. The extent to which these views were communicated to the White House is unclear, but twelve months later, in May 1944, a recommendation to end exclusion was put before the President at a Cabinet meeting. Nevertheless, exclusion ended only after the Presidential election in November 1944. No plausible reason connected to wartime security supports this delay in allowing the ethnic Japanese to return to their homes, jobs and businesses—although the delay meant, as a practical matter, that most evacuees continued to be confined in relocation camps for an additional eighteen months.

In sum, Executive Order 9066 was not justified by military necessity, and the decisions that followed from it—exclusion, detention, the ending of detention and the ending of exclusion—were not founded upon military considerations. The broad historical causes that shaped these decisions were race prejudice, war hysteria and a failure of political leadership. Widespread ignorance about Americans of Japanese descent contributed to a policy conceived in haste and executed in an atmosphere of fear and anger at Japan. A grave personal injustice was done to the 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.

The excluded people suffered enormous damages and losses, both material and intangible. To the disastrous loss of farms, businesses and homes must be added the disruption for many years of careers and professional lives, as well as the long-term loss of income, earnings and opportunity. Japanese American participation in the postwar boom was delayed and damaged by the losses of valuable land and growing enterprises on the West Coast which they sustained in 1942. An analysis of the economic losses suffered as a consequence of the exclusion and detention was performed for the Commission, Congress having extended the Commission’s life in large measure to permit such a study. It is estimated that, as a result of the exclusion and detention, in 1945 dollars the ethnic Japanese lost between $108 and $164 million in income and between $41 and $206 million in property for which no compensation was made after the war under the terms of the Japanese-American Evacuation Claims Act. Adjusting these figures to account for inflation alone, the total losses of income and property fall between $810 million and $2 billion in 1983 dollars. It has not been possible to calculate the effects upon human capital of lost education, job training and the like.
Less tangibly, the ethnic Japanese suffered the injury of unjustified stigma that marked the excluded. There were physical illnesses and injuries directly related to detention, but the deprivation of liberty is no less injurious because it wounds the spirit rather than the body. Evacuation and relocation brought psychological pain, and the weakening of a traditionally strong family structure under pressure of separation and camp conditions. No price can be placed on these deprivations.

These facts present the Commission with a complex problem of great magnitude to which there is no ready or satisfactory answer. No amount of money can fully compensate the excluded people for their losses and sufferings. Two and a half years behind the barbed-wire of a relocation camp, branded potentially disloyal because of one's ethnicity alone—these injustices cannot neatly be translated into dollars and cents. Some find such an attempt in itself a means of minimizing the enormity of these events in a constitutional republic. History cannot be undone; anything we do now must inevitably be an expression of regret and an affirmation of our better values as a nation, not an accounting which balances or erases the events of the war. That is now beyond anyone's power.

It is well within our power, however, to provide remedies for violations of our own laws and principles. This is one important reason for the several forms of redress recommended below. Another is that our nation's ability to honor democratic values even in times of stress depends largely upon our collective memory of lapses from our constitutional commitment to liberty and due process. Nations that forget or ignore injustices are more likely to repeat them.

The governmental decisions of 1942 were not the work of a few men driven by animus, but decisions supported or accepted by public servants from nearly every part of the political spectrum. Nor did sustained or vocal opposition come from the American public. The wartime events produced an unjust result that visited great suffering upon an entire group of citizens, and upon resident aliens whom the Constitution also protects. While we do not analogize these events to the Holocaust—for the detention camps were not death camps—this is hardly cause for comfort in a democracy, even forty years later.

The belief that we Americans are exceptional often threatens our freedom by allowing us to look complacently at evil-doing elsewhere and to insist that "It can't happen here." Recalling the events of exclusion and detention, ensuring that later generations of Americans know this history, is critical immunization against infection by the virus of prejudice and the emotion of wartime struggle. "It did happen here" is a message that must be transmitted, not as an exercise in self-laceration but as an admonition for the future. Among our strengths as a nation is our willingness to acknowledge imperfection as well as to struggle for a more just society. It is in a spirit of continuing that struggle that the Commission recommends several forms of redress.

In proposing remedial measures, the Commission makes its recommendations in light of a history of postwar actions by federal, state and local governments to recognize and partially to redress the wrongs that were done:

- In 1948, Congress passed the Japanese-American Evacuation Claims Act; this gave persons of Japanese ancestry the right to claim from the government real and personal property losses that occurred as a consequence of the exclusion and evacuation. The Act did not allow claims for lost income or for pain and suffering. Approximately $37 million was paid in claims, an amount far below what would have been full and fair compensation for actual economic losses. Awards were low because elaborate proof of loss was required, and incentives for settling claims below their full value were built into the Act.
- In 1972, the Social Security Act was amended so that Japanese Americans over the age of eighteen would be deemed to have earned and contributed to the Social Security system during their detention.
- In 1978, the federal civil service retirement provisions were amended to allow the Japanese Americans civil service retirement credit for time spent in detention after the age of eighteen.
- In four instances, former government employees have received a measure of compensation. In 1982, the State of California enacted a statute permitting the few thousand Japanese Americans in the civil service, who were dismissed or who resigned during the war because of their Japanese ethnicity, to claim $5,000 as reparation. In late 1982, the Los Angeles County Board of Supervisors enacted a similar program for the Japanese Americans it employed in 1942. San Francisco and the State of Washington recently passed statutes providing similar relief to former employees who were excluded.
Each measure acknowledges to some degree the wrongs inflicted during the war upon the ethnic Japanese. None can fully compensate or, indeed, make the group whole again.

The Commission makes the following recommendations for remedies in several forms as an act of national apology.

1. The Commission recommends that Congress pass a joint resolution, to be signed by the President, which recognizes that a grave injustice was done and offers the apologies of the nation for the acts of exclusion, removal and detention.

2. The Commission recommends that the President pardon those who were convicted of violating the statutes imposing a curfew on American citizens on the basis of their ethnicity and requiring the ethnic Japanese to leave designated areas of the West Coast or to report to assembly centers. The Commission further recommends that the Department of Justice review other wartime convictions of the ethnic Japanese and recommend to the President that he pardon those whose offenses were grounded in a refusal to accept treatment that discriminated among citizens on the basis of race or ethnicity. Both recommendations are made without prejudice to cases currently before the courts.

3. The Commission recommends that Congress direct the Executive agencies to which Japanese Americans* may apply for the restitutions of positions, status or entitlements lost in whole or in part because of acts or events between December 1941 and 1945 to review such applications with liberality, giving full consideration to the historical findings of this Commission. For example, the responsible divisions of 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 over which disputes remain, and the Secretary of Health and Human Services should be directed to instruct the Commissioner of Social Security to review any remaining complaints of inequity in entitlements due to the wartime detention.

4. The Commission recommends that Congress demonstrate official recognition of the injustice done to American citizens of Japanese ancestry and Japanese resident aliens during the Second World War, and that it recognize the nation’s need to make redress for these events, by appropriating monies to establish a special foundation.

The Commissioners all believe a fund for educational and humanitarian purposes related to the wartime events is appropriate, and all agree that no fund would be sufficient to make whole again the lives damaged by the exclusion and detention. The Commissioners agree that such a fund appropriately addresses an injustice suffered by an entire ethnic group, as distinguished from individual deprivations.

Such a fund should sponsor research and public educational activities so that the events which were the subject of this inquiry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood. A nation which wishes to remain just to its citizens must not forget its lapses. The recommended foundation might appropriately fund comparative studies of similar civil liberties abuses or of the effect upon particular groups of racial prejudice embodied by government action in times of national stress; for example, the fund’s public educational activity might include preparing and distributing the Commission’s findings about these events to textbook publishers, educators and libraries.

5. The Commissioners, with the exception of Congressman Lungren, recommend that Congress establish a fund which will provide personal redress to those who were excluded, as well as serve the purposes set out in Recommendation 4. Appropriations of $1.5 billion should be made to the fund over a reasonable period to be determined by Congress. This fund should be used, first, to provide a one-time per capita compensatory payment of $20,000 to each of the approximately 60,000 surviving persons excluded from their places of residence pursuant to Executive Order 90661. The

*This recommendation and those that follow apply to all ethnic Japanese excluded or detained during World War II without regard to the explicit legal authority under which the government acted.

1 Commissioner William M. Marutani formally renounces any monetary recompense either direct or indirect.
burden should be on the government to locate survivors, without requiring any application for payment, and payments should be made to the oldest survivors first. After per capita payments, the remainder of the fund should be used for the public educational purposes discussed in Recommendation 4 as well as for the general welfare of the Japanese American community. This should be accomplished by grants for purposes such as aid to the elderly and scholarships for education, weighing, where appropriate, the effect of the exclusion and detention on the descendants of those who were detained. Individual payments in compensation for loss or damage should not be made.

The fund should be administered by a Board, the majority of whose members are Americans of Japanese descent appointed by the President and confirmed by the Senate. The compensation of members of the Board should be limited to their expenses and per diem payments at accepted governmental rates.

II. THE ALEUTS

When the Japanese attacked and captured the two westernmost Aleutian islands, Kiska and Attu, the military evacuated the Aleuts from the Pribilofs and from many islands in the Aleutian chain. This action was justified as a measure to protect civilians in an active theatre of war. The Commission found no persuasive showing that evacuation of the Aleuts was motivated by racism or that it was undertaken for any reason but their safety. The evacuation of the Aleuts was a rational wartime measure taken to safeguard them.

Following the evacuation, however, the approximately 900 evacuated Aleuts suffered at the hands of the government in two distinct ways. First, no plan had been developed to care for them by the civilian agencies in the Department of the Interior which had responsibility for Aleut interests. As a result, they were transported to southeastern Alaska and housed in camps set up typically at abandoned gold mines or canneries. Conditions varied among camps, but housing, sanitation and eating conditions in most were deplorable. Medical care was inadequate; illness and disease were widespread. While exact numbers are not available, it appears that approximately ten percent of the Aleut evacuees died during the two to three years they spent in the camps.

This treatment clearly failed to meet the government’s responsibility to those under its care.

Second, on returning to their villages, the Aleuts found that many houses and churches had been vandalized by the U.S. military. Houses, churches, furniture, boats and fishing gear were missing, damaged or destroyed. Devout followers of the Russian Orthodox faith, the Aleuts had treasured religious icons from czarist Russia and other family heirlooms; now gone, they were a significant loss spiritually as well as materially. Insofar as the government attempted to make good some of these losses, it typically replaced Aleut possessions with inferior goods, and the losses were never remedied adequately.

The Fifth Amendment commits the government to compensating for property it takes. Appropriate, full compensation clearly has not been made in the case of the Aleuts.

In addition, the island of Attu, now used at least in part by the Coast Guard, was never returned to the Aleuts after the Second World War. There also remain in the Aleutian large quantities of wartime debris, much of it hazardous. A great deal, but not all, of this material rests on federally-owned land.

No effective system of records exists by which to estimate Aleut property losses exactly; certainly there is no readily available means of putting a dollar value upon the suffering and death brought to Aleuts in the camps. The Commissioners agree that a claims procedure would not be an effective method of compensation. Therefore, the sums included in the Commission’s recommendations were chosen to recognize fundamental justice as the Commissioners perceive it on the basis of the testimony and evidence before them. The recommended amounts do not reflect a precise balancing of actual losses; this is now, after many years, a practical impossibility.

1. The Commissioners, with Congressman Lungren dissenting, recommend that Congress establish a fund for the beneficial use of the Aleuts in the amount of $5 million. The principal and interest of the fund should be spent for community and individual purposes that would be compensatory for the losses and in-
juries Aleuts suffered as a result of the evacuation. These injuries, as *Personal Justice Denied* describes, include lasting disruption of traditional Aleut means of subsistence and, with it, the weakening of their cultural tradition. The Commissioners therefore foresee entirely appropriate expenditures from the proposed fund for community educational, cultural or historical rebuilding in addition to medical or social services.

2. The Commissioners, with Congressman Lungren dissenting, recommend that Congress appropriate funds and direct a payment of $5,000 per capita to each of the few hundred surviving Aleuts who were evacuated from the Aleutian or Pribilof Islands by the federal government during World War II.

3. The Commission recommends that Congress appropriate funds and direct the relevant government agency to rebuild and restore the churches damaged or destroyed in the Aleutian Islands in the course of World War II; preference in employment should be given to Aleuts in performing the work of rebuilding and restoring these buildings, which were community centers as well as houses of worship.

4. The Commission recommends that Congress appropriate adequate funds through the public works budget for the Army Corps of Engineers to clear away the debris that remains from World War II in and around populated areas of the Aleutian Islands.

5. The Commission recommends that Congress declare Attu to be native land and that Attu be conveyed to the Aleuts through their native corporation upon condition that the native corporation is able to negotiate an agreement with the Coast Guard which will allow that service to continue essential functions on the island.

Finally, the Commission recommends that a permanent collection be established and funded in the National Archives to house and make available for research the collection of government and private documents, personal testimony and other materials which the Commission amassed during its inquiry.

The Commission believes that, for reasons of redressing the personal injustice done to thousands of Americans and resident alien Japanese, and to the Aleuts—and for compelling reasons of preserving a truthful sense of our own history and the lessons we can learn from it—these recommendations should be enacted by the Congress. In the late 1930's W. H. Auden wrote lines that express our present need to acknowledge and to make amends:

> We are left alone with our day, and the time is short and History to the defeated
> May say Alas but cannot help or pardon.

It is our belief that, though history cannot be unmade, it is well within our power to offer help, and to acknowledge error.
MEMO

TO : SENATOR
FROM : Gregg

April 3, 1985

Joan Mower of ASSOCIATED PRESS would like a telephone interview with you about your feelings, as a Japanese-American, about the trade problems with Japan, and the potential for racial backlash directed against Japanese-Americans because of these tensions.

She is at 833-5339
Dear Colleague:

Early in the fall of 1942, some 120,000 Japanese Americans were removed from their homes on the West Coast by U. S. Army troops attached to the Western Defense Command and sent first to Assembly Centers and then to isolated detention camps, surrounded by barbed wire and armed guards, in the interior of the United States. The detention of these American citizens and their parents, who were longtime legal residents of the United States, without trial or hearing, is recognized today as one of our worst wartime mistakes—a gross violation of the constitutional rights guaranteed to every American.

At about the same time, in June of 1942, some 900 Native American Aleuts were evacuated from their ancestral homes in the Aleutian and Pribiloff Islands in Alaska, then a U. S. Territory. Although the evacuation was necessary because of the threat of enemy attack, it was marked by poor planning and coordination, and the Aleuts lost most of their personal possessions. They were sent to makeshift camps including abandoned canneries and mines, and, due to a lack of adequate food, clothing and medical care, about ten percent of the evacuees died. When they were finally allowed to return to the Islands, they found that their homes and community buildings had, in many cases, been destroyed.

In 1980, Congress authorized a comprehensive study of the circumstances surrounding the incarceration of Americans of Japanese ancestry and the evacuation of the Aleuts during World War II. A distinguished, nine-member study commission was appointed to conduct the study and recommend to Congress what action, if any, should be taken to compensate those who were interned or evacuated.

Upon completion of the Commission's study, in 1983, we introduced legislation based on its findings and recommendations. We are planning to reintroduce that measure in the near future.

In brief, our bill provides for the establishment of a civil liberties public education fund which would be used to educate all Americans about internment and other comparable
civil liberties abuses. The legislation authorizes payment from the fund of $20,000 to each of the approximately 60,000 surviving Japanese American internees.

Compensation in the amount of $12,000 would be authorized for each of the several hundred surviving Aleuts who were evacuated during World War II, and the United States would also be authorized to clear the Aleutian and Pribiloff Islands of wartime debris and to restore certain public buildings destroyed during the war.

We are enclosing a draft of our bill for your information. If you have further questions about the bill or wish to be an original cosponsor, please call Elma Henderson (x46361) or Sabina Golding (x43934).

Sincerely,

Daniel K. Inouye  
U. S. Senator

Ted Stevens  
U. S. Senator

Alan Cranston  
U. S. Senator

Frank H. Murkowski  
U. S. Senator

Enclosure (1)
IN THE SENATE OF THE UNITED STATES

MATSUNAGA (for himself, Mr. INOUYE, Mr. STEVENS, Mr. MURKOWSKI, Mr. CRANSTON, and Mr. GORTON)

introduced the following bill; which was read twice and referred to the Committee on __________

A BILL

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

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 Southeast Alaska where they remained, under United States control and in the care of the United States, until long after any potential danger to their home villages had passed;

(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 caused by the 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 resources 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, Saint George, Saint 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 non-profit regional native housing authority established for the Aleut region pursuant to AS 18.55.995 and the following 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 sixty 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 thirty 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 fifteen 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 seventy-five 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 sixty 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, Saint George, Saint 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 fifteen 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 per­
formed, to a review panel composed of—

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

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

(C) the Administrator of the General Services Ad­
ministration.

(2) If the Administrator’s plans and recommendations or
any portion of them are not disapproved by the review panel
within sixty 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 prac­
ticable after notice of disapproval, and the reasons therefor,
have been received by the Administrator. In any case of irre­
concilable 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

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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.
SUPPLEMENTAL CLEANUP OF WARTIME DEBRIS

SEC. 308. (a) The Congress finds that the Department of Defense has implemented an on-going program 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 activities during World War II. Such program is being accomplished pursuant to Acts making Appropriations for the Department of Defense, in accordance with Congressional statements of purpose in establishing and funding the Environmental Restoration Defense Account. The authority contained in this section shall be supplemental to the authority of the Secretary of Defense in administering the Environmental Restoration Defense Account, and shall be exercised only in the event that such Account is inadequate to eliminate hazardous military debris from populated areas of the Lower Alaska Peninsula and the Aleutian Islands.

(b) CLEANUP PROGRAM. -- Subject to the terms and conditions of subsection (a), 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.

(c) 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" 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 7(b) of this Act, and shall give preference to the Aleutian Housing Authority as general contractor.

(d) AUTHORIZATION. -- There are authorized to be appropriated $15,000,000 to carry out the purposes of this section.
ATTU ISLAND RESTITUTION PROGRAM

SEC. 309. (a) In accordance with subsection (3) of the Wilderness Act (78 Stat. 892), the public lands on Attu Island, Alaska within the National Wildlife Refuge System are designated as wilderness by section 702(1) of the Alaska National Interest Lands Conservation Act (94 Stat. 2417). In order to make restitution for the loss of traditional Aleut lands and village properties on Attu Island, while preserving the present designation of Attu Island lands as part of the National Wilderness Preservation System, compensation to the Aleut people in lieu of Attu Island conveyance shall be provided in accordance with this section.

(b) The Secretary of the Treasury shall establish an account designated The Aleut Corporation Property Account, which shall be available for the purpose of bidding on Federal surplus property. The initial balance of the account shall be $17,868,500, which reflects an entitlement of $500 for each of the 35,737 acres within that part of eastern Attu Island traditionally occupied and used by the Aleut people for subsistence hunting and fishing. The balance of the account shall be adjusted as necessary to reflect successful bids under subsection (c) or other conveyances of property under subsections (f) and (g).

(c) The Corporation may, by using the account established in subsection (b) bid, as any other bidder for surplus property, wherever located, in accordance with the requirements of section 484 of title 40, United States Code.
No preference right of any type will be offered to the Corporation for bidding for General Services Administration surplus property under this subsection and no additional advertising shall be required other than that prescribed in section 484(e)(2) of title 40, United States Code.

(d) The amount charged against the Treasury account established under subsection (b) shall be treated as proceeds of dispositions of surplus property for the purpose of determining the basis for calculating direct expenses pursuant to section 485(b) of title 40, United States Code.

(e) The basis for computing gain or loss on subsequent sale or other disposition of property conveyed to the Corporation under this section for purposes of any Federal, State or local tax imposed on or measured by income, shall be the fair value of such property at the time of receipt. The amount charged against the Treasury account established under subsection (b) shall be prima facie evidence of such fair value.

(f) The Administrator of General Services may, at the discretion of the Administrator, tender to the Secretary of the Treasury any surplus property otherwise to be disposed of
pursuant to section 484(e)(3) of title 40, United States Code, to be offered to the Corporation for a period of 90 days so as to aid in the fulfillment of the Secretary of the Treasury's obligations for restitution to the Aleut people under this section: Provided, That prior to any disposition under this subsection or subsection (g), the Administrator shall notify the governing body of the locality where such property is located and any appropriate state agency, and no such disposition shall be made if such governing body or State agency within ninety days of such notification formally advises the Administrator that it objects to the proposed disposition.

(g) (1) Notwithstanding any provision of any other law or any implementing regulation inconsistent with this subsection, concurrently with the commencement of screening of any excess real property, wherever located, for utilization by Federal agencies, the Administrator of General Services shall notify the Corporation that such property may be available for conveyance to the Corporation upon negotiated sale. Within fifteen days of the date of receipt of such notice, the Corporation may advise the Administrator that there is a tentative need for the property to fulfill the obligations established under this section. If the Administrator determines the property should be disposed of by transfer to the Corporation, the Administrator or other appropriate Federal official shall promptly transfer such property.
(2) No disposition or conveyance of property under this subsection to the Corporation shall be made until the Administrator of General Services, after notice to affected State and local governments, has provided to them such opportunity to obtain the property as is recognized in title 40, United States Code and the regulations thereunder for the disposition or conveyance of surplus property.

(3) As used in this subsection, "real property" means any land or interests in land owned or held by the United States or any Federal agency, any improvements on such land or rights to their use or exploitation, and any personal property related to the land.

(h) The Secretary of the Interior may convey to the Corporation the traditional Aleut village site on Attu Island, Alaska pursuant to the authority contained in section 1613(h)(1) of title 43, United States Code: Provided, That following the date of enactment of this section, no site on Attu Island, Alaska other than such traditional Aleut village site shall be conveyed to the Corporation pursuant to such section 1613(h)(1) of title 43, United States Code.
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.
Synopsis
for
"House Divided"

--How does a man serving the Imperial Japanese Army feel when he suddenly sees his brother in the uniform of the enemy U.S. Army?

--How does a mother, surrounded by barbed wire in an American internment camp for "enemy aliens," feel when her only son writes from their home in Hawaii: I'm now an American soldier. I must fight and, if necessary, die for my country?"

--How does a Hawaii-born youth feel as he lies seared raw and near death in the devastation of Hiroshima, a victim of history's first nuclear attack launched by the United States.

Those are among the excruciating moments that confronted some Hawaii Japanese families that were torn apart between the United States and Japan during World War II.

Their stories are captured in this series of interviews obtained by a Hawaii Nisei reporter.
About the Author

Tomi Kaizawa Knaefler is a product of Hawaii's sugar plantation society.

Her parents, the late Matsunosuke and Hamako Nawatani Kaizawa, migrated from Hiroshima, Japan, to the plantation village of Pahoa on the Island of Hawaii in the early 1900s. They had seven children; the author was the sixth-born.

She went to school in Pahoa with the same classmates from the first through the ninth grades and left the village to attend McKinley High School in Honolulu and then the University of Hawaii.

She always wanted to be a newspaper reporter and this she was during summers at the Honolulu Advertiser and then for 25 years at the Honolulu Star-Bulletin. She covered general news and features with assignments on the Mainland and the Orient. She developed her specialization in the areas of art and medicine.

Mrs. Knaefler is now at work on several collections of personal prose and poetry, working out of her home in Manoa Valley in Honolulu and New York City. Last year, she operated out of a vinyl sack aboard planes and trains while on an extensive trip around the world, including the Trans-Siberian Rail Express out of Peking through Siberia, Russia, Latvia, Estonia and on to Scandinavia and a broad zigzag through Central Europe.

She has been married three times and has two grown youngsters—Pamela, an artist doing window designs for Carol & Mary's outlets in Honolulu, and Jim, a student at New York University.
MOMPEI — Mrs. Muriel Onishi models a mompei, an outfit cut out of a kimono which was the regulation wear for women in Japan during the war. Her mother, Mrs. Haru Tanaka, helps with the cutting.

HE RETURN— All the melting of years of worry in the moment of her son's return is reflected in this side photo of Albert and his mother, Mrs. Shigé Miyasato, taken by the Hawaii Times in 1940.

HAPPY REUNION — Akira Tanaka and his sister, Eagle Tanaka.
THE ASAMIS—This is the last photograph of the Shoichi Asami family taken a few months before the war that tore the family apart.

HOME!—Sisters Jane and Alice Asami upon their return to Hawaii in 1947.
THE YEMPUKUS — A last family portrait before the Yempukus left for Japan in 1934.

Katsuga, left, and Katsuoki as 442nd soldiers.

Katsuro Miho

Fumiye Miho
United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE
STANDARDS TO BE USED IN ADJUDICATING PRIVATE CLAIMS BILLS
The right to petition for redress of grievances is guaranteed by the first amendment to the Constitution. When called upon to decide whether relief should be granted persons seeking redress of grievances, the subcommittee is guided by principles of equity and justice. In connection with its jurisdiction over claims, the subcommittee considers private bills extending relief to individuals who have no other existing remedy. The task of the subcommittee is to determine whether the equities and circumstances of a case create a moral obligation on the part of the Government to extend relief to an individual.

1. The meeting of this subcommittee shall be held upon appropriate notice by the chairman of the subcommittee.

2. No consideration shall be given to any bill until request is made by the author or sponsor, who shall file sufficient evidence in its behalf.

3. No private bill shall be considered if an adequate judicial or administrative remedy exists, or where court proceedings are pending for the purpose of adjusting or changing the status of the beneficiary.

4. No favorable consideration shall be given to any private bill until the proper department or agency has submitted a report. The subcommittee will obtain such report upon request.

5. Upon receipt of reports from the Departments, private bills shall be scheduled for subcommittee consideration in the chronological order of their introduction, except that priority shall be given to bills introduced earliest in any of the previous Congresses.

6. Bills which have been previously tabled shall not be reconsidered unless new evidence is introduced showing a material change of the facts known to the subcommittee. In the event of a request for reconsideration the subcommittee shall, insofar as practicable, dispose of such request at the first meeting of the subcommittee following receipt of such request.

NOTE: The number of bills referred to the subcommittee makes it impossible to continue to review cases which were the subjects of unfavorable consideration at a prior time. A case considered by the subcommittee and rejected at a previous consideration will be viewed in the same light as a case which has been adversely decided by a court.

7. The subcommittee shall not consider any claim filed with the Office of Workmen's Compensation Programs, Department of Labor, considered on its merits and disallowed; or any bill awarding or increasing compensation to an employee or dependents in lieu of that prescribed by Chapter 81—Compensation for Work Injuries, of title 5, U.S. Code or otherwise interfering with the provisions of that chapter, except bills to waive the limitations of time contained in pertinent sections of the Act.

NOTE: Bills to waive statutes of limitation as they apply to this subject area, may be waived upon two-thirds vote of this subcommittee. As a matter of policy, these bills will include, if approved by the subcommittee, a provision precluding the receipt of benefits for any period prior to their date of approval. In addition, such bills will include a limitation requiring presentation of claims within 6 months from the date of approval. The showing required by the subcommittee to warrant favorable consideration of such a bill is at least a prima facie case, coupled with justification for failure to file with the time prescribed by the act. Statute of limitations problems are the only aspects of employee compensation cases that will be entertained by the subcommittee. The subcommittee has concluded that if the relief now extended to regular government employees or persons entitled to benefits is inadequate under the general law, the remedy must come by general law, not by enactment of discriminatory private legislation in selected cases.
8. The subcommittee shall not consider any claim for retirement benefits, compensation, pension, or gratuity by an employee of the Government, or a member of the Armed Forces or the Reserves, or by his dependents, when the retirement benefits, compensation, pension, or gratuity to which such person claims to be entitled is specifically covered by statutes, which apply in a uniform manner to all similarly situated individuals.

NOTE: The subjects of benefits, compensation, retirement, and pension rights of persons who serve or who previously served in the Armed Forces of the United States are fully covered by public law. Private bills providing for the award of such benefits to persons or their dependents contrary to the system of benefits awarded under applicable law to other similarly situated individuals, will not be entertained by the subcommittee.

9. The subcommittee shall not consider any claim for retirement benefits, compensation, pension, or gratuity under the Railroad Retirement Act when such claim has been considered on its merits and disallowed or otherwise conflicts with the provisions and compensation of that act, except bills to waive the limitation of time. This rule may be waived only upon order of two-thirds of the subcommittee present and voting.

10. The subcommittee shall not consider any claims bill for benefits under the Social Security Act as amended, when an application for such benefits has been considered on its merits and disallowed or the provisions of the bill otherwise modify or extend the provision or benefits payable under that Act, but this prohibition shall not apply to bills to waive limitations of time. This rule may be waived only upon order of two-thirds of the subcommittee.

11. In all bills carrying an appropriation, a provision shall be added limiting attorney's fees to not more than 10 percent. This limitation shall not apply to claims based upon findings of the chief commissioner of the Court of Claims, court decisions, or where extraordinary services have been rendered. In such cases the subcommittee will determine the amount of fee to be allowed.
Hawaii and the Japanese American Redress Movement

By Franklin Odo

As a young professor at UCLA in the early 1970s, I can remember Edison Uno and a few others leading the struggle to convince the Japanese American community that we should organize a serious lobbying effort to gain redress for Japanese Americans interned during World War II. This was an unpopular stand at the time—as I discovered when students enrolled in my course on the camp experience reported their families' concern that the Asian American Studies Center should even be teaching this topic.

At the time, some University of Hawaii Manoa faculty authorities actually tried to make fun of our efforts to research, teach and organize around World War II and the detention camps. This was an understandable reaction since so few Hawaii residents had experienced those grave injustices and there was little sympathy for activists "rocking the boat." So, except for a few isolated events, support for a redress effort was less than impressive.

Chapter Founded in 1980

By 1980, however, some two years after I returned to Hawaii to teach in the University of Hawaii's Ethnic Studies Program, a few individuals managed to establish a Honolulu Chapter of the JACL, the national civil rights organization with more than 26,000 members in 113 chapters across the country. The fledgling Honolulu Chapter was led by a fragile coalition made up of nisei like Earl Nishimura who knew, first-hand, of racism in the 1900s, and younger professionals who could sense the rising tide of anti-Japanese sentiment in the Islands.

Our early efforts were largely educational; slide shows, lectures and exhibits—usually on each February 19th—the "Day of Remembrance," held to recall the 1942 Executive Order signed by President Franklin D. Roosevelt which authorized the whole sordid process.

By 1980, several Japanese American organizations on the Mainland had succeeded in convincing important politicians, including Hawaii's congressional delegation, that some form of redress was justified. Congress created a commission to investigate and a series of hearings took place across the country with hundreds of testimonies from Japanese Americans who, angrily and tearfully, "broke the silence" and started the painful process of healing.

In 1981, Honolulu attorneys Earl Nishimura and Lawrence Kumabe led a delegation to Seattle, Washington, to testify before the Commission on Wartime Relocation and Internment of Civilians. Some of us testified as scholars or community leaders; others, like Mark Murakami and Iwao Kosaka, testified as former internees. Mainland "kotonks" were pleasantly surprised that Hawaii's "buddhaheads" had joined in the national effort.

Local efforts receded somewhat in the mid-1980s although the Honolulu Chapter was inspired by Ethnic Studies faculty, lab leaders, and the late Roland Kotani to continue the struggle. Finally, Ronald Reagan signed the Civil Liberties Act of 1988. The Act provided for a formal apology and $20,000 in redress payments after a long and complex lobbying effort. U.S. Senators Spark Matsui-

Continued on page 12
Hawaii and the Redress Movement

Continued from page 8

naga and Daniel Inouye played critical roles in obtaining passage.

Then, on October 15, 1990, Bob Bratt (who heads the Office of Redress Administration in Washington, D.C.) and James Turner, the Justice Department’s Deputy Assistant Attorney General, Civil Rights Division, awarded the first checks to the few eldest survivors in dramatic and emotional ceremonies at the Hawaii State Capitol. Bratt and Turner commented that the Hawaii proceedings, the last of many they had attended across the country, were the most impressive of all, thanks largely to the JACL’s former and current presidents, Noboru Yonamine and William Kaneko as well as the efforts of a dedicated Board of Directors. At that point, everyone was anxious to relegate the entire experience to the historic record.

Indeed, the Chapter continues to push for better treatment of these violations of human and civil rights in school textbooks and curricula in order that contemporary students understand the need to learn about and protect their rights. The tragic events in the Persian Gulf, however, quickly awakened Japanese Americans across the country to demonstrate solidarity with Arab Americans who were being victimized by the kind of racist hostilities we had experienced. Ethnic Studies Associate Professor, Ibrahim Aoude, a Palestinian originally from Lebanon, delivered the keynote speech at the Honolulu Chapter’s “Day of Remembrance” program this year.

Although the official apology and redress payment from the U.S. government were certainly too little and too late, especially for those who died before 1988, Japanese Americans and the entire nation benefitted from this struggle to remember the past, correct the injustices and encourage everyone to join the fight to protect all human and civil rights.

________________________

U.S. Senators Matsunaga and Inouye, both WWII veterans, preservered against tremendous odds to unite Congress in obtaining an overwhelming mandate for the Act’s passage.
United States Senate

MEMORANDUM

5/27/83

Senator,
As per your request, the list of the attorneys to be at the June 2 meeting on seized fishing boats and a copy of the preliminary research on the subject.
We have had some difficulty getting access to the materials for the next stage of research but will be continuing.

Brian
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June 3, 1983

Alan M. Goda, Esq.
Hawaii Building, 8th Floor
745 Fort Street
Honolulu, Hawaii 96813-3889

Dear Alan:

Thank you for making an effort to attend our meeting with Senator Inouye on June 2, 1983. We understand that you were unavoidably detained despite your efforts.

It is presently contemplated that following preliminary research being conducted by Dan's staff and a search for fishermen who may have suffered uncompensated losses during World War II, the Senator will be assigning potential claimants to attorneys who have agreed to kokua. Enclosed is a list of those attorneys.

We anticipate receiving research data necessary to determine the elements of any claims within the next several weeks. Of course, this data will be made available to you prior to any assignments being made.

The following Senate staff members have been assigned by Dan as liaison for our project:

Honolulu Office:
Ms. Barbara Sakamoto
Prince Kuhio Federal Building
Room 6104
Honolulu, Hawaii 96813
Telephone: 546-7550

Washington Office:
Mr. Brian Nakamura
722 Hart Senate Office Building
Washington, D.C. 20510
Telephone: (202) 224-3934
Thank you again for your kind offer of assistance. We look forward to working together. Should any questions arise, please feel free to contact us.

Very truly yours,

JEFFREY N. WATANABE

JNW:gcs

Enclosure

cc: Daniel K. Inouye
    Barbara Sakamoto
    Brian Nakamura

June 3, 1983

Fred Y. Abe, Esq.
Fong & Miho
1500 Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813

Dear Fred:

Thank you for making an effort to attend our meeting with Senator Inouye on June 2, 1983. We understand that you were unavoidably detained despite your efforts.

It is presently contemplated that following preliminary research being conducted by Dan's staff and a search for fishermen who may have suffered uncompensated losses during World War II, the Senator will be assigning potential claimants to attorneys who have agreed to kokua. Enclosed is a list of those attorneys.

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Washington Office:

Mr. Brian Nakamura
722 Hart Senate Office Building
Washington, D.C. 20510
Telephone: (202) 224-3934
Thank you again for your kind offer of assistance. We look forward to working together. Should any questions arise, please feel free to contact us.

Very truly yours,

Jeffrey N. Watanabe

JNW:gcs

Enclosure

cc: Daniel K. Inouye
Barbara Sakamoto
Brian Nakamura
June 3, 1983

Eric T. Kawatani, Esq.
Fong & Miho
1500 Pacific Trade Center
190 South King Street
Honolulu, Hawaii  96813

Dear Eric:

Thank you for making an effort to attend our meeting with Senator Inouye on June 2, 1983. We understand that you were unavoidably detained despite your efforts.

It is presently contemplated that following preliminary research being conducted by Dan's staff and a search for fishermen who may have suffered uncompensated losses during World War II, the Senator will be assigning potential claimants to attorneys who have agreed to kokua. Enclosed is a list of those attorneys.

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Very truly yours,

JEFFREY N. WATANABE

JNW: gcs

Enclosure

cc: Daniel K. Inouye
    Barbara Sakamoto
    Brian Nakamura
June 3, 1983

Richard Fukuda, Esq.
33 South King Street
Suite 510
Honolulu, Hawaii 96813

Dear Richard:

Thank you very much for taking the time to meet with Senator Inouye regarding the fishermen reparations project.

Once we have received the research necessary to formulate a "proof of loss" affidavit, we will forward same to you.

The following Senate staff members have been appointed as the Senator's liaison with our group:

Honolulu Office:

Ms. Barbara Sakamoto
Prince Kuhio Federal Building
Room 6104
Honolulu, Hawaii 96813
Telephone: 546-7550

Washington Office:

Mr. Brian Nakamura
722 Hart Senate Office Building
Washington, D. C. 20510
Telephone: (202) 224-3934

Thank you again for your interest and time.

Very truly yours,

J. N. Watanabe

cc: Daniel K. Inouye
    Barbara Sakamoto
    Brian Nakamura
June 3, 1983

Andy Ichiki, Esq.
Mukai, Ichiki, Raffetto &
MacMillan
345 Queen St., Suite 800
Honolulu, Hawaii 96813

Dear Andy:

Thank you very much for taking the time to meet with Senator Inouye regarding the fishermen reparations project.

Once we have received the research necessary to formulate a "proof of loss" affidavit, we will forward same to you.

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Prince Kuhio Federal Building
Room 6104
Honolulu, Hawaii 96813
Telephone: 546-7550

Washington Office:

Mr. Brian Nakamura
722 Hart Senate Office Building
Washington, D. C. 20510
Telephone: (202) 224-3934

Thank you again for your interest and time.

Very truly yours,

Jeffrey N. Watanabe

JNW: gcs

cc: Daniel K. Inouye
    Barbara Sakamoto
    Brian Nakamura
Ms. Emily de Leeuw  
Mukai, Ichiki, Raffetto & MacMillan  
345 Queen St., Suite 800  
Honolulu, Hawaii 96813

Dear Emily:

Thank you very much for taking the time to meet with Senator Inouye regarding the fishermen reparations project.

Once we have received the research necessary to formulate a "proof of loss" affidavit, we will forward same to you.

The following Senate staff members have been appointed as the Senator's liaison with our group:

Honolulu Office:

Ms. Barbara Sakamoto  
Prince Kuhio Federal Building  
Room 6104  
Honolulu, Hawaii 96813  
Telephone: 546-7550

Washington Office:

Mr. Brian Nakamura  
722 Hart Senate Office Building  
Washington, D.C. 20510  
Telephone: (202) 224-3934

Thank you again for your interest and time.

Very truly yours,

JEFFREY N. WATANABE

cc: Daniel K. Inouye  
Barbara Sakamoto  
Brian Nakamura
June 3, 1983

Masaji Marumoto, Esq.
1001 Wilder Avenue
Apartment No. 1101
Honolulu, Hawaii 96822

Dear Justice Marumoto:

Thank you very much for taking the time to meet with Senator Inouye regarding the fishermen reparations project.

Once we have received the research necessary to formulate a "proof of loss" affidavit, we will forward same to you.

The following Senate staff members have been appointed as the Senator's liaison with our group:

Honolulu Office:

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Prince Kuhio Federal Building
Room 6104
Honolulu, Hawaii 96813
Telephone: 546-7550

Washington Office:

Mr. Brian Nakamura
722 Hart Senate Office Building
Washington, D. C. 20510
Telephone: (202) 224-3934

Thank you again for your interest and time.

Very truly yours,

JEFFREY N. WATANABE

cc: Daniel K. Inouye
Barbara Sakamoto
Brian Nakamura
June 3, 1983

James Nakano, Esq.
Ikazaki, Devens, Lo, Youth & Nakano
700 Bishop Street, Suite 1412
Honolulu, Hawaii 96813

Dear Jim:

Thank you very much for taking the time to meet with Senator Inouye regarding the fishermen reparations project.

Once we have received the research necessary to formulate a "proof of loss" affidavit, we will forward same to you.

The following Senate staff members have been appointed as the Senator's liaison with our group:

Honolulu Office:

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Prince Kuhio Federal Building
Room 6104
Honolulu, Hawaii 96813
Telephone: 546-7550

Washington Office:

Mr. Brian Nakamura
722 Hart Senate Office Building
Washington, D.C. 20510
Telephone: (202) 224-3934

Thank you again for your interest and time.

Very truly yours,

JEFFREY N. WATANABE

JNW:gcs

cc: Daniel K. Inouye
    Barbara Sakamoto
    Brian Nakamura
June 3, 1983

Ms. Carol Asai-Sato
Alexander & Baldwin, Inc.
822 Bishop Street
Honolulu, Hawaii 96813

Dear Carol:

Thank you very much for taking the time to meet with Senator Inouye regarding the fishermen reparations project.

Once we have received the research necessary to formulate a "proof of loss" affidavit, we will forward same to you.

The following Senate staff members have been appointed as the Senator's liaison with our group:

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Prince Kuhio Federal Building
Room 6104
Honolulu, Hawaii 96813
Telephone: 546-7550

Washington Office:

Mr. Brian Nakamura
722 Hart Senate Office Building
Washington, D. C. 20510
Telephone: (202) 224-3934

Thank you again for your interest and time.

Very truly yours,

JNW:

cc: Daniel K. Inouye
Barbara Sakamoto
Brian Nakamura
LIST OF ATTORNEYS PARTICIPATING IN JUNE 2, 1983 MEETING
RE: JAPANESE-AMERICAN FISHING VESSELS PROJECT

Jeffrey N. Watanabe
Kobayashi, Watanabe, Sugita & Kawashima
Hawaii Building 8th Floor
745 Fort Street
Honolulu, Hawaii 96813-3889
(544-8300)

Mr. Fred Abe
Partner, Fong & Miho
Pacific Trade Center, Suite 1500
190 South King Street
Honolulu, Hawaii 96813
(537-6977)

Mr. Andy M. Ichiki
Partner, Mukai, Ichiki, Raffetto & MacMillan
345 Queen Street, Suite 800
Honolulu, Hawaii 96813
(531-6277)

Mr. James Nakano
Partner, Ikazaki, Devens, Lo, Youth & Nakano
1412 Amfac Building
700 Bishop Street
Honolulu, Hawaii 96813
(521-1456)

Justice Masaji Marumoto, Retired Justice
Hawaii Supreme Court
1001 Wilder Avenue
Honolulu, Hawaii 96822
(521-5559)

Mr. Alan Goda
Partner, Kobayashi, Watanabe, Sugita & Kawashima
Hawaii Building 8th Floor
745 Fort Street
Honolulu, Hawaii 96813-3889
(544-8300)

Mr. Eric T. Kawatana
Associate, Fong & Miho
Pacific Trade Center, Suite 1500
190 South King Street
Honolulu, Hawaii 96813
(537-6977)

Mr. Richard Fukuda
Private Practice
33 South King Street, Suite 510
Honolulu, Hawaii 96813
(528-1600)

Ms. Carol Asai-Sato
Associate Counsel
Alexander & Baldwin
822 Bishop Street
Honolulu, Hawaii 96813
(525-6611)
1. Fred Abe
Fong & Miho
1500 Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813
Telephone: 537-6977

2. Carol Asai-Sato
Alexander & Baldwin, Inc.
822 Bishop Street
Honolulu, Hawaii 96813
Telephone: 525-8451

3. Richard Fukuda
33 South King Street
Suite 510
Honolulu, Hawaii 96813
Telephone: 528-1600

4. Alan Goda
Kobayashi, Watanabe, Sugita & Kawashima
745 Fort Street, 8th Floor
Honolulu, Hawaii 96813
Telephone: 544-8300

5. Andy Ichiki
Mukai, Ichiki, Raffetto & MacMillan
345 Queen Street, Suite 800
Honolulu, Hawaii 96813
Telephone: 531-6277

6. Emily de Leeuw
Mukai, Ichiki, Raffetto & MacMillan
345 Queen Street, Suite 800
Honolulu, Hawaii 96813
Telephone: 531-6277

7. Eric Kawatani
Fong & Miho
1500 Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813
Telephone: 537-6977

8. Masaji Marumoto
1001 Wilder Avenue
Apartment No. 1101
Honolulu, Hawaii 96822
Telephone: 521-5559

9. James Nakano
Ikazaki, Devens, Lo, Youth & Nakano
1412 Amfac Building
700 Bishop Street
Honolulu, Hawaii 96813
Telephone: 521-1456

10. Jeffrey Watanabe
Kobayashi, Watanabe, Sugita & Kawashima
745 Fort Street, 8th Floor
Honolulu, Hawaii 96813
Telephone: 544-8300
PRIVATE/CONFIDENTIAL

The Honorable Daniel K. Inouye
United States Senate
722 Hart Senate Office Bldg.
Washington, D.C. 20510

Dear Senator:

Enclosed is correspondence involving attorneys who have volunteered their services for your fishermen project.

The following background information may be helpful for our scheduled meeting of June 7:

FRED ABE, ESQ.
Partner, Fong & Miho
53 years old; Born: Honolulu, Hawaii
Lincoln University Law School; Entered bar in 1971

CAROL ASAI-SATO, ESQ.
Associate Counsel, Alexander & Baldwin
32 years old; Born: Osaka, Japan
Wellesley College of Law; Entered bar in 1975
Comments: Received clearance for project from A & B General Counsel Michael Marks and CEO Bobby Pfeiffer.

RICHARD PUKUDA, ESQ.
Private practice
49 years old; Born: Honolulu, Hawaii
University of Washington School of Law; Entered bar in 1977
The Honorable Daniel K. Inouye  
United States Senate  
722 Hart Senate Office Bldg.  
Washington, D. C. 20510

Dear Senator:

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**FRED ABE, ESQ.**

Partner, Fong & Miho  
53 years old; Born: Honolulu, Hawaii  
Lincoln University Law School; Entered bar in 1971

**CAROL ASAI-SATO, ESQ.**

Associate Counsel, Alexander & Baldwin  
32 years old; Born: Osaka, Japan  
Willamette College of Law; Entered bar in 1975

Comments: Received clearance for project from A & B General Counsel Michael Marks and CEO Bobby Pfeiffer.

**RICHARD FUKUDA, ESQ.**

Private practice  
49 years old; Born: Honolulu, Hawaii  
University of Washington School of Law; Entered bar in 1977
ALAN GODA, ESQ.
Partner, Kobayashi, Watanabe, Sugita & Kawashima
38 years old; Born: Rivers, Arizona
University of Michigan Law School; Entered bar in 1970
Comments: Corporate attorney concentrating in insurance law and dealing with Japanese corporate clientele. Born in Arizona relocation camp.

ANDY ICHIKI, ESQ.
Partner, Mukai, Ichiki, Raffetto & MacMillan
51 years old; Born: Puunene, Maui
University of Washington School of Law; Entered bar in 1967
Comments: Considered one of Hawaii's leading attorneys in dealing with Japanese clients, particularly in the real estate area. May feel that the congressional delegation has not done enough in the area of reparations. Has volunteered the services of his wife Kay, who was born in Japan, and his summer law clerk, Emily de Leeuw, who is also fluent in Japanese.

ERIC KAWATANI, ESQ.
Associate, Fong & Miho
32 years old; Born: Honolulu, Hawaii
George Washington University; Entered bar in 1981

MASAJI MARUMOTO, ESQ.
Retired Justice, Hawaii Supreme Court
77 years old; Born: Honolulu, Hawaii
Harvard Law School; Entered bar in 1930
Comments: Justice Marumoto has offered to act as a resource person (see attached correspondence) but feels that his continuing relationship with the Supreme Court precludes him from any project which may involve future litigation or the representation of private interests. Will not be attending June 2 meeting.
The Honorable Daniel K. Inouye  
May 19, 1983  
Page Three

JAMES NAKANO, ESQ.

Partner, Ikazaki, Devens, Lo, Youth & Nakano  
49 years old; Born: Honolulu, Hawaii  
UCLA Law School; Entered bar in 1970

Should any questions arise, please give me a call.  
We look forward to seeing you on June 2.

Very truly yours,

Jeffrey N. Watanabe

JNW:gcs

Enclosures
Ms. Carol Asai-Sato  
c/o Legal Department  
Alexander & Baldwin, Inc.  
822 Bishop Street  
Honolulu, Hawaii 96813

Dear Carol:

Thank you very much for taking time from your busy schedule to talk about Dan Inouye's special project involving Japanese-American fishermen. Your offer to help is most gratifying.

On Thursday, June 2, 1983 at 2:00 p.m., Dan will be meeting with all of the attorneys who have consented to donate their time for this worthwhile project. The meeting will be held at our law firm's conference room.

We look forward to seeing you. If you are unable to attend, please contact Gail Sakamoto at 544-8300.

Thank you in advance for your kokua.

Very truly yours,

JEFFREY N. WATANABE
KOBAYASHI, WATANABE, SUGITA & KAWASHIMA

cc: Senator Daniel K. Inouye
Mr. Jeffrey N. Watanabe  
Hawaii Building - 8th Floor  
745 Fort Street  
Honolulu, Hawaii 96813

Dear Jeffrey:

I have your letter of May 13, regarding Dan Inouye's interest in Japanese-American fishermen. I will not attend your proposed June 2 meeting at the conference room of your law firm.

My reason for not attending the proposed meeting is that I still have connection with the Supreme Court as substitute judge, although that connection is minimal, and I deem it best that I keep myself clear at this time from what may turn out to be private litigation or representation of private interests.

However, as I told you over the telephone recently, I will be perfectly willing to share with you whatever background knowledge I have of the problems which the Japanese fishing sampan owners encountered during the year immediately preceding December 7, 1941, which may be relevant to the problem Dan and you are trying to resolve.

So, do not hesitate to contact my secretary at the Supreme Court for another appointment.

Sincerely,
TO: SALLY  
FROM: MARY LOU  
DATE: 5/19/83

RE THE MEETING ON JUNE 2nd AT 2:00 PM, PLEASE ADD THE FOLLOWING NAME TO YOUR LIST OF THOSE ATTYS ATTENDING: CAROL ASAI-SATO.  
ALSO, PLEASE DELETE NAME OF MASAJI MARUMOTO, PER THE ATTACHED LETTER.

MASAJI MARUMOTO  
1001 WILDER AVENUE, APT. 1101  
HONOLULU, HAWAII 96822  TELEPHONE 521-5559  

16 May 1983

Mr. Jeffrey N. Watanabe  
Hawaii Building - 8th Floor  
745 Fort Street  
Honolulu, Hawaii  96813

Dear Jeffrey:

I have your letter of May 13, regarding Dan Inouye's interest in Japanese-American fishermen. I will not attend your proposed June 2 meeting at the conference room of your law firm.

My reason for not attending the proposed meeting is that I still have connection with the Supreme Court as substitute judge, although that connection is minimal, and I deem it best that I keep myself clear at this time from what may turn out to be private litigation or representation of private interests.

However, as I told you over the telephone recently, I will be perfectly willing to share with you whatever background knowledge I have of the problems which the Japanese fishing sampan owners encountered during the year immediately preceding December 7, 1941, which may be relevant to the problem Dan and you are trying to resolve.

So, do not hesitate to contact my secretary at the Supreme Court for another appointment.

Sincerely,
TRANSMISSION REPORT

DATE & TIME : MAY.16 '83 09:17
TRANSMITTER : SEN INOUE HONOLULU HAWAI\U
RECEIVER : SEN. INOUE WASH

PAGES IN ERROR : NONE
PAGES TRANSMITTED : 03 PAGES
DOCUMENT JAM AT : NONE

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TO: SENATOR  
FROM: MARY LOU  
DATE: 5/16/83  

FOLLOWING IS A COPY OF A LETTER WHICH JEFF HAS SENT TO ALL THE YOUNG ATTORNEYS WHO HAVE AGREED TO MEET WITH YOU:

KOBYASHI, WATANABE, SUGITA & KAWASHIMA  
ATTORNEYS AT LAW  
HAWAII BUILDING 8TH FLOOR  
745 FORT STREET  
HONOLULU, HAWAII 96813-3880  

May 13, 1983

James A. Nakano, Esq.  
1412 Amfac Building  
700 Bishop Street  
Honolulu, Hawaii 96813

Dear Jim:

Thank you very much for taking time from your busy schedule to talk about Dan Inouye's special project involving Japanese-American fishermen. Your offer to help is most gratifying.

On Thursday, June 2, 1983 at 2:00 p.m., Dan will be meeting with all of the attorneys who have consented to donate their time for this worthwhile project. The meeting will be held at our law firm's conference room.

We look forward to seeing you. If you are unable to attend, please contact Gail Sakamoto at 544-8300.

Thank you in advance for your kokua.

Very truly yours,

JEFFREY N. WATANABE  
KOBYASHI, WATANABE, SUGITA & KAWASHIMA  

cc: Senator Daniel K. Inouye
ABE, Fred Y.  
Born Feb. 24, 1929  
Honolulu, Hawaii  
Lincoln U. Law School  
Fong & Miho  
Suite 1500  
Pacific Trade Center  
190 S. King St.  
Phone 537-6977  
1971/JD1063  

KAWATANI, Eric T.  
Born Feb. 6, 1951  
Honolulu, Hawaii  
George Washington U  
The National Law Center  
Fong & Miho  
1500 Pacific Trade Center  
190 S. King St.  
Phone 537-6977  
1981/JD2964

ICHIKI, Andy M.  
Born Aug. 13, 1932  
Puunene, Hawaii  
U. of Washington  
School of Law  
Mukai, Ichiki, Raffetto  
& MacMillan  
Suite 800  
345 Queen St  
Phone 531-6277  
1957/JD822

NAKANO, James A.  
Born Nov. 12, 1933  
Honolulu, Hawaii  
U. of California  
at Los Angeles  
School of Law  
Ikazaki, Devens, Lo  
Youth & Nakano  
1412 Amlac Bldg  
700 Bishop St.  
Phone 521-1456  
1970/JD952

FUKUDA, Richard T.  
Born Oct. 25, 1933  
Honolulu, Hawaii  
U. of Washington  
School of Law  
Law Offices of  
Richard T. Fukuda  
Suite 510  
33 S. King St.  
Phone 528-1600  
1977/JD1911

GODA, Alan M.  
Born Feb. 25, 1945  
Rivers, Ariz.  
U. of Michigan  
Law School  
Kohayashi, Watanabe,  
Sugita & Kawashima  
Suite 814  
Hawaii Bldg  
745 Fort St. Mall  
Phone 544-8300  
1970/JD981
ABE, Fred Y.
Born Feb. 24, 1929
Honolulu, Hawaii
Lincoln U. Law School
Fong & Miho
Suite 1500
Pacific Trade Center
190 S. King St
Phone 537-6977
1971/JD1063

KAWATANI, Eric T.
Born Feb. 6, 1951
Honolulu, Hawaii
George Washington U.
The National Law Center
Fong & Miho
1900 Pacific Trade Center
190 S. King St.
Phone 537-6977
1981/JD2564

ASAI-SATO, Carol Y.
Born Oct. 22, 1951
Osaka, Japan
Willamette U. College of Law
Associate Counsel
Alexander & Baldwin, Inc.
822 Bishop St
Phone 525-8451
1975/JD1576

NAKANO, James A.
Born Nov. 12, 1933
Honolulu, Hawaii
U. of California at Los Angeles
School of Law
Ikazaki, Devens, Lo Youth & Nakano
1412 Amfac Bldg
700 Bishop St
Phone 521-1456
1970/JD952

GODA, Alan M.
Born Feb. 25, 1945
Rivers, Ariz.
U. of Michigan Law School
Kobayashi, Watanabe, Sugita & Kawashima
Suite 814
Hawaii Bldg
745 Fort St. Mall
Phone 544-8300
1970/JD981

ICHIKI, Andy M.
Born Aug. 13, 1932
Puunene, Hawaii
U. of Washington School of Law
Makai, Ickiki, Raffetto & MacMillan
Suite 800
345 Queen St
Phone 531-6277
1967/JD922

FUKUDA, Richard T.
Born Oct. 26, 1933
Honolulu, Hawaii
U. of Washington School of Law
Law Offices of Richard T. Fukuda
Suite 510
33 S. King St.
Phone 528-1600
1977/JD1911
May 13, 1983

Alan M. Goda, Esq.
745 Fort Street
Hawaii Building, 8th Floor
Honolulu, Hawaii 96813

Dear Alan:

Thank you very much for taking time from your busy schedule to talk about Dan Inouye's special project involving Japanese-American fishermen. Your offer to help is most gratifying.

On Thursday, June 2, 1983 at 2:00 p.m., Dan will be meeting with all of the attorneys who have consented to donate their time for this worthwhile project. The meeting will be held at our law firm's conference room.

We look forward to seeing you. If you are unable to attend, please contact Gail Sakamoto at 544-8300.

Thank you in advance for your kokua.

Very truly yours,

Jeffrey N. Watanabe

cc: Senator Daniel K. Inouye
May 13, 1983

Richard T. Fukuda, Esq.
33 South King Street
Suite 510
Honolulu, Hawaii 96813

Dear Richard:

Thank you very much for taking time from your busy schedule to talk about Dan Inouye’s special project involving Japanese-American fishermen. Your offer to help is most gratifying.

On Thursday, June 2, 1983 at 2:00 p.m., Dan will be meeting with all of the attorneys who have consented to donate their time for this worthwhile project. The meeting will be held at our law firm’s conference room.

We look forward to seeing you. If you are unable to attend, please contact Gail Sakamoto at 544-8300.

Thank you in advance for your kokua.

Very truly yours,

JEFFREY N. WATANABE
for
KOBAYASHI, WATANABE, SUGITA & KAWASHIMA

JNW:ls

cc: Senator Daniel K. Inouye
May 13, 1983

Fred Y. Abe, Esq.
1500 Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813

Dear Fred:

Thank you very much for taking time from your busy schedule to talk about Dan Inouye's special project involving Japanese-American fishermen. Your offer to help is most gratifying.

On Thursday, June 2, 1983 at 2:00 p.m., Dan will be meeting with all of the attorneys who have consented to donate their time for this worthwhile project. The meeting will be held at our law firm's conference room.

We look forward to seeing you. If you are unable to attend, please contact Gail Sakamoto at 544-8300.

Thank you in advance for your kokua.

Very truly yours,

Jeffrey N. Watanabe

cc: Senator Daniel K. Inouye
May 13, 1983

Masaji Marumoto, Esq.
1001 Wilder Avenue
Apartment No. 1101
Honolulu, Hawaii 96822

Dear Judge Marumoto:

Thank you very much for taking time from your busy schedule to talk about Dan Inouye's special project involving Japanese-American fishermen. Your offer to help as a resource is most gratifying.

On Thursday, June 2, 1983 at 2:00 p.m., Dan will be meeting with all of the attorneys who have consented to donate their time for this worthwhile project. The meeting will be held at our law firm's conference room.

My sincere apologies for having to cancel our meeting on May 12. I was called to a hearing which would have extended beyond our scheduled meeting. I hope to reschedule our meeting before our June 2 meeting with the Senator. I look forward to seeing you soon. If you are unable to attend our June 2 session, please contact Gail Sakamoto at 544-8300.

Thank you in advance for your kokua.

Very truly yours,

JEFFREY N. WATANABE
for
KOBAYASHI, WATANABE, SUGITA & KAWASHIMA

JNW:1s

cc: Senator Daniel K. Inouye
May 13, 1983

Andy M. Ichiki, Esq.
Suite 800
345 Queen Street
Honolulu, Hawaii 96813

Dear Andy:

Thank you very much for taking time from your busy schedule to talk about Dan Inouye’s special project involving Japanese-American fishermen. Your kokua as well as your offer to enlist the assistance of your wife Kay and your law clerk, Emily de Leeuw, is most gratifying.

On Thursday, June 2, 1983 at 2:00 p.m., Dan will be meeting with all of the attorneys who have consented to donate their time for this worthwhile project. The meeting will be held at our law firm’s conference room.

We look forward to seeing you. If you are unable to attend, please contact Gail Sakamoto at 544-8300.

Thank you in advance for your kokua.

Very truly yours,

JEFFREY N. WATANABE
for
KOBAYASHI, WATANABE, SUGITA & KAWASHIMA

JNW: 1s

cc: Senator Daniel K. Inouye
Eric Kawatani, Esq.
1500 Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813

Dear Eric:

Thank you very much for taking time from your busy schedule to talk about Dan Inouye’s special project involving Japanese-American fishermen. Your offer to help is most gratifying.

On Thursday, June 2, 1983 at 2:00 p.m., Dan will be meeting with all of the attorneys who have consented to donate their time for this worthwhile project. The meeting will be held at our law firm's conference room.

We look forward to seeing you. If you are unable to attend, please contact Gail Sakamoto at 544-8300.

Thank you in advance for your kokua.

Very truly yours,

Jeffrey N. Watanabe
for
KOBAYASHI, WATANABE, SUGITA & KAWASHIMA

JNW:ls

cc: Senator Daniel K. Inouye
JEFF WATANABE CALLED TO SAY THAT THE FOLLOWING PERSONS WILL BE ATTENDING THE MEETING IN HIS OFFICE ON 6/2/83:

- ANDY ICHIKI
- KAY ICHIKI - wife of Andy who wants to be involved
- EMILY deLEEUW - law clerk to Andy Ichiki
- ERIC KAWATANI
- FRED ABE
- RICHARD FUKUDA
- ALAN GODA
- JUDGE MASAJI MARUMOTO (more as a resource, see letter for explanation person)

HE HAS SEVERAL MORE ATTORNEYS WHO HAVE NOT RESPONDED TO HIM AS YET, SO THERE MAY BE MORE. THE RESPONSE HAS BEEN VERY GOOD, BUT THERE ARE NOT REALLY MANY JAPANESE-SPEAKING ATTORNEYS IN TOWN. COPIES OF LETTERS SENT TO EACH WILL BE SENT OVER TO ME, WHICH I WILL PUT ON THE TELECOPIER TO YOU.
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<td>KASUGA MARU</td>
<td>238516</td>
<td>353</td>
<td>6-6-41 to United States Enclosure</td>
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<td>KURI MARU</td>
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<td>10-2-41 to United States Enclosure</td>
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<td>6-3-41 $6000 bond, Libel, District,</td>
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<td>KARUI MARU</td>
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<td>6-6-41 $4000 bond, to Navy</td>
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<td>10-2-41 to Hawaiian Tuna Packers,</td>
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<td>KITTO MARU</td>
<td>238183</td>
<td>358</td>
<td>4-15-42 to Pacific Fleet, U.S.N.</td>
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<td>1-1-42 To Commandant 14th Naval</td>
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<td>MAOHI MARU</td>
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<td>9-26-41 to Hawaiian Tuna Packers,</td>
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<td>TAKA MARU</td>
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<td>10-30-41 to Commandant 14th Naval</td>
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<td>12-4-41 to Hana, Hana, a</td>
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<td>TAKU MARU</td>
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<td>Citizen of the United States</td>
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*Kopkins*  
*Small Craft 0.*  
*Pearl Harbor, 3/1945.*
CHAPTER 80

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 313 (a) of subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of said subsection and inserting in lieu thereof a colon and the following new proviso: "And provided further, That the Burley tobacco acreage allotment which would otherwise be established for any farm having a Burley acreage allotment in 1942 shall not be less than one-half and the acreage required for apportionment under this proviso shall be in addition to the National and State acreage allotments."

Approved April 29, 1943.

CHAPTER 81

AN ACT

To authorize the return to private ownership of certain vessels formerly used or suitable for use in the fisheries or industries related thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any vessel formerly used or suitable for use in the fisheries or industries related thereto, the title to which has been or may hereafter be acquired by the United States through purchase or requisition, may be returned to private ownership in accordance with the provisions of this Act.

Sec. 2. Every such vessel shall, upon determination by the department or agency having possession thereof that the vessel is no longer needed or can be spared by such department or agency without detriment to its service, be made available to the Administrator of the War Shipping Administration (hereinafter referred to as the Administrator), who shall notify the owner from whom such vessel was purchased or requisitioned that the vessel may be returned to such owner upon repayment to the United States of the compensation paid therefor less such allowances as the Administrator may deem reasonable (1) to cover the cost of such reconditioning as the Administrator and the owner may find necessary to make the vessel suitable for use in the fisheries or industries related thereto (ordinary wear and tear excepted), and (2) to compensate such owner for the use of the vessel by the United States, and upon compliance with such other terms and conditions as the Administrator may prescribe. The determination of such allowances by the Administrator shall be final notwithstanding any other provision of law.

Sec. 3. If any such owner shall fail, within a reasonable time after notice (which time shall be specified in the notice but may be extended by the Administrator), to make arrangements satisfactory to the Administrator for such return of the vessel or to expressly waive the right thereto, the Administrator may advertise the vessel for sale upon competitive sealed bids subject to such terms and conditions as the Administrator may prescribe, including a requirement of assurance that the vessel will not be used, for the period of one year from the date of sale, other than in the fisheries or industries related thereto, without the approval of the Administrator: Provided, however, That the Administrator may reject any bid which does not equal the purchase price or compensation paid or payable by the United States for such vessel less a reasonable allowance to cover the cost of reconditioning as hereinabove defined.
Such vessel available for acquisition by a veteran, as defined in subsection (b), in accordance with the provisions of the Surplus Property Act of 1944, as amended (U. S. C., 1940 edition, Supp. V, title 50 App., secs. 1611–1646), and regulations made thereunder, as property for exclusive disposal to veterans.

"(2) In the case of any vessel of sixty-five feet or less in length between perpendiculars to be disposed of by the War Shipping Administration or the Maritime Commission as surplus property by virtue of any law other than this Act, such vessel shall be available for acquisition by a veteran, as defined in subsection (b), in accordance with the provisions of the Surplus Property Act of 1944, as amended (U. S. C., 1940 edition, Supp. V, title 50 App., secs. 1611–1646), and regulations made thereunder, as property for exclusive disposal to veterans.

"(b) For purposes of this Act, the term "veteran" means any person in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions, or any person who is or has been eligible to receive a certificate for substantially continuous service in the merchant marine as provided in the Act of June 23, 1943 (U. S. C., 1940 edition, Supp. V, title 50 App., sec. 1471).

Approved August 10, 1946.

[CHAPTER 949] AN ACT

Relating to the sale by the United States of surplus vessels suitable for fishing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled That vessels which are determined to be surplus property under the Surplus Property Act of 1944, as amended and which are suitable for use as fishing vessels shall not be disposed of until offered for sale by the United States Maritime Commission (hereinafter referred to as the "Commission") in accordance with the provisions of this Act.

Sec. 2. (a) As used in this Act the term "former owners" means former owners of fishing vessels purchased or requisitioned by the United States who on or before the date of the enactment of this Act have not been notified that their vessels may be returned to them under the provisions of the Act entitled "An Act to authorize the return to private ownership of certain vessels formerly used or suitable for use in the fisheries or industries related thereto", approved April 29, 1943, as amended (U. S. C., 1940 edition, Supp. IV, title 50, App., sec. 1301).

(b) Former owners shall be given notice by the Commission, in such manner (which may include publication) as it may prescribe, that vessels suitable for use as fishing vessels are to be disposed of by the United States and shall be entitled to purchase such vessels at private sale within a reasonable time after such notice. Such reasonable time shall be specified in the notice but may be extended by the Commission when it appears to it that an extension is necessary or appropriate to facilitate the sale of any vessel or vessels under this Act.

Sec. 3. (a) Sales of vessels to former owners under this Act shall be upon such terms and conditions as the Commission deems proper.

(b) Any vessels suitable for use as fishing vessels not disposed of by the Commission as provided in this Act shall be disposed of as otherwise provided by law.

Approved August 10, 1946.
who enjoyed them once and now no longer can. We understand in some measure what their loss can mean. And by that realization we have come to a clearer conception of their worth to us, and to a stronger and more unalterable determination that here in our land they shall not be lost or weakened or curtailed.

It is to give public expression and outward form to that understanding and that determination that we are about to commemorate the adoption of the Bill of Rights and rededicate its principles and its practice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of November in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D. ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Authority

WHEREAS it is provided by Section 21 of Title 50 of the United States Code as follows:

"Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety."

and

WHEREAS by Sections 22, 23 and 24 of Title 50 of the United States Code further provision is made relative to alien enemies:
NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as PRESIDENT of the United States and as Commander in Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion has been perpetrated upon the territory of the United States by the Empire of Japan.

Conduct To Be Observed by Alien Enemies

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of the Empire of Japan being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by Sections 23 and 24 of Title 50 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

Duties and Authority of the Attorney General and the Secretary of War

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter contained regarding the conduct of alien enemies within continental United States, Puerto Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter set forth and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of
the United States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

Regulations

And, pursuant to the authority vested in me, I hereby declare and establish the following regulations which I find necessary in the premises and for the public safety:

(1) No alien enemy shall enter or be found within the Canal Zone and no alien enemy shall enter or leave the Hawaiian Islands or the Philippine Islands except under such regulations as the Secretary of War shall from time to time prescribe. Any alien enemy found in the Canal Zone, the Hawaiian Islands, or the Philippine Islands in violation of any such regulations and any alien enemy who enters or is found within any restricted area to be hereafter prescribed by the Military Commanders of each such territory in the Canal Zone, the Hawaiian Islands, and the Philippine Islands, may be immediately apprehended by authority of the Military Governors in each such territory, or if there be no Military Governor, then by authority of the Secretary of War, and detained until it is determined, under the regulations to be prescribed by the Secretary of War, whether any such alien enemy should be permanently interned following which such alien enemy shall either be released, released on bond, or permanently interned, as the case may be.

(2) The exercise of the power to prescribe restricted areas and the power of arrest, detention and internment of alien enemies in the Canal Zone, the Hawaiian Islands or the Philippine Islands shall be under the jurisdiction of the Military Commanders of each such territory, each acting under such regulations as the Secretary of War shall hereafter prescribe.

(3) No alien enemy shall enter or leave Alaska, Puerto Rico or the Virgin Islands except under such regulations as the Attorney General shall from time to time prescribe. Any alien enemy found in Alaska, Puerto Rico or the Virgin Islands in violation of any such regulations and any alien enemy who enters or is found within any restricted area to be hereafter prescribed by the Military Commanders in each such territory in Alaska, Puerto Rico and by the Naval Commander in the Virgin Islands, shall be immediately apprehended by the authority of the Attorney General acting through the United States Attorney in each such territory and detained until it is determined, under the regulations to be prescribed by the Attorney General, whether any such alien enemy shall either be released, released on bond, or permanently interned, as the case may be.

(4) The Military Commanders in Alaska and Puerto Rico and the Naval Commander in the Virgin Islands shall have the power to prescribe restricted areas.
(5) No alien enemy shall have in his possession, custody or control at any time or place or use or operate any of the following enumerated articles:

a. Firearms.  
b. Weapons or implements of war or component parts thereof.  
c. Ammunition.  
d. Bombs.  
e. Explosives or material used in the manufacture of explosives.  
f. Short-wave radio receiving sets.  
g. Transmitting sets.  
h. Signal devices.  
i. Codes or ciphers.  
j. Cameras.  
k. Papers, documents or books in which there may be invisible writing; photograph, sketch, picture, drawing, map or graphical representation of any military or naval installations or equipment or of any arms, ammunition, implements of war, device or thing used or intended to be used in the combat equipment of the land or naval forces of the United States or of any military or naval post, camp or station.

All such property found in the possession of any alien enemy in violation of the foregoing regulations shall be subject to seizure and forfeiture.

(6) No alien enemy shall undertake any air flight or ascend into the air in any airplane, aircraft or balloon of any sort whether owned governmentally, commercially or privately, except that travel by an alien enemy in an airplane or aircraft may be authorized by the Attorney General, or his representative, or the Secretary of War, or his representative, in their respective jurisdictions, under such regulations as they shall prescribe.  

(7) Alien enemies deemed dangerous to the public peace or safety of the United States by the Attorney General or the Secretary of War, as the case may be, are subject to summary apprehension. Such apprehension shall be made in the continental United States, Alaska, Puerto Rico and the Virgin Islands by such duly authorized officer of the Department of Justice as the Attorney General may determine. In the Canal Zone, the Hawaiian Islands and the Philippine Islands, such arrests shall be made by the Military Commanders in each such territory by authority of the respective Military Governors thereof, and if there be no Military Governor, then by authority of the Secretary of War. Alien enemies arrested shall be subject to confinement in such place of detention as may be directed by the officers responsible for the execution of these regulations and for the arrest, detention and internment of alien enemies in each case, or in such other places of detention as may be directed from time to time by the Attorney General, with respect to continental
United States, Alaska, Puerto Rico and the Virgin Islands,
and by the Secretary of War with respect to the Canal Zone,
the Hawaiian Islands and the Philippine Islands, and there
confined until he shall have received such permit as the
Attorney General or the Secretary of War with respect to
the Canal Zone, the Hawaiian Islands and the Philippine
Islands shall prescribe.

(8) No alien enemy shall land in, enter or leave or attempt to
land in, enter or leave the United States, except under the
regulations prescribed by the President in his Proclamation
dated November 14, 1941, and the regulations promulgated
thereunder or any proclamation or regulation promulgated
hereafter.

(9) Whenever the Attorney General of the United States, with
respect to the continental United States, Alaska, Puerto
Rico and the Virgin Islands, or the Secretary of War, with
respect to the Canal Zone, the Hawaiian Islands, and the
Philippine Islands, deems it to be necessary, for the public
safety and protection, to exclude alien enemies from a desig-
nated area, surrounding any fort, camp, arsenal, airport,
landing field, aircraft station, electric or other power plant,
hydroelectric dam, government naval vessel, navy yard, pier,
dock, dry dock, or any factory, foundry, plant, workshop,
storage yard, or warehouse for the manufacture of munici-
plions or implements of war or any thing of any kind, nature
or description for the use of the Army, the Navy or any
country allied or associated with the United States, or in
any wise connected with the national defense of the United
States, or from any locality in which residence by an alien
enemy shall be found to constitute a danger to the public
peace and safety of the United States or from a designated
area surrounding any canal or any wharf, pier, dock or dry
dock used by ships or vessels of any designated tonnage en-
gaged in foreign or domestic trade, or of any warehouse,
shed, elevator, railroad terminal, depot or yard or other ter-
mental, storage or transfer facility, then no alien enemy shall
be found within such area or the immediate vicinity thereof.
Any alien enemy found within any such area or the imme-
diate vicinity thereof prescribed by the Attorney General or
the Secretary of War, as the case may be, pursuant to these
regulations, shall be subject to summary apprehension and
to be dealt with as heremabove prescribed.

(10) With respect to the continental United States, Alaska,
Puerto Rico, and the Virgin Islands, an alien enemy shall
not change his place of abode or occupation or otherwise
travel or move from place to place without full compliance
with any such regulations as the Attorney General of the
United States may, from time to time, make and declare;
and the Attorney General is hereby authorized to make and
declare, from time to time, such regulations concerning the
movements of alien enemies within the continental United
States, Alaska, Puerto Rico and the Virgin Islands, as he
may deem necessary in the premises and for the public
safety.

(11) With respect to the Canal Zone, the Hawaiian Islands and
the Philippine Islands, an alien enemy shall not change his
place of abode or occupation or otherwise travel or move
from place to place without full compliance with any such
regulations as the Secretary of War may, from time to time,
make and declare; and the Secretary of War is hereby
authorized to make and declare, from time to time, such regulations concerning the movements of alien enemies within the Canal Zone, the Hawaiian Islands, and the Philippine Islands as he may deem necessary in the premises and for the public safety.

(12) No alien enemy shall enter or be found in or upon any highway, waterway, airway, railway, railroad, subway, public utility, building, place or thing not open and accessible to the public generally, and not generally used by the public.

(13) No alien enemy shall be a member or an officer of, or affiliated with, any organization, group or assembly hereafter designated by the Attorney General, nor shall any alien enemy advocate, defend or subscribe to the acts, principles or policies thereof, attend any meetings, conventions or gatherings thereof or possess or distribute any literature, propaganda or other writings or productions thereof.

This proclamation and the regulations herein contained shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of December, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Authority

WHEREAS it is provided by section 21 of title 50 of the United States Code as follows:

"Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety."
AND WHEREAS by sections 22, 23 and 24 of title 50 of the United States Code further provision is made relative to alien enemies:

Proclamation

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as PRESIDENT of the United States and as Commander in Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion or predatory incursion is threatened upon the territory of the United States by Germany.

Conduct To Be Observed by Alien Enemies

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of Germany being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by sections 23 and 24 of title 50 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

Duties and Authority of the Attorney General and the Secretary of War

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter prescribed regarding the conduct of alien enemies within continental United States, Puerto Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter prescribed and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of the United
States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

Regulations

The regulations contained in Proclamation No. 2525 of December 7, 1941, relative to natives, citizens, denizens or subjects of Japan are hereby incorporated in and made a part of this proclamation, and shall be applicable to alien enemies defined in this proclamation.

This proclamation and the regulations herein prescribed shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of December, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:
Cordell Hull
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Authority

WHEREAS it is provided by Section 21 of Title 50 of the United States Code as follows:

“Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.”

AND WHEREAS by Sections 22, 23 and 24 of Title 50 of the United States Code further provision is made relative to alien enemies:
Proclamation

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion or predatory incursion is threatened upon the territory of the United States by Italy.

Conduct To Be Observed by Alien Enemies

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of Italy being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by Sections 23 and 24 of Title 50 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

Duties and Authority of the Attorney General and the Secretary of War

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter prescribed regarding the conduct of alien enemies within continental United States, Puerto Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter prescribed and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of the United States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by
them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

Regulations

The regulations contained in Proclamation No. 2525 of December 7, 1941, relative to natives, citizens, denizens or subjects of Japan are hereby incorporated in and made a part of this proclamation, and shall be applicable to alien enemies defined in this proclamation.

This proclamation and the regulations herein prescribed shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of December, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

ENLARGING THE PINNACLES NATIONAL MONUMENT—CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that certain lands adjoining the Pinnacles National Monument in California are required for the proper care, management and protection of the objects of scientific interest situated on lands within the said monument; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to said monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the act of June 8, 1906 (ch. 3060, 34 Stat. 225; U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in California are hereby added to and made a part of the Pinnacles National Monument:

MOUNT DIABLO MERIDIAN

T. 16 S., R. 7 E., sec. 20, E½;
secs. 21 to 23, inclusive;
sec. 24, W½;
sec. 26, NW¼, N½SW¼;
sec. 27, N½, N½S½;
sec. 28, N½, SW¼;
sec. 29, E½;
T. 17 S., R. 7 E., sec. 1, SW½SE¼;
sec. 12, W½E¼, SE¼SE¼;
sec. 13, W½E¼, SE¼SE¼;
T. 17 S., R. 8 E., sec. 7, Lot 13;
sec. 18, Lot 1;
containing 4,589.26 acres.
### HISTORY OF BILLS ENACTED INTO PUBLIC LAW (81ST CONG., 1ST SESS.)

<table>
<thead>
<tr>
<th>Title</th>
<th>Bill No.</th>
<th>Date introduced</th>
<th>Committees—hearings</th>
<th>Date reported</th>
<th>Report No.</th>
<th>Page of Congressional Record of passage</th>
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<th>Public law</th>
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</thead>
<tbody>
<tr>
<td>Salary increase for the President, Vice President, and the Speaker of the House of Representatives.</td>
<td>S. 103</td>
<td>Jan. 5</td>
<td>POG</td>
<td>Jan. 13</td>
<td>1</td>
<td>House 222</td>
<td>Jan. 17</td>
<td>Jan. 19</td>
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<tr>
<td>Authorizing an additional appropriation of $300,000 for the President's disaster relief fund for fiscal year 1949, for snowbound States.</td>
<td>H. J. Res. 112</td>
<td>Jan. 27</td>
<td>App</td>
<td>Jan. 27</td>
<td>644</td>
<td>House 582</td>
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<td>Jan. 28</td>
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<tr>
<td>Extending time for free entry of certain articles imported to promote international good will.</td>
<td>H. J. Res. 88</td>
<td>Jan. 13</td>
<td>WM</td>
<td>Jan. 27</td>
<td>641</td>
<td>House 678</td>
<td>Jan. 27</td>
<td>Jan. 31</td>
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<tr>
<td>To continue through Sept. 30, 1949, certain authority of the President for voluntary agreements and plans as embodied in Public Law 395 of the Eightieth Congress.</td>
<td>H. J. Res. 8</td>
<td>Jan. 21</td>
<td>App</td>
<td>Jan. 27</td>
<td>809</td>
<td>House 803</td>
<td>Feb. 3</td>
<td>Feb. 3</td>
</tr>
<tr>
<td>To amend the Legislative Reorganization Act of 1946, to repeal the 1-year prohibition against the executive branch of the Government employing former professional staff members of congressional committees.</td>
<td>S. 547</td>
<td>Jan. 18</td>
<td>BC</td>
<td>Jan. 27</td>
<td>700</td>
<td>House 731</td>
<td>Feb. 2</td>
<td>Feb. 21</td>
</tr>
<tr>
<td>To increase the limit of cost of the GAO Building from $22,850,000 to $24,400,000.</td>
<td>S. 713</td>
<td>Jan. 31</td>
<td>PW</td>
<td>Feb. 25</td>
<td>1443</td>
<td>House 948</td>
<td>Feb. 21</td>
<td>Feb. 25</td>
</tr>
<tr>
<td>To recommend that the existing export controls be extended until June 30, 1951.</td>
<td>S. 548</td>
<td>Jan. 18</td>
<td>BC</td>
<td>Feb. 4</td>
<td>1400</td>
<td>House 961</td>
<td>Feb. 17</td>
<td>Feb. 8</td>
</tr>
<tr>
<td>To continue the authority of the Maritime Commission to sell, charter, and operate vessels.</td>
<td>H. J. Res. 92</td>
<td>Jan. 17</td>
<td>MIF</td>
<td>Feb. 9</td>
<td>1401</td>
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<td>Feb. 27</td>
<td>Feb. 28</td>
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<tr>
<td>Providing for continuation of Freedom Train for 2 years.</td>
<td>H. J. Res. 84</td>
<td>Jan. 10</td>
<td>POCS</td>
<td>Feb. 7</td>
<td>1299</td>
<td>House 1431</td>
<td>Feb. 14</td>
<td>Feb. 21</td>
</tr>
<tr>
<td>To retrocede jurisdiction over lands at Los Alamos to the State of New Mexico.</td>
<td>H. R. 54</td>
<td>Jan. 3</td>
<td>PL</td>
<td>Feb. 8</td>
<td>1366</td>
<td>House 1557</td>
<td>Feb. 17</td>
<td>Feb. 25</td>
</tr>
<tr>
<td>For the relief of the city and county of San Francisco.</td>
<td>S. 198</td>
<td>Jan. 5</td>
<td>Jud</td>
<td>Feb. 14</td>
<td>1693</td>
<td>House 1430</td>
<td>Mar. 1</td>
<td>Mar. 10</td>
</tr>
<tr>
<td>To remove upper age limit for appointment to commissioned grade in Supply Corps of the Navy.</td>
<td>S. 630</td>
<td>Jan. 24</td>
<td>AS</td>
<td>Feb. 16</td>
<td>1937</td>
<td>House 948</td>
<td>Mar. 7</td>
<td>Mar. 12</td>
</tr>
<tr>
<td>Relative to claims for damage to property deposited by enemy aliens or U.S. citizens of Japanese ancestry.</td>
<td>S. 29</td>
<td>Jan. 3</td>
<td>Jud</td>
<td>Mar. 1</td>
<td>2960</td>
<td>House 944</td>
<td>Mar. 7</td>
<td>Mar. 15</td>
</tr>
</tbody>
</table>
[CHAPTER 15]  
AN ACT  
For the relief of the city and county of San Francisco.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the city and county of San Francisco, a municipal corporation, of San Francisco, California, the sum of $9,728.81, in full settlement of all claims against the United States for reimbursement of expenses incurred in rebuilding and restoring a power-transmission line and loss of power revenue in township 3 south, range 5 east, and township 3 south, range 6 east, San Joaquin County, California, south of Tracy and approximately three miles from the Navy Vernalis Airfield, which transmission line was demolished by the crashing of a United States Navy plane, type SB 2 C–2, bureau number 18772, on August 6, 1944, at 9:21 post meridian, while the said plane was engaged in making a flight over the area indicated, and on August 30, 1944, at 1:14 antemeridian, by the crashing of a United States Navy plane, type TBM-1, bureau number 24994, while the said plane was likewise making a flight over the area indicated: Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.  
Approved March 10, 1949.

[CHAPTER 18]  
AN ACT  
To amend section 19 of the Act of August 13, 1946 (60 Stat. 1057), so as to remove the upper age limit for appointment to commissioned grade in the Supply Corps of the Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of the Act of August 13, 1946 (60 Stat. 1057), as amended, is hereby further amended to read as follows:

"Sec. 19. No person shall be appointed to a commissioned grade in the Supply Corps of the Navy who will be less than twenty-one years of age on July 1 of the calendar year in which appointed and until his physical, mental, and moral qualifications have been established to the satisfaction of the Secretary of the Navy."

Approved March 12, 1949.

[CHAPTER 19]  
AN ACT  
To authorize payment of claims based on loss of or damage to property deposited by alien enemies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is hereby authorized to consider, ascertain, adjust, determine,
settle, and pay in an amount not in excess of $1,000, when accepted by the claimant in full satisfaction and final settlement, any claim against the United States arising on or after December 7, 1941, for damage to, or loss or destruction of, personal property, the use, operation, possession, custody, or control of which was prohibited by proclamation Numbered 2525, dated December 7, 1941, and proclamations Numbered 2526 and Numbered 2527, dated December 8, 1941 (55 Stat. pt. 2, pp. 1700, 1705, and 1707), the possession of which property was not prohibited by law prior to said promulgations and which was deposited by alien enemies or United States citizens of Japanese ancestry in the manner provided in the regulations promulgated by the Attorney General on February 5, 1942, as amended (7 Fed. Reg. 844; 28 C. F. R. 30.1-30.16): Provided, That the damage to or loss or destruction of property shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent, or employee, and that the claim is substantiated in such manner as the Attorney General may by regulation prescribe: Provided further, That nothing in this Act shall be construed to authorize the Attorney General to pay or settle any claims for damage to or loss or destruction of property which had been used for espionage or other illegal purposes on or before December 7, 1941.

Sec. 2. No claim shall be considered unless presented in writing within one year after the date of enactment of this Act.

Sec. 3. Any decision or settlement made by the Attorney General under the authority of this Act and such regulations as he may prescribe shall be final and conclusive, notwithstanding any other provision of law to the contrary.

Sec. 4. The Attorney General may report such claims as exceed $1,000 to Congress for its consideration.

Sec. 5. Such appropriations as may be required for the settlement of claims under this Act are hereby authorized.

Approved March 15, 1949.

[CHAPTER 20] AN ACT

For the relief of certain postal employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all employees at first- and second-class post offices who were reduced from the position of regular clerk or regular carrier to the position of substitute clerk or substitute carrier prior to July 1, 1945, or who were formerly regular clerk or regular carrier and were reinstated as substitute clerk or substitute carrier prior to July 1, 1945, and whose compensation was converted to $1.24 per hour effective July 1, 1945, instead of $1.04 per hour as provided by sections 12 (a) and 24 of the Act entitled "An Act to reclassify the salaries of postmasters, officers, and employes of the Postal Service; to establish uniform procedures for computing compensation; and for other purposes", approved July 6, 1945 (59 Stat. 435, ch. 274), are hereby relieved of all liability to refund to the United States any amounts paid to them as a result of such overpayment of salaries from July 1, 1945, until the date their compensation was adjusted to conform to the provisions of the Act of July 6, 1945 (59 Stat. 435, ch. 274), as amended, and in the audit and settlement of the accounts any postmaster or other designated disbursing officer of the Post Office Department or postal service the amounts paid to such employees from July 1, 1945, as compensation shall be considered to have been authorized. Any amounts heretofore credited to such employees, or refunded to the United States by them
SEC. 4. The Administrator may withhold from the funds received for the return or sale of any such vessel the expenses incurred by him in such return or sale, and shall pay over the balance of such receipts to the department or agency by which such vessel was made available.

Approved April 29, 1943.

[CHAPTER 82] JOINT RESOLUTION

Making an appropriation to assist in providing a supply and distribution of farm labor for the calendar year 1943.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $26,100,000, to remain available until December 31, 1943, to be expended by the Administrator of Food Production and Distribution (hereinafter referred to as the "Administrator"), appointed pursuant to Executive Order Numbered 9322, dated March 26, 1943, for assisting in providing an adequate supply of workers for the production and harvesting of agricultural commodities essential to the prosecution of the war, as follows.

PAYMENTS TO STATES

Sec. 2. (a) For the purpose of assisting in providing an adequate supply of workers for the production and harvesting of agricultural commodities within the several States, the Administrator shall apportion among the several States, on the basis of need, not less than $9,000,000 and not more than $18,000,000 of the sum appropriated by section 1 and the sums so apportioned shall be available for payment to such States for expenditure by the agricultural extension services of the land-grant colleges in such States in accordance with such agreements as may be entered into by the Administrator and such extension services and subject to the supervision of the Administrator. The purposes for which such funds may be expended by such extension services shall include, among other things, (1) the recruiting, placement (including the placement of workers as tenants or sharecroppers), and training of such workers; (2) transportation, supervision, subsistence, protection, health and medical and burial services, and shelter for such workers and their families and necessary personal property; (3) lease, repair, alteration, and operation of labor supply centers and other necessary facilities and services, including former Civilian Conservation Corps camps; (4) advancing to workers of sums due from employers within the United States who are under contractual obligation to reimburse such extension services for such advances; (5) employment of personnel and other administrative expenses; and (6) payment to or reimbursement of other public or private agencies or individuals for furnishing services or facilities for such purposes. Such extension services may enter into agreements with other public and private agencies and individuals and utilize the facilities and services of such agencies and individuals in carrying out the purposes of this section.

(b) The Administrator shall certify to the Secretary of the Treasury, from time to time, the amounts to be paid to each State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State, at the time or times fixed by the Administrator, the amounts so certified.
The Department of Defense (other than a military department) financed from appropriations for military functions of the Department of Defense shall report to the Secretary of Defense and to Congress on property records maintained by the Department of Defense which is used by an activity or agency of the Department of Defense designated by the Secretary of Defense on approval of the Director of the Department of Defense. (Added Pub. L. 88-174, title VI, §2701, Oct. 26, 1970, 84 Stat. 1226.)

Chapter 161—PROPERTY RECORDS

§2701. Basis: reports.

(a) Under regulations prescribed by him, the Secretary of Defense shall have the records of the fixed property, installations, major equipment items, and stored supplies of the military departments maintained on both a quantitative and a monetary basis, as far as practicable.

(b) The Secretary shall report once a year to Congress and the President on property records maintained under this section. (Aug. 10, 1956, ch. 1041, 70A Stat. 152.)

HISTORICAL AND REVISION NOTES

Revised section Source (U. S. Code) Source (Statutes at Large)


§2701 (b) 5:172 (last sentence).

In subsection (a), the words "equipment" and "materials" are omitted, since the word "supplies", as defined in section 101 (26) of this title, includes equipment and materials. The word "stored" is substituted for the words "held in store by the armed services".

In subsection (b), the words "on property records maintained under this section" are substituted for the word "thereon".

CROSS REFERENCES

Cataloging and standardization of supplies, see section 2451 et seq. of this title.

Interchange of property and services and disposition of obsolete, surplus, or unclaimed property, see section 2751 et seq. of this title.

Real and personal property and lease of non-excess property, see section 2661 et seq. of this title.

Chapter 158—ARMED FORCES

§2731. Definition.

§2733. Property loss; personal injury or death: incident to noncombunt activities of Department of Army, Navy, or Air Force.

AMENDMENTS


1966—Pub. L. 89-718, §21(b), Nov. 2, 1966, 80 Stat. 1118, substituted "2737" for "2736" as the item number for "Property loss; personal injury or death: incident to use of property of the United States and not cognizable under other law."


1952—Pub. L. 87-769, §1(1)(b), Oct. 9, 1962, 76 Stat. 768, added item 2736 "Property loss; personal injury or death: incident to use of property of the United States and not cognizable under other law."


CROSS REFERENCES

Claims—Air Force, see section 9801 et seq. of this title.
Army, see section 4801 et seq. of this title.
Navy, see section 7021 et seq. of this title.

CHAPTER REFERED TO IN OTHER SECTIONS

This chapter is referred to in title 42 section 212a.

§2731. Definition.

In this chapter, "settle" means, ascertain, adjust, determine, and dispose of a claim, whether by full or partial allowance or by disallowance. (Aug. 10, 1956, ch. 1041, 70A Stat. 152.)

HISTORICAL AND REVISION NOTES

Revised section Source (U. S. Code) Source (Statutes at Large)

§2731 —No source. No source.

The revised section is inserted for clarity and is based on usage in the source laws for this revised chapter.

PUBLIC HEALTH SERVICE

Authority vested by this chapter in the "military departments", "the Secretary concerned" or "the Secretary of Defense" to be exercised, with respect to commissioned officers of the Public Health Service, by the Secretary of Health, Education, and Welfare or his designee, see section 213(a) of Title 42, The Public Health and Welfare Service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 33 section 857a.


§ 2732

Effective Date of Repeal
Section 5 of Pub. L. 88-585 provided for the repeal of this section effective two years from Aug. 31, 1964.

§ 2733

Property loss; personal injury or death; incident to noncombat activities of Department of Navy, Army, or Air Force.

(a) Under such regulations as the Secretary concerned may prescribe, he, or, subject to appeal to him, the Judge Advocate General of an armed force under his jurisdiction, or the chief legal officer of the Coast Guard, as appropriate, if designated by him, may settle, and pay in an amount not more than $15,000, a claim against the United States for—

(1) damage to or loss of real property, including damage or loss incident to use and occupancy;

(2) damage to or loss of personal property, including property bailed to the United States and including registered or insured mail damaged, lost, or destroyed by a criminal act while in the possession of the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be; or

(3) personal injury or death; either caused by a civilian officer or employee of that department, or the Coast Guard, or a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be, within the scope of his employment, or otherwise incident to noncombat activities of that department, or the Coast Guard.

(b) A claim may be allowed under subsection (a) only if—

(1) it is presented in writing within two years after it accrues, except that if the claim accrues in time of war or armed conflict or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after the war or armed conflict is terminated;

(2) it is not covered by section 2734 of this title or section 2672 of title 28;

(3) it is not for personal injury or death of such a member or civilian officer or employee whose injury or death is incident to his service;

(4) the damage to, or loss of, property, or the personal injury or death, was not caused wholly or partly by a negligent or wrongful act of the claimant, his agent, or his employee; or, if so caused, allowed only to the extent that the law of the place where the act or omission complained of occurred would permit recovery from a private individual under like circumstances; and

(5) it is substantiated as prescribed in regulations of the Secretary concerned.

For the purposes of clause (1), the dates of the beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President.

(c) Payment may not be made under this section for reimbursement for medical, hospital, or burial services furnished at the expense of the United States.

(d) If the Secretary concerned considers that a sum in excess of $15,000 is meritorious and would otherwise be covered by this section, he may pay the claimant the amount, up to $15,000, and report the excess to Congress for consideration.

(e) Except as provided in subsection (d), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction.

(f) For the purposes of this section, a member of the Environmental Science Services Administration or of the Public Health Service who is serving with the Navy or Marine Corps shall be treated as if he were a member of that armed force.

(g) In any case where the amount determined to be paid is not more than $2,500, the authority contained in subsection (a) may be delegated to any officer of an armed force under the jurisdiction of the department concerned, subject to appeal to the Secretary concerned, or his designee for that purpose.

(h) Under such regulations as the Secretary of Defense may prescribe, he or his designee has the same authority as the Secretary of a military department under this section with respect to the settlement of claims based on damage, loss, personal injury, or death caused by a civilian officer or employee of the Department of Defense acting within the scope of his employment or otherwise incident to noncombat activities of that department.

(i) A claim may not be made under this section for reimbursement for medical, hospital, or burial services furnished at the expense of the United States.

(j) In subsection (b), the words "arising on or after May 27, 1941" are omitted as unnecessary.

(k) In subsection (b), the words "it accrues" are substituted for the words "thereby, incident to" to make it clear that a claim may be presented before the word "in."
TITJe 10—ARMED FORCES § 2734

unless the amount
in full satis-

Transfer of Functions

The Environmental Science Services Administration in the Department of Commerce, including the offices of Administrator and Deputy Administrator thereof, were abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 30, 1970, 35 F.R. 15627, 84 Stat. — set out in the Appendix to Title 5, Government Organization and Employees, which created the National Oceanic and Atmospheric Administration in the Department of Commerce and transferred the personnel, property, records, and unexpended balances of funds of the Environmental Science Services Administration to such newly created National Oceanic and Atmospheric Administration. The components of the Environmental Science Services Administration thus transferred included the Weather Bureau, the Coast and Geodetic Survey, the Environmental Data Service, the National Environmental Satellite Center, and the BSSA Research Laboratories.

Claims for Injury or Death Occurred Before Mar. 30, 1956

Section 17 of Pub. L. 85-861, Sept. 2, 1958, 72 Stat. 1558, provided that: "A claim for personal injury or death under section 2723 to 2734 of title 10, United States Code [this section], may not be allowed for more than the cost of reasonable medical, hospital, and burial expenses actually incurred, if the claim accrued before March 30, 1956."

Cross References

Administrative adjustment of tort claims, see section 2675 of Title 28, Judicial and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2735, 2736 of this title; title 5 section 5564; title 32 section 716; title 37 section 554.

§ 2734. Property loss; personal injury or death: incident to noncombat activities of the armed forces

(a) To promote and maintain friendly relations through the prompt settlement of meritorious claims the Secretary concerned or any officer designated by him may, under such regulations as the Secretary may prescribe, appoint one or more claims commissions, each composed of one or more commissioned officers of the armed forces, to settle and pay any claim for not more than $15,000, for—

(1) damage to, or loss of, real property of any foreign country or of any political subdivision or inhabitant of a foreign country, including damage or loss incident to use and occupancy;

(2) damage to, or loss of, personal property of any foreign country or of any political subdivision or inhabitant of a foreign country, including property bailed to the United States; or

(3) personal injury to, or death of, any inhabitant of a foreign country, if the damage, loss, personal injury, or death occurs outside the United States, or the Territories, Commonwealths, or possessions, and is caused by, or is otherwise incident to noncombat activities of the armed forces under his jurisdiction, or is caused by a member thereof or by a civilian employee of the military department concerned or the Coast Guard, as the case may be. The claim of an insured, but not that of a subrogee, may be considered under this subsection. In this section, "foreign country" includes any place under the jurisdiction of the
United States in a foreign country. An officer may serve on a claims commission under the jurisdiction of an armed force only with the consent of the Secretary of his department, or his designee, but shall perform his duties under regulations of the department appointing the commission.

(b) A claim may be allowed under subsection (a) only if—

(1) it is presented within two years after it accrues;

(2) in the case of a national of a country at war with the United States, or of any ally of that country, the claimant is determined by the commission or by the local military commander to be friendly to the United States; and

(3) it did not arise from an action or result directly or indirectly from an act of the armed forces of the United States or from an accident or omission in connection with the operation of an aircraft of the armed forces of the United States, including its airborne ordnance, indirectly related to combat, and occurring while preparing for, going to, or returning from a combat mission.

(c) Allowance of a claim for more than $2,500 under subsection (a) may, by regulation, be made subject to the approval of any commissioned officer designated by the Secretary concerned.

(d) If the Secretary concerned considers that a claim in excess of $15,000 is meritorious and would otherwise be covered by this section, he may pay the claimant $15,000 and certify the excess to Congress as a legal claim for payment from appropriations made by Congress therefor, together with a brief statement of the claim, the amount claimed, the amounts allowed, and the amount paid.

(e) Except as provided in subsection (d), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction.

(f) Upon the request of the department concerned, a claim arising in that department and covered by subsection (a) may be settled and paid by a commission appointed under subsection (a) and composed of officers of an armed force under the jurisdiction of another department.

(g) Payment of claims against the Coast Guard arising while it is operating as a service in the Department of Defense, other than an employee of a military department.

(1) Any claims commission appointed under subsection (a) may, by regulation, assess and collect all costs, including fees, incurred in connection with the settlement of any claim.

(2) Any amount so collected shall be paid to the claimant.

(3) In the case of a claim for which a commission is required under this section, the commission may, by regulation, assess and collect all costs, including fees, incurred in connection with the settlement of any claim.

(h) The Secretary of Defense may designate any claims commission appointed under subsection (a) to settle and pay, as provided in this section, claims for damage caused by a civilian employee of the Department of Defense other than an employee of a military department. Payments of claims under this section shall be made from appropriations available to the Office of the Secretary of Defense for the payment of claims.

Amendments

1970—Subsec. (d). Pub. L. 91-312 authorized the Secretary to pay, without certification to Congress, up to $15,000 towards the settlement of meritorious claims in excess of $15,000.

Subsec. (e). Pub. L. 91-312 excepted claims under this subsection from the requirement that all claims be accepted by the claimant in full satisfaction, and struck out provision limiting the application of such requirement to claims payable under subsection (a) of this section.

Revised section

2734 (a) 31: 224d (less 88th through 100th words and proviso).

2734 (b) 31: 224d (1st and 3rd proviso).

2734 (c) 31: 224d (3d proviso, less words after semicolon).

2734 (d) 31: 224d (2d proviso after semicolon).

2734 (e) 31: 224d (98th through 100th words).

2734 (f) 31: 224d.

2734 (g) 31: 224d.
for such purposes", "or Army * * * forces," express or implied" are included as "armed forces under the words "Army, the same word is used for "Air Force, Navy, or Coast Guard", (JAGD/5-5-191000, 17 substituted for the words "Air Force", since the words "or Coast Guard" of this title, includes members thereof, or by a "department concerned" are subject to activities of armed forces of foreign countries; international agreements. for the words "substituted for" and "civilians employees", for the words "includes" are inserted as execut from the Department of Transportation. (Added Pub. L. 87-651, title I, §113(a), Sept. 7, 1962, 76 Stat. 512, and amended Pub. L. 90-521, §4, Sept. 26, 1968, 82 Stat. 874.)

Amendments
1966—Subsec. (c). Pub. L. 90-521, §1(a), provided for allowing claims against the Coast Guard arising while it is operating as a service of the Department of Transportation for operating expenses of the Coast Guard. Subsec. (d). Pub. L. 90-521, §4(b), added subsec. (d).

§2734b. Property loss; personal injury or death: incident to activities of armed forces of foreign countries in United States; international agreements.

(a) Where an international agreement to which the United States is a party provides that claims against a foreign country arising out of the acts or omissions in the performance of official duty in the United States, or a Territory, Commonwealth, or possession, of a civilian employee, or member of, the armed forces of that country, be adjudicated by the United States under its laws and regulations subject to an agreed pro rata reimbursement, those claims may be prosecuted against the United States, settled by the United States, under existing laws and regulations as if the acts or omissions upon which they are based were the acts or omissions in the performance of official duty of a civilian employee, or a member, of an armed force.

(b) When a dispute arises in the settlement or adjudication of a claim under this section whether an act or omission was in the performance of official duty, or whether the use of a vehicle of the armed forces was authorized, the dispute shall be decided under the international agreement with the foreign country concerned. Such a decision is final and conclusive. The Secretary of Defense may pay that part of the cost of obtaining such a decision that is chargeable to the United States under that agreement.
(c) A claim arising out of an act of an enemy of the United States may not be considered or paid under this section.

(d) A payment under this section shall be made by the Secretary of Defense out of appropriations for that purpose. (Added Pub. L. 87–651, title I, § 113(a), Sept. 7, 1962, 76 Stat. 512.)

§ 2735. Settlement: final and conclusive.

Notwithstanding any other provision of law, the settlement of a claim under section 2733 or 2734 of this title is final and conclusive. (Aug. 10, 1956, ch. 1041, 70A Stat. 155; Aug. 31, 1964, Pub. L. 88–558, § 5(1), 78 Stat. 768.)

HISTORICAL AND REVISION NOTES

Revised section Source (U. S. Code) Source (Statutes at Large)

The words "for all purposes" and "to the contrary", in each source credit; "by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of Defense, or their designees" and "such regulations as they, respectively, may prescribe hereunder"; in 31: 222d (e); "by the Secretary of the Army, or his designee" and "such regulations as he may prescribe hereunder"; in 31: 223b; and "by such Commissioners", in 31: 224d; are omitted as surplusage.

AMENDMENTS


EFFECTIVE DATE OF 1964 AMENDMENT

Section 5(1) of Pub. L. 88–558 provided in part that the amendment of this section shall be effective two years from Aug. 31, 1964.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 33 section 587a.

§ 2736. Property loss; personal injury or death: advance payment.

(a) Under such regulations as the Secretary of a military department may prescribe, payment of an amount not in excess of $1,000 may be made in advance of the submission of a claim to or for any person, or his legal representatives, who was injured or killed, or whose property was damaged or lost, under circumstances for which allowance of a claim is authorized by law. Payments under this subsection are limited to those which would otherwise be payable under section 2733 or 2734 of this title or section 715 of title 32.

(b) Any amount paid under subsection (a) shall be deducted from any amount that may be allowed under any other provision of law to the person, or his legal representative, for injury, death, damage, or loss attributable to the accident concerned.

(c) So far as practicable, regulations prescribed under this section shall be uniform for the military departments.


AMENDMENTS

1968—Pub. L. 90–921 substituted in the section catch-line "advance payment" for "incident to aircraft or missile operation."

Subsec. (a). Pub. L. 90–921 substituted "under circumstances" for "as the result of an accident involving an aircraft or missile under the control of that department."

§ 2737. Property loss; personal injury or death: incidence to use of property of the United States and not cognizable under other law.

(a) Under such regulations as the Secretary concerned may prescribe, he or his designee may settle and pay, in an amount not more than $1,000, a claim against the United States, not cognizable under any other provision of law, for—

(1) damage to, or loss of, property; or

(2) personal injury or death;

caused by a civilian official or employee of a military department or the Coast Guard, or a member of the armed forces, incident to the use of a vehicle of the United States at any place, or any other property of the United States on a Government installation.

(b) Under such regulations as the Secretary of Defense may prescribe, he or his designee has the same authority as the Secretary of a military department with respect to a claim, not cognizable under any other provision of law, for—

(1) damage to, or loss of, property; or

(2) personal injury or death;

caused by a civilian official or employee of the Department of Defense not covered by subsection (a), incident to the use of a vehicle of the United States at any place, or any other property of the United States on a Government installation.

(c) A claim may not be allowed under subsection (a) or (b) if the damage to, or loss of, property, or the personal injury or death was caused wholly or partly by a negligent or wrongful act of the claimant, his agent, or his employee.

(d) A claim for personal injury or death under this section may not be allowed for more than the cost of reasonable medical, hospital, and burial expenses actually incurred, and not otherwise furnished or paid by the United States.

(e) No claim may be allowed under this section unless it is presented in writing within two years after it accrues.

(f) A claim may not be paid under subsection (a) or (b) unless the amount tendered is accepted by the claimant in full satisfaction.

(g) No claim or any part thereof, the amount of which is legally recoverable by the claimant under an indemnifying law or indemnity contract, may be paid under this section. No subrogated claim may be paid under this section.

(h) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(i) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(j) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(k) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(l) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(m) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(n) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(o) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(p) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(q) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(r) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(s) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(t) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(u) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(v) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(w) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(x) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(y) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.

(z) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretary of the Department of Defense shall be uniform for the military departments.
Chapter 165.—ACCOUNTABILITY AND RESPONSIBILITY

§2771. Final settlement of accounts: deceased members.

(a) In the settlement of the accounts of a deceased member of the armed forces who dies after December 31, 1955, an amount due from the armed force of which he was a member shall be paid to the person highest on the following list living on the date of death:

(1) Beneficiary designated by him in writing to receive such an amount, if the designation is received, before the deceased member's death, at the place named in regulations to be prescribed by the Secretary concerned.

(2) Surviving spouse.

(3) Children and their descendants, by representation.

(4) Father and mother in equal parts or, if either is dead, the survivor.

(5) Legal representative.

(6) Person entitled under the law of the domicile of the deceased member.

(b) Designations and changes of designation of beneficiaries under subsection (a) (1) are subject to regulations to be prescribed by the Comptroller General. So far as practicable, these regulations shall be uniform for the armed forces, the Environmental Science Services Administration, and the Public Health Service.

(c) Under such regulations as the Comptroller General may prescribe, payments under subsection (a) shall be made by the military department concerned or the Department of the Treasury, as the case may be. Payment under clause (6) of subsection (a) shall be made—

(1) upon settlement by the General Accounting Office; or

(2) as otherwise authorized by the Comptroller General.


Historical and Revision Notes

Revised section

Source (U. S. Code)

Source (Statutes at Large)

32 U.S.C. 2771 (b)(1) 34 U.S.C. 941a (last proviso)


n the military departments must be approved by the Secretary of Defense. (Added Pub. L. 87-769, §1 (1) (B), June 8, 1962, 76 Stat. 94; added item 2773.

In subsections (a) and (b), the words "General Accounting Office" are substituted for the words "accounting offices", for clarity.

In subsection (a), the word "member" is substituted for the words "officers or enlisted persons", in 10: 886 and 34: 941a. The words "his legal representative" are substituted for the words "a duly appointed legal representative of the estate", since an estate, being property and not an entity, has no representative. The words "duly appointed legal representative" are omitted as surplusage. The words "highest on the following list" are substituted for the words "following order of precedence", in 10: 886 and 34: 941a. Clauses (1)(4) are substituted for the words "beneficiary" between the first and second colons of 10: 886 and 34: 941a. The words "Surviving spouse" are substituted for the words "widow or widower" after the words "First, to".

In subsection (b), the words "That this section shall not be so construed as to prevent", "or persons", and "actually"; in 10: 886 and 34: 941a, are omitted as surplusage.

Amendments

1966—Subsec. (b). Pub. L. 89-718 substituted "Environmental Science Services Administration" for "Coast and Geodetic Survey".

1960—Subsec. (c). Pub. L. 86-641 substituted provisions requiring payment under clause (6) of subsection (a) to be made upon settlement by the General Accounting Office or as otherwise authorized by the Comptroller General for provisions which permitted payments under clauses (2)(6) of subsection (a) to be made only after settlement by the General Accounting Office.

1958—Subsec. (a). Pub. L. 85-861 amended subsec. (a) generally to restrict application of section to members of the armed forces who die after Dec. 31, 1955, and to permit payment to the designated beneficiaries, surviving spouse, children and their descendants, and to parents before payment to the legal representative.

Subsec. (b). Pub. L. 85-861 substituted provisions relating to designations and changes of designation of beneficiaries for provisions which authorized reimbursement of funeral expenses.

Subsecs. (c) and (d). Pub. L. 85-861 added subsecs. (c) and (d).

Transfer of Functions

The Environmental Science Services Administration in the Department of Commerce, including the offices of the Administrator and Deputy Administrator thereof, were abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 30, 1970, 35 F.R. 15027, 84 Stat. —, set out in the Appendix to Title 5, Government Organization and Employees, which created the National Oceanic and Atmospheric Administration in the Department of Commerce and transferred the personnel, property, records, functions, and funds of the Environmental Science Services Administration to such newly created National Oceanic and Atmospheric Administration. The components of the Environmental Science Services Administration thus transferred included the Weather Bureau, the Coast and Geodetic Survey, the Environmental Data Service, the National Environmental Satellite Center, and the ESSA Research Laboratories.

LEGISLATIVE HISTORY
1948—Pub. L. 89–506, § 9(b), July 18, 1966, 80 Stat. 805,
substituted "$2,500" for "$1,000" in item 2672.

1959—Pub. L. 86–238, § 1(2), Sept. 8, 1959, 73 Stat. 472,
substituted "$2,500" for "$1,000" in item 2672.

CROSS REFERENCES
Costs in tort claims cases, see section 2412 of this title.
Interest on judgments against the United States, compu-
tation, see section 2671 of this title.
Jurisdiction of district courts in tort claims cases, see
section 2402 of this title.
Jury trial denied in action against the United States, see
section 2403 of this title.
Review of tort claims cases, see sections 1291 and 1506
of this title.
Settlement of claims incident to activities of the Coast
Guard, see section 645 of Title 14, Coast Guard.
Venue in tort claims actions, see section 1402 of this
title.

CHAPTER REFERRED TO IN OTHER SECTIONS
This chapter is referred to in section 1546 of this title.

§ 2671. Definitions.
As used in this chapter and sections 1546(b) and
2401(b) of this title, the term "Federal agency" includes
the executive departments, the military depart-
ments, independent establishments of the United States,
and corporations primarily acting as
instrumentalities or agencies of the United States,
but does not include any contractor with the United
States.

"Employee of the government" includes officers or
employees of any federal agency, members of the
military or naval forces of the United States, and
persons acting on behalf of a federal agency in an
official capacity, temporarily or permanently in the
service of the United States, whether with or with-
out compensation.

"Acting within the scope of his office or employ-
ment"; in the case of a member of the military or
military or naval forces of the United States, means acting in
the line of duty. (June 25, 1948, ch. 646, 62 Stat. 982;
May 24, 1949, ch. 139, § 124, 63 Stat. 106; July 18,

LEGISLATIVE HISTORY
Reviser's Note.—Based on title 28, U. S. C. 1940 ed.,
Amended by Pub. L. 89–506 applicable to claims
accruing six months or more after July 18, 1966, see sec-
tion 10 of Pub. L. 89–506, set out as a note under
section 2672 of this title.

AIR FORCE
For transfer of certain functions relating to claims
and litigation, insofar as they pertain to the Air
force, see the Secretary of the Air
force, see the Secretary of Defense Transfer Order No. 34
[1412(244)], eff. July 1, 1949.

CROSS REFERENCE
Peace Corps volunteers deemed employees of the United
States for purposes of this chapter, see section 2504 of
Title 22, Foreign Relations and Intercourse.

§ 2672. Administrative adjustment of claims.
The head of each Federal agency or his designee,
in accordance with regulations prescribed by the
Attorney General, may consider, ascertain, admin-
ister

Title 28—Judiciary and Judicial Procedure § 2674

determine, compromise, and settle any claim for
money damages against the United States for injury
or loss of property or personal injury or death
caued by the negligent or wrongful act or omission
of any employee of the agency while acting within
the scope of his office or employment, under circum-
stances where the United States, if a private person,
would be liable to the claimant in accordance with


the law of the place where the act or omission oc-
curred: Provided. That any award, compromise, or
settlement in excess of $25,000 shall be effected only
with the prior written approval of the Attorney
General or his designee.

Subject to the provisions of this title relating to
civil actions on tort claims against the United States,
any such award, compromise, settlement, or deter-
mination shall be final and conclusive on all offices
of the Government, except when procured by means
of fraud.

Any award, compromise, or settlement in an
amount of $2,500 or less made pursuant to this sec-
tion shall be paid by the head of the Federal agency
concerned out of appropriations available to that
agency. Payment of any award, compromise, or
settlement in an amount in excess of $2,500 made
pursuant to this section or made by the Attorney
General in any amount pursuant to section 2677 of
this title shall be paid in a manner similar tojudg-
ments and compromises in like causes and appropri-
ations or funds available for the payment of such
judgments and compromises are hereby made avail-
able for the payment of awards, compromises, or
settlements under this chapter.

The acceptance by the claimant of any such
award, compromise, or settlement shall be final and
conclusive on the claimant, and shall constitute a
complete release of any claim against the United
States and against the employee of the government
whose act or omission gave rise to the claim, by
reason of the same subject matter.-(June 25, 1948,
ch. 646, 62 Stat. 983; Apr. 25, 1949, ch. 92, § 2 (b),
63 Stat. 62; May 24, 1949, ch. 139, § 125, 63 Stat.
106; Sept. 23, 1950, ch. 1010, § 9, 64 Stat. 987; Sept.
8, 1959, Pub. L. 85-238, § 1 (1), 73 Stat. 471; July 18,

Revisor's Note.—Based on title 29, U. S. C., 1940 ed.,

The phrase "accruing on and after January 1, 1946" was
omitted because executed as of the date of the enact-
ment of this revised title.

Changes were made in phraseology.

Amendments

1959—Pub. L. 85-238 substituted "$2,500" for "$1,000"
in the catchline and the text.

1950—Act Sept. 23, 1950, eliminated the requirement
for specific authorization for payment of tort claims in
appropriation acts.

1949—Act Apr. 25, 1949, inserted "accruing on or after
January 1, 1946" following "United States" in first par.
Act May 24, 1949, substituted "2677" for "2678" in third
par.

Effective Date of 1966 Amendment

Section 10 of Pub. L. 89-506 provided that: "This Act
[amending this section and sections 2401(b), 2671, 2675,
2677, 2678, and 2679(b) of this title; section 724a of Title
31, and section 4110(a) of Title 38] shall apply to claims
accurring six months or more after the date of its en-
actment [July 18, 1966]."

Law Unaffected

Section 424 (b) of act Aug. 2, 1946, ch. 755, title IV,
60 Stat. 845, provided that: "Nothing contained herein
shall be deemed to repeal any provision of law authorizing
any Federal agency to consider, ascertain, adjust, settle,
determine, or pay any claim on account of damage to or
loss of property or on account of personal injury or death,
in cases in which such damage, loss, injury, or death
was not caused by any negligent or wrongful act or omis-
sion of an employee of the Government while acting
within the scope of his office or employment, or any
other claim not cognizable under part 2 of this title."

Cross References

Allowance of claims for property loss, personal injury,
or death incident to noncombat activities of Army, Navy,
or Air Force, see section 2738 (b) (2) of Title 10, Armed
Forces.

Sections Referred to in Other Sections

This section is referred to in sections 2678, 2679 of this
title; title 10 section 2738; title 22 section 2669; title 31
section 724a; title 32 section 715; title 37 section 351; title
32 section 715; title 39 section 2603; title 42 section
2727.

§ 2673. Reports to Congress.

The head of each federal agency shall report an-
ually to Congress all claims paid by it under section
2672 of this title, stating the name of each claimant,
the amount claimed, the amount awarded, and a
brief description of the claim. (June 24, 1948, ch.
646, 62 Stat. 983.)

Revisor's Note.—Based on title 28, U. S. C., 1940 ed.,

Changes were made in phraseology.

Repeal

Section 1 (1) of Pub. L. 89-348, Nov. 8, 1965, 79
Stat. 1310, repealed the requirement that an an-
nual report to Congress be made of the admin-
istrative adjustment of tort claims of $2,500 or
less, stating the name of each claimant, the
amount claimed, the amount awarded, and a
brief description of the claim.

§ 2674. Liability of United States.

The United States shall be liable, respecting the
provisions of this title relating to tort claims, in the
same manner and to the same extent as a private
individual under like circumstances, but shall not
be liable for interest prior to judgment or for punitive
damages.

If, however, in any case wherein death was caused, the
law of the place where the act or omission com-
plained of occurred provides, or has been construed
to provide, for damages only punitive in nature, the
§ 2401. Time for commencing action against United States.

(a) Every civil action commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues. The action of any person under legal disability or beyond the seas at the time said claim accrues may be commenced within three years after the disability ceases.

(b) A tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented.

(2) Any judgment on a claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after the claim accrues or unless action is begun after such claim accrues; and

(3) A provision in section 41 (20) of title 28, U. S. C., 1940 ed., relating to jurisdiction of district courts and time of bringing actions against the United States is hereby repealed.

Words or within one year after the date of enactment of this Act whichever is later, in section 426 of title 28, U. S. C., 1940 ed., were omitted as superfluous.

Changes were made in phraseology.

Suggestion of amendment for purposes of introducing a new subject.

The United States Direct appraisers is provided for in this section.

A further provision was made in this section.

The words "suit or proceeding" were added before "suit or proceeding" in view of Rule 2 of the Federal Rules of Civil Procedure.
78. Repealed.
79. Repealed.
80. Space and accommodations for crew; hospital compartments.
81. Measurement of foreign vessels; certificates.
82. Suspension of provisions as to survey, inspection, and measurement.
83. Gross and net tonnage measurement; definitions.
84. Area excluded from measurement.
85. Penalties for false statements.
86. Marking line of uppermost complete deck.
87. Measurement certificates and marine documents reissued.
88. Suspension of provisions as to survey, inspection, and measurement.
89. Cross references.

Cross References
Corporation meeting certain conditions deemed citizen for purposes of the laws relating to documentation of vessels, see section 683–1 of this title.

GENERAL PROVISIONS AS TO REGISTRY AND DOCUMENTS

Vessels entitled to registry; coastwise trade; ocean mail service contracts.

Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, wherever built, which are to engage only in trade with foreign countries, with the Islands of Guam, Tutuila, Wake, Midway, and Kingman Reef, being wholly owned by citizens of the United States and no others or corporations organized and chartered under the laws of the United States, or of any State thereof, of which the President or other chief executive officer and the chairman of the board of directors shall be citizens of the United States and no more of its directors than a minority of the number necessary to constitute a quorum shall be noncitizens, may be registered as directed in this chapter and in Title 5, chs. 3, 19, and 20, and in Title 49, chs. 3, 4, 5, 6, 7, 8, and 9 or this title. Foreign-built vessels registered pursuant to this section shall not engage in the coastwise trade: Provided, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under act March 3, 1891, ch. 519, 26 Stat. 830, so long as such vessels shall in all respects comply with the provisions and requirements of said sections.

Amendments
1906—Pub. L. 88-327 redefined citizenship qualification for corporations by substituting requirement that the president or other chief executive officer and the chairman of the board of directors be United States citizens and that no more of the directors than a minority of the number necessary to constitute a quorum be noncitizens for requirement that the president and managing directors be United States citizens.

Section 1946 Proc. No. 2695 is set out as a note.

Transfers of Functions
The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

All functions of all officers of the Department of the Treasury, and of all functions of all officers of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1956 Reorg. Plan No. 26, § 1, eff. July 15, 1956. See note under former section 1 of this title.

Coast Guard Inspection Plan No. 3.

For the purposes of the navigation laws of the United States and of sections 911, 921 to 927, 941 to 954, 961 to 975, and 981 to 984 of this title, every vessel of the United States shall have a "home port" in the United States, including Puerto Rico, which port the owner of such vessel, subject to the approval of the Commissioner of Customs, shall specifically fix and determine, and subject to such approval may from time to time change. Such home port shall be shown in the register, enrollment, and license, or license of such vessel, which documents, respectively, are referred to as the vessel's document. The home port shown in the document of any vessel of the United States in force on February 16, 1925, shall be deemed to have been fixed and determined in accordance with the provisions hereof. Section 17 of this title is amended to conform herewith. (Feb. 16, 1925, ch. 223, § 1, 43 Stat. 947; May 17, 1932, ch. 190, 47 Stat. 158; June 30, 1932, ch. 314, §§ 501, 502(b), 47 Stat. 415; May 27, 1936, ch. 463, § 1, 49 Stat. 1380; Aug. 1, 1940, Reorg. Plan No. 3, §§ 101–104, eff. July 16, 1940; 1 P. R. 1975, 60 Stat. 1907; July 12, 1960, Pub. L. 86–65, § 34, 74 Stat. 421.)

Amendments


Change of Name

Act May 17, 1932, changed the name of "Porto" to "Puerto Rico."

Transfer of Functions

All functions of all officers of the Department of Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power to authorize their performance by any of the officers, agents, and employees, by 1950 Reorg. Plan No. 28, §§ 1, 2, eff. Jan. 31, 1950, 15 F.R. 4853, 64 Stat. 1280, set out in the preface to Title 5, Government Organization of the United States, including Puerto Rico, and in the cross-reference table at 5 U.S.C. § 906.

Secretary of the Treasury

"Commissioner of Navigation of the Department of Commerce" was changed to "Director, Bureau of Navigation and Steamboat Inspection of the Department of Commerce", and then to "Director of the Bureau of Marine Inspection and Navigation of the Department of Commerce" by acts June 30, 1932 and May 27, 1936. See note under former section 1 of this title.

"Commissioner of Customs" was substituted for "Director of the Bureau of Marine Inspection and Navigation of the Department of Commerce" on authority of 1950 Reorg. Plan No. 2. See note under former section 1 of this title.

Administrative Delegation of Functions by Secretary of the Treasury

Administrative delegation of functions by Secretary of the Treasury, see note under former section 1 of this title.

Oath by corporate officer or agent of owner.

Oath of corporate officer or agent of owner. Previous to granting a register for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by such company in writing, attested by the corporate seal thereof, to act for the company in this behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by a corporation, and the oath of either of said officers or agents shall be deemed sufficient without requiring the oath of any other person interested and concerned in such vessel. (R. S. § 4142; June 24, 1902, ch. 1155, § 1, 32 Stat. 398.)

Derivation


Prior Laws as to Registry Bonds

R.S. § 4145, required as a condition precedent to registering the vessel that the owner was of the United States, and that there is no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested in such vessel, or in the profits or issues thereof; and that the master thereof is a citizen, naming the master, and stating the means whereby or in which he is a citizen. (R. S. § 4144.)

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Irrevocable bonds for false and fraudulent statements.

If any of the matters taken by an owner to register a vessel, which within the provisions of the navigation laws are not true, or which are false, or if the vessel, together with the owner, shall not have thereunto been made, or of the value thereof, or of the costs of suit, of the vessel, shall be forfeited for a false and fraudulent statement. (R. S. § 4146.)

Deed


Prior Laws as to Registry Bonds

8.S. § 4145, required as a condition precedent to registering the vessel that the husband or acting and managing owner, and the master of the vessel, with surety, should give a bond to the United States, for the payment of the lawful costs of suit, of the value of such vessel, which within the provisions of said Act Dec. 31, 1792, ch. 1, § 4, 1 Stat. 289; July 29, 1850, ch. 27, § 5, 9 Stat. 441.

Prior to amendment by act June 24, 1902, R.S. § 4139, read as follows:

best of the knowledge and belief of the person so sworn, the name of such vessel, her burden, the place where she was built, if built within the United States, and the year in which she was built; or that she has been captured in war, specifying the time, by a citizen of the United States, and lawfully condemned as prize, producing a copy of the sentence of condemnation, authenticated in the usual forms; or that she has been adjudged to be forfeited for a breach of the laws of the United States, producing a like copy of the adjudication of forfeiture; and declaring his name and place of abode, and if he be the sole owner of the vessel, that such is the case; or if there be another owner, that there is such other owner, specifying his name and place of abode, and that he is a citizen of the United States, and specifying the proportion belonging to each owner; and where an owner resides in a foreign country, in the capacity of a consul of the United States, or as an agent for and as a partner in a house or copartnership consisting of citizens of the United States, actually carrying on trade within the United States, that such is the case, that the person so swearing is a citizen of the United States, and that there is no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested in such vessel, or in the profits or issues thereof; and that the master thereof is a citizen, naming the master, and stating the means whereby or in which he is a citizen. (R. S. § 4142.)

Derivation


Prior Laws as to Registry Bonds

R.S. § 4145, required as a condition precedent to registering the vessel that the husband or acting and managing owner, and the master of the vessel, with surety, should give a bond to the United States, for the payment of the lawful costs of suit, of the value of such vessel, which within the provisions of said Act Dec. 31, 1792, ch. 1, § 4, 1 Stat. 289; July 29, 1850, ch. 27, § 5, 9 Stat. 441.

Prior to amendment by act June 24, 1902, R.S. § 4139, read as follows:

Previous to granting a register for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by such company in writing, attested by the corporate seal thereof, to act for the company in this behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by a corporation, and the oath of either of said officers or agents shall be deemed sufficient without requiring the oath of any other person interested and concerned in such vessel. (R. S. § 4142; June 24, 1902, ch. 1155, § 1, 32 Stat. 398.)

Derivation

TITLE 46—SHIPPING


Section 884 of this title shall be set out as an Effective Date

of this title.


$59. Penalty for neglect by officers

REPEALS IN TEXT

Section 58 of this title, referred to in text, was repealed by Pub. L. 96-594, title I, §127, Dec. 24, 1980, 94 Stat. 3459


SUBCHAPTER II—DOCUMENTATION (NEW)

§65. Definitions

As used in this subchapter—

(1) “documented vessel” means a vessel for which a certificate of documentation has been issued under this subchapter;

(2) “fisheries” includes the planting, cultivation, catching, taking, or harvesting of fish, shellfish, marine animals, pearls, shells, or marine vegetation at any place within the fishery conservation zone established by section 1811 of title 16; and

(3) “Secretary” means the Secretary of the department in which the Coast Guard is operating.


REFERENCES IN TEXT

This subchapter, referred to in text, was in the original, “this title”, meaning title I ofPub. L. 96-594, Dec. 24, 1980, 94 Stat. 3453, known as the Vessel Documentation Act, which is classified principally to this subchapter. For complete classification of title I to the Code, see Short Title note set out below and Tables.

$66. Effective Date of Repeal

Sections repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$67. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$68. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$69. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$70. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$71. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$72. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$73. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$74. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$75. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$76. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$77. Effective Date of Repeal

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$78. Effective Date of Repeal

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$79. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$80. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$81. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$82. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$83. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$84. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$85. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.

$86. Effective Date of Repeal

Section repealed effective on the first day of the eighteenth month following December, 1980, see section 128 of Pub. L. 96-594, set out as an Effective Date note under section 65 of this title.
be effective on the first day of the eighth month following the month in which enacted (December 1980)."

**Short Title**

Section 101 of title I of Pub. L. 96-594 provided that "this title enacting this subchapter amending sections 221, 251, 262, 319, and 325 of this title, and repealing sections 4, 11, 12, 15 to 49, 43 to 56, 58, 60 to 63, 74, 103, 105, 107 to 109, 252 to 255, 258 to 260, 262 to 272, 274, 276, 278 to 280, 318, 332, 334, 335, 493, and 496 of this title may be cited as the 'Vessel Documentation Act.'"

**Repeal of Predecessor Provisions; Savings Provisions**

Section 127 of title I of Pub. L. 96-594 provided in part that: "The following laws (sections 4, 11, 12, 15 to 49, 43 to 56, 58, 60 to 63, 74, 103, 105, 107 to 109, 252 to 255, 258 to 260, 262 to 272, 274, 276, 278 to 280, 318, 332, 334, 335, 493, and 496 of this title) are repealed, except with respect to rights and duties that matured before the Effective Date of this title (see Effective Date note above)."

**§ 65a. Ports of documentation**

The Secretary shall designate ports of documentation in the United States where vessels may be documented and instruments affecting title to, or interest in, documented vessels may be recorded. The Secretary shall specify the geographic area to be served by each designated port, and he may discontinue, relocate, or designate additional ports of documentation.


**§ 65b. Vessels eligible for documentation**

Any vessel of at least five net tons that is not registered under the laws of a foreign country is eligible for documentation if it is owned by—

(1) an individual who is a citizen of the United States;
(2) a partnership or association whose members are all citizens of the United States;
(3) a corporation created under the laws of the United States, or any State, territory, or possession thereof, or of the District of Columbia, or the Commonwealth of Puerto Rico, whose president or other chief executive officer and chairman of its board of directors are citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum;
(4) the United States Government; or
(5) the government of any State, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.


**§ 65c. Home ports; approval for change**

(a) With the approval of the Secretary and subject to such regulations as he may prescribe, the port of documentation selected by an owner for the documentation of his vessel shall be the vessel's home port.

(b) Once a vessel's home port has been fixed as provided in subsection (a) of this section, it may not be changed without the approval of the Secretary, subject to such regulations as he may prescribe.


**§ 65d. Name of vessel**

(a) Owner to provide; name of record

At the time of application for initial documentation of a vessel, the owner shall provide a name for the vessel. Subject to the approval of the Secretary and upon the issuance of a certificate of documentation, that name shall become the vessel's name of record.

(b) Approval for change

Once a vessel's name of record has been fixed as provided in subsection (a) of this section, it shall not be changed without the approval of the Secretary, subject to such regulations as he may prescribe.

(c) Fees for change of name

The Secretary may prescribe a reasonable fee for changing a documented vessel's name of record.


**§ 65e. Certificate of documentation**

(a) Issuance upon application of owner

Upon application by the owner of any vessel eligible for documentation, the Secretary shall issue a certificate of documentation of a type specified in section 65h, 65i, 65j, 65k, or 65l of this title.

(b) Form, etc., of application

The Secretary may prescribe the form of the manner of filing, and the information to be contained in, applications for certificates of documentation.

(c) Contents

Each certificate of documentation shall—

(1) contain the name, the home port, and a description of the vessel for which it is issued;
(2) identify its owner; and
(3) be in the form and contain any additional information prescribed by the Secretary.

(d) Procedures insuring accuracy of information

The Secretary shall, by regulation, prescribe procedures to assure that the integrity of, and accuracy of information contained in, certificates of documentation issued under this subchapter.

(e) Availability for examination

The owner and the master of each documented vessel shall make the vessel's certificate of documentation available for examination as the law may require or as the Secretary may prescribe.


**§ 65f. Identification numbers**

(a) Numbers

The Secretary shall prescribe a system for the identification of vessels and shall assign an identification number to each vessel.

(b) Signal letters

The Secretary may prescribe signal letters for documentation purposes.

(c) Other markings

The owner of each vessel or the Secretary may prescribe any other identification system for the documentation of vessels.


**§ 65g. Evidentiary uses**

A certificate of documentation issued under this subchapter is—

(1) conclusive evidence of ownership for international purposes;
(2) except in the case of vessels engaged in the fisheries, conclusive evidence of ownership for domestic purposes; and
(3) not conclusive evidence of ownership for any proceeding in foreign courts.


**§ 65h. Registry**

(a) Issuance to vessel

A registry may be issued to vessels in foreign ports that qualify for a documentation license under section 65j of this title.

(b) Employment of vessel

A vessel for which a documentation license has been issued may be employed in American or foreign ports for any trade or navigation except in the coastwise trade, Great Lakes trade, or trade with Guam, etc.

(c) Endorsement respecting fisheries

Upon application by the owner of a vessel that qualifies for a documentation license under section 65j of this title, the Secretary may issue an endorsement authorizing the vessel to engage in fishing, or the coastwise trade, or to engage in the fisheries, as the case may require.

(d) Employment of foreign vessels

Except as provided in section 65k of this title, a vessel issued a documentation license under this subchapter may be employed in foreign ports for any purpose or trade, or in the coastwise trade, or in the fisheries.

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This section is referred to in sections 65e, 65f, 65p, 65q, 65r, 65s, 65t, 65u, 65v, 65w of this title.

§ 65a. Coastwise license; issuance; employment

(a) A coastwise license or, as provided in section 65h(c) of this title, an appropriately endorsed registry, may be issued for any vessel that—

1) is eligible for documentation;

2) was built in the United States (or in the case of a vessel not built in the United States, has been captured in war by citizens of the United States and lawfully condemned as prize, has been adjudged to be forfeited for a breach of the laws of the United States, or has qualified for documentation under section 14 of this title; and

3) otherwise qualifies under laws of the United States to be employed in the coastwise trade.


§ 65b. Great Lakes license; issuance; employment

(a) A Great Lakes license, or, as provided in section 65h(c) of this title, an appropriately endorsed registry, may be issued for any vessel that—

1) is eligible for documentation;

2) was built in the United States (or in the case of a vessel not built in the United States, has been captured in war by citizens of the United States and lawfully condemned as prize, has been adjudged to be forfeited for a breach of the laws of the United States, or has qualified for documentation under section 14 of this title; and

3) otherwise qualifies under laws of the United States to be employed in the coastwise trade.


This section is referred to in sections 65e, 65h, 65w of this title.
§ 65k. Fishery license; issuance; employment

(a) A fishery license, or, as provided in section 65k(c) of this title, an appropriately endorsed registry, may be issued for any vessel that:

1) is eligible for documentation;

2) was built in the United States (or in the case of a vessel not built in the United States, has been captured in war by citizens of the United States and lawfully condemned as prize, has been adjudged to be forfeited for a breach of the laws of the United States, or has qualified for documentation under section 14 of this title; and

3) otherwise qualifies under the laws of the United States to be employed in the fisheries.

(b) Subject to the laws of the United States regulating the fisheries, only a vessel for which a fishery license or an appropriately endorsed registry is issued may be employed in that trade.


§ 65f. Pleasure vessel license

(a) Issuance

A pleasure vessel license may be issued for any vessel that:

1) is eligible for documentation, and

2) is to be used exclusively for pleasure.

(b) United States Customs Service clearance

A licensed pleasure vessel may proceed from or to any port of the United States and to any foreign port without entering or clearing with the United States Customs Service.

(c) Fees for issuance, etc.

Notwithstanding any other law, the Secretary may prescribe reasonable fees for issuing, renewing, or replacing a pleasure vessel license, or for providing any other service in connection with a pleasure vessel license. The fees shall be based on the costs of the service provided.


§ 65m. Trade limitations

(a) Employment pursuant to certificate of documentation: exemptions

A vessel may not be employed in any trade other than a trade covered by the certificate of documentation issued for that vessel. A documented pleasure vessel may not be used for purposes other than pleasure. However, any certificate of documentation may, under regulations prescribed by the Secretary, be suspended or revoked for any vessel for which the vessel qualifies.

(b) Undocumented non-self-propelled vessel

A non-self-propelled vessel which is documented may be employed in the coastwise trade.
Vessels procured outside of United States

The Secretary and the Secretary of the Treasury, jointly, may provide for the issuance of an appropriate document for any vessel procured outside United States that meets the ownership requirements of section 65b of this title.

Trade authorizations; surrender of documents upon arrival in United States

Subject to any limitations the Secretary may prescribe, a vessel for which an appropriate document is issued under this section may proceed to the United States and engage in trade with Guam, American Samoa, Wake, Midway, or Kingman Reef. Upon the vessel’s arrival in the United States, the document shall be surrendered in accordance with regulations prescribed by the Secretary.

Jurisdiction and laws of United States; suspension of inspection requirements

A vessel for which a document is issued under this section is subject to the jurisdiction and laws of the United States. However, the Secretary may suspend for a period not to exceed six months the application of any vessel inspection law administered by him, or any regulation issued thereunder, if he considers the suspension to be in the public interest.

Recording and certifying information respecting vessels built in United States

The Secretary may provide for the recording and certifying of any information pertaining to vessels built in the United States that he considers to be in the public interest.

Registration of funnel marks and house flags

The Secretary shall provide for the registration of funnel marks and house flags by owners of vessels.

Publication of list of documented vessels

The Secretary shall publish periodically a list of all documented vessels together with any information pertaining to them that he considers pertinent or useful.

Reports by owners and masters of documented vessels

To insure compliance with this subchapter and the laws governing the qualifications of vessels to engage in the coastwise trade and the fisheries, the Secretary may require owners and masters of documented vessels to submit reports in any reasonable form and manner he may prescribe.

Civil penalties

Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated this subchapter or a regulation issued hereunder shall be liable to the United States for a civil penalty, not to exceed $500 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of the penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

Compromise, modification, or remission

The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under this section.

Reference to Attorney General for collection

If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in any appropriate district court of the United States.

Delegations and regulations

The Secretary may—

(1) delegate, and authorize successive redeliveries of any of the duties or powers conferred on him by this subchapter; and

(2) prescribe regulations to carry out this subchapter.

Applicability of terms

With respect to the documentation of a vessel whenever used in any law, regulation, document ruling, or other official act—

(1) "certificate of registry", "registry", and "register" mean a registry as provided for in section 65m of this title;

(2) "license", "enrollment and license", "license for the coastwise (or coasting) trade", and "enrollment and license for the coastwise (or coasting) trade" mean a coastwise license as provided for in section 65l of this title;

(3) "enrollment and license to engage in the foreign and coastwise (or coasting) trade on the northern, northeastern, and northwestern frontiers, otherwise than by sea" means a Great Lakes license as provided for in section 65j of this title.
(4) "license for the fisheries" and "enrollment and license for the fisheries" mean a fishery license as provided for in section 65k of this title; and
(5) "yacht" means a pleasure vessel whether or not documented.


SUBCHAPTER III—MEASUREMENT

§71. Measurement of vessels

(a) Mandatory requirement: timeframe
Before a vessel is documented or recorded under the laws of the United States, or where the application of a law of the United States to a vessel is determined by its tonnage, the vessel shall be measured by the Secretary of the department in which the Coast Guard is operating. The Secretary may, by regulation, provide for the temporary documentation of a vessel prior to the measurement required by this section.

(b) Statutory provisions applicable
A vessel required to be measured under subsection (a) of this section, other than a vessel used exclusively for pleasure, shall be measured as provided in sections 75 and 77 of this title, and to the extent applicable, as prescribed in sections 83 to 83k of this title; if—
(1) it engages or intends to engage in an international voyage by sea; or
(2) it is at least twenty-four meters in length and is self-propelled.

c) Voluntary measurement: determinations of gross and net tonnages
A vessel not required to be measured under subsection (b) of this section shall be assigned gross and net tonnages by the Secretary which are functions of its length, breadth, depth, and other dimensions, including appropriate coefficients. The Secretary shall prescribe the manner in which dimensions are measured and which coefficients are appropriate. The resulting gross tonnages, taken as a group, shall reasonably reflect the relative internal volumes of the vessel, and the resulting net tonnages shall be in approximately the same ratios to corresponding gross tonnages as are the net and gross tonnages of comparable vessels measured under subsection (b) of this section. In accordance with regulations issued under this subsection, the Secretary may determine the gross and net tonnages of a vessel which is representative of a designated class, model, or type and may assign those gross and net tonnages to other vessels of the same class, model, or type.

(d) Remeasurement
A vessel shall be remeasured if
(1) the vessel is altered or the use of its space is changed so that its gross or net tonnage is affected;
(2) having been measured under subsection (c) of this section, the vessel becomes, by use or alteration, subject to subsection (b) of this section; or
(3) having been measured under subsection (b) of this section and not required to be measured, the owner requests that the vessel be measured under subsection (c) of this section.

Except as provided in this subsection, a vessel’s measurements are not required to be remeasured to obtain another document.

e) Regulations
The Secretary shall make such regulations as may be necessary to carry out the provisions of this section and sections 72, 74, and 77 of this title.

(f) Omitted

REFERENCES IN TEXT

AMENDMENTS
1980—Subsec. (a). Pub. L. 96-594 substituted provisions relating to mandatory measurement requirement by the Secretary of the department in which the Coast Guard is operating for provisions relating to measurement by the Secretary of the Treasury.
Subsec. (b). Pub. L. 96-594 substituted provisions setting forth statutory provisions applicable to measurement for provisions relating to admeasurement of pleasure vessels and determination of gross and net tonnages.
Subsec. (c). Pub. L. 96-594 substituted provisions relating to voluntary measurement and determination of gross and net tonnages for provisions relating to admeasurement of vessels not documented for use exclusively as pleasure vessels.
Subsec. (d). Pub. L. 96-594 substituted provisions relating to remeasurement of vessels for provisions relating to readmeasurement involving changes in tonnage.
Subsec. (e). Pub. L. 96-594 substituted provisions relating to regulations implementing measurement requirements for provisions relating to optional remeasurement of vessels previously admeasured.
Subsec. (f). Pub. L. 96-594 struck out subsec. (c) relating to promulgation of implementing measurement regulations. See subsec. (e) of this section.

EFFECTIVE DATE OF 1980 AMENDMENT
Section 204 of title II of Pub. L. 96-594 provided that: "The provisions of this title amending this section and enacting provisions set out as notes under this section shall take effect on the first day of the twelfth month following the month in which enacted (December 1980)."

SHORT TITLE OF 1980 AMENDMENT
Section 201 of title II of Pub. L. 96-594 provided that: "This Act [probably should be "this title", with amendment this section and enacted provisions set out as notes under this section] may be cited as the "Pleasure Measurement Simplification Act."

APPLICABILITY OF TONNAGE MEASUREMENT SIMPLIFICATION PROVISIONS

Section 201 of title II of Pub. L. 96-594 provided that: "A vessel measured prior to the effective date of this title [see Effective Date of 1980 Amendment above, under sections 4151 and 4153 of the Revised Statutes of the United States, as amended] under sections 4151 and 4153 of the Revised Statutes is considered as having been measured under section 4140b of the Revised Statutes of the United States, as amended, and shall be measured and admeasured under sections 4151 and 4153 of the Revised Statutes of the United States, as amended, as if the revised measurement of vessels not documented for use exclusively as pleasure vessels and determination of gross and net tonnages, including the provision of measurement, admeasurement and determination of gross and net tonnages, had been made prior to the effective date of this title."

§72. Suspension of provisions


§73. Gross and net tonnages

SECTION REFERENCES
This section is referred to in 83d, 83f, 83h, 83i, 83j of this title.

§74. Spaces omitted from notes

SECTION REFERENCES
This section is referred to in 83d, 83f, 83h, 83i, 83j of this title.

§75. Description, location mark

SECTION REFERENCES
This section is referred to in 83d, 83f, 83h, 83i, 83j of this title.

SECTION REFERENCES
This section is referred to in 83d, 83f, 83h, 83i, 83j of this title.

§76. Measurement of pleasure vessels and determination of gross and net tonnages

SECTION REFERENCES
This section is referred to in 83d, 83f, 83h, 83i, 83j of this title.

§77. Voluntary measurement and determination of gross and net tonnages

SECTION REFERENCES
This section is referred to in 83d, 83f, 83h, 83i, 83j of this title.
* State vessels - less than 5 tons may be owned by aliens - depending on state law.

- Documentation - ownership & captain

- 46 USC 807 - prohibition under the treaty agreement

- will go beyond from

  * Reochem v. United States, Ct. of Appeals

  - federal district ct

- CG documentation office

  Commander Steve Delaney
10 § 2733 GENERAL MILITARY LAW Subt. A

Note

pfic Administration in the Department of Commerce and transferred the personnel, property, records, and unexpended balances of funds of the Environmental Science Services Administration to such newly created National Oceanic and Atmospheric Administration. The components of the Environmental Science Services Administration thus transferred included the Weather Bureau (now the National Weather Service), the Coast and Geodetic Survey (now the National Ocean Survey), the Environmental Data Service, the National Environmental Satellite Center, and the ESRA Research Laboratories.


Cross References

Administrative adjustment of tort claims, see section 2672 of Title 28, Judiciary and Judicial Procedure.

National Guard, claims not covered by this section, see section 715 of Title 32, National Guard

Travel and transportation; dependents; household and personal effects; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable under this chapter; claims in excess of amount appropriated; personal injury or death claims of military or civilian personnel or noncombat activities, claims, see 31 U.S.C. chapters 134(b) and 2671 et seq.

Library References

Army and Navy §§ 29, 31.

C.J.S. United States §§ 118, 139.

Armed Services §§ 3, 8, 13.3(18), 23.3(4).

C.J.S. Army and Navy §§ 20, 31.

Library References for Code of Federal Regulations

Activities of military or civilian personnel or noncombat activities, claims, see 32 C.F.R. sections 134(b) and 2671 et seq.

Claims against United States, settlement, Air Force Department, see 32 CFR 842.0 et seq.

Army Department, see 32 CFR 856.1 et seq.

Coast Guard, Transportation Department, see 33 CFR 25.101 et seq.

Navy Department, see 32 CFR 750.1 et seq.

Notes of Decisions

Claims in excess of maximum amount

Generally, in submission of excess to Congress 3 fault or negligence as prerequisite to recovery 4 Federal Tort Claims Act, recovery under this chapter and Air Force regulation stating that Air Force must accept responsibility for just claims of civilians injured by sonic booms does not eliminate requirement of Air Force Tort Claims Act sections 134(b) and 2671 et seq. of Title 28, except for claims for reasonable medical expenses arising out of accident caused by military personnel or civilian employees of War Department, recovery precluded by statute of limitations, and airman liability for injury to property caused by military airplane crashed into its store could have pursued remedies under either this section or Federal Tort Claims Act, sections 134(b) and 2671 et seq. of Title 28, or both concurrently or successively, and that it elected to proceed under this section only waived necessity of proceeding under Federal Tort Claims Act and did not negate its right of action for damages elsewhere.

Decision of government not to pay particular claim filed under this chapter and pertinent regulations is not germane to subsequent suit under Federal Tort Claims Act, sections 134(b) and 2671 et seq. of Title 28, on same claim.

Manager of mercantile business which ships suffered loss of rental income when government airplane crashed into its store could have pursued remedies under either this section or Federal Tort Claims Act, sections 134(b) and 2671 et seq. of Title 28, or both concurrently or successively, and that it elected to proceed under this section only waived necessity of proceeding under Federal Tort Claims Act and did not negate its right of action for damages elsewhere.

Air Force by internal regulation stating that Air Force must accept responsibility for just claims of civilians injured by sonic booms does not waive government's statutory "discretionary function" exception from Federal Tort Claims Act, sections 134(b) and 2671 et seq. of Title 28, id.
(h) Under such regulations as the Secretary of Defense may prescribe, he or his designee has the same authority as the Secretary of a military department under this section with respect to the settlement of claims based on damage, loss, personal injury, or death caused by a civilian officer or employee of the Department of Defense acting within the scope of his employment or otherwise incident to noncombat activities of that department.


Historical and Revision Notes

Revised Section

2733(a) Source (U. S. Code) 2733(b)
31:223b. (1st sentence, less 2d through 62d, and 76th through 93d, words; and less proviso)


Explanatory Notes

In subsection (a), the words "a civilian officer or employee of that department," or a member of the Army, Navy, Air Force, or Marine Corps, as the case may be, are substituted for the words "military personnel or civilian employees employed by the Department of the Army or of the Navy." The words "whether under a lease express or implied" are omitted as surplusage. The words "or the claimant, adjust, determine" are omitted as covered by the word "settle," as defined in section 2731 of this title. The words "arising on or after May 27, 1941" are omitted as executed, since, under revised subsection (c), a claim must be filed within one year after it accrues, or act in one year after the war is terminated, if it accrues in time of war.

In subsection (b)(1), the words "cost" are inserted before the word "incident," for clarity.

In subsection (b)(1), the words "accrues" are substituted for the words "accrue" of an accident or incident out of which a claim arises under the statute which has become effective (31:223b).

The words "the war is terminated," the words "the claim accrues in time of war," the words "or possessions thereof" are inserted before the word "or."
ALIEN PROPERTY DAMAGE CLAIMS

ACT MAR. 15, 1949, C. 19, 63 STAT. 12

§ 2041. Adjustment and settlement of claims; amount limitation; conditions.
The Attorney General is authorized to consider, ascertain, adjust, determine, settle, and pay in an amount not in excess of $1,000, when accepted by the claimant in full satisfaction and final settlement, any claim against the United States arising on or after December 7, 1941, for damage to, or loss or destruction of, personal property, the use, operation, possession, custody, or control of which was prohibited by proclamation Numbered 2525, dated December 7, 1941, and proclamations Numbered 2526 and Numbered 2527, dated December 8, 1941 (55 Stat. pt. 2, pp. 1700, 1705, and 1707), the possession of which property was not prohibited by law prior to said promulgation and which was deposited by alien enemies or United States citizens of Japanese ancestry in the manner provided in the regulations promulgated by the Attorney General on February 5, 1942, as amended (7 Fed.Reg. 844; 28 C.F.R. 30.1-30.16): Provided, That the damage to or loss or destruction of property shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent, or employee, and that the claim is substantiated in such manner as the Attorney General may by regulation prescribe. Provided further, That nothing in this Act [sections 2041-2045 of this Appendix] shall be construed to authorize the Attorney General to pay or settle any claims for damage to or loss or destruction of property which had been used for espionage or other illegal purposes on or before December 7, 1941.

Historical Note

§ 2042. Time limitation on presentation of claims.
No claim shall be considered unless presented in writing within one year after the date of enactment of this Act [March 15, 1949]. Mar. 15, 1949, c. 19, § 2, 63 Stat. 13.
LEGISLATIVE HISTORY

from personnel already in the Navy, contain no similar limitation. The 1935 act, authorizing transfers of line officers to the various staff corps, expressly provides that such transfers may be made regardless of age. The 1947 act, in its provisions for limited-duty officers to be appointed from warrant and enlisted grades, requires a minimum of 10 years' service in the Navy but sets no limitation as to age. While these two acts do not conflict with section 19 of the act of August 13, 1946, the latter is inconsistent with them for it results in different age requirements for appointment to commissioned grade in the Supply Corps depending upon the source of the appointment.

The Navy Department has been designated by the Office of the Secretary of Defense to sponsor this proposal on behalf of the National Military Establishment and accordingly recommends its enactment.

This report has been coordinated within the National Military Establishment in accordance with procedures prescribed by the Secretary of Defense.

The Department of the Navy has been advised by the Bureau of the Budget that there is no objection to the submission of this report to the Congress.

Sincerely yours,

W. John Kenney,
Acting Secretary of the Navy.

ALIEN ENEMY PROPERTY—CLAIMS AGAINST U. S.—PAYMENT

For text of Act see p. 13

Senate Report No. 10, Jan. 24, 1949 [To accompany S. 29]
House Report No. 172, Mar. 1, 1949 [To accompany S. 29]

The Committee on the Judiciary, to whom was referred the bill (S. 29) to authorize payment of claims based on loss of or damage to property deposited by alien enemies, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

This proposed legislation was submitted to the Congress by the Department of Justice and referred to the committee for consideration. After careful study, your committee recommend favorable consideration to the bill.

The facts are as follows:

STATEMENT OF FACTS

The purpose of the proposed legislation is to authorize the Attorney General to consider, ascertain, adjust, determine, settle, and pay in an amount not in excess of $1,000, when accepted by the claimant in full satisfaction and final settlement, any claim against the United States arising on or before December 7, 1941, for damage to, or loss or destruction
ALIEN ENEMY PROPERTY—CLAIMS

of, personal property, the use, operation, possession, custody, or control of which was prohibited by certain proclamations of the Attorney General—

the possession of which property was not prohibited by law prior to said promulgation and which was deposited by alien enemies or United States citizens of Japanese ancestry in the manner provided in the regulations promulgated by the Attorney General on February 5, 1942, as amended.

The bill further provides that the Attorney General may prescribe the manner in which claims are to be substantiated and that, "notwithstanding any other provision of law to the contrary," all decisions or settlements of the Attorney General shall be final and conclusive. Claims over $1,000 may be reported to Congress for its consideration. Specifically barred are claims (1) for damage to or loss or destruction of property that was caused in whole or in part by the negligence or wrongful act of the claimant, his agent, or employee; (2) for damage to or loss or destruction of property used for espionage or other illegal purposes on or before December 7, 1941; and (3) those claims which are not presented within a period of 1 year after the enactment of the act. Authorization for such appropriations as may be necessary to pay the claims is also included.

This legislation is not to be confused with the Evacuation Claims Act (Public Law 886) which was passed last session. The evacuation claims law provides for the payment of claims for loss of real or personal property that is the direct and reasonable consequence of the military evacuation, while the instant bill provides for the payment of claims for loss or damage to certain articles deposited with police officials. The former resulted from certain military orders; the latter from certain regulations of the Attorney General. The Attorney General's program preceded the evacuation program by several weeks. Although in a way S. 29 supplements Public Law 886, it extends its benefits to German and Italian aliens, who were also alien enemies under the law, as well as to Japanese aliens and American citizens of Japanese ancestry, who are the sole beneficiaries of the evacuation claims law. Moreover, it is not restricted to California, Hawaii, Alaska, and the western portions of Washington, Oregon, and Arizona, as is Public Law 886, but includes all of the United States and its Territories.

Immediately after the outbreak of the war, the Attorney General issued certain proclamations defining so-called contraband articles and ordering that they be turned over to local and Federal peace officers. These contraband articles included such items as short-wave radios, cameras, binoculars, firearms, and weapons of all kinds.

In the case of the Japanese, citizens and aliens alike, compliance was almost automatic. In fact, in many communities, local organizations went from house to house to secure all contraband articles and turned them over to the county sheriffs. In many cases, no receipts were given and none were requested. The hysteria and hate of the moment against per-
LEGISLATIVE HISTORY

sons of Japanese ancestry on the west coast created a situation in which those of Japanese ancestry did not feel that they should demand the usual documents to prove that they gave up their property.

On the west coast, a few weeks after contraband articles were deposited with the appropriate authorities, evacuation took place. While the Japanese were gone, the Army appropriated the binoculars and other articles of military value for its use. No care was given, in most cases, to protect the stored goods from damage or deterioration. Usually an unused room—often without locked doors—served as the storeroom. Pilferage of the better and more valuable items was rampant. When persons of Japanese ancestry were permitted to return to their former homes on the west coast, they had been gone almost 3 years. They found that the authorities with whom they had left their property were no longer in office; in other cases they found that the officials either could not find their property or could not remember having received it. Even those with receipts did not insist upon the return of their property, for fear of alienating public opinion or of bringing reprisals upon themselves.

We do not believe that the sum involved is large. But we do believe that in keeping with the precedent set by the last Congress and "the principles of justice and responsible government require that there should be compensation for such losses," S. 29 should be reported out favorably by this committee and the House should concur in the action of the Senate.

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DEPARTMENT OF JUSTICE,
OFFICE OF THE ASSISTANT TO THE ATTORNEY GENERAL,

The Speaker,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: The Department of Justice desires the enactment of legislation to authorize the payment of claims based on loss of or damage to property deposited by alien enemies in compliance with the alien enemy property control program established following the entry of the United States into the recent war. To that end your good offices are invited.

By proclamations of the President dated December 7 and December 8, 1941 (6 Fed.Reg. 6321-6325), the use, operation, possession, custody, or control by alien enemies, of firearms, short-wave radios, binoculars, cameras, and certain other articles were prohibited. Pursuant to these proclamations alien enemies and many United States citizens of Japanese ancestry deposited prohibited articles in the manner provided in regulations promulgated by the Attorney General dated February 5, 1942 (7 Fed.Reg. 844). Subsequently, by Public Proclamation No. 3 of the Western Defense Command, dated March 24, 1942 (7 Fed.Reg. 2543), all persons of Japanese ancestry were specifically prohibited from possessing, operating, or using such prohibited articles in the so-called military areas 1 through 6.

By proclamation dated December 7, 1945 (10 Fed.Reg. 14945), the President revoked the regulations relating to possession of prohibited articles by alien enemies, and on December 10, 1945, the Attorney General

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issued an order (10 Fed.Reg. 14947) requiring the United States marshals to return to their proper owners the articles which had theretofore been deposited in accordance with the promulgated regulations.

It now appears that many of the articles were lost, damaged, or destroyed while on deposit. It would seem that the owners of such property are entitled to reimbursement where it appears they were in no way responsible for such loss or damage, and where the possession of the property deposited was not prohibited by law prior to the promulgation of the above-mentioned regulations, provided that the property had not been used for espionage or other illegal purposes.

At the present time the Department of Justice has on file many claims resulting from such loss, damage, or destruction of personal property which was deposited in compliance with the proclamations of the President and the regulations promulgated by the Attorney General. Since reimbursement may not be made as the law now stands, all of these claims are necessarily retained in our pending files and great expense is incurred in the rental of storage space for the property remaining on deposit. Not only would this condition be ameliorated by the enactment of the proposed legislation, but it is believed that the consideration of many private relief bills by the Congress would be avoided.

A draft of a proposed bill to effectuate the foregoing purpose is enclosed for your consideration.

The Director of the Bureau of the Budget has advised that there is no objection to the submission of this recommendation.

Yours sincerely,

Peyton Ford,

The Assistant to the Attorney General.
1. Definition.—The word "claims" as used in these regulations refers to those demands for payment submitted by individuals, partnerships, associations, or corporations, including countries, states, territories, and other political subdivisions of such countries, but excluding the Federal Government of the United States and its instrumentalities, other than such demands for payment as arise under ordinary obligations incurred by the War Department or the Army in the procurement of services or supplies. As to claims in favor of the United States, see AR 25-220.

2. Government Immunity.—Congress has adhered generally to the principle that except as the claim arises under a contract, or not being under a contract is within the classes of cases hereinafter enumerated (see par. 4), no person may have a legally enforceable claim against the United States for property damage or personal injury arising out of activities of the War Department or of the Army. Accordingly, in other cases it is necessary for a claimant who seeks relief to ask Congress to grant him compensation as an act of grace.

3. Basic regulations to govern.—The general provisions of these regulations, so far as applicable, govern and will be followed in the investigation, processing, and disposition of all claims.

4. Statutory authority of the War Department and the Army.—Authority to settle claims has by statute been granted to the War Department and the Army as follows:
   a. Claims for damage to or loss or destruction of property; or for personal injury or death, caused by military personnel or civilians employees, or otherwise incident to noncombat activities, of the War Department or of the Army.—The act of 3 July 1943 (57 Stat. 372; 31 U. S. C. 223b), as amended by the act of 29 May 1945 (Public Law 67—79th Cong.; sec. III, WD Bul. 9, 1945), provides for the payment of claims, arising on or after 27 May 1941, for damage to or
### War Department Claims Chart

**Statute** | **Provision** | **Coverage** | **Amount** | **Method of settlement** | **Personal injury** | **Real property** | **Subrogation** | **Time Limit** | **Remarks**
--- | --- | --- | --- | --- | --- | --- | --- | --- | ---
22-20 | Sec. 1, act 2, July 1923 (27 Stat. 672; 51 U.S.C. 226b), as amended by act 29 May 1945 (Public Law 97-76, 76 Stat. 817, 1945). | Military claims; provision. | Damage to or loss of or destruction of property, or personal injury or death, caused by military personnel or civilian employees, or otherwise incident to noncombat activities of the War Department or of the Army. | $1,000 maximum (500 if approved in time of peace). Claims in excess of the maximum may be reported to Congress. | Approval by Board of Claims, as provided in paragraph 22, A.B. 22-20, with appeal to the Secretary of War. Payment by local disbursing officer on certification. | Yes. | Yes. | Entire amount allowed. To subrogee as real claimant but no payment to subrogee. | One year; except that if claim arises in time of war, or when war intervenes within one year, and good cause for delay is shown, 1 year after peace is established. | Applicable if not within A.B. 22-100 or 22-20. |
22-20 | Article 105, ch. II, 4 June 1920 (41 Stat. 805; 10 U.S.C. 1577, 1920, sec. 465). | Article of War 105. | Damage to or loss of or destruction of property by persons subject to military law caused by riots, violence, or disorderly conduct, or acts of deposition, unlawful misconduct, or such reckless disregard of property rights as to carry implication of guilty intent. | No limit. | Approval by commanding officer. Payment by local disbursing officer out of stoppages against offender's pay. | Yes. | No. | Uninsured portion allowed to subrogee as real claimant but no payment to subrogee. | None. | Applicable if not within A.B. 22-100 or 22-20. |
### War Department Claims Chart—Continued

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<th>Status</th>
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<th>Foreign claims</th>
<th>Excessive prev. claims</th>
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### Claims Procedure

5. **Action by claimant.**—in **Claimant.**

1. **Claims for property damage, loss, or destruction.**—Claims for damage to or loss of destruction of property may be presented by the owner of the property or his duly authorized agent or legal representative. The word "owner," as so used, includes bailees, lessees, mortgagees, and conditional vendees, but does not include mortgagees, conditional vendees, or others, having title for purposes of security only. The claim, if filed by an agent or legal representative, should show the title or capacity of the person signing and be accompanied by evidence of the appointment of such person as agent, executor, administrator, guardian, or other fiduciary.

2. **Claims for personal injury or death.**—Claims for personal injury or death may be presented by the injured person or his duly authorized agent or legal representative. Claims for medical, hospital, and burial expenses, not presented by the injured person or his duly authorized agent or legal representative, may if it appears that no legal representative has been appointed be presented by any person who, by reason of family relationship, has in fact incurred the expenses for which claim is made.

b. **Form of claim.**—Claims should be submitted by presenting in triplicate a statement in writing stating the claimant's address and setting forth the amount of the claim and, so far as possible, the detailed facts and circumstances surrounding the accident or incident, indicating the date and place, the property and persons involved, the nature and extent of the damage, loss, destruction, or injury, and the agency which was the cause or occasion thereof. War Department forms will be used whenever practicable.

c. **Evidence to be submitted by claimant.**

1. **General.**—The amount claimed for damage to or loss or destruction of property, or for personal injury or death, should be substantiated by competent evidence.

2. **Property damage.**—In support of claims for damage to personal property which has been or can be economically repaired, the claimant should submit in triplicate an itemized signed statement or estimate of the cost of repairs; if not economically repairable, or if the property is lost or destroyed, the value thereof, both before and after the accident, should be stated. In support of claims for damage to land, trees, buildings, fences, and other improvements, and similar property, the claimant should submit an itemized signed statement or estimate of the cost of repairs; if not economically repairable, the value both before and after the accident, of the land damaged, or of the improvement or other property if it can be readily and fairly valued apart from the land, should be stated. In support of claims for damage to crops, the statement should show the number of acres, or other unit measure, of the crops damaged, the normal yield per unit, the gross amount which would have been realized from such normal yield, and an estimate of the further costs of cultivation, harvesting, and marketing; if the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop should also be stated. All such statements or estimates should, if possible, be by disinterested competent witnesses, preferably reputable dealers of the type of property damaged.
Such statements and estimates should be certified as just and correct; if payment has been made, itemized receipts evidencing payment should be included. In the case of claims for damage to or loss of destruction of registered or insured mail, the claimant should include an additional statement, where possible, explaining the registration or insurance receipt, or an attested copy thereof, showing the amount of fee and postage paid.

(3) When Government property is damaged, lost, or destroyed, the claimant should submit a written report by attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the period of hospitalization or incapacitation, and the amount of any damages incurred.

d. Signatures.—The claim and all other papers requiring the signature of the claimant should be signed by the claimant personally or by a duly authorized agent. The signature of such claimant or agent should be identical throughout.

e. Place of filing.—The claim should be submitted by the commanding officer of the unit involved, if known, otherwise to the commanding officer of any post, camp, station, or other military establishment, if practicable the one within which or nearest to which the accident or incident occurred.

7. Procedure.—a. Purpose.—The procedure prescribed in these regulations is designed to accomplish the following purposes:

(1) Prompt and efficient investigation by trained personnel of all service-connected accidents and incidents which may result in claims in favor of or against the Government.

(2) Thorough supervision of such investigations to assure that the reports thereof will provide a sufficient basis for all claims arising therefrom. Including the investigation, processing, and disposition of resulting claims against the Government, the proper disposition of resulting claims in favor of the Government, the determination of any line-of-duty questions involved, the rendering of reports of fires, explosions, storms, and other serious occurrences, the accomplishment of surveys of damage to or loss or destruction of Government property, and the initiation of action under Article 105, or disciplinary matters, and where only such matters are involved the action taken by the commanding officer and the claims officer, and the form, number of copies, and disposition of the report of investigation, and other administrative action, will be in accordance with the requirements of such other regulations.

(3) Accidents or incidents otherwise within the foregoing provisions should be investigated notwithstanding that there is no law or regulations relating to such accidents and incidents which may result in claims in favor of or against the Government.

b. Responsibility for investigations.

(1) Immediate responsibility.

(a) Immediate responsibility for the investigation of an accident or incident resulting in property damage, loss, or destruction, or personal injury or death, or in connection with which a claim is filed, or if specifically directed by competent authority, as provided in these regulations, rests upon the commanding officer of the unit involved or of the post on which the accident or incident occurred; provided that when two or more such units, posts, camps, or stations are concerned the senior of the commanding officers concerned will decide which of them will have immediate responsibility for the investigation.

(b) Every investigation required by these regulations will be conducted by a claims officer. Upon receipt by any commanding officer of information of an accident or incident for the investigation of which he is responsible, he will refer the matter, with all information relating thereto, to his claims officer for investigation.

(2) When responsibility may be transferred.

(a) Responsibility for an investigation may be transferred where:

1. An accident or incident occurs distant from the post, camp, station, or unit to which the personnel involved belong; or

2. A claims officer, after commencing the investigation, is unable to complete it by reason of his command.
changing station, or it is determined by his commanding officer that it is otherwise impracticable for him to complete it; or

3. It is otherwise determined by the commanding officer immediately responsible for the investigation that it is more practicable for it to be conducted or completed by the claims officer of some other post, camp, station, or unit.

(b) Such responsibility for an investigation may be transferred by the commanding officer responsible for the command, in his discretion, to the claims officer of another Army Ground Forces, the Army Air Forces, or the Army Service Forces, and either within or without the United States, its territories, and possessions.

And any other commanding officer who finds such action necessary or desirable, will designate in orders a commissioned officer of his command, if practicable one experienced in the conduct of investigations and preferably with legal training, as the claims officer of the command. Such officer will be designated as, for example, "post claims officer" or "regimental claims officers" and, under the immediate direction of the judge advocate or, if none, under the general direction of the commanding officer, is responsible for all claims activities of the command.

Wherever necessary, in the discretion of the commanding officer, additional (assistant) claims officers may be appointed, each with all the same powers as the claims officer except that assistants claims officers will be under the general supervision of the claims officer. The claims officer is authorized, without further appointment, to act as a board of one officer in any case where the claims officer has not been designated or where a claims officer is not available.

Reports of motor vehicle accidents - All reports of motor vehicle accidents will be reported by the commander of the Army Ground Forces, or the commanding officer of the Army Service Forces, post, camp, or station; or

An Army Ground Forces, unit, to the commanding officer of another Army Ground Forces unit or of an Army Service Forces or Army Air Forces post, camp, or station.

4. Within a theater of operations or other command outside the continental limits of the United States, any post, camp, station, or unit to the commanding officer of the next-higher echelon or to an office of the command claims service, preferably the nearest such office.

(c) Such responsibility will not, however, be transferred where it is apparent that only action under AW 105 or disciplinary action is appropriate.

2. How transfer is accomplished - A commanding officer responsible for an investigation and desiring to effect or give to the investigating officer of another command, an investigation will be transmitted by the commanding officer to the commander of another command.

An Army Ground Forces post or camp, station, or unit to the commanding officer of another Army Ground Forces, the Army Service Forces, post, camp, or station; or

3. An Army Service Forces post, camp, station, or unit to the commanding officer of an Army Service Forces or Army Air Forces post, camp, or station; or

4. Within a theater of operations or other command outside the continental limits of the United States, any post, camp, station, or unit to the commanding officer of an Army Service Forces post, camp, or station; or

An Army Service Forces post, camp, station, or unit to the commanding officer of another Army Ground Forces unit or of an Army Air Forces or Army Service Forces post, camp, station, or unit.

A. Within a theater of operations or other command outside the continental limits of the United States, any post, camp, station, or unit to the commanding officer of the next-higher echelon or to an office of the command claims service, preferably the nearest such office.

(b) The commanding officer responsible for an investigation and desiring to transfer a report of such responsibility will do so by transmitting a report of the accident or incident involved, or a copy thereof, to the commanding officer of another command, in writing, or orally, if so directed.

A. An Army Service Forces post, camp, station, or unit, or an Army Air Forces post, camp, station, or unit, or an Army Ground Forces post, camp, station, or unit, to the commanding officer of another Army Service Forces or Army Air Forces post, camp, station, or unit, or an Army Ground Forces post, camp, station, or unit, or to the commanding officer of the next-higher echelon or to an office of the command claims service, preferably the nearest such office.

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A. An Army Service Forces post or camp, station, or unit to the commanding officer of another Army Ground Forces, the Army Service Forces, post, camp, or station; or

3. An Army Service Forces post, camp, station, or unit to the commanding officer of an Army Service Forces or Army Air Forces post, camp, or station; or

4. Within a theater of operations or other command outside the continental limits of the United States, any post, camp, station, or unit to the commanding officer of an Army Service Forces post, camp, or station; or

An Army Service Forces post, camp, station, or unit to the commanding officer of another Army Ground Forces unit or of an Army Air Forces or Army Service Forces post, camp, station, or unit.

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(b) The commanding officer responsible for an investigation and desiring to transfer a report of such responsibility will do so by transmitting a report of the accident or incident involved, or a copy thereof, to the commanding officer of another command, in writing, or orally, if so directed.

A. An Army Service Forces post or camp, station, or unit, or an Army Air Forces post, camp, station, or unit, or an Army Ground Forces post, camp, station, or unit, to the commanding officer of another Army Service Forces or Army Air Forces post, camp, station, or unit, or an Army Ground Forces post, camp, station, or unit, or to the commanding officer of the next-higher echelon or to an office of the command claims service, preferably the nearest such office.

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A. An Army Service Forces post or camp, station, or unit to the commanding officer of another Army Ground Forces, the Army Service Forces, post, camp, or station; or

3. An Army Service Forces post, camp, station, or unit to the commanding officer of an Army Service Forces or Army Air Forces post, camp, or station; or

4. Within a theater of operations or other command outside the continental limits of the United States, any post, camp, station, or unit to the commanding officer of an Army Service Forces post, camp, or station; or

An Army Service Forces post, camp, station, or unit to the commanding officer of another Army Ground Forces unit or of an Army Air Forces or Army Service Forces post, camp, station, or unit.

A. Within a theater of operations or other command outside the continental limits of the United States, any post, camp, station, or unit to the commanding officer of the next-higher echelon or to an office of the command claims service, preferably the nearest such office.

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4. Within a theater of operations or other command outside the continental limits of the United States, any post, camp, station, or unit to the commanding officer of an Army Service Forces post, camp, or station; or

An Army Service Forces post, camp, station, or unit to the commanding officer of another Army Ground Forces unit or of an Army Air Forces or Army Service Forces post, camp, station, or unit.

A. Within a theater of operations or other command outside the continental limits of the United States, any post, camp, station, or unit to the commanding officer of the next-higher echelon or to an office of the command claims service, preferably the nearest such office.

(b) The commanding officer responsible for an investigation and desiring to transfer a report of such responsibility will do so by transmitting a report of the accident or incident involved, or a copy thereof, to the commanding officer of another command, in writing, or orally, if so directed.

A. An Army Service Forces post or camp, station, or unit, or an Army Air Forces post, camp, station, or unit, or an Army Ground Forces post, camp, station, or unit, to the commanding officer of another Army Service Forces or Army Air Forces post, camp, station, or unit, or an Army Ground Forces post, camp, station, or unit, or to the commanding officer of the next-higher echelon or to an office of the command claims service, preferably the nearest such office.
JUDGE ADVOCATE GENERAL'S DEPARTMENT

1. Disposition of claims.
   (1) By commanders concerned.—Any claim received by a claims officer or his appointing authority before forwarding to higher authority the related claims officer's report will be considered with relation to a report to assure that the latter provides adequate basis for processing and disposition of the claim. After any necessary supplementary investigation or amplification of the report, the appointing authority, if he possesses delegated authority so to do, will approve or disapprove the claim and take other administrative action and, unless such appointing authority is the commanding general of a service command or an air technical service command, he will promptly and not later than 20 days after approval or disapproval forward the complete file thereof (any remaining original

and all copies), including therein a copy of the voucher if the claim was approved, and copies of all related correspondence, direct to the commanding general of the service command or air technical service command or to an office of the command claims service for permanent file, retaining only a card record thereof. In the absence of such authority to approve or disapprove the claim both the claim and the report in triplicate will be promptly forwarded, with copies of all related correspondence, direct to the commanding general of the service command or air technical service command or to an office of the command claims service. Any claim so received after forwarding the related claims officer's report will be forwarded promptly in triplicate with any retained copy of the report and with recommendations, and copies of all related correspondence, direct to the authority to which such report was forwarded.

(2) By other commands.—All claims received by commanders not concerned with the investigation will be forwarded to the commanding officer of the command involved, or to the commanding general of the service command or air technical service command in which the incident or incident occurred, or if within a theater of operations or other command outside the continental limits of the United States to an office of the command claims service, preferably the nearest such office except that if the commanding officer by whom the claims officer was appointed has been designated to approve or disapprove claims under AR 25-25 all copies of the report will be retained within the command to await the filing of a claim. If no claim is filed within 60 days from the date of such accident or incident, the retained file of the report or, in cases where the commanding officer has been designated to approve or disapprove claims, the original and two copies of the report with his recommendations, retaining only a card record thereof, will then be forwarded promptly, with copies of all related correspondence, direct to the commanding general of the service command, or air technical service command, or the commanding officer or to an office of the command claims service. When the commanding general of the service command or air technical service command receives the report, he will cause it to be reviewed by his claims judge advocate and, after any necessary corrective or supplemental action, the original and both copies so received will be filed at the headquarters of the service command or air technical service command. If a claim is filed within 20 days from the date of such accident or incident, or if it is not filed, the claim will be reviewed and filed as directed by the chief of the command claims service.

2. Claims payable under AR 105.—Claims payable under AR 105 will be investigated, processed, and disposed of as provided generally in these regulations except as otherwise specifically provided in AR 25-90.

3. Procedure.—In proceeding with the investigation and making his report the claims officer will:
   (1) Consider all information and evidence obtained as the result of any previous inquiry or investigation of any aspect of the accident or incident.
I. Property damage, loss, or destruction.

(a) If the property has been or can be economically repaired, the measure of damage is the net cost, or estimated cost, as defined in (c) below, of repairs required, and necessary for repairs and provided that idle substitute property in which the claimant was not employed, if economically available but not obtained and used by the claimant, loss of use is not normally payable.

(b) If the property cannot be economically repaired or replaced, the measure of damage is the value thereof immediately prior to the accident or incident.

(c) To determine the net cost, or estimated cost, of repairs under (a) above there should be deducted from the gross cost, actual or estimated, the value of any salvaged parts or materials and the amount of any appreciation in value thereby effected, and there should be added to such gross cost the amount of any depreciation resulting provided such deductions or additions are sufficiently substantial in amount to warrant consideration.

(d) All such statements and estimates should be by one or more disinterested competent witnesses, preferably reputable dealers of the type of property damaged, lost, or destroyed.

(e) In case of damaged business, agricultural, or residential property which is economically repairable, it shall be included as an additional item of damage to the extent of the reasonable expense actually incurred for appropriate substitute property but only for such period as is reasonably necessary for repairs and provided that idle substitute property of the claimant was not employed. When substitute property is not obtainable from others, other competent evidence such as rental value, if not speculative or remote, may be considered. When substitute property is reasonably available but not obtained and used by the claimant, loss of use is not normally payable.

(f) The property damage, in cases of total loss or destruction of registered or insured mail, is the value thereof immediately prior to the accident or incident plus, if claimed, the amount of any registration or insurance fee or other special fees and the amount of postage prepaid. In cases of damage only, or partial loss or destruction, the measure of damage is the value thereof immediately prior to the accident or incident less any salvage except that, if economically repairable, the measure of damage is the estimated or actual cost of repairs; no fees or prepaid postage are payable if actual delivery of the parcel or letter is made to the correct addressee.

(2) Personal injury or death.

(a) The measure of damage is as provided in the specific regulations under which the claim is payable.

(b) All statements and estimates of medical, hospital, and burial expenses should be substantiated by the originals or copies of any bills rendered.

(c) Excluded Items. Interest, cost of preparation of claims, and supporting evidence, inconvenience, and similar items may not be included as elements of damage.

(d) Recoveries from joint tort-feasors. If the claimant has elected to proceed against a third party as a joint tort-feasor, any amount so collected in respect of items of damage which otherwise may properly be included in the claim against the Government will be deducted from the amount of any registration or insurance fee or other special fees and the amount of postage prepaid.

(e) Acceptance of amount recommended and advice to claimant. The claims officer will not advise the claimant as to the action taken on his claim unless and until approval thereof in a specified amount is recommended, in which event the claimant will be advised that such recommendation is subject to approval or disapproval by higher authority. If the amount so recommended is less than the amount claimed, a statement in writing should be obtained as to whether he will accept the amount recommended, if approved, in full satisfaction and final settlement of his claim and, if not, his reasons for not accepting. In no case will the claims officer advise the claimant that his claim has been or will be disapproved.

(f) Preparation of claims officer's report. A written report of investigation, including recommendations by the claims officer as to the existence of liability and, unless the absence of liability is obvious, as to the amount of the damage, loss, or destruction, or the amount payable on account of personal injury or death, will be made in each case, using War Department forms whenever possible. The report will include particularly such of the following information as is pertinent:

1. Description of property damaged, lost, or destroyed.
2. Description of personal injuries sustained.
3. Identification of third parties.
4. Documentation of loss or destruction.
5. Evidence of liability.
6. Evidence of damage.
7. Evidence of personal injuries.
8. Calculations of amount payable.

(g) Claims officer's report not approved. In case of disapproval by higher authority, the report will be made as to whether he will accept the amount recommended, if approved, in full satisfaction and final settlement of his claim and, if not, his reasons for not accepting. In no case will the claims officer advise the claimant that his claim has been or will be disapproved.
CLAIMS PROCEDURE

(1) Date, time, and exact place the accident or incident occurred; specifying the highway, street, road, or intersection, including the streets between which or the number of the block where the accident or incident occurred, or the number of miles and the direction from the nearest town.

(2) A concise but complete statement of the circumstances of the accident or incident as established by the weight of evidence. Reference should be made to pertinent physical facts observed and to any material statements, admissions, or declarations against interest by any person involved.

(3) Whether a claim has been or, if known, will be filed and, if so, the name and address of the claimant.

(4) Whether the claimant is the sole owner of the damaged property and, if not, the name and address of the owner, or part owners, and the basis of the claimant's alleged right to file the claim.

(5) Names, serial numbers, grades, organizations, and addresses of military personnel and civilian employees involved.

(6) Names and addresses of witnesses.

(7) Whether military personnel and civilian employees were acting within the scope of their employment and the basis for such determination.

(8) Accurate description of Government property involved, and nature and amount of damage, if any. If Government property was not damaged, fact should be stated.

(9) Accurate description of all privately owned property involved, nature and amount of damage, if any, and the names and addresses of the owners thereof.

(10) Nature and extent of injuries sustained by military personnel.

(11) Names, addresses, and ages of all civilians injured or killed. Information as to the nature and extent of injuries, degree of permanency, period of hospitalization, name and address of attending physical and hospital and amount of medical, hospital, and burial expenses actually incurred. Names, addresses, ages, relationship, and extent of dependency of survivors of any such person killed or fatally injured should be stated.

(12) If straying animals are involved; whether the jurisdiction has "open range law" and, if so, reference to such statute.

(13) Whether any person involved violated any law, federal, state, local ordinance, or post regulation, and, if so, in what respects. The statute should be cited.

(14) Whether a police investigation was made.

(15) Whether any arrests were made or charges preferred and the result of any trial in civil or military courts.

(16) Whether the negligence of the claimant, his agent or employee, or military personnel or civilian employees of a third party was the sole or a contributing cause of the accident or incident and, if so, in what manner; also, in such cases involving third parties, whether and to what extent the claimant has asserted claims against them and the amounts recovered or recoverable.

(17) Where the evidence indicates a claim in favor of the United States (see par. 6o, AR 25-220), additional information required in reports to be furnished are:

(a) Whether the owner was a passenger.
(b) Whether the driver was a member of the owner's family and, if so, the relationship.
(c) How the driver acquired possession of the vehicle, stating the special or general authority, if any, to operate the vehicle.
(d) Whether the driver was acting as agent or employee of the owner or was on a mission relating to his own business or pleasure.

(18) Whether the owner's hand or automatic signals or sound warnings given or omitted by each driver.

(h) Whether the owner was a passenger.

(19) Whether the owner's open range law and, if so, in what respects. The statute should be cited.

(20) Whether any person involved violated any law, federal, state, local ordinance, or post regulation, and, if so, in what respects. The statute should be cited.

(21) Whether a police investigation was made.

(22) Whether any arrests were made or charges preferred and the result of any trial in civil or military courts.

(23) Whether the negligence of the claimant, his agent or employee, or military personnel or civilian employees of a third party was the sole or a contributing cause of the accident or incident and, if so, in what manner; also, in such cases involving third parties, whether and to what extent the claimant has asserted claims against them and the amounts recovered or recoverable.

(24) Where the evidence indicates a claim in favor of the United States (see par. 6o, AR 25-220), additional information required in reports to be furnished are:

(a) Whether the owner was a passenger.
(b) Whether the driver was a member of the owner's family and, if so, the relationship.
(c) How the driver acquired possession of the vehicle, stating the special or general authority, if any, to operate the vehicle.
(d) Whether the driver was acting as agent or employee of the owner or was on a mission relating to his own business or pleasure.

(25) Whether the owner's hand or automatic signals or sound warnings given or omitted by each driver.

(h) Whether the owner was a passenger.

(26) Whether the owner's open range law and, if so, in what respects. The statute should be cited.

(27) Whether any person involved violated any law, federal, state, local ordinance, or post regulation, and, if so, in what respects. The statute should be cited.

(28) Whether a police investigation was made.

(29) Whether any arrests were made or charges preferred and the result of any trial in civil or military courts.

(30) Whether the negligence of the claimant, his agent or employee, or military personnel or civilian employees of a third party was the sole or a contributing cause of the accident or incident and, if so, in what manner; also, in such cases involving third parties, whether and to what extent the claimant has asserted claims against them and the amounts recovered or recoverable.

(31) Where the evidence indicates a claim in favor of the United States (see par. 6o, AR 25-220), additional information required in reports to be furnished are:

(a) Whether the owner was a passenger.
(b) Whether the driver was a member of the owner's family and, if so, the relationship.
(c) How the driver acquired possession of the vehicle, stating the special or general authority, if any, to operate the vehicle.
(d) Whether the driver was acting as agent or employee of the owner or was on a mission relating to his own business or pleasure.

(32) Whether the owner's hand or automatic signals or sound warnings given or omitted by each driver.

(h) Whether the owner was a passenger.

(33) Whether the owner's open range law and, if so, in what respects. The statute should be cited.

(34) Whether any person involved violated any law, federal, state, local ordinance, or post regulation, and, if so, in what respects. The statute should be cited.
Claims Procedure

1. Order to the claims officer's report:

(1) Claim or claims, if filed, and evidence of the appointment of any agent or legal representative filing the claim.

(2) Written agreement by claimant to accept amount recommended by the claims officer, if such amount is less than the amount of the claim and claimant is willing to accept such recommended amount.

(3) Standard Form 20 Driver's Report.

(4) Trips tickets or flight orders, with statement or certificate to form basis of determination as to scope of employment.

(5) Signed statements of witnesses and interested parties. If the testimony of a witness appears to be untrue or to be influenced by bias or prejudice, the claims officer should so state.

(6) Itemized statement or estimate of cost of repairs; if not economically repairable, statement or estimate of value both before and after the accident or incident, of value of salvage, and of depreciation. See c(1) above.


(8) Itemized bills for medical, hospital, and burial expenses actually incurred.

(9) Copy of report of police investigation, if any.

(10) Copy or extract of local ordinance or post regulation.

(11) Diagram of the scene of the accident or incident, showing all pertinent physical facts.

(12) Photographs, if practicable.

(13) In cases involving registered or insured mail—

(a) Post office registration or insurance receipt or an authenticated copy thereof. (If identifiable by number or by name of sender and date, or approximate date, of mailing, a copy of the receipt and the information required in (a(8), (c), (d), (e), (f), (g), and (h) above can be secured from the post office where the letter or parcel was mailed.)

(b) Addressee's statement of nondelivery, if possible.

(c) Claimant's written agreement to reimburse the United States the amount paid on the claim in the event compensation is subsequently received from the Post Office Department or other source or in the event the letter or parcel is subsequently delivered or returned.

(14) Exhibits required by AR 25-220, if a claim in favor of the Government is indicated.

(15) Any other appropriate exhibits.

Claims office administration—Each claims officer, and each claims judge advocate, will maintain only such current and temporary records as are necessary for the current processing of claims and for the rendering of prescribed reports. However, files on claims, and on investigations of current cases in respect of which no claims have been filed, will in all cases be preserved unless forwarded to higher authority, or transferred or referred, under the provisions of these or related regulations. Hard records in each claims office are:

(1) A claims ledger in such form as may be appropriate to show in tabular form, in respect of each accident or incident investigated or reported upon (see par. 7b), the following:

(a) Names of civilians involved (including names of military personnel, and civilian employees, when actual or possible claimants);

(b) File number;

(c) Date of receipt of report of investigation;

(d) Amount claimed or involved (with date of filing);

(e) Time and place of accident or incident;

(f) Names of Government personnel involved, with serial number and grades, and organizations;

(g) U. S. registration numbers of Government vehicles involved.
CLAIMS PROCEDURE

(3) Claims for military personnel and civilian employees for property damaged, lost, destroyed, captured, or abandoned in the service.—See AR 25-100.

9. Regulations applicable to particular cases.—a. Claims for damage to or loss or destruction of property, or for personal injury or death, incident to noncombat activities of the War Department or of the Army.—See AR 25-25.

b. Claims for personal injury or death caused by Army forces in foreign countries.—See AR 25-90.

c. Claims under the one hundred fifth Article of War.—See AR 85-2460.

d. Claims under the one hundred and third Article of War.—See AR 95-1040.

e. Claims for damage to or loss or destruction of property, or for personal injury or death caused by Army forces in foreign countries.—See AR 25-100.

f. Claims under the one hundred and third Article of War.—See AR 95-1040.

10. Payments by agent officers.—All claims as originally made, or as approved, do not exceed $100 and the claimant in writing shall have agreed, or will then agree, to accept in full satisfaction and final settlement the amount approved under the provisions of these and any related regulations, the original and one copy of the claim, of the complete claims officer’s report of the action by an appropriate approving officer consistently with the provisions of the particular regulations under which the claim is payable, and of the acceptance agreement that the claim is approved for less than the full amount, will be attached to appropriate vouchers, and the claim may be paid by such approving officer or any other officer designated by him provided the officer making the actual payment shall for such purpose have been appointed an agent officer pursuant to the provisions of AR 25-330.

11. Claims not provided for under any law.—All claims the settlement of which is not provided for by any specific law or appropriation will be referred to a claims officer for investigation and report in a manner similar to that prescribed in paragraph 8, with such modification thereof as the features of the particular case may warrant. Such claims, with related files and recommendations, will be forwarded promptly in triplicate, retaining only a card record thereof, by or through the commanding general of the service command or air technical service command, or the command claims service, to The Judge Advocate General, Washington 25, D. C., for appropriate administrative action.

12. Responsibility for claims activities.—The Judge Advocate General is charged with the responsibility of training, staff supervision, and inspection of all activities throughout the War Department and the Army involving services-connected claims, other than such as arise under the ordinary obligations incurred in the procurement of services or supplies, against and in favor of the Government. The training of claims officers, other than claims officers of the Army Ground Forces and the Army Air Forces, within each service command is the responsibility of the commanding general of the service command, under the general supervision of, and in accordance with policies prescribed by, the Commanding General, Army Service Forces. The training of claims officers within the Army Ground Forces and the Army Air Forces is the responsibility of the Commanding General, Army Ground Forces, and the Commanding General, Army Air Forces, respectively. Whenever in these regulations, or related regulations AR 25-25 and 25-90, provision is made for forwarding any claims or other matters originating within an air technical service command, it will be forwarded to the Judge Advocate General through the Air Judge Advocate, Washington 25, D. C.
13. Transfers and assignments of claims.—All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and all powers of attorney, orders, or other authorities for receiving any payment of any such claim, or of any part or share thereof, are (see R. S. section 3477 (31 U. S. C. 203; M. L., 1839, sec. 701), as amended by the act of 9 October 1940 (54 Stat. 1029, M. L., 1939, Sup. I, secs. 701, 739)) absolutely null and void, unless made after the issuing of a warrant for the payment thereof. The provisions of the statute, as amended, do not apply to assignments of claims by operation of law, as when a receiver or trustee in bankruptcy is appointed for an individual, firm or corporation, or an administrator for the estate of a deceased person; nor do they apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency, under the conditions set forth in the act of 9 October 1940 (supra). See AR 35-6040.

14. Participation in prosecution of claims.—Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both. Sec. 109, act of 4 March 1909 (35 Stat. 1107; 18 U. S. C. 198; M. L., 1939, sec. 840).

15. Disclosure of information.—Except in the discharge of his proper official duties, no person in the military service will furnish copies of official papers or give any information which can be used as the basis of a claim against the United States. In order that the investigations required by these regulations shall be full and impartial, any officer may in the performance of his duties permit claimants or their authorized representatives, upon request, to examine the evidence of record except as considerations of military security may indicate such disclosure to be inadvisable.

By ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL
Chief of Staff

J. A. ULIO
Major General
The Adjutant General

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