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

MARCH 31 (legislative day, MARCH 26), 1992

Mr. INOUYE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 Representa-
tives 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 “$1,550,000,000”.

S. 2495
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
CIVIL LIBERTIES ACT AMENDMENTS OF 1992

COMPARISON BETWEEN THE ADMINISTRATION'S PROPOSAL AND S. 2553

Section 1: Title

Section 2: Total authorization raised from $1.25 billion to $1.5 billion. (This is sufficient to pay a total of 75,000 eligible individuals, and assumes deletion of the $50 million education function of the Civil Liberties Public Education Fund.)

S. 2553 would raise the total authorization to $1.57 billion, preserving the education function.

Section 3: Specifies that this is a mandatory account under the Budget Act.

See Memo with respect to budget scoring.

Section 4: Extends the AG's authority under the program from the date all funds are expended to 180 days later. This gives the Justice Department "wrap-up" time for the program.

Incorporated in S. 2553 with no changes.

Section 5: Eligibility expanded to include persons not of Japanese ancestry who were interned along with spouses or children.

Incorporated in S. 2553 with minor drafting changes.

Section 6: Specifies that, when heirs of deceased eligibles are paid, the heirs must certify that all qualified heirs are included. If they have not been, excluded heirs have a claim only against the other heirs. Justice has no liability.
Incorporated in S. 2553 with no changes.

Section 7: Confines judicial review to the Court of Claims.

Not incorporated in S. 2553. However, House bill was amended by Rep. Barney Frank to address this matter. See attached amendment.

Section 8: Program sunsets at the end of Fiscal Year 1994, rather than in August 1998 as authorized under the Civil Liberties Act of 1988. (Assumes elimination of the education function of the original Act.)

Not incorporated in S. 2553. See memo for justification.

Section 9. Deletes education function of the original Act.

Not incorporated in S. 2553. See memo for justification.

Section 10. Deletes reference to public education from the "Purposes" section of the bill.

Not incorporated in S. 2553. See memo for justification.

In addition, a problem has arisen with the original language in Section 105(f), which excluded redress payments from eligibility calculations for benefits programs in 31 U.S.C. 3803(c)(2)(C). Apparently two veterans pension funds do not fall within the scope of that section, and some veterans receiving redress payments are being denied their pensions. Rep. Matsui's office is working on corrective legislation.

Incorporated in S. 2553.
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

MARCH 31 (legislative day, MARCH 26), 1992

Mr. INOUYE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the "Civil Liberties Act
6 Amendments of 1992".
7
8 SEC. 2. AUTHORIZATION FOR TRUST FUND.
9 Section 104(e) of the Civil Liberties Act of 1988 (50
10 U.S.C. App. 1989b–3(e)) is amended by striking
11 "$1,250,000,000" and inserting "$1,550,000,000".
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 "the spouse or a parent of an individual of Japanese ancestry," after "Japanese ancestry".
IN THE HOUSE OF REPRESENTATIVES

Mr. Matsui introduced the following bill, which was referred to the Committee on ____________

A BILL

To amend the Civil Liberties Act of 1988 to clarify that payments under that Act shall not be includible as income for purposes of all laws administered by the Secretary of Veterans Affairs.

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

2 SECTION 1. EXCLUSION OF PAYMENTS AS INCOME FOR VETERANS BENEFITS.


4 after “United States Code,” the following: “or benefits
2

1 under any other law administered by the Secretary of Vet- 
2 erans Affairs,”.

3 SEC. 2. EFFECTIVE DATE.

4 The amendment made by section 1 shall be effective

5 as of August 10, 1988.
[DISCUSSION DRAFT]
MARCH 3, 1992

102d CONGRESS
2d SESSION

H.R. ___

IN THE HOUSE OF REPRESENTATIVES

Mr. Mineta introduced the following bill; which was referred to the Committee on ___________.

A BILL

To amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under that Act, and for other purposes.

1    Be it enacted by the Senate and House of Representa-
2    tives of the United States of America in Congress assembled,
3    SECTION 1. SHORT TITLE.
4    This Act may be cited as the “Civil Liberties Act
5    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) is amended by striking "$1,250,000,000" and inserting "$1,550,000,000".

SEC. 3. DEFINITIONS.

Section 108(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-7) 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".

SEC. 4. PAYMENTS IN THE CASE OF DECEASED PERSONS.

Section 105(a)(7) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-4(a)(7)) is amended by inserting the following after subparagraph (C):

"(D) 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. 5. 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.”.
IN THE HOUSE OF REPRESENTATIVES

Mr. Matsui introduced the following bill, which was referred to the Committee on

A BILL

To amend the Civil Liberties Act of 1988 to clarify that payments under that Act shall not be includible as income for purposes of all laws administered by the Secretary of Veterans Affairs.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. EXCLUSION OF PAYMENTS AS INCOME FOR
4 VETERANS BENEFITS.
5 Section 105(f)(2) of the Civil Liberties Act of 1988
7 before the period the following: " or benefits under any
other law administered by the Secretary of Veterans Affairs”.

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall be effective as of August 10, 1988.
IN THE SENATE OF THE UNITED STATES

AUGUST 3 (legislative day, JANUARY 3), 1989
Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 27 (legislative day, SEPTEMBER 18), 1989
Reported by Mr. HOLLINGS, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 That the following sums are appropriated, out of any money
4 in the Treasury not otherwise appropriated, for the Depart-
5 ments of Commerce, Justice, and State, the Judiciary, and
6 related agencies for the fiscal year ending September 30,
7 1989, and for other purposes, namely:
TITLE I—DEPARTMENT OF COMMERCE

General Administration

salaries and expenses

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $2,000 for official entertainment, $28,429,000 $28,250,000.

Office of the Inspector General

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 3 as amended by Public Law 100-504), $14,945,000 $13,500,000.

Bureau of the Census

salaries and expenses

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $104,314,000 $101,288,000.

Periodic Censuses and Programs

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $1,322,967,000, to remain available until expended.

Economic and Statistical Analysis

salaries and expenses

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $32,961,000 $31,150,000.
ECONOMIC DEVELOPMENT ADMINISTRATION

For economic development assistance as provided by the
Public Works and Economic Development Act of 1965, as
amended, and Public Law 91-304, and such laws that were
in effect immediately before September 30, 1982,
$194,482,000: Provided, That during fiscal year 1990 total
commitments to guarantee loans shall not exceed
$150,000,000 of contingent liability for loan principal: Pro-
vided further, That none of the funds appropriated or other-
wise made available under this heading may be used directly
or indirectly for attorneys’ or consultants’ fees in connection
with securing grants and contracts made by the Economic
Development Administration: Provided further, That the
Secretary of Commerce or his designees shall not promulgate
or enforce any rule, regulation, or grant agreement provision
affecting programs authorized by the Public Works and Eco-

nomic Development Act of 1965, as amended, unless such
rule, regulation, or provision is either required by statute or
expressed as the explicit intent of the Congress or is in sub-
stantial conformity with those rules, regulations and provi-
sions in effect prior to December 22, 1987.

For necessary expenses of administering the economic
development assistance programs as provided for by law,
$26,061,000 $25,500,000: Provided, That these funds may
be used to monitor projects approved pursuant to title I of the
Public Works Employment Act of 1976, as amended, title II of
the Trade Act of 1974, as amended, and the Community
Emergency Drought Relief Act of 1977: Provided further,
That none of the funds appropriated by this Act shall be
available to enable the Economic Development Administra-
tion, Department of Commerce, to implement any of recom-
mendations outlined in Final Audit Report No. D–184–8–
024 issued by the Department of Commerce or to delay or
otherwise adversely affect any grant application for fiscal
year 1990 by the City of Chicago as a result of negotiations
on the grant described in such audit report: Provided further,
That none of the funds appropriated by this Act shall be
available to enable the Economic Development Administra-
tion, Department of Commerce, to delay or otherwise adverse-
ly affect any grant application for fiscal year 1990 by the
State of Oregon, or to which the State of Oregon will contrib-
ute funds, on the basis that the contribution by the State of
Oregon does not conform with law or regulation. Notwith-
standing any other provision of this Act or any other law,
funds appropriated in this paragraph shall be used to fill and
maintain forty-nine permanent positions designated as Eco-

demic Development Representatives out of the total number
of permanent positions funded in the Salaries and Expenses
account of the Economic Development Administration for
fiscal year 1990, and such positions shall be maintained in
the various States within the approved organizational struc-
ture in place on December 1, 1987, and where possible, with
these employees who filled those positions on that date.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities
of the Department of Commerce, provided for by law, and
including demonstrating new alternatives to providing serv-
ces domestically and engaging in trade promotional activi-
ties abroad without regard to the provisions of law set forth in
44 U.S.C. 3702 and 3703; and implementation of section
406(b) of the U.S.-Canada Free-Trade Agreement Imple-
mentation Act of 1988, notwithstanding section 406(b)3 of
said Act; full medical coverage for dependent members of im-
mediate families of employees stationed overseas; travel and
transportation of employees of the United States and Foreign
Commercial Service between two points abroad, without
regard to 49 U.S.C. 1517; employment of Americans and
aliens by contract for services abroad; rental of space abroad
for periods not exceeding ten years, and expenses of alter-
ation, repair, or improvement; purchase or construction of
temporary demountable exhibition structures for use abroad;
payment of tort claims, in the manner authorized in the first
paragraph of 28 U.S.C. 2672 when such claims arise in
foreign countries; not to exceed $300,000 for official representation expenses abroad; and purchase of passenger motor vehicles for official use abroad; obtain insurance on official motor vehicles, rent tie lines and teletype equipment; $179,579,000 $181,296,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment of assessments for services provided as part of these activities: Provided further, That of the funds provided in this Act or any previous Acts for the International Trade Administration, including those amounts provided in advance to recipient organizations, not less than $10,877,000 shall be available for the Trade Adjustment Assistance Program during fiscal year 1990. Notwithstanding any other provision of law, upon the request of the Secretary of Commerce, the Secretary of State shall accord the diplomatic title of Minister-Counselor to the senior Commercial Officer assigned to any United States mission abroad: Provided further, That the number of Commercial Service officers accorded such diplomatic title at any time shall not exceed eight.
For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $5,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $41,800,000, to remain available until expended, of which $1,000,000, including $775,000 previously appropriated, shall be available for additional regional export control assistance offices to be located in the Northern California area, in Portland, Oregon, and in the Boston/Nashua area: Pro-
vided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $39,741,000, of which $25,321,000 shall remain available until expended: Provided, That not to exceed $14,420,000 shall be available for program management for fiscal year 1990.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; and including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase
or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $12,000 for representation expenses abroad; $14,300,000.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; 439 commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 31 U.S.C. 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; and alteration, modernization, and relocation of facilities as authorized by 31 U.S.C. 883i and acquisition of land for facilities; $966,882,000 $1,216,830,000, to remain available until expended, of which $1,500,000 shall be available for construction and renovation of facilities at the Stuttgart Fish Farming Experimental Station, Stuttgart, Arkansas; and of which $550,000 shall be available for operational expenses at the Stuttgart Fish Farming Experimental Station, Stuttgart, Arkansas; and in addition, $30,000,000 shall be derived from the Airport and Airways Trust Fund as authorized by 49 U.S.C. 2205(d); and in addition,
$51,900,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries"; and in addition, $4,500,000 shall be derived by transfer from the Coastal Energy Impact Fund: Provided, That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $450,000: Provided further, That in addition to the sums appropriated elsewhere in this paragraph, not to exceed $500,000 shall be available from the receipts deposited in the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" for grant management and related activities.

**FISHERIES PROMOTIONAL FUND**

Of the funds deposited in the Fisheries Promotional Fund pursuant to section 209 of the Fish and Seafood Promotion Act of 1986, $2,000,000, to remain available until expended, shall be made available as authorized by said Act.

**FISHING VESSEL AND GEAR DAMAGE FUND**

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $1,000,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980(b) and 1980(f), to remain available until expended.

**FISHERMEN'S CONTINGENCY FUND**

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $736,000, to be derived from receipts.
FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 94-265), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $1,986,000, to remain available until expended.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, and including defense of suits instituted against the Commissioner of Patents and Trademarks; $101,912,000 $85,900,000 and, in addition, such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, to remain available until expended.

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Technology Administration, $4,100,000.
For necessary expenses of the National Institute of Standards and Technology, $175,600,000, to remain available until expended, of which not to exceed $3,430,000 may be transferred to the “Working Capital Fund”; and of which not to exceed $1,300,000 shall be available for construction of research facilities.

National Telecommunications and Information Administration

Salaries and Expenses

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $14,200,000 of which $700,000 shall remain available until expended.

Public Telecommunications Facilities, Planning and Construction

For grants authorized by section 392 of the Communications Act of 1934, as amended, $20,440,000; $20,200,000, to remain available until expended as authorized by section 391 of said Act, as amended: Provided, That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended: Provided further, That notwithstanding the provisions of section 391 of the Communications Act of 1934, as amended, the prior year unobligated balances may
be made available for grants for projects for which applica-
tions have been submitted and approved during any fiscal
year: Provided further, That notwithstanding sections 391
and 392 of the Communications Act, as amended, up to
$200,000 appropriated in this paragraph shall be available
for the establishment and administration of the Pan-Pacific
Educational and Cultural Experiments by Satellite program
(PEACESAT).

NATIONAL ENDOWMENT FOR CHILDREN’S EDUCATIONAL
TELEVISION

For grants authorized by Sec. 394(a) of the Communi-
cations Act of 1934, as proposed in S. 797 or similar legisla-
tion, $2,500,000, to remain available until expended: Pro-
vided, That not to exceed $450,000 shall be available for pro-
gram management and the expenses of the Advisory Council
on Children’s Educational Television.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

Sec. 101. During the current fiscal year, applicable ap-
propriations and funds made available to the Department of
Commerce by this Act shall be available for the activities
specified in the Act of October 26, 1949 (15 U.S.C. 1514), to
the extent and in the manner prescribed by said Act, and,
notwithstanding 31 U.S.C. 3324, may be used for advanced
payments not otherwise authorized only upon the certification
of officials designated by the Secretary that such payments
are in the public interest.

Sec. 102. During the current fiscal year, appropriations
made available to the Department of Commerce by this Act
for salaries and expenses shall be available for hire of passen-
ger motor vehicles as authorized by 31 U.S.C. 1343 and
1344; services as authorized by 5 U.S.C. 3109; and uni-
forms or allowances therefor, as authorized by law

Sec. 103. No funds in this title shall be used to sell to
private interests, except with the consent of the borrower, or
contract with private interest to sell or administer, any loans
made under the Public Works and Economic Development
Act of 1965 or any loans made under section 254 of the

Sec. 104. Hereafter, the National Institute of Stand-
ards and Technology is authorized to accept contributions of
funds, to remain available until expended, from any public or
private source to construct a facility for cold neutron research
on materials, notwithstanding the limitations contained in 15
U.S.C. 278d.

Sec. 105. None of the funds appropriated in this title
for the Department of Commerce shall be available to reim-
burse the fund established by 15 U.S.C. 1521 on account of
the performance of a program, project, or activity, nor shall
such fund be available for the performance of a program, project, or activity, which had not been performed as a central service pursuant to 15 U.S.C. 1521 before July 1, 1982, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such action in accordance with the Committees' reprogramming procedures.

Sec. 106. The Congress finds that failure to recognize natural resource depletion causes current systems of economic statistics to provide distorted representation of many nation's economic conditions.

(a) The Secretary of Commerce shall participate fully in the international efforts to develop standardized techniques for calculating national income accounts that recognizes the negative impact the degradation of natural resources can have on long term economic development.

(b) The Secretary of Commerce shall seek to adopt the use of such standardized accounts and make an annual circulation of Gross Sustainable Productivity in the United States to be issued in conjunction with the release of annual Gross National Product figures.

This title may be cited as the "Department of Commerce Appropriations Act, 1990".
TITLE II—DEPARTMENT OF JUSTICE

General Administration

Salaries and Expenses

For expenses necessary for the administration of the Department of Justice, $90,664,000.

Office of Inspector General

Salaries and Expenses

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $20,673,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

United States Parole Commission

Salaries and Expenses

For necessary expenses of the United States Parole Commission, as authorized by law, $10,261,000.

Legal Activities

Salaries and Expenses, General Legal Activities

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be
expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; $262,491,000, of which not to exceed $4,882,000 shall be available for the operation of the United States National Central Bureau, INTERPOL; and of which not to exceed $6,000,000 for litigation support contracts shall remain available until September 30, 1991: Provided, That of the funds available in this appropriation, not to exceed $6,474,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through Salaries and expenses, General Administration: Provided further, That for fiscal year 1990 and hereafter the Chief, United States National Central Bureau, INTERPOL, may establish and collect fees to process name checks and background records for noncriminal employment, licensing, and humanitarian purposes and, notwithstanding the provisions of 31 U.S.C. 3302, credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: Provided further, That for fiscal year 1990 and hereafter the Attorney General may establish and collect fees to cover the cost of identifying, copying and distributing copies of tax decisions rendered by the Federal Judiciary and that
any such fees shall be credited to this appropriation notwith-
standing the provisions of 31 U.S.C. 3302.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

For payments to eligible individuals as authorized by
sections 105 and 106 of the Civil Liberties Act of 1988,
$50,000,000, to remain available until expended as author-
ized by section 104(c) of said Act.

Subject to the limitations of section 104(e) of the Civil
Liberties Act of 1988 (Public Law 100–383) and for the
maximum amount provided for under such section, effective
in the fiscal year beginning on October 1, 1990, and continu-
ing each fiscal year thereafter, such sums as hereafter may be
necessary are appropriated from money in the Treasury not
otherwise appropriated, for payments to eligible individuals
entitled to such payments under the provisions of the Civil

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust
and kindred laws, $42,222,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United
States Attorneys, $444,862,000, of which not to exceed
$5,000,000 shall be available until September 30, 1991, for
the purposes of (1) providing training of personnel of the De-
partment of Justice in debt collection, (2) providing services
related to locating debtors and their property, such as title
searches, debtor skiptracing, asset searches, credit reports and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds, such as auctioneers’ fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses.

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, $60,729,000, to remain available until expended and to be derived from the Fund, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554): Provided, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors.

SALARIES AND EXPENSES, FOREIGN CLAIMS

SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those allowed under the Foreign Service Act of 1980 as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary,
of office space and living quarters of personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; $440,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including acquisition, lease, maintenance, and operation of vehicles and aircraft; $217,027,000 as authorized in Public Law 100–690 (102 Stat. 4513): Provided, That notwithstanding the provisions of title 31 U.S.C. 3302, for fiscal year 1990 and hereafter the Director of the United States Marshals Service may collect fees and expenses for the services authorized by 28 U.S.C. 1921 as amended by Public Law 100–690, and credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses.
SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, $137,034,000, to remain available until expended; of which not to exceed $5,000,000 shall be available under the Cooperative Agreement Program.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances; $56,784,000, to remain available until expended, of which not to exceed $1,690,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites: Provided, That for fiscal year 1990 and hereafter the Attorney General may enter into reimbursable agreements with other Federal Government agencies or components within the Department of Justice to pay expenses of private counsel to defend Federal Government employees sued for actions while performing their official duties: Provided further, That for fiscal year 1990 and hereafter the Attorney General, upon notification to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 606 of this Act, may authorize litigating components to reimburse this account for expert witness expenses.
when it appears current allocations will be exhausted for cases scheduled for trial in the current fiscal year.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $29,334,000, of which not to exceed $21,500,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96–422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: Provided, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96–422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F) and (G), as amended $76,513,000 $75,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.
INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses of agencies of the Department of Justice, for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, $168,560,000, notwithstanding the reimbursements procedure contained in section 1055 of Public Law 100-690: Provided, That any amounts obligated from this appropriation may be used under authorities available to the organizations reimbursed in this Act: Provided further, That this appropriation may be used to reimburse Department of Justice agencies for any costs incurred by Organized Crime Drug Enforcement Task Forces between October 1, 1989 and the date of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,600 passenger motor vehicles of which 1,850 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of
the Attorney General, and to be accounted for solely on his certificate; $1,423,340,000, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1991; of which not to exceed $8,000,000 for research and development related to investigative activities shall remain available until expended; and of which not to exceed $500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations: Provided, That for fiscal year 1990 and hereafter the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records and name checks for non-criminal justice, non-law enforcement employment and licensing purposes and for certain employees of private sector contractors with classified Government contracts, and notwithstanding the provisions of 31 U.S.C. 3302, credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services, and that the Director of the Federal Bureau of Investigation may establish such fees at a level to include an additional amount to establish a fund to remain available until expended to defray expenses for the automation of fingerprint
identification services and associated costs: Provided further,

That not to exceed $30,000 shall be available for official re-
ception and representation expenses: Provided further, That
not to exceed $7,500,000 for a language translation system
shall remain available until expended.

Drug Enforcement Administration

Salaries and Expenses

For necessary expenses of the Drug Enforcement Admin-
istration, including not to exceed $70,000 to meet unforeseen
emergencies of a confidential character, to be expended under
the direction of the Attorney General, and to be accounted for
solely on his certificate; expenses for conducting drug educa-
tion programs, including travel and related expenses for par-
ticipants in such programs and the distribution of items of
token value that promote the goals of such programs; pur-
chase of not to exceed 703 passenger motor vehicles of which
489 are for replacement only for police-type use without
regard to the general purchase price limitation for the current
fiscal year; and acquisition, lease, maintenance, and oper-
ation of aircraft; $492,180,000, of which not to exceed
$1,200,000 for research shall remain available until expend-
ed; and of which not to exceed $1,700,000 for purchase of
evidence and payments for information, not to exceed
$9,638,000 for contracting for ADP and telecommunications
equipment, and not to exceed $2,000,000 for technical and
laboratory equipment, shall remain available until September 30, 1991: Provided, That not to exceed $30,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed 525, for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $823,486,000, of which not to exceed $400,000 for research shall remain available until expended: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That for fiscal year 1990 and hereafter capital assets acquired by the Immigra-
tion Legalization account may be made available for the general use of the Immigration and Naturalization Service after they are no longer needed for immigration legalization purposes: Provided further, That title 8, United States Code, section 1356(n) is amended by deleting "in excess of $50,000,000" after "Immigration Examinations Fee Account," and by deleting "At least annually, deposits in the amount of $50,000,000 shall be transmitted from the 'Immigration Examinations Fee Account' to the General Fund of the Treasury of the United States": Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 159 of which 55 are for replacement only) and hire of law enforcement and passenger motor vehicles; $1,097,631,000: Provided, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That uniforms may be purchased without regard to the gener-
1 al purchase price limitation for the current fiscal year: Pro-
2 vided further, That not to exceed $3,000 shall be available for
3 official reception and representation expenses.

4 NATIONAL INSTITUTE OF CORRECTIONS

5 For carrying out the provisions of sections 4351-4353
6 of title 18, United States Code, which established a National
7 Institute of Corrections, $10,112,000, to remain available
8 until expended.

9 BUILDINGS AND FACILITIES

10 For planning, acquisition of sites and construction of
11 new facilities; purchase, leasing and acquisition of facilities
12 and remodeling and equipping of such facilities for penal and
13 correctional use, including all necessary expenses incident
14 thereto, by contract or force account; and constructing, re-
15 modeling, and equipping necessary buildings and facilities at
16 existing penal and correctional institutions, including all
17 necessary expenses incident thereto, by contract or force ac-
18 count, $401,332,000, to remain available until expended:
19 Provided, That labor of United States prisoners may be used
20 for work performed under this appropriation: Provided fur-
21 ther, That not to exceed 10 per centum of the funds appropri-
22 ated to "Buildings and Facilities" in this Act or any other
23 Act may be transferred to "Salaries and expenses", Federal
24 Prison System upon notification by the Attorney General to
25 the Committees on Appropriations of the House of Represent-
26 atives and the Senate in compliance with provisions set forth
in section 606 of this Act: Provided further, That of the
amount appropriated under this heading, $14,000,000 shall
be for the expansion of Oakdale II to 1,000 beds for the
custody of criminal aliens.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby
authorized to make such expenditures, within the limits of
funds and borrowing authority available, and in accord with
the law, and to make such contracts and commitments, with­
out regard to fiscal year limitations as provided by section
104 of the Government Corporation Control Act, as
amended, as may be necessary in carrying out the program
set forth in the budget for the current fiscal year for such
corporation, including purchase of (not to exceed five for re­
placement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,857,000 of the funds of the corporation
shall be available for its administrative expenses for services
as authorized by 5 U.S.C. 3109, to be computed on an accru­
al basis to be determined in accordance with the corporation’s
prescribed accounting system in effect on July 1, 1946, and
such amount shall be exclusive of depreciation, payment of
claims, and expenditures which the said accounting system
requires to be capitalized or charged to cost of commodities
acquired or produced, including selling and shipping ex­
penses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

Office of Justice Programs

Justice Assistance

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended by the Anti-Drug Abuse Act of 1988, including salaries and expenses in connection therewith, $81,150,000, to remain available until expended as authorized by section 6093 and 7289 of Public Law 100-690 (102 Stat. 4339-4340).

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, including salaries and expenses in connection therewith, $150,000,000, to remain available until expended as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340).
In addition, for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, $69,693,000, to remain available until expended as authorized by section 6093 7625 of Public Law 100-690 (102 Stat. 4339 4340 4448 and 4449), of which $350,000 is for expenses authorized by section 241(f) of part C of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and of which $2,000,000 is for expenses authorized by part D of title II of said Act.

In addition, $5,000,000 for the purpose of reimbursing States for costs of incarcerating illegal aliens and certain Cuban Nationals as authorized by section 504 of the Immigration Reform and Control Act of 1986 (Public Law 99-603).

In addition, $5,000,000 for the purpose of making grants to States for their expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1989, through September 30, 1990, following their conviction of a felony committed after having been paroled into the United States by the Attorney General: Provided, That within thirty days of enactment of this Act the Attorney General shall an-
nounce in the Federal Register that this appropriation will be
made available to the States whose Governors certify by Feb-
ruary 1, 1990, a listing of names of such Mariel Cubans
incarcerated in their respective facilities: Provided further,
That the Attorney General, not later than April 1, 1990, will
complete his review of the certified listings of such incarcerat-
ed Mariel Cubans, and make grants to the States on the
basis that the certified number of such incarcerated persons
in a State bears to the total certified number of such incarcer-
ated persons: Provided further, That the amount of reim-
bursements per prisoner per annum shall not exceed $12,000.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Om-
nibus Crime Control and Safe Streets Act of 1968 (42
U.S.C. 3796), as amended, $25,000,000, to remain available
until expended as authorized by section 6093 of Public Law
100–690 (102 Stat. 4339–4340).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Sec. 201. A total of not to exceed $30,000 from funds
appropriated to the Department of Justice in this title shall
be available only for official reception and representation ex-
penses in accordance with distributions, procedures, and reg-
ulations established by the Attorney General.

 Sec. 202. During fiscal year 1990 and hereafter, mate-
rials produced by convict labor may be used in the construc-
tion of any highways or portion of highways located on Fed-
eral-aid systems, as described in section 103 of title 23, United States Code.


Sec. 204. (a) Subject to subsection (b) of this section, authorities contained in Public Law 96–132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) With respect to any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—
(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1990, may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading “Miscellaneous” of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c)),

(B) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1990, may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or
business entities on a commercial basis, without regard
to section 9102 of title 31 of the United States Code,

(C) sums authorized to be appropriated for the
Federal Bureau of Investigation and for the Drug En-
forcement Administration, for fiscal year 1990, and the
proceeds from such undercover operation, may be de-
posited in banks or other financial institutions, without
regard to section 648 of title 18 of the United States
Code and section 3302 of title 31 of the United States
Code, and

(D) proceeds from such undercover operation may
be used to offset necessary and reasonable expenses in-
curred in such operation, without regard to section
3302 of title 31 of the United States Code,
only, in operations designed to detect and prosecute crimes
against the United States, upon the written certification of
the Director of the Federal Bureau of Investigation (or, if
designated by the Director, a member of the Undercover Op-
erations Review Committee established by the Attorney Gen-
eral in the Attorney General’s Guidelines on Federal
Bureau of Investigation Undercover Operations, as in effect
on July 1, 1983) or the Administrator of the Drug Enforce-
ment Administration, as the case may be, and the Attorney
General (or, with respect to Federal Bureau of Investigation
undercover operations, if designated by the Attorney General,
a member of such Review Committee), that any action au-

thorized by subparagraph (A), (B), (C), or (D) is necessary

for the conduct of such undercover operation. If the undercov-
er operation is designed to collect foreign intelligence or coun-
terintelligence, the certification that any action authorized by

subparagraph (A), (B), (C), or (D) is necessary for the con-
duct of such undercover operation shall be by the Director of

the Federal Bureau of Investigation (or, if designated by the

Director, the Assistant Director, Intelligence Division) and

the Attorney General (or, if designated by the Attorney Gen-
eral, the Counsel for Intelligence Policy). Such certification

shall continue in effect for the duration of such undercover

operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investi-
gative operation with respect to which an action is authorized

and carried out under subparagraphs (C) and (D) of subsec-
tion (a) are no longer necessary for the conduct of such oper-
ation, such proceeds or the balance of such proceeds remain-
ing at the time shall be deposited in the Treasury of the

United States as miscellaneous receipts.

(3) If a corporation or business entity established or

acquired as part of an undercover operation under subpara-
graph (B) of paragraph (1) with a net value of over $50,000

is to be liquidated, sold, or otherwise disposed of, the Federal

Bureau of Investigation or the Drug Enforcement Adminis-
tration, as much in advance as the Director or the Administrator, or the designee of the Director or the Administrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(4)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1990—

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period
preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operations, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(I) the results,

(II) any civil claims, and

(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

(A) the term "closed" refers to the earliest point in time at which—

(i) all criminal proceedings (other than appeals) are conducted, or

(ii) covert activities are concluded, whichever, occurs later,
(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover investigative operations" and "undercover operation" means any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed $50,000, or

(II) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code,

except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

Sec. 205. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term or in the case of rape: Provided, That should this prohi-
bition be declared unconstitutional by a court of competent
jurisdiction, this section shall be null and void.

Sec. 206. None of the funds appropriated under this
title shall be used to require any person to perform, or facili-
tate in any way the performance of, any abortion.

Sec. 207. Nothing in the preceding section shall
remove the obligation of the director of the Bureau of Prisons
to provide escort services necessary for a female inmate to
receive such service outside the Federal facility: Provided,
That nothing in this section in any way diminishes the effect
of section 206 intended to address the philosophical beliefs of
individual employees of the Bureau of Prisons.

Sec. 208. Section 6077 of the Anti-Drug Abuse Act of
1988 (Public Law 100–690, 102 Stat. 4324–25) is
amended—

(1) in subsection (a) by striking "; and "(B) is
not so transferred to circumvent any requirement of
State law that prohibits forfeiture or limits use or
disposition of property forfeited to State or local
agencies."

(2) in subsection (a) by striking "— "(A) has a
value" and inserting "has a value"; and

(3) by striking subsection (c).
1 SEC. 209. The Civil Liberties Act of 1988 (Public Law
2 100–383) is amended by adding at the end thereof the follow-
3 ing new section:
4 SEC. 110. ENTITLEMENTS TO ELIGIBLE INDIVIDUALS.
5 "Notwithstanding any other provision of this title, be-
6 ginning on October 1, 1990 the payments to be made to any
7 eligible individual under the provisions of this title shall be
8 an entitlement as defined in section 401(c)(2)(C) of the Con-
9 gressional Budget Reform and Impoundment Control Act of
10 1974 (Public Law 93–344).”.
11 SEC. 210. Pursuant to the provisions of law set forth in
12 18 U.S.C. 3071–3077, not to exceed $100,000 of the funds
13 appropriated to the Department of Justice in this title shall
14 be available for rewards to individuals who furnish informa-
15 tion regarding acts of terrorism against a United States
16 person or property.
17 SEC. 211. Section 504(a)(1) of part E of title I of the
18 Omnibus Crime Control and Safe Streets Act of 1968, as
19 amended by section 6091 of the Anti-Drug Abuse Act of
20 1988, is amended by striking “1989” and inserting in lieu
21 thereof “1991”.
22 SEC. 212. Section 506(a) of part D of title I of the
23 Omnibus Crime Control and Safe Streets (42 U.S.C.
24 375(a)) is amended to read as follows:
“(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.”.

This title may be cited as the “Department of Justice Appropriations Act, 1990”.

TITLE III—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945) and expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, conventions, or
specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674, except that passenger motor vehicles with additional systems and equipment may be purchased without regard to any price limitation otherwise established by law as authorized by 31 U.S.C. 1343(c), $1,743,967,000, of which $33,498,000 is for the construction security program, to remain available until expended, and in addition not to exceed $500,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 38(b)(3)(A) of such Act (section 1255(c) of Public Law 100–204). In addition, not to exceed $29,152,000, to remain available until expended, may be transferred to this appropriation from “Acquisition and Maintenance of Buildings: Provided further, That the level of service provided through the Foreign Affairs Administrative Support System (FAAS) shall be commensurate with the amounts appropriated, or otherwise made available therefore in Appropriations Acts Abroad.”

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $18,672,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22
U.S.C. 4085), and for representation by United States missions to the United Nations and Organization of American States, $4,600,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956, and to provide for the protection of foreign missions in accordance with the provisions of 3 U.S.C. 208, $9,100,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $129,200,000 $348,100,000 to remain available until expended as authorized by 22 U.S.C. 2696(c): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C.
3526(e), $4,700,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $11,300,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $106,034,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress $668,011,000: Provided, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping
forces, including arrearages incurred through fiscal year 1989, $111,184,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations, including arrearages incurred through fiscal year 1989, and representation to such organizations as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $6,340,000, to remain available until expended as authorized by 22 U.S.C. 287(e), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 2269 and 4085.

INTERNATIONAL COMMISSIONS

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section including not to exceed $6,000 for representation; as follows:
SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, operations and maintenance of the interceptor system to be constructed to intercept sewage flows from Tijuana and from selected canyon areas as currently planned, and the operation and maintenance upon completion of the proposed Environmental Protection Agency and Corps of Engineers pipeline and plant project to capture Tijuana sewage flows in the event of a major breakdown in Mexico's conveyance system, $10,460,000: Provided, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $11,500,000 to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed $9,000 for representation expenses incurred by the International Joint Commission, $4,500,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.
INTERNATIONAL FISHERIES COMMISSIONS

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, as amended, for necessary expenses for international fisheries commissions, not otherwise provided for, $12,300,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 529.

OTHER

U.S. BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, as authorized by section 105 of Public Law 100–204, $4,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation as authorized by section 601 of Public Law 100–204, $14,100,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

For expenses, not otherwise provided for, to enable the Secretary of State to carry out the provisions of title VIII of Public Law 98–164, $4,600,000.
FISHERMEN'S GUARANTY FUND

For expenses necessary to carry out the provisions of section 7 of the Fishermen's Protective Act of 1967, as amended, $900,000 of which $450,000 shall be derived from the receipts collected pursuant to that Act, to remain available until expended.

Other

FISHERMEN'S PROTECTIVE FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, $1,000,000.

General Provisions—Department of State

Sec. 301. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

Sec. 302. Reprogrammings submitted by the Department of State to the Committees on Appropriations pursuant to the reprogramming provisions of this Act shall include an explanation and crosswalk providing information regarding the impact of the reprogramming on the program, project, activity, subactivity, or bureau from which funds and/or positions are proposed for transfer.
Sec. 303. For fiscal year 1991, the Department of State shall submit a budget justification document to the Committees on Appropriations which provides function, sub-function, and object class information for each program, project, activity, subactivity, and bureau within the Department.

This title may be cited as the “Department of State Appropriations Act, 1990”.

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344 $17,434,000

$17,434,000, of which not to exceed $15,000 shall be available for the procurement of an oil portrait of former Chief Justice Warren E. Burger to be placed in the United States Supreme Court Building; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve.
1 CARE OF THE BUILDING AND GROUNDS

2 For such expenditures as may be necessary to enable
3 the Architect of the Capitol to carry out the duties imposed
4 upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–
5 13b), $3,300,000 $5,547,000, of which $3,338,000 shall
6 remain available until expended: Provided, That for fiscal
7 year 1990 and hereafter, funds appropriated under this head-
8 ing shall be available for improvements, maintenance, re-
9 pairs, equipment, supplies, materials, and appurtenances;
10 special clothing for workmen; and personal and other services
11 (including temporary labor without regard to the Classifica-
12 tion and Retirement Acts, as amended), and for snow remov-
13 al by hire of men and equipment or under contract, and for
14 the replacement of electrical transformers containing poly-
15 chlorinated biphenyls both, without compliance with section
16 3709 of the Revised Statutes, as amended (41 U.S.C. 5).
17 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
18 CIRCUIT
19
20 SALARIES AND EXPENSES

21 For salaries of the chief judge, judges, and other officers
22 and employees, and for necessary expenses of the court, as
23 authorized by law, $8,820,000 $8,600,000.
UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $8,272,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the Claims Court, bankruptcy judges, magistrates, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $1,289,924,000 (including the purchase of firearms and ammunition): Provided, That such sums as may be available in the fund established pursuant to 28 U.S.C. 1931 may be credited to this appropriation as authorized by section 407(c) of the Judiciary Appropriation Act, 1987 (Public Law 99–591; 100 Stat. 3341–64): Provided further, That of the total amount appropriated, $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including sub-
scriptions: Provided further, That, notwithstanding any other provision of law, not to exceed $2,500,000 for expenses of the Claims Court associated with processing cases under the National Childhood Vaccine Injury Act of 1986 shall be reimbursed from the special fund established to pay judgements awarded under the Act.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $133,260,000 $118,787,000, and the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, and the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has
a treaty for the execution of penal sentences, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); and refreshment of jurors; $58,700,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $43,090,000 to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards...
or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

**Administrative Office of the United States Courts**

**Salaries and Expenses**

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel, as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), $32,670,000 advertising and rent in the District of Columbia and elsewhere, $34,670,000 of which an amount not to exceed $5,000 is authorized for official reception and representation expenses.

**Federal Judicial Center**

**Salaries and Expenses**

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $12,648,000.

**Judicial Retirement Funds**

**Payment to Judicial Officers’ Retirement Fund**

For the payment to Judicial Officers’ Retirement Fund, as authorized by Public Law 100–659, and to the Judicial Survivors Annuity Fund, as authorized by Public Law 99–336, $6,500,000.

**HR 2991 RS**
UNITED STATES SENTENCING COMMISSION

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $6,520,000.

GENERAL PROVISIONS—THE JUDICIARY

Sec. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

Sec. 402. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92–210 and the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

Sec. 403. For fiscal year 1990 and hereafter, the position of Trustee Coordinator in the Bankruptcy Courts of the United States shall not be limited to persons with formal legal training.

Sec. 404. Notwithstanding any other provision of law, for fiscal year 1990 and hereafter, (a) The Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. (b) The Administrative Office shall permit and encourage the preparation and mailing of such
notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. (c) The Director of the Administrative Office of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives.

Sec. 405. For fiscal year 1990 and hereafter, such fees as shall be collected for the preparation and mailing of notices in bankruptcy cases as prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. 1930(b) shall be deposited to the “Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses” appropriation to be used for salaries and other expenses incurred in providing these services.

Sec. 406. Pursuant to section 140 of Public Law 97-92, during fiscal year 1990, Justices and judges of the United States shall receive the same percentage increase in salary accorded to employees paid under the General Schedule (pursuant to 5 U.S.C. 5305).

Sec. 407. Appropriations made in this title which are available for salaries and expenses shall be available, notwithstanding the limitations in 31 U.S.C. section 1345, for the Judicial Conference of the United States to sponsor and host the Fifth International Appellate Judges Conference in the United States, provided that an amount shall be available
only if the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of any obligation or expenditure. The Judicial Conference may supplement such appropriations with other funds made available by any department or agency for the purposes of technical foreign aid, educational and cultural programs with the people of foreign countries, or commemorating the bicentennial anniversary of the United States Constitution and the Bill of Rights, provided that any supplementation shall be only for the expenses of the Fifth International Appellate Judges Conference. The Director of the Administrative Office may also accept and utilize gifts of funds, to be deposited as a special deposit account in the Treasury, for the expenses of the Fifth International Appellate Judges Conference for reimbursement of appropriations or direct expenditure, provided that any unexpended balance of the special deposit account shall be returned to the donor or donors. For the purpose of the conference, the Director is authorized to pay for local travel and incidental expenses of foreign participants and dependent members of their immediate household, to pay for per diem to such persons in lieu of subsistence at rates prescribed by the Director, and to conduct and pay for the activities set forth in subsections (1), (2), (9), (15), and (18) of section 804 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. section 1474).
Appropriations for commemorating the bicentennial or for salaries and expenses of the Judiciary shall not be made available by this section for the travel and incidental expenses of dependents. Nothing in this section precludes payment for the travel and other expenses of foreign participants and their dependents by any other department or agency, or by the Director on their behalf, as authorized by law.

Sec. 408. Section 1930(a)(1) of title 28, United States Code, is amended by striking out "$90" and inserting in lieu thereof "$120". Pursuant to section 1930(b) of title 28, the Judicial Conference of the United States shall prescribe a fee of $60 on motions seeking relief from the automatic stay under 11 U.S.C. section 362(b) and motions to abandon property of the estate. All fees as shall be hereafter collected for any service enumerated after item 18 of the bankruptcy miscellaneous fee schedule prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. section 1930(b) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931 and the Judicial Conference shall report to the Committees on Appropriations of the House of Representatives and the Senate on a quarterly basis beginning on the first day of each fiscal year regarding the sums deposited in said fund.
This title may be cited as "The Judiciary Appropriations Act, 1990".

TITLE V—RELATED AGENCIES

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $225,870,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $66,300,000, to remain available until expended, of which $2,250,000 shall be derived from unobligated balances of "Ship Construction": Provided, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and related programs, $106,600,000, to remain available until expended: Provided, That reimbursement may be made to the Operations and Training appropriation for expenses related to this program.
Advisory Commission on Conferences in Ocean Shipping

Salaries and Expenses

For necessary expenses of the Advisory Commission on Conferences in Ocean Shipping, including services as authorized by section 18(d) of Public Law 98–237, $300,000.

Arms Control and Disarmament Agency

Arms Control and Disarmament Activities

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed $55,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended et seq.), $33,876,000.

Board for International Broadcasting

Grants and Expenses

For expenses of the Board for International broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871–2883), $195,000,000, of which not to exceed $52,000 may be made available for official reception and representation expenses as authorized by section 304(a)(8) of the Board for International Broadcasting Act of 1973, as amended.

Israel Relay Station

For an additional amount for the Board for International Broadcasting for the purpose of making and overseeing
grants to Radio Free Europe/Radio Liberty, Incorporated, and its subsidiaries and of making payments as necessary in order to implement the agreement signed on June 18, 1987, between the United States Government and the Government of Israel to establish and operate a radio relay station in Israel for use by Radio Free Europe/Radio Liberty and the Voice of America, $183,500,000, to remain available until expended.

Christopher Columbus Quincentenary Jubilee Commission

Salaries and Expenses

For the necessary expenses of the Christopher Columbus Quincentenary Jubilee Commission as authorized by Public Law 98–375, $220,000, to remain available until December 31, 1993 as authorized by section 11(b) of said Act, as amended by section 8 of Public Law 100–94.

Commission on Agricultural Workers

Salaries and Expenses

For necessary expenses of the Commission on Agricultural Workers as authorized by section 304 of Public Law 99–603 (100 Stat. 3431–3434), $500,000, $300,000, to remain available until expended.
For necessary expenses of the Commission on the Bicentennial of the United States Constitution as authorized by Public Law 98–101 (97 Stat. 719–723), $14,300,000, to remain available until expended, and in carrying out the purposes of this Act, the Commission is authorized to enter into contracts, grants, or cooperative agreements as directed by the Federal Grant and Cooperative Agreement Act of 1977 (92 Stat. 3; 31 U.S.C. 6301), of which $705,000 shall be available to the National Park Service to carry out provisions of Public Law 100–421, and of which $7,500,000 is for carrying out the provisions of Public Law 99–194, including $3,142,000 for implementation of the National Bicentennial Competition on the Constitution and the Bill of Rights and $4,358,000 for educational programs about the Constitution and the Bill of Rights below the university level as authorized by such Act.
That not to exceed $20,000 may be used to employ consultants: Provided further, That not to exceed $185,000 may be used to employ temporary or special needs appointees: Provided further, That none of the funds shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner whose compensation shall not exceed the equivalent of 150 billable days at the daily rate of a level 11 salary under the General Schedule: Provided further, That not to exceed $40,000 shall be available for new, continuing or modifications of contracts for performance of mission-related external services: Provided further, That none of the funds shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days. Provided further, That the General Accounting Office shall audit the Commission's use of this appropriation under such terms and conditions as deemed appropriate by the Comptroller General and shall report its findings to the Appropriations Committees of the Senate and House of Representatives.
1 Commission for the Preservation of America's Heritage Abroad

2 salaries and expenses

3 For necessary start-up costs for the Commission for the Preservation of America's Heritage Abroad, $200,000 as authorized by Public Law 99–83, section 1303.

4 Commission on Security and Cooperation in Europe

5 salaries and expenses

6 For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $850,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

7 Commission on the Ukraine Famine

8 For necessary close out expenses of the Commission on the Ukraine Famine, $100,000.

9 Commission for the Study of International Migration and Cooperative Economic Development

10 salaries and expenses

11 For necessary expenses of the Commission for the Study of International Migration and Cooperative Economic Development as authorized by title VI of Public Law 99–603, $1,290,000, to remain available until expended.
COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by Sec. 5209 of the Omnibus Trade and Competitiveness Act of 1988, $1,000,000, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $20,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, and sections 6 and 14 of the Age Discrimination in Employment Act; $184,926,000: Provided, That the final rule regarding unsupervised waivers under the Age Discrimination in Employment Act, issued by the Commission on August 27, 1987 (29 CFR sections 1627.16(c)(1)-(3)), shall not have effect during fiscal year 1990: Provided further, That none of the funds may be obligated or expended by the Commission to give effect to any policy or practice pertaining to unsupervised waivers under the Age Discrimination in Employment Act, except that this
proviso shall not preclude the Commission from investigating or processing claims of age discrimination, and pursuing appropriate relief in Federal court, regardless of whether an unsupervised waiver of rights has been sought or signed.

**Federal Communications Commission**

**Salaries and Expenses**

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901–02); not to exceed $300,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed fourteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $109,831,000, of which not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1991, for research and policy studies: Provided, That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Owner-
ship of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 60 F.C.C. 2d 607 Rev. Bd. (1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86–484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: Provided further, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for non-commercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): Provided further, That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(c) of title 47 of the Code of Federal Regulations.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46, App. U.S.C. 1111),
including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; $15,650,000: Provided, That not to exceed $1,500 shall be available for official reception and representation expenses.

_Federal Trade Commission_

**SALARIES AND EXPENSES**

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $64,580,000: Provided, that the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374).

_International Trade Commission_

**SALARIES AND EXPENSES**

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed
$2,500 for official reception and representation expenses,
$39,000,000.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,350,000; and an amount of Japanese currency not to exceed the equivalent of $1,610,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $321,000,000 of which $275,306,000 is for basic field programs, $7,313,000 is for Native American programs, $10,100,000 is for migrant programs, $1,146,000 is for law school clinics, $1,041,000 is for supplemental field programs, $650,000 is for regional training centers, $7,528,000 is for national support, $8,168,000 is for State support, $901,000 is for the Clearinghouse, $531,000 is for computer assisted legal research regional centers, and $8,316,000 is for Corporation management and administration.
1 **Marine Mammal Commission**

2 **salaries and expenses**

3 For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, $960,000.

4 **Martin Luther King, Jr. Federal Holiday Commission**

5 **salaries and expenses**

6 For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, $300,000, to remain available until expended.

7 **Office of the United States Trade Representative**

8 **salaries and expenses**

9 For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $18,830,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $89,000 shall be available for official reception and representation expenses.
Securities and Exchange Commission

Salaries and Expenses

For necessary expenses of the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $3,000 for official reception and representation expenses, $168,707,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions: Provided, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one-fortieth of 1 per centum and such increase shall be deposited as an offsetting receipt to the general fund of the Treasury.

Small Business Administration

Salaries and Expenses

(Including Transfer of Funds)

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 100–590, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, $240,045,000, $239,136,000 of which $50,000,000 $45,000,000 is for grants for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended: Provided, That not more than $350,000 of this amount shall be available to pay the expenses of the National Small Busi-
ness Development Center Advisory Board and to reimburse centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act: Provided further, That none of the funds appropriated or made available by this Act to the Small Business Administration shall be used to adopt, implement, or enforce any rule or regulation with respect to the Small Business Development Center program authorized by section 21 of the Small Business Act, as amended (15 U.S.C. 648), nor may any of such funds be used to impose any restrictions, conditions or limitations on such program whether by standard operating procedure, audit guidelines or otherwise, unless such restrictions, conditions or limitations were in effect on October 1, 1987: Provided further, That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee: Provided further, That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased user fee or management assistance fee. In addition, $96,160,000 such sums as may be necessary for disaster loan-making activities, including loan servicing, shall be transferred to this appropriation from the “Disaster Loan Fund” as authorized by Public Law 100–590.
OFFICE OF INSPECTOR GENERAL


BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business Loan and Investment Fund", $77,500,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note; and for additional capital for new direct loan obligations to be incurred by the "Business Loan and Investment Fund", $87,000,000 $78,000,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note: Provided, That no funds appropriated under this Act may be used to sell direct loans which are held by the Small Business Administration or any loan guaranty or debenture guaranty made by the Small Business Administration under the authority contained in the Small Business Investment Act of 1958, and which was held by the Federal Financing Bank on September 30, 1987.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $11,000,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.
For additional capital for the "Pollution control equipment contract guarantee revolving fund" authorized by the Small Business Investment Act, as amended, $13,000,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

**Administrative Provisions**

(1) Section 405 of the Small Business Investment Act of 1958 (15 U.S.C. 694) is hereby repealed. Any monies remaining in the Pollution Control Equipment Contract Guarantee Revolving Fund on the date of enactment of this Act shall be transferred to the Small Business Administration's business loan and investment fund.

(2) Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended to read as follows:

"(2) In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration, except as provided in paragraph (6), shall be—

"(A) not less than 90 percent of the balance of the financing outstanding at the time of disbursement if such financing does not exceed $155,000: Provided, That the percentage of participation by the Administration may be reduced
below 90 percent upon request of the participating lender; and

“(B) subject to the limitation in paragraph (3)—

“(i) not less than 70 percent nor more than 85 percent of the financing outstanding at the time of disbursement if such financing exceeds $155,000: Provided, That the participation by the Administration may be reduced below 70 percent upon request of the participating lender; and

“(ii) not less than 85 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (16);

The Administration shall not use the percent of guarantee requested as a criterion for establishing priorities in approving guarantee requests nor shall the Administration reduce the percent guaranteed to less than 85 percent under subparagraph (B) other than by determination made on each application. Notwithstanding subparagraphs (A) and (B), the Administration's participation under the Preferred Lenders Program or any successor thereto shall be not less than 80 percent, except upon request of the participating lender. As used
in this subsection, the term 'Preferred Lenders Pro-
gram' means a program under which a written agree-
ment between the lender and the Administration dele-
gates to the lender (I) complete authority to make and
close loans with a guarantee from the Administration
without obtaining the prior specific approval of the Ad-
ministration, and (II) authority to service and liqui-
date such loans.”.

(3) Section 7(a)(19) of the Small Business Act (15
U.S.C. 636(a)(19)) is amended to read as follows:

“(19)(A) In addition to the Preferred Lenders
Program authorized by the proviso in section 5(b)(7),
the Administration is authorized to establish a Certi-
fied Lenders Program for lenders who establish their
knowledge of Administration laws and regulations con-
cerning the guaranteed loan program and their profi-
ciency in program requirements. The designation of a
lender as a certified lender shall be suspended or re-
voked at any time that the Administration determines
that the lender is not adhering to its rules and regula-
tions or that the loss experience of the lender is exces-
sive as compared to other lenders, but such suspension
or revocation shall not effect any outstanding
guarantee.
“(B) In order to encourage all lending institutions and other entities making loans authorized under this subsection to provide loans of $50,000 or less in guarantees to eligible small business loan applicants, during fiscal years 1989, 1990, and 1991, the Administration shall (i) develop and allow participating lenders to solely utilize a uniform and simplified loan form for such loans, and (ii) allow such lenders to retain one-half of the fee collected pursuant to section (7)(a)(18) on such loans. A participating lender may not retain any fee pursuant to this paragraph if the amount committed and outstanding to the applicant would exceed $50,000 unless the amount in excess of $50,000 is an amount not approved under the provisions of this paragraph.”.

(4) The last sentence of subparagraph (A) of section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)) is amended to read as follows: “In the case of cosponsored activities which include the participation of a Federal, State, or local public official or agency, the Administration shall take such actions as it deems necessary to ensure that the cooperation does not constitute or imply an endorsement by the Administration or give undue recognition to the public official or agency, and the Administration shall ensure that it receives appropriate recognition in all cosponsored printed ma-
1 materials, whether the participant is a profit making concern or
2 a governmental agency or public official.”.
3
4 (5) Section 303 of the Small Business Investment Act
5 of 1958 (15 U.S.C. 683) is amended by adding at the end
6 thereof the following new subsections:
7 “(d) The Administration is authorized to make, and to
8 contract to make, periodic interest reduction payments to the
9 holder of a debenture or the appropriate fiscal agent of a
10 small business investment company described in section
11 301(d) to cover the difference, if any, between—
12 “(1) the amount of interest the company is re-
13 quired to pay on debentures issued by it (other than
14 debentures issued to the Administration), and
15 “(2) the amount of interest the company would be
16 required to pay on debentures purchased by the Admin-
17 istration, as determined under section 317.
18 Amounts authorized for direct purchases of debentures and
19 preferred securities under this title shall also be available for
20 interest payments under this subsection, or to purchase cap-
21 ital notes from section 301(d) licensees.
22 “(e) Notwithstanding any other provision of law,
23 amounts available for guarantees of debentures issued by
24 small business investment companies may be used for guar-
25 antees of debentures issued by companies licensed under sec-
tion 301(d) and financed by issuance and guaranty of certifi-
cates under section 321.”.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as
authorized by The State Justice Institute Authorization Act
of 1988 (Public Law 100–690 (102 Stat. 4466–4467)),
$11,233,000 $12,000,000, to remain available until expend-
ed: Provided, That section 607 of the Judicial Improvements
and Access to Justice Act, Public Law 100–702, amending
section 215 of the State Justice Institute Act of 1984 is
hereby repealed and section 7321(a) of the Anti-Drug Abuse
Act of 1988, Public Law 100–690, is hereby revived.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to
enable the United States Information Agency, as authorized
by the Mutual Educational and Cultural Exchange Act of
1961, as amended (22 U.S.C. 2451 et seq.), the United
States Information and Educational Exchange Act of 1948,
as amended (22 U.S.C. 1431 et seq.), and Reorganization
Plan No. 2 of 1977 (91 Stat. 1636), to carry out interna-
tional communication, educational and cultural activities;
and to carry out related activities authorized by law, includ-
ing employment, without regard to civil service and classifi-
cation laws, of persons on a temporary basis (not to exceed $700,000, of this appropriation), as authorized by 22 U.S.C. 1471, expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921–5928 and 22 U.S.C. 287e–1; and entertainment, including official receptions, within the United States, not to exceed $20,000 as authorized by 22 U.S.C. 1474(3); $647,875,000, none of which shall be restricted from use for the purposes appropriated herein: Provided, That not to exceed $1,210,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: Provided further, That not to exceed $12,902,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: Provided further, That not to exceed $500,000 shall remain available until expended as authorized by 22 U.S.C. 1477(b), for expenses (including those authorized by the Foreign Service Act of 1980) and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535–1536: Provided further, That not to exceed $6,000,000 may be credited to this appropriation from fees or other payments received from or in connection with English
teaching, library, motion picture, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended:

OFFICE OF THE INSPECTOR GENERAL


EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Private Sector, and Congress-Bundestag Exchange Programs, as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636) $160,300,000, including up to $1,500,000, to remain available until expended, for the Eisenhower Exchange Fellowship Program.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $85,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a), of which not to exceed $16,000,000 may be available for the completion of testing and first-year operations of television
broadcasting to Cuba, including, but not limited to the purchase, rent, construction, improvement and equipping of facilities, operations, and staffing: Provided, That such funds for television broadcasting to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti Program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $12,700,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $20,700,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for
the payment thereof, in excess of the rate authorized for GS-18 of the Classification Act of 1949, as amended, exclusive of any cap on such rate.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $15,800,000.

TITLE VI—GENERAL PROVISIONS

Sec. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 602. 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. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of

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each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Sec. 605. The Attorney General and the Commissioners of the Federal Trade Commission shall establish a fee schedule for filing premerger notification reports required by the Hart-Scott-Rodino Antitrust Improvement Act of 1976 within one hundred and eighty days after approval of this Act, such fees to be collected by the Federal Trade Commission and divided evenly between and credited to the appropriations Federal Trade Commission “Salaries and expenses” and Department of Justice “Salaries and expenses, Antitrust Division”: Provided, That immediately following approval of this Act, a temporary fee of one-fiftieth of 1 per centum of the value of the transaction shall be levied pending the establishment of a fee schedule with proceeds distributed as shown above: Provided further, That fees in excess of $30,000,000 in fiscal year 1990 shall be deposited to the credit of the Treasury.

Sec. 606. (a) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for
any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $250,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.
Sec. 607. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Sec. 608. Funds appropriated to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1990 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) shall be maintained in fiscal year 1990 at not less than $8.98 per poor person within the geographical area of each grantee or contractor under the 1980 census or 9 cents per poor person more than the annual per-poor-person level at which each grantee and contractor was funded in fiscal year 1989, whichever is greater; and

(2) each such grantee shall be increased by an equal percentage of the amount by which such grantee's funding, including the increase under (1) above, falls below $16.68 per poor person within its geographical area under the 1980 census:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class
action suit against the Federal Government or any State or local government unless—

(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

(3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients:

except that this proviso may be superseded by regulations governing the bringing of class action suits promulgated by a majority of the Board of Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: Provided further, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used—
(1) to pay for any publicity or propaganda intended or designed to support or defeat legislation pending before Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency;

(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities;

(3) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

(A) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity,

(B) to favor or oppose an authorization or appropriation directly affecting the authority,
function, or funding of the recipient or the Corporation, or

(C) to influence the conduct of oversight proceedings of the recipient or the Corporation;

(4) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or similar legislation, except that this proviso shall not preclude funds from being used to provide communication directly to a Federal, State, or local elected official on a specific and distinct matter where the purpose of such communication is to bring the matter to the official's attention if—

(A) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of a client or class of clients in accordance with policy established by the governing body of the recipient; and

(B) the project director of a recipient has determined prior to the undertaking of such communication, that—
(i) the client and each client is in need of relief which can be provided by the legislative body involved;

(ii) appropriate judicial and administrative relief have been exhausted; and

(iii) documentation has been secured from each eligible client that includes a statement of the specific legal interests of the client, except that such communication may not be the result of participation in a coordinated effort to provide such communications under this proviso; and

(C) the project director of a recipient maintains documentation of the expense and time spent under this proviso as part of the records of the recipient; or

(D) the project director of a recipient has approved the submission of a communication to a legislator requesting introduction of a private relief bill:

except that nothing in this proviso shall prohibit communications made in response to a request from a Federal, State, or local official: Provided further, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used to pay for any administrative or related
costs associated with an activity prohibited in clause (1), (2), (3), or (4) of the previous proviso: Provided further, That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General’s withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));
Provided further, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of the previous proviso, to be an alien described in clause (3) of the previous proviso: Provided further, That none of the funds appropriated for the Legal Services Corporation may be used to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his rights under statute, order, or regulation: Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures
to insure that financial assistance under this Act shall not be terminated, and a suspension of financial assistance shall not be continued for more than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this Act has been afforded reasonable notice and opportunity for a timely, full, and fair hearing and, when requested, such hearing shall be conducted by an independent hearing examiner, subject to the following conditions—

(1) such request for a hearing shall be made to the Corporation within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding, or suspend financial assistance and such hearing shall be conducted within thirty days of receipt of such request for a hearing;

(2) the Corporation shall make such final decision within thirty days after completion of such hearing; and

(3) hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to ensure that an application for re-
funding shall not be denied unless the grantee, contractor, or
person or entity receiving assistance under this Act has been
afforded reasonable notice and opportunity for a timely, full,
and fair hearing to show cause why such action should not be
taken and subject to all other conditions of the previous provi-
so: Provided further, That none of the funds appropriated in
this Act for the Legal Services Corporation shall be used by
the Corporation in making grants or entering into contracts
for legal assistance unless the Corporation insures that the
recipient is either (1) a private attorney or attorneys (for the
sole purpose of furnishing legal assistance to eligible clients)
or (2) a qualified nonprofit organization chartered under the
laws of one of the States, a purpose of which is furnishing
legal assistance to eligible clients, the majority of the board of
directors or other governing body of which organization is
comprised of attorneys who are admitted to practice in one of
the States and who are appointed to terms of office on such
board or body by the governing bodies of State, county, or
municipal bar associations the membership of which repre-
sents a majority of the attorneys practicing law in the locali-
ty in which the organization is to provide legal assistance, or,
with regard to national support centers, the locality where the
organization maintains its principal headquarters: Provided
further, That none of the funds appropriated in this Act for
the Corporation shall be used, directly or indirectly, by the
Corporation to promulgate new regulations or to enforce, implement, or operate in accordance with regulations effective after April 27, 1984, unless the Appropriations Committees of both Houses of Congress have been notified fifteen days prior to such use of funds as provided for in section 606 of this Act: Provided further, That none of the funds appropriated to the Legal Services Corporation for fiscal years prior to fiscal year 1986 and carried over into fiscal year 1990, either by the Corporation itself or by any recipient of such funds, may be expended, unless such funds are expended in accordance with the preceding restrictions and provisos, except that such funds may be expended for the continued representation of aliens prohibited by said provisos where such representation commenced prior to January 1, 1983, or as approved by the Corporation: Provided further, That if a Presidential Order pursuant to Public Law 100–119, the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, is issued for fiscal year 1990, funds provided to each grantee of the Legal Services Corporation shall be reduced by the percentage specified in the Presidential Order: Provided further, That if funds become available to the Legal Services Corporation because a national support center has been defunded or denied refunding pursuant to section 1011(2) of the Legal Services Corporation Act, as amended by this Act, such funds may be transferred to basic
field programs to be distributed in the manner specified by this Act: Provided further, That none of the funds appropriated by this Act or prior Acts or any other funds available to the Corporation or a recipient may be used by an officer, board member, employee or consultant of the Corporation or by any recipient to implement or enforce the 1984 and 1986 regulations on legislative and administrative advocacy (part 1612) or to implement, enforce or keep in effect provisions in the regulation regarding legislative and administrative advocacy and training (part 1612, 52 FR 28434 (July 29, 1987)) which impose restrictions on private funds except to the extent that such restrictions are explicitly set forth in sections 1007 (a)(5), (b)(6), (b)(7), and 1010(c) of the Legal Services Corporation Act, as amended: Provided further, That the Corporation shall not impose requirements on governing bodies of the recipients that are additional to, or more restrictive than, the provisions of this Act and section 1007(c) of the Legal Services Corporation Act, as amended, including, but not limited to (1) the procedures of appointment, including the political affiliation and the length of terms of board members, (2) the size, quorum requirements and committee operations of such governing bodies, and (3) any requirements on appointment of board members of national support centers that would preclude the bar associations in the States in which the center's principal offices are located.
from making all appointments required to be made by bar associations: Provided further, That none of the funds appropriated under this Act to the Legal Services Corporation may be used by the Corporation or any recipient to participate in any litigation with respect to abortion: Provided further, That the Corporation shall utilize the same formula for distribution of fiscal year 1990 migrant funds as was used in fiscal year 1989: Provided further, That the fourteenth and fifteenth provisos of this section (relating to parts 1607 and 1612 of the Corporation's regulations) shall expire if such action is directed by a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate: Provided further, That none of the funds appropriated under this Act or under any prior Acts for the Legal Services Corporation shall be used to consider, develop, or implement any system for the competitive award of grants or contracts until such action is authorized pursuant to a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate, except that nothing herein shall prohibit the Corporation Board, members, or staff from engaging in in-house reviews of or holding hearings on proposals for a
system for the competitive award of all grants and contracts, including support centers, and that nothing herein shall apply to any competitive awards program currently in existence; subsequent to confirmation such new Board of Directors shall develop and implement a proposed system for the competitive award of all grants and contracts: Provided further, that the Corporation shall insure that all grants and contracts made for calendar year 1990 to all grantees receiving funds under sections 1006(a) (1)(A) and (3) of the Legal Services Corporation Act as of September 30, 1989, with funds appropriated by this Act or prior appropriations Acts, shall be made for a period of at least twelve months beginning on January 1, 1990, so as to insure that the total annual funding for each current grantee or contractor is no less than the amount provided pursuant to this Act: Provided further, that such grants or contracts shall not be subject to any amendments to regulations relating to fee-generating cases (45 CFR part 1609) or the use of private funds (45 CFR parts 1610 and 1611) not in operational effect on October 1, 1988: Provided further, That any changes in procedures in operational effect as of September 1, 1989, that would have the effect of imposing timekeeping requirements on recipients must be adopted as rules or regulations in accordance with section 1008(e) of the Legal Services Corporation Act and all of the requirements of this Act: Provided further, That any
new rules or regulations, or revisions to existing rules or reg-
ulations adopted by the Board of the Legal Services Corpora-
tion after October 1, 1989, shall not become effective until
after October 1, 1990, or until authorized pursuant to a ma-
majority vote of a Board of Directors of the Legal Services Cor-
poration composed of eleven individuals nominated by the
President after January 20, 1989, and subsequently con-
firmed by the United States Senate: Provided further, That,
notwithstanding any decision or action of the President of the
Corporation after September 7, 1989, funds appropriated
under this Act or any prior Acts shall not be denied, for the
period October 1, 1989 through December 31, 1990, to any
grantee or contractor which in fiscal year 1989 received
funding appropriated under any prior Act, as a result of ac-
tivities which have been found by an independent hearing
officer appointed by the President of the Corporation prior to
October 1, 1989, not to constitute grounds for a denial of
refunding, and any decisions or action of the President of the
Corporation reversing or setting aside such decision of an
independent hearing officer concerning section 1010(c) of the
Act rendered in fiscal year 1989 shall be null and void.

Sec. 609. (a) Not more than $9,901,000 of the funds
appropriated by this Act may be obligated or expended for the
procurement of advisory or assistance services by the Depart-
ment of Commerce; not more than $9,858,000 of the funds
appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of State; not more than $15,361,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory and assistance services by the Department of Justice; and not more than $1,500,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory and assistance services by the Small Business Administration.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the head of each department and agency named in subsection (a) shall (A) submit to Congress a report on the amounts obligated and expended by the department or agency during that quarter for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the
Sec. 610. (a) The Secretary of State, in consultation with the Secretary of Commerce, shall, with respect to those species of sea turtles the conservation of which is the subject of regulations promulgated by the Secretary of Commerce on June 29, 1987—

(1) initiate negotiations as soon as possible for the development of bilateral or multilateral agreements with other nations for the protection and conservation of such species of sea turtles;

(2) initiate negotiations as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, commercial fishing operations which, as determined by the Secretary of Commerce, may affect adversely such species of sea turtles, for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species of sea turtles;

(3) encourage such other agreements to promote the purposes of this section with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of such species of sea turtles;
(4) initiate the amendment of any existing international treaty for the protection and conservation of such species of sea turtles to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section; and

(5) provide to the Congress by not later than one year after the date of enactment of this section—

(A) a list of each nation which conducts commercial shrimp fishing operations within the geographic range of distribution of such sea turtles;

(B) a list of each nation which conducts commercial shrimp fishing operations which may affect adversely such species of sea turtles; and

(C) a full report on—

(i) the results of his efforts under this section; and

(ii) the status of measures taken by each nation listed pursuant to paragraph (A) or (B) to protect and conserve such sea turtles.

(b)(1) In General.—The importation of shrimp or products from shrimp which have been harvested with commercial fishing technology which may affect adversely such species of sea turtles shall be prohibited not later than May 1, 1991, except as provided in paragraph (2).
(2) CERTIFICATION PROCEDURE.—The ban on importation of shrimp or products from shrimp pursuant to paragraph (1) shall not apply if the President shall determine and certify to the Congress not later than May 1, 1991, and annually thereafter that—

(A) the government of the harvesting nation has provided documentary evidence of the adoption of a regulatory program governing the incidental taking of such sea turtles in the course of such harvesting that is comparable to that of the United States; and

(B) the average rate of that incidental taking by the vessels of the harvesting nation is comparable to the average rate of incidental taking of sea turtles by United States vessels in the course of such harvesting.

Sec. 611. No monies appropriated by this Act may be used to review or approve any export license applications for the launch of United States-built satellites on Soviet- or Chinese-built launch vehicles.

Sec. 612. Any country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979 shall cease to be considered designated a “beneficiary developing country” for purposes of receiving benefits under the Generalized System of Preferences [GSP].
This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990".

Passed the House of Representatives August 1, 1989.

Attest: DONNALD K. ANDERSON,

Clerk.
AN ACT

[Report No. 101-144]

H. R. 2991

101st Congress

1st Session

Making appropriations for the Departments of Commerce, Justice, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

September 27 (legislative day, September 18), 1989

Reported with amendments
AMENDMENT NO. _____  Calendar No. ____

Purpose: To provide a permanent appropriation for an entitlement program compensating certain United States citizens under the Civil Liberties Act of 1988, and for other purposes.


H.R. 2991

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

Referred to the Committee on _________________________

and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. INOUYE

Viz:

1 On page 6, insert between lines 2 and 3, the following:

3 Subject to the limitations of section 104(e) of the Civil Liberties Act of 1988 (Public Law 100-383) and for the maximum amount provided for under such section, effective in the fiscal year beginning on October 1, 1990, and continuing each fiscal year thereafter, such sums as hereafter may be necessary are appropriated from money in the Treasury not otherwise appropriated, for payments
to eligible individuals entitled to such payments under the provisions of the Civil Liberties Act of 1988 (Public Law 100-383).

The Civil Liberties Act of 1988 (Public Law 100-383) is amended by adding at the end thereof the following new section:

"SEC. 110. ENTITLEMENTS TO ELIGIBLE INDIVIDUALS.

"Notwithstanding any other provision of this title, the payments made to any eligible individual under the provisions of this title shall be an entitlement."
Purpose: To provide a permanent appropriation for an entitlement program compensating certain United States citizens under the Civil Liberties Act of 1988, and for other purposes.


H.R. 2991

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

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Ordered to lie on the table and to be printed

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AMENDMENT NO. ____ Calendar No. ____

Purpose: To provide a permanent appropriation for an entitlement program compensating certain United States citizens under the Civil Liberties Act of 1988, and for other purposes.


H.R. 2991

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

Referred to the Committee on _________________________

and ordered to be printed

Ordered to lie on the table and to be printed

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7 and continuing each fiscal year thereafter, such sums as
8 hereafter may be necessary are appropriated from money
9 in the Treasury not otherwise appropriated, for payments
to eligible individuals entitled to such payments under the
provisions of the Civil Liberties Act of 1988 (Public Law
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383) is amended by adding at the end thereof the following
new section:

"SEC. 110. ENTITLEMENTS TO ELIGIBLE INDIVIDUALS.

"Notwithstanding any other provision of this title, the
payments made to any eligible individual under the provi-
sions of this title shall be an entitlement."
Page 17, after line 6, insert the following:

1 Subject to the provisions of section 104(e) of the Civil  
3 1989b-3(e)), the maximum amount authorized under such section  
4 for any fiscal year is appropriated, from money in the  
5 Treasury not otherwise appropriated, for each fiscal year  
6 beginning on or after October 1, 1990, to the Civil Liberties  
7 Public Education Fund established by section 104(a) of the  
8 Civil Liberties Act of 1988, for payments to eligible  
9 individuals under section 105 of that Act.
Congress of the United States
House of Representatives
Washington, DC 20515

FACSIMILE COVER SHEET

TO: 

PHONE: 

FAX NUMBER: 

FROM: CONGRESSMAN DANIEL K. AKAKA
U.S. House of Representatives
Washington, DC 20515
(202) 225-3011

DATE: 

SUBJECT: 

We are sending you 2 pages, including this cover sheet. If you do not receive all of the pages, please contact the person listed above. Mahalo!
To accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

IN THE SENATE OF THE UNITED STATES

APRIL 10 (legislative day, MARCH 30), 1987

Mr. Matsunaga (for himself, Mr. Inouye, Mr. Stevens, Mr. Murkowski, Mr. Byrd, Mr. Dole, Mr. Cranston, Mr. Simpson, Mr. Adams, Mr. Armstrong, Mr. Baucus, Mr. Bentsen, Mr. Biden, Mr. Bond, Mr. Boren, Mr. Boschwitz, Mr. Bradley, Mr. Breaux, Mr. Burdick, Mr. Chiles, Mr. Cochran, Mr. Cohen, Mr. Conrad, Mr. D'Amato, Mr. Daschle, Mr. DeConcini, Mr. Dixon, Mr. Dodd, Mr. Durenberger, Mr. Evans, Mr. Fowler, Mr. Garn, Mr. Glenn, Mr. Gore, Mr. Graham, Mr. Harkin, Mr. Hatch, Mr. Hatfield, Mr. Johnston, Mr. Karnes, Mr. Kasten, Mr. Kennedy, Mr. Kerry, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lugar, Mr. McConnell, Mr. Melcher, Mr. Metzenbaum, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Packwood, Mr. Pell, Mr. Proxmire, Mr. Reid, Mr. Ribble, Mr. Rockefeller, Mr. Rudman, Mr. Sanford, Mr. Sarranes, Mr. Sasser, Mr. Simon, Mr. Specter, Mr. Stafford, Mr. Symms, Mr. Warner, Mr. Weicker, Mr. Wilson, and Mr. Wirth) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

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

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 one hundred and ten thousand United States citizens and permanent resident aliens of Japanese ancestry and the treatment of the individuals of Aleut ancestry who were removed from the Aleutian and the Pribilof Islands;

(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 Civil-
ians, established by the Commission on Wartime Relocation and Internment of Civilians Act.

CRIMINAL CONVICTIONS

Sec. 202. (a) Review.—The Attorney General is requested to 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 is requested to 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 $1,300,000,000.

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) Nonresidents.—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.

(e) Extinguishment of Claims.—The claims of an eligible individual against the United States shall be extinguished—

(A) on a date which is ten years after the date of enactment of this Act, or
(B) on the date by which the individual has received the total amount of payments under this Act, whichever first occurs.

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.
1 (3) The Director and the additional staff personnel of the
2 Board may be appointed without regard to section 5311(B) of
3 title 5, United States Code, and may be appointed without
4 regard to the provisions of such title governing appointments
5 in the competitive service, and may be paid without regard to
6 the provisions of chapter 51 and subchapter III of chapter 53
7 of such title relating to classification and General Schedule
8 pay rates, except that the compensation of any employee of
9 the Board may not exceed a rate equivalent to the rate pay-
10 able under GS–18 of the General Schedule under section
11 5332(a) of such title.
12 (e) SUPPORT SERVICES.—The Administrator of Gener-
13 al Services shall provide to the Board of Directors on a reim-
14 bursable basis such administrative support services as the
15 Board may request.
16 (f) DONATIONS.—The Board may accept, use, and dis-
17 pose of gifts or donations or services or property for purposes
18 authorized under subsection (b).
19 (g) ANNUAL REPORT.—Not later than twelve months
20 after the first meeting of the Board and every twelve months
21 thereafter, the Board shall transmit a report describing the
22 activities of the Board to the President and to each House of
23 the Congress.
24 (h) SUNSET FOR BOARD.—The Board shall terminate
25 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 appropri-
ated 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 of the United States.

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 ex-
penditures 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 of the laws of the State of Alaska or any successor law 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 of the United States.

**EXPENDITURES AND AUDIT**

Sec. 304. (a) **Expenditures.**—The Secretary is authorized and directed to pay, to the extent provided by appropriation Acts, 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 representa-
tives 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 ac-
countants; 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 ter-
minate 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 ir-
reconcilable differences between the Administrator and the
review panel with respect to any specific portion of the plans
and recommendations for work to be performed under this
subsection, the Secretary shall submit such specific portion of
such plans and recommendations to the Congress for approv-
al 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 ongoing 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 De-
fense, 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 recommenda-
tions 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
out the program required by this section, the Chief of Engi-
neers shall consult with the trustees of the trust established
by section 306(b) of this Act, and shall give preference to the
Aleutian Housing Authority as general contractor.

(d) Authorization.—There are authorized to be ap-
propriated $15,000,000 to carry out the purposes of this
section.

ATTU ISLAND RESTITUTION PROGRAM

Sec. 309. (a) In accordance with section 3(c) of the
Wilderness Act (78 Stat. 892) and section 702(1) of the
2417), the public lands on Attu Island, Alaska, within the
National Wildlife Refuge System are designated as wilder-
ness. In order to make restitution for the loss of traditional
Aleut lands and village properties on Attu Island, while pre-
serving the present designation of Attu Island lands as part
of the National Wilderness Preservation System, compen-
sation 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 ac-
count designated "The Aleut Corporation Property Ac-
count", 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 thirty-five thousand seven hundred and thirty-seven 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 may 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 Corpora-
tion 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 ninety 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, except that before 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, except that on or after the date of enactment of this section, no site on Attu

S 1009 IS
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.
Talking Points for Press Secretaries

on S. 1009 A Bill to Implement the Recommendations of the
Commission on Wartime Relocation and Internment of Civilians

Background:

Two months after the attack on Pearl Harbor, in February, 1942, President Roosevelt signed Executive Order 9066, giving the War Department the authority to designate restricted areas from which "any or all persons" could be excluded. Under that authority, the Commander of the Western District, Lt. Gen. John L. DeWitt, issued proclamations establishing various restrictions and curfews against aliens and persons of Japanese ancestry, American citizens as well as their immigrant parents (the immigrants had been barred by law from seeking citizenship.)

The first civilian exclusion order was issued by DeWitt in March of 1942. By late March, Japanese Americans from California, Oregon and Washington were being moved to "Assembly Centers" (some of which were stables at racetracks and fairgrounds). By September, they had been removed to remote, inland internment camps surrounded by barbed wire fences and armed guards. Ten camps, holding 120,000 internees of all ages, were administered by the War Relocation Authority. Internees spent an average of three years in the camps.

Questions and Answers:

The following are frequently asked questions about internment and the redress issue. The answers have been informally drafted to assist you.

1) Didn't the threat of invasion to the West Coast justify internment?

No. The Commission on Wartime Relocation and Internment of Civilians, after a two-year study, found no military justification for internment of the Japanese-American population.

Even at the time of mass evacuation, military leaders acknowledged the fact that the threat of an enemy invasion of the West Coast was extremely remote, especially after the Battle of Midway in June 1942, the turning point of the war in the Pacific.

FBI Director J. Edgar Hoover opposed mass internment, saying that the FBI and other law enforcement agencies could identify and apprehend saboteurs or espionage agents.

The Office of Naval Intelligence also opposed the policy, pointing out that no evidence existed of spying or sabotage by Americans of Japanese ancestry or their immigrant parents.

-more-
2) Everyone is called on to sacrifice during wartime, why should only the Japanese-Americans be compensated?

This was the only time in American history that ethnic background alone was grounds for incarceration. The government knew loyal American citizens would be deprived of liberty, but did so anyway, because it was easier to lock up every ethnic Japanese than to determine if any were disloyal.

The interned families still made the wartime sacrifices other Americans were making -- their sons volunteered for military service, for example, forming the 100th Infantry Battalion and the 442nd Regimental Combat Team, the most highly decorated units in American military history.

3) Isn't $1.3 billion dollars a lot of money?

S. 1009 is an authorization bill, payments are subject to appropriations. Its authorizations are spread out over a five-year period with the eldest internees compensated first.

The bill also requires that a former internee who accepts the $20,000 payment to waive damages for internment that might later be awarded by the courts. If the lawsuit is ultimately successful, S. 1009 may actually save taxpayers as much as $23 billion.

4) Wasn't internment upheld by the Supreme court?

In three cases the Supreme Court reviewed the Executive Order in the context of convictions for violations of military orders issued pursuant to the Executive Order. The Court chose not to review the factual basis for military decisions in wartime, accepting without scrutiny the government's representation that exclusion and evacuation were militarily necessary.

5) Didn't internees receive full compensation for their losses after the war?

No. Some received limited compensation, averaging 10 cents on the dollar, for actual property losses. None was compensated for loss of income, profit, educational opportunity or for the civil rights violations or pain and suffering. Uncompensated was the incalculable losses on property sold off at "fire sale" prices in the days prior to relocation.

Under the 1948 Japanese-American Evacuation Claims Act, the government paid about $37 million for real and personal property losses. Internees had filed 25,568 claims asking $148 million under the restrictive program. It is conservatively estimated that between $77 million and $400 million in property losses, as valued in 1945, were not compensated under the act.

The program paid a maximum of $2,500, even if losses were higher. The documentation required was exhaustive and prohibitive. The IRS had already destroyed pre-war tax returns and the evacuees, permitted to take into captivity only what they could carry with them, left behind many financial records.
6) Weren't some of those interned disloyal? Not a single Japanese American or immigrant was convicted of an act of disloyalty, espionage or sabotage during World War II.

7) Doesn't paying redress to Japanese-Americans set a precedent? No, for two reasons:
   First, redress, in the form of monetary damages, injunctive relief or affirmative action, is our nation's long-established method of compensation in cases of civil or property abuse.
   Second, this episode is historically unique. In no other case were American citizens, children and adults alike, stripped of constitutional protection, removed from their homes and incarcerated solely because of their ethnicity by the government of the United States.
   The legislation provides redress only to individuals who were interned and are still living -- not to their heirs and descendants.

8) But wouldn't this be the first time an ethnic group was compensated for acts of the government? No. The government has addressed the claims of certain other groups. The 1946 Indian Claims Commission Act led to $800 million in payments over 30 years.
   In 1971 the Alaska Native Claims Settlement Act was passed by Congress to resolve outstanding claims of Native Americans.
   Of course, in the 1950s and 60s, historic Civil Rights laws were established which permit the victims of discrimination to seek monetary redress.

9) Don't internees have a class-action suit pending against the Government? Hohri, et. al. V. United States seeks more than $24 billion in damages for violations of constitutional rights and for property losses. The Supreme Court this summer sent the case back to lower courts, ruling that the case had been brought up through the wrong appeals court. The plaintiffs are in the process of such appeal.
SENATE VOTING RECORD
NO. 105

100th Congress
2nd Session

JAPANESE-AMERICAN INTERNMENT

BILL NO.: H.R. 442 (S. 1009)

SUBJECT: Passage of the bill which accepts the findings of the Commission on Wartime Relocation and Internment of Civilians and offers an official apology to the U.S. citizens and resident aliens of Japanese ancestry who were evacuated, relocated, and interned during World War II; authorizes $500 million in FY 1989, $400 million in 1990, $200 million in 1991, and $100 million in each 1992-93 to provide individual payments of $20,000 to U.S. citizens and resident aliens of Japanese ancestry who were evacuated, relocated, and interned during World War II; and authorizes such sums as necessary to make individual payments of $12,000 to compensate surviving Aleuts for their losses during evacuation, $5 million to benefit the general welfare of the affected Aleut villages, and $15 million for the Attu Island Restitution-Program to compensate the Aleuts for the loss of Attu Island.


RESULT: BILL PASSED

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<th>YEAS (69)</th>
<th>NAYS (27)</th>
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<td>Republicans (25 or 56%)</td>
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SYMBOLS:
AY—Announced Yeas
AN—Announced Nays
PY—Paired Yeas
PN—Paired Nays

EXPLANATION OF ABSENCE:
1—Official Business
2—Necessary Absent
3—Unexcused
4—Other

ANALYSIS OF ISSUE VOTED ON:

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<th>Party Cohesion</th>
<th>Measure of Party Support on Issue as Voted On</th>
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<td>For (69) Democrats—44 or 64%</td>
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<tr>
<td>Republicans—56%</td>
<td>Against (27) Republicans—23 or 36%</td>
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Prepared and Compiled by Senate Democratic Policy Committee
Robert C. Byrd Chairman
CONGRESSIONAL RECORD—HOUSE 24315

September 17, 1887

Accordingly the Committee rose, and the Speaker pro tempore [Mr. GEKAS] having assumed the chair, Mr. GRAY of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that this Committee, having had under consideration the bill (H.R. 442) to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, pursuant to House Resolution 263, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute, as amended, to the Committee of the Whole? If not, the question is on the committee amendment, in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LUNGREN. Mr. Speaker, I demand a recorded vote.

The vote was taken electronically, and there were—aye 243, noes 81, and by a yeas present 117, not voting 50, as follows:

[Vote list not transcribed]

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GEKAS. The Chairman counted the number of members on the question of whether or not a recorded vote should be taken, but I did not hear a vote being taken on the issue.

The CHAIRMAN. A voice vote was taken first. The gentleman from California requested a recorded vote and it takes 25 in the Committee of the Whole, and only 21 were standing.

The CHAIRMAN. Are there further amendments?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.
CONGRESSIONAL RECORD—HOUSE

September 17, 1987

House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, on a personal note. I was absent on votes No. 315 and No. 316 on September 15, 1987. Had I been present I would have voted “aye.”

AMENDING THE EXPORT-IMPORT BANK ACT OF 1945

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 3289) to amend the Export-Import Bank Act of 1945, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LEACH of Iowa. Mr. Speaker, reserving the right to object, I do not object, but simply would like to make the point that the minority has no objection to this, and in particular we wish to express our appreciation for the leadership of the gentleman from New York (Mr. GARCIA) in bringing to the floor a bill at the request of the administration in such a very timely fashion.

Mr. GARCIA. Mr. Speaker, will the gentleman yield under his reservation?

Mr. LEACH of Iowa. I yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding.

Mr. Speaker, section 19 of Public Law 99-472, the Export-Import Bank Act Amendments of 1986, establishes a tied aid credit program at the Bank, and authorizes a $300 million appropriation for fiscal year 1987 and fiscal year 1988 to be used for grants made under the tied aid credit program. The tied aid credit program was designed as a “war chest” for Eximbank to target its own credits in ways which would advance negotiations in the OECD to constrain misuse of tied aid credits by other countries for commercial advantage. It was expected that each Exim tied aid credit package would combine a grant with a standard export credit.

Before authorization of the $300 million fund for fiscal year 1987 and fiscal year 1988 and the initial appropriation of $100 for fiscal year 1987, Eximbank had authorized selected tied aid credits on sol terms for the same war chest purposes. Because no grant funds were yet available, these were 100 percent credits with low interest rates and long repayment terms. The 1986 act stated that the fund appropriation is available to reimburse the Bank for the subsidy cost of these war chest lend...
NOTIFICATION OF FACSIMILE TRANSMISSION

TO: Marie
FAX Telephone Number: 4-6747

FROM: Rick
FAX Telephone Number: (202) 224-0879

TIME: Date: 

NUMBER OF PAGES TO FOLLOW: 

S. 1647 (96th Congress)
Voice vote in H. & S.

107
AN ACT

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

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

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

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

SEC. 3. STATEMENT OF THE CONGRESS.

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, wartime hysteria, and a failure of political
leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation.

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 the basis of Japanese ancestry;

on account of the refusal by such individual, during the evacuation, relocation, and internment period, to accept treatment which discriminated against the individual on the basis of the individual's Japanese ancestry.

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

(c) Action by the President.—In consideration of the statement of the Congress set forth in section 3, 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) Review of Applications By Eligible Individuals.—Each department and agency of the United States Government shall review with liberality, giving full consideration to the statement of the Congress set forth in section 3, 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 Education 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 the date on which an amount has been expended from the Fund which is equal to the amount authorized to be appropriated to the Fund by subsection (e), and any income earned on such amount, or 10 years after the date of the enactment of this Act. If all of the amounts in the Fund have not been expended by the end of that 10-year period, investments of amounts in the Fund shall be liquidated and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury.

(e) **Authorization of Appropriations.**—There 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 payments 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.—Subject to paragraph (4), 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 may provide documentation therefor. The Attorney General shall designate an officer or employee to whom such notification and documentation may be sent. The Attorney General shall, when funds are made available for payments to an eligible individ-
ual under this section, notify that eligible individual of
his or her 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 amount of such pay-
ment shall remain in the Fund and no payment may be
made under this section to such individual at any time
after 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 sat-
isfaction of any claim of such individual against the
United States arising out of acts done to that individ-
ual that are described in section 10(2)(B). This para-
graph 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 At-
torney General referred to in the last sentence of para-
graph (1).

(4) **Exclusion of certain individuals.**—No
payment may be made under this section to any indi-
vidual who, after September 1, 1987, is awarded a
final judgment or a settlement on a claim of such indi-
vidual against the United States for acts done to that
individual that are described in section (10)(2)(B).
(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.

(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 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

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) Uses of Fund.—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 evacu-
ation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood; and

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

(c) Membership.—

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

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

(B) Of the members first appointed—

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

and

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

(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which
such member’s predecessor was appointed shall be ap-
pointed 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 in-
dividual may be appointed as a member for more than
2 consecutive terms.

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

(4) QUORUM.—5 members of the Board shall con-
stitute a quorum but a lesser number may hold hear-
ings.

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

(d) DIRECTOR AND STAFF PERSONNEL.—

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

(2) ADDITIONAL STAFF.—The Board may appoint
and fix the pay of such additional staff as it may
require.
(3) Applicability of civil service laws.—The Director and the additional staff of the Board may be appointed without regard to section 5311(b) of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Board may not exceed a rate equivalent to the minimum rate of basic pay payable for GS-18 of the General Schedule under section 5332(a) of such title.

(e) Administrative Support Services.—The Administrator of General Services is authorized to provide to the Board on a reimbursable basis such administrative support services as the Board may reasonably request.

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

(g) Annual Reports.—Not later than 12 months after the first meeting of the Board and every 12 months thereafter, the Board shall transmit to the President and to each House of the Congress a report describing the activities of the Board.
(h) Termination.—90 days after the termination of
the Fund, the Board shall terminate and all obligations of the
Board under this section shall cease.

SEC. 9. DOCUMENTS RELATING TO THE INTERNMENT.

(a) Deposit of Documents in National Archives.—All documents, personal testimony, and other ma-
terial collected by the Commission during its inquiry shall be
delivered by the custodian of such material to the Archivist of
the United States who shall deposit such material in the Na-
tional Archives of the United States. The Archivist shall
make such material available to the public for research
purposes.

(b)(1) Public Availability of Certain Records
of the House of Representatives.—The Clerk of the
House of Representatives is authorized to permit the Archi-
vist of the United States to make available for use records of
the House not classified for national security purposes, which
have been in existence for not less than thirty years, relating
to the evacuation, relocation, and internment of individuals
during the evacuation, relocation, and internment period.

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

SEC. 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 com-
mitting any act in military areas or zones'', approved March 21, 1942 (56 Stat. 173); or

(iii) any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States, or other action 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 payments 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.


Attest: DONNALD K. ANDERSON, Clerk.
SPONSORSHIP

S. 1647

SPONSOR: Inouye

CO-SPONSORS: Matsunaga, ET AL

LATEST OFFICIAL TITLE:
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 9066, and for other purposes.

SENATE COMMITTEE REFERRALS: Committee on Governmental Affairs

HOUSE COMMITTEE REFERRALS: The Judiciary
Administrative Law and Governmental Relations

CHANGES:

LEGISLATIVE STATUS:

SENATE:

Aug 2, 79 Read second time and referred to Senate Committee on
Governmental Affairs.

Mar 18, 80 Committee on Governmental Affairs. Hearings held.

May 8, 80 Committee on Governmental Affairs. Ordered to be reported
with amendments favorably.

May 15, 80 Committee on Governmental Affairs. Reported to Senate
favorably with amendments and an amendment to the title.

May 15, 80 Placed on Senate Legislative Calendar under Regular Orders.
Calendar No. 801.

May 22, 80 Passed Senate with amendments and an amendment to the Title
by Voice Vote.

Jul 23, 80 Message on House action received in Senate.

HOUSE:

May 28, 80 Referred to House Committee on The Judiciary.

May 29, 80 Referred to Subcommittee on Administrative Law and
Governmental Relations.

Jun 2, 80 Subcommittee Hearings Held.

Jul 21, 80 House Committee on The Judiciary Discharged by Unanimous
Consent.

Jul 21, 80 Called up by House by Unanimous Consent.

 Jul 21, 80 Called up by House by Unanimous Consent.

 Jul 21, 80 Passed House (Amended) by Voice Vote.

 Jul 21, 80 Passed House by Voice Vote.

CONFERENCE:
Jul 24, 80 Senate agreed to House amendments by Voice vote.

EXECUTIVE:

Jul 24, 80 Cleared for White House.

Jul 28, 80 Measure Signed in Senate.
Jul 29, 80 Presented to President.
Jul 29, 80 Presented to President.
ADD Jul 31, 80 Signed by President.
ADD Jul 31, 80 Became Public Law No: 96-317.
In your last request the abbreviation for the type of Bill was not clear. An abbreviation for the type of Bill must precede a Bill number. Choices are:

- H.CON.RES.
- H.J.RES.
- S.CON.RES.
- S.J.RES.
- H.RES.
- H.R.
- S.RES.
- S.

To display information on a Bill from the 96th Congress, type the file name (LG96) and the Bill number (S.16). To add a display option, type a slant bar (/) and the option name.

Examples: LG96 S.16
          LG96 S.16/DGST

L6DS0002 Ready for new command:
lg96 s.1647/rchn

*** 96TH CONGRESS ***

S.1647

DATE INTRODUCED: 08/02/79

SPONSOR: Inouye

REFERRED TO: House The Judiciary
             Senate Committee on Governmental Affairs

REPORTED BY: Senate Committee on Governmental Affairs

LEGISLATIVE ACTIONS:

Jul 31, 80 Became Public Law No: 96-317.
Jul 31, 80 Signed by President.
Jul 29, 80 Presented to President.
Jul 28, 80 Message Signed in Senate.
Jul 24, 80 Cleared for White House.
Jul 24, 80 Senate agreed to House amendments by Voice vote.
Jul 23, 80 Message on House action received in Senate.
Jul 21, 80 Passed House (Amended) by Voice Vote.
Jul 21, 80 Called up by House by Unanimous Consent.
Jul 21, 80 House Committee on The Judiciary Discharged by Unanimous Consent.
     Jun 2, 80 Subcommittee Hearings Held.

PAGE 1 OF 2. READY FOR COMMAND, OPTION OR PG #(FOR NXT PG, RETURN):

S.1647 (LG96) continued:
May 29, 80  Referred to Subcommittee on Administrative Law and
Governmental Relations.
May 28, 80  Referred to House Committee on The Judiciary.
May 22, 80  Passed Senate with amendments and an amendment to the Title by
Voice Vote.
May 15, 80  Placed on Senate Legislative Calendar under Regular Orders.
            Calendar No. 801.
May 15, 80  Committee on Governmental Affairs. Reported to Senate favorably
            with amendments and an amendment to the title. With written report
            No. 96-751.
      May 8, 80  Committee on Governmental Affairs. Ordered to be reported
            with amendments favorably.
Mar 18, 80  Committee on Governmental Affairs. Hearings held.
Aug 2, 79  Read second time and referred to Senate Committee on Governmental
            Affairs.

RCHRN, PAGE 2 OF 2. READY FOR NEW COMMAND, OPTION OR PG #:
Apr 20, 88  Senate struck all after the Enacting Clause and substituted the language of S. 1009 amended.

RCHRN, PAGE 2 OF 4. READY FOR COMMAND, OPTION OR PG # (FOR NXT PG, RETURN):

H.R.442 (L100) continued:

Apr 20, 88  Measure laid before Senate by unanimous consent.
Sep 22, 87  Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 323. By unanimous consent.
Sep 18, 87  Received in the Senate.
Sep 17, 87  Passed House (Amended) by Yea-Nay Vote: 243 - 141 (Record Vote No: 321).
Sep 17, 87  Amendment HA 395 Failed of Passage in Committee of Whole by Recorded Vote: 162 - 237 (Record Vote No: 320).
Sep 17, 87  Amendment HA 396 Failed of Passage in Committee of Whole by Voice Vote.
Sep 17, 87  Amendment HA 394 Passed in Committee of the Whole by Voice Vote.
Sep 17, 87  Amendment HA 394 Offered by Representative Lungren.
Sep 17, 87  Amendment HA 395 Offered by Representative Lungren.
Sep 17, 87  Amendment HA 396 Offered by Representative Shumway.
Sep 17, 87  House Agreed to Amendments Adopted by the Committee of the Whole.
Sep 17, 87  Committee Amendment in the Nature of a Substitute Considered as an Original Bill for the Purpose of Amendment.
Sep 17, 87  Called up by House by Rule.
Sep 17, 87  Rule Passed House.

RCHRN, PAGE 3 OF 4. READY FOR COMMAND, OPTION OR PG # (FOR NXT PG, RETURN):

H.R. 442 (L100) continued:

Sep 16, 87  Rules Committee Resolution H.Res.263 Reported to House.
Aug 6, 87  Placed on Union Calendar No: 174.
         Aug 6, 87  Reported to House (Amended) by House Committee on The Judiciary. Report No: 100-278.
         Jun 17, 87  Ordered to be Reported (Amended).
         Jun 17, 87  Committee Consideration and Mark-up Session Held.
                  May 13, 87  Forwarded by Subcommittee to Full Committee (Amended).
                  May 13, 87  Subcommittee Consideration and Mark-up Session Held.
                  Apr 29, 87  Subcommittee Hearings Held.
         Feb 10, 87  Referred to Subcommittee on Administrative Law and Governmental Relations.
         Jan 6, 87  Referred to House Committee on The Judiciary.
         Sep 15, 87  Committee on Rules Granted an Open Rule Providing One Hour of General Debate.

RCHRN, PAGE 4 OF 4. READY FOR NEW COMMAND, OPTION OR PG #:

1100 s1009/rchrn

**** 100TH CONGRESS ****
*REVERSE CHRONOLOGY*

S.1009

DATE INTRODUCED: 04/10/87

CALENDAR NO: 383

SPONSOR: Matsunaga

S.REPT.100-202
Indefinitely postponed by Senate by Unanimous Consent.
Senate passed companion measure H.R. 442 in lieu of this measure by Yea-Nay Vote. 69-27. Record Vote No: 105.
Senate incorporated this measure in H.R. 442 as an amendment.
The committee substitute as amended agreed to by Voice Vote.
Motion to table SP 1971 agreed to in Senate by Yea-Nay Vote. 91-4. Record Vote No: 104.
Amendment SP 1971 proposed by Senator Helms.
Amendment SP 1969 agreed to in Senate by Voice Vote.
Amendment SP 1970 agreed to in Senate by Voice Vote.
Amendment SP 1970 proposed by Senator Hatch.
Amendment SP 1969 proposed by Senator Helms.
Motion to table SP 1968 agreed to in Senate by Yea-Nay Vote. 61-35. Record Vote No: 103.
Amendment SP 1968 proposed by Senator Helms.
Motion to table SP 1919 agreed to in Senate by Yea-Nay Vote. 67-30. Record Vote No: 102.
Amendment SP 1919 proposed by Senator Hecht.
Considered by Senate.
Committee substitute modified.
Considered by Senate.
Measure laid before Senate.
Placed on Senate Legislative Calendar under General Orders. Calendar No. 383.
Committee on Governmental Affairs. Reported to Senate by Senator Glenn with an amendment in the nature of a substitute. With written report No. 100-202.
Aug 4, 87 Committee on Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
Committee on Federal Services, Post Office. Hearings held.
May 19, 87 Referred to Subcommittee on Federal Services, Post Office.
Apr 10, 87 Read twice and referred to the Committee on Governmental Affairs.
H.R.442

**** 100TH CONGRESS ****

*REVERSE CHRONOLOGY*

DATE INTRODUCED: 01/06/87
LAW NUMBER: PL100-383
EFFECTIVE: 08/10/88
CALENDAR NO: U 174
323
H.REPT.100-278
CONF: H.REPT.100-785

SPONSOR: Foley

REFERRED TO: House Judiciary
REPORTED BY: House Judiciary

LEGISLATIVE ACTIONS:

Aug 10, 88 Became Public Law No: 100-383.
Aug 10, 88 Signed by President.
Aug 5, 88 Presented to President.
Aug 5, 88 Measure Signed in Senate.
Aug 4, 88 Cleared for White House.
Aug 4, 88 House Agreed to Conference Report by Yea-Nay Vote: 257 - 156
(Record Vote No: 264).
Aug 3, 88 Considered by House Unfinished Business.

H.R.442 (L100) continued:
Jul 28, 88 Message on Senate action sent to the House.
Jul 27, 88 Senate agreed to conference report by Voice Vote.
Jul 27, 88 Conference papers: and official papers held at the desk in Senate.
Jul 26, 88 Conference papers: Senate report and managers' statement held at
the desk in Senate.
Jul 26, 88 Conference Report 100-785 Filed in House.
May 11, 88 Senate agreed to request for conference. Appointed conferees.
Glenn; Pryor; Matsunaga; Stevens; Rudman.
May 11, 88 Senate insists on its amendments by Voice Vote.
Apr 28, 88 Message on House action received in Senate and held at desk: House
requests a conference.
Apr 27, 88 House Requested a Conference and Speaker Appointed Conferees:
Rodino, Frank, Berman, Shaw, Swindall.
Apr 27, 88 House Disagreed to Senate Amendments by Unanimous Consent.
Apr 26, 88 Message on Senate action sent to the House.
Apr 20, 88 Passed Senate in lieu of S. 1009 with an amendment by Yea-Nay
Vote. 69-27. Record Vote No: 105.
AMENDMENT NO. ------------ Ex. -------- Calendar No. -------

Purpose: To provide an appropriation for the Commission on the
Relocation and Internment of Civilians

IN THE SENATE OF THE UNITED STATES— 96th Cong., 2nd Sess.

S. -------------(or Treaty ----)

H.R. 7631

( ) Referred to the Committee on ------------------
and ordered to be printed
( ) Ordered to lie on the table and to be printed

INTENDED to be proposed by Senator Daniel K. Inouye

Viz:

On page 15, line 4, add the following new provision:

COMMISSION ON WARTIME RELOCATION AND INTERNMENT
OF CIVILIANS

For necessary expenses of the Commission on Wartime
Relocation and Internment of Civilians, as authorized by
Public Law 96-317, $1,500,000.
COMMISSION ON THE WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

This Commission was established by P.L. 96-317 which was signed into law on July 31, 1980. The bill passed the Senate by a unanimous vote and the House by a two-to-one vote.

The members of the Commission are, by law, to be appointed within 90 days of the enactment of the bill. The Commission will be in existence by the end of October. It is likely to include distinguished Americans who are willing to give their time and effort to carry out the important tasks of the Commission at significant personal sacrifice. It would be a tragedy if the Commission were unfunded because of jurisdictional problems or procedural problems. This appropriation is authorized.

I have been in contact with the White House in an attempt to expedite the budget request but I cannot predict when it will be sent to Congress. This is however a Commission which was created by Congress, which reports back to Congress, and one which we should insist be funded.

I urge my colleagues to support this very important Commission by including it in the HUD-Independent Agencies budget.
* Until yesterday afternoon, the clear impression from the House was that this program should be part of the HUD-Independant Agencies budget. I am now informed that the House has changed its mind and that it will only consider this as part of the State, Justice, Commerce and the Judiciary budget. While I regret that I was not able to confer with either the Chairman or the subcommittee staff on this matter, I feel that it is essential to raise it at this point.

* Public Law 96-317 was signed by the President on July 31st. Under the provisions of that law, the commission members must be appointed within 90 days. I know that a number of distinguished Americans are being considered for this Commission and it would be a tragedy if they were then not able to proceed because of a lack of funding. The Commission is to begin its work within 120 days of the enactment of the bill or within 30 days of the passage of the appropriations bill. In any case, it then has one year to complete its work. It is therefore imperative that this Commission be funded as part of the fy 1981 State, Justice budget. I do not believe that we can afford to wait for the supplemental appropriations process.
Because of the fact that this bill was signed until a month ago, a formal budget request has not yet come from the administration. I have been in contact with the White House in an attempt to expedite this process but cannot guarantee that a request will arrive in time to be of any assistance to us.

This Commission is however clearly authorized, and it is a program which received the unanimous approval of the Senate and the two-to-one approval of the House.
The Committee is especially concerned about the increase in youth gangs in the State of Hawaii. As of December 1, 1988, the Honolulu Police Department, identified 22 different gangs on the Island of Oahu involving approximately 450 youths. These gangs range in size from 3 to 95 members with ages ranging from 14 to 24 years. Youth gangs have been formed around commonalities such as ethnic background and geographic location, although not necessarily confined to a specific geographic location. For example, in 1987, Samoans were approximately 2% of those aged 14-21, but were 26% of those involved in youth gang activity. Similarly, Filipino youths account for approximately 13% of the population in this age group, but 44% of those involved in gang activity. Thirteen percent of the youths are Hawaiian/Part-Hawaiian, 2% are Asian and 15% are a mixture of ethnicities.

The Committee was impressed by the efforts of private sector groups, such as the Hawaii Youth At Risk, the Hawaii Island YWCA, and the Samoan Service Providers Association, to develop programs specifically targeting youths at risk. The Committee urges the Department of Justice to work closely with these organizations in providing technical assistance to address the grave situation of youth gangs in the State of Hawaii.
Sec. Effective October 1, 1990, a permanent indefinite appropriation is established within the Department of Justice to make payments authorized by section 105 of the Civil Liberties Act of 1988, subject to the conditions and limitations imposed by said Act.

eligible individuals as

(p.l.100-282)
DRAFT BILL LANGUAGE
BY '90 STATE, JUSTICE, COMMERCE APPROPRIATIONS BILL

IMMIGRATION AND NATURALIZATION SERVICE

Honolulu International Airport

Despite the success of the visa waiver program since its inception in July 1988, the Committee is concerned over the processing delays that have arisen in the operations at the Honolulu International Airport. The Committee understands that at present, it takes between 1 1/2 and 3 hours, or 50% to 300%, longer to process international passenger arrivals. According to the Hawaii Department of Transportation, the Airport receives more than 40% of all the visa waiver passengers visiting the United States from Japan and the United Kingdom, with 80% of all Japanese passengers entering the Airport under the visa waiver program.

In an effort to alleviate the delays at the Honolulu International Airport, the Committee strongly urges the Immigration and Naturalization Service to fill the existing vacancies from the Immigration User Fee Fund and to allocate additional inspectors to the Honolulu Airport to handle the current level of international passenger arrivals. The increase in processing time is a result of the language barrier and problems associated with the physical handling of the forms required under the visa waiver program. Therefore, the Committee recommends that the Service ensure that the new inspectors are bilingual.

Further, the Committee recommends that the Service review the existing forms used for the program and make the necessary modifications to ensure an expeditious processing of international passenger arrivals. The Service is required to report its progress on the above to the Committee within six months.

Changes made by INS.
Despite the success of the visa waiver program since its inception in July 1988, the Committee is concerned over the processing delays that have arisen in the operations at the Honolulu International Airport. The Committee understands that at present, it takes between 1 1/2 and 3 hours, or 50% to 300%, longer to process international passenger arrivals. According to the Hawaii Department of Transportation, the Airport receives more than 40% of all the visa waiver passengers visiting the United States from Japan and the United Kingdom, with 80% of all Japanese passengers entering the Airport under the visa waiver program.

In an effort to alleviate the delays at the Honolulu International Airport, the Committee strongly urges the Immigration and Naturalization Service to fill the overall existing vacancies from the Immigration User Fee Fund and to allocate 25 additional inspectors to the Honolulu Airport to handle the current level of international passenger arrivals. The increase in processing time is a result of the language barrier and problems associated with the physical handling of the forms required under the visa waiver program. Therefore, the Committee recommends that the Service ensure that the new inspectors are bilingual. Further, the Committee recommends that the Service review the existing forms used for the program and make the necessary modifications to ensure an expeditious processing of international passenger arrivals. The Service is required to report its progress on the above to the Committee within six months.
SUPPLEMENTAL APPROPRIATIONS BILL FISCAL YEAR 1989

BILL LANGUAGE

Legal Activities
Salaries and Expenses, General Legal Activities

Not to exceed an additional $1,000,000 may be transferred to "Salaries and expenses, general legal activities" from "Federal Prisons System, Salaries and expenses" upon notification by the Attorney General to the Committees on Appropriation of the House of Representatives and the Senate in compliance with the provisions set forth in Section 606 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989.
Mark Murry said that OMB's request was likely to be for 1.0M. Was that figure ok with us.

I told him it was.
projected for fiscal year 1981 of $478,000, of which $28,000 is anticipated from carryover funds, which is essentially the same as the 1980 operating level.

(COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS)

SALARIES AND EXPENSES

1980 appropriations to date ________________________________
1981 amended budget estimate ________________________________
House allowance ____________________________________________
Committee recommendation ........................................... $1,500,000

The Committee recommends an appropriation of $1,500,000, an increase of $1,500,000 above the 1980 appropriations to date. The amount recommended is $1,500,000 above the amount allowed by the House.

S. 1647 establishes this Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order 9066, issued February 19, 1942. It is the purpose of this Commission to review the facts surrounding these circumstances, 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 United States military directives during World War II.

The Commission shall terminate on February 1, 1982.

DEPARTMENT OF TREASURY

CHRYSLER CORPORATION LOAN GUARANTEE PROGRAM

ADMINISTRATIVE EXPENSES

1980 appropriations to date ........................................ $1,501,518,000
1981 amended budget estimate .................................... 1,320,000
House allowance ..................................................... 1,320,000
Committee recommendation ...................................... 1,320,000

* Excludes $1,500,000,000 appropriated for defaults on loan guarantees.

The Committee recommends an appropriation of $1,320,000, a decrease of $1,500,198,000 under the 1980 appropriations to date. The amount recommended is the same as the amended budget estimate and the same as the amount allowed by the House, and will support a total of 20 permanent positions. This appropriation maintains the Office of Chrysler Finance and related support activities in the Department of the Treasury.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

1980 appropriations to date ........................................ $ 124,562,000
1981 amended budget estimate .................................... 143,037,000
House allowance ..................................................... 141,454,000
Committee recommendation ...................................... 141,454,000
Subject to the provisions of section 104(e) of the Civil Liberties Act of 1988 (Public Law 100-383; 50 U.S.C. App. 1989b-3(e)), the maximum amount authorized under such section for any fiscal year is appropriated, from money in the Treasury not otherwise appropriated, for each fiscal year beginning on or after October 1, 1990, to the Civil Liberties Public Education Fund established by section 104(a) of the Civil Liberties Act of 1988, for payments to eligible individuals under section 105 of that Act.

GENERAL PROVISIONS LANGUAGE

SEC. 209. (a) The Civil Liberties Act of 1988 (Public Law 100-383; 50 U.S.C. App. 1989b and following) is amended by adding at the end thereof the following new section:

"SEC. 110. ENTITLEMENTS TO ELIGIBLE INDIVIDUALS.

"Notwithstanding any other provision of this title, beginning on October 1, 1990, the payments to be made to any eligible individual under the provisions of this title shall be an entitlement. As used in this section, the term
entitlement' means 'spending authority' as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974.''.

(b) Section 105 of the Civil Liberties Act of 1988 is amended by adding at the end thereof the following:

' '(g) LIABILITY OF UNITED STATES LIMITED TO AMOUNT IN THE FUND. --

'(1) GENERAL RULE.--An eligible individual may be paid under this section only from amounts in the Fund.

'(2) COORDINATION WITH OTHER PROVISIONS.--Nothing in this title shall authorize the payment to an eligible individual by the United States Government of any amount authorized by this section from any source other than the Fund.

'(3) ORDER IN WHICH UNPAID CLAIMS TO BE PAID.--If at any time the Fund has insufficient funds to pay all eligible individuals at such time, such eligible individuals shall, to the extent permitted under paragraph (1), be paid in full in the order specified in subsection (b).''.
AN ACT

To provide complete and final reparations for wrongs committed against American citizens, permanent resident aliens, and other persons by Executive Order 9066 and related actions of the government of the United States of America.

To grant to the Nikkei community such political autonomy as will enable it to recover the cultural, political, economic, social, and spiritual strength which it was developing prior to December 7, 1941, but which was irreparably injured and disrupted by Executive Order 9066 and related actions of the federal government.
Findings and Purposes

The Congress, having authorized the final written report of the Commission on Wartime Relocation and Internment of Civilians, Public Law 96-317, now makes the following specific findings:

1. No justification exists in law, equity, military expediency, or morality for the evacuation, relocation, and internment of more than 120,000 Nikkei and Aleut civilians during World War Two pursuant to Executive Order 9066 and related actions of the federal government;

2. The United States of America has a legal and moral obligation to provide compensation for persons who sustained loss by virtue of Executive Order 9066 and related actions of the federal government;

3. Congress has power under Article I, Section 8 of the United States Constitution to take all reasonable and necessary measures and actions to satisfy the aforementioned legal and moral obligation.

The Congress further finds that Executive Order 9066 and related actions of the federal government, and the resultant
evacuation of the Nikkei community from the western United States caused injuries to the social, economic, political, cultural, and spiritual well-being of the community and its individual members which can never be compensated solely in individual monetary payments to those so affected.

The Congress further finds that the Nikkei community cannot recover its social, political, economic, cultural, and spiritual well-being unless it is granted such financial assistance and political autonomy as will enable it to determine for itself its own destiny in the United States.

It is the purpose of this Act to grant to the Nikkei community, in a manner not inconsistent with the Constitution of the United States, the rights and the means to establish a community fund by which such self-determination can be accomplished.
Definitions

As used in this act,
"Act" refers to this Act.

"Actions of the Federal Government", as used herein, refers to any Executive Order, Presidential Proclamation, Public Laws, directives of the Armed Forces of the United States, rules and regulations of administrative agencies, and any other action having the force of law made by or on behalf of the United States, its agents, representatives, officers, and employees during World War Two causing the losses described below in Section of this Act. Said actions of the Federal Government, for purposes of this Act, shall include but not be limited to the following:

1. Executive Order 9066
2. Public Law 503
3. Presidential Proclamation 2525
4. directives of the Western Defense Command
5. Orders of the Commanding Officer of the Hawaii Department and Military Governor of Hawaii
6. Orders of the War Manpower Commission
7. Decisions of the Leupp Hearing Board Committee
8. actions of the War Relocation Authority  
9. actions of the Selective Service System  
10. all federal actions resulting in the compulsory evacuation of peoples of the Aleut tribe from their native homes in the Territory of Alaska  
11. all persons of Japanese descent residing in Central or South America prior to December 7, 1941, who were later detained in the United States of America by force of law

"Evacuee" refers to every Nikkei, Aleut, or other persons who suffered any of the losses described below in section (Categories of Losses) by virtue of Executive Order 9066 or actions of the federal government. "Evacuee" shall include all persons who were detained in relocation camps, or other places of incarceration administered by the War Relocation Authority, or the Armed Forces of the United States, or the Justice Department of the United States. "Evacuee" shall also include all persons who were forced to evacuate from the West Coast of the United States by Order of the Western Defense Command, although such persons were not detained in relocation camps, or other places of incarceration.
Categories of Loss

The following losses sustained by evacuees as a result of actions of the Federal Government shall be compensated:

- Loss of property and property interests
- Loss of earnings, earning capacity, and vocational opportunity
- Loss of educational opportunity
- Loss of life
- Physical or mental disability
- Severe emotional distress
- Deprivation of rights secured by the Constitutions of the United States of America and the several states.

All other losses sounding in contract or in tort which are the foreseeable and proximate result of actions of the federal government.
Benefits

The Congress, in adopting the findings of fact set forth above, and therefore finding that certain losses described in section (Categories of Loss) were suffered without exception by all evacuees, hereby grants the following monetary benefits as reparations for losses caused by Executive Order 9066 and related actions of the federal government without necessity of any further proof of loss by the claimant:

Each evacuee shall be entitled to a single-payment benefit in the amount of $25,000.00.
The United States of America hereby waives its sovereign immunity for any claim arising from the losses described in these Acts.

The United States of America hereby waives the defenses of res judicata and collateral estoppel for any claim based on a previous claim settled under the American Japanese Claims Act of 1948.

No part of these Acts shall be deemed to exclude any remedy an evacuee or other person may have in law or equity in a court of general jurisdiction.

The United States District Court shall have concurrent jurisdiction of all cases and controversies arising from these Acts.
Benefits Over $25,000

For all evacuees who have suffered losses described in section in excess of $25,000.00, said evacuees shall be granted monetary compensation for said losses upon reasonable proof of loss.
Creation of the Community Fund

There is created, a budget of Three Billion Dollars ($3,000,000,000.00) a Nikkei Community Fund;

There is also allocated for administrative purposes described herein the sum of $100,000.00.
Characterization of Benefit

No monetary benefit granted herein shall be deemed gross income for purposes of any federal or state tax, nor shall the award of such benefit in any way affect a claimant eligibility for other federal or state social service or benefit programs, including but not limited to Social Security, Supplemental Security Income, Aid to Families with Dependent Children, Medicare, or benefits administered by the Veterans Administration or the Merit Systems Protection Board of the United States.
Administration of Benefit Programs (Individual Payments)

All benefits payable herein shall be paid by the Treasurer of the United States.

There shall be created forms for filing of claims for the benefits described herein.

All claims for individual payment benefits shall be filed within three years of the date of enactment of this Act.

All claims shall be certified for payment by the Treasurer within six months of filing.

Priority shall be according to age, with age sixty-five or over ranking highest.

Survival of Claims

A claim may be filed by the evacuee; or if the evacuee is deceased, by the heirs surviving the evacuee who are living on (date of enactment).
Administration of the Nikkei Community Fund

The administration of the Nikkei Community Fund shall be the responsibility of the following agencies:

1. Community Fund National Board of Trustees (hereinafter also referred to as National Board)
2. Local Nikkei Community Boards (hereinafter referred to as Local Boards)

Community Fund National Board of Trustees

The Community Fund National Board of Trustees shall be comprised of eleven (11) appointed members. The President of the United States, the President Pro Tem of the United States Senate, and the Speaker of the House of Representatives shall each appoint one Trustee to the National Board.

Seven trustees to the National Board shall be appointed by each of seven local boards:

The local boards shall represent the following regions in appointing a trustee to the National Board:

1. Western (California)
2. Pacific (Washington, Oregon)
3. Far Western (Hawaii)
4. Alaska
5. Atlantic Seaboard
6. Rocky Mountain
7. Midwest (Illinois, Michigan, Wisconsin etc.)

The remaining Trustee on the National Board shall be elected at large by a majority vote of the remaining ten trustees.

The duties of the eleven Trustees of the National Board are as follows:

1. To allocate disbursements from the Nikkei Community Fund to the 7 regions, with the size of the allocation depending upon the number of claimant evacuees or their direct heirs residing in the region;

2. To ensure that all disbursement from the fund shall be completed within 6 months of the date of enactment of this Act.

All Trustees of the National Board shall serve as volunteers, with only reasonable and necessary expenses paid per schedule of expenses promulgated by the Office of Personnel Management (OPM).

The National Board shall dissolve 6 months after the final disbursement from the Nikkei Community Fund is completed.
Local Nikkei Community Boards

The duties and powers of the Local Nikkei Community Boards shall be as follows:

1. to elect a Trustee to represent the region on the National Board;
2. to establish priorities based upon the human service needs of the evacuee claimants residing in the region for the expenditure of Community Fund disbursements;
3. to ensure the distribution and utilization of the community funds as mandated by the claimant evacuees in the region.

Evacuees and their heirs residing in the individual seven regions shall be eligible to vote for the members of the Local Board for their region. The right to vote is not assignable. All decisions shall be a two-thirds majority. The Local Boards may be comprised of individuals, or private community agencies, at the election of the evacuees and their heirs.

The Local Boards shall serve as volunteers, with only reasonable and necessary expenses paid per schedule of expenses promulgated by the Office of Personal Management.

(continued)
Selection shall begin with the nomination procedure conducted through major Japanese American newspapers. An announcement will be issued, including: description of the Community Trust Fund concept organization and goals; as well as solicitation of nominations.
A BILL

To amend the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended, to make certain technical changes to the disposition of fees collected for the non-enforcement Customs commercial cargo and passenger processing services provided by the United States Customs Service, and for other purposes.

Sec. 1 Payments for Customs Services--Section 13031(f)(3) of the Omnibus Budget Reconciliation Act of 1985, as amended, is amended to read as follows:

"The Secretary of Treasury, without regard to apportionment or any other administrative practice or limitation, shall directly refund out of the Customs User Fees Account to any appropriation the amount paid out of such appropriation for expenses incurred in providing Customs clearance and preclearance services, including adequate overtime and preclearance staffing for which the recipients of such service are not required to reimburse the Secretary of the Treasury, for passengers of commercial aircraft or vessels to the extent fees have been collected under subsection (a)(5). Additional fees collected pursuant to subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(7) and (a)(8) shall be refunded for expenses incurred by the Secretary in conducting commercial vessel, commercial truck, railroad car, private vessel and aircraft, dutiable mail, customs broker and barge or bulk carrier processing, including necessary overtime. To the extent funds remain available they shall be available to reimburse appropriations for the following purposes in the order listed:

(A) Enhancing levels of Customs personnel at passenger and mail processing locations and expanding staffing to locations where demand for Customs processing has been demonstrated;

(B) expanding the acquisition, operation and maintenance of informational systems related to customs processing of arriving passengers, carriers, and mail; and

(C) paying for the operation of communication equipment used for the small boat and private aircraft programs of the United States Customs Service.

Refunds under this paragraph shall be made at least quarterly. To the extent necessary, refunds to appropriations under this paragraph may be made on the basis of estimates made by the Secretary of the Treasury of the costs for such services, and adjustments shall be made in subsequent refunds to the extent that the estimates were in excess of, or less than, the amounts required to be refunded."
Analysis

The purpose of this bill is to authorize the United States Customs Service to utilize certain receipts in the Customs User Fee Account to directly reimburse appropriations for the costs of providing appropriate, required levels of service in those same constituent areas from which the user fees are collected. It is intended that this legislation will work to focus necessary resources on those service areas for which the users are required to pay and, in the process, advance both efficiency and fundamental fairness.

This legislation is patterned upon, and is intended to replicate for the benefit of the United States Customs Service, the functioning of the Immigration User Fee Account treatment established pursuant to section 205 of P.L. 99-500. The Immigration User Fee Account, and the utilization of resources collected as a result has, to date, served well to assure that necessary services are appropriately delivered to that segment of the public being asked by the Congress to make special payments for the same. The previously existing treatment of funds collected pursuant to the Customs User Fee Account, as established under section 13031 of P.L. 99-509, in contrast, has not properly recognized the necessity for delivery of services to those actually paying for those services. This legislation would correct this deficiency.

Specifically, this legislation would accomplish these identified goals through the establishment of two, separate sub-accounts within the Customs User Fee account. The first of
these, which would consist of all user fee revenue collected from commercial air and sea passengers under section 13031(a)(5) of P.L. 99-509, as amended, (19 U.S.C. 58c (a)(5)), would be utilized as a direct refund to appropriations for the expenses incurred in providing Customs clearance and preclearance services for these passengers, along with necessary, luggage, aircraft, vessels, accompanying cargo, crew etc. -- all of the services required to process the fee paying public in an efficient, expeditious manner. The intent is that all of the revenues collected in this sub-account shall be employed to provide the full array of Customs services necessary, including overtime, supplies and equipment, additional staffing -- in essence the complete cost of facilitating passenger flow. It is anticipated that these reimbursements will be proportional to the levels of collection between the two modes.

The second sub-account would consist of the user fees collected pursuant to section 13031(a)(1),(2),(3),(4),(6),(7) and (8) of P.L. 99-509, as amended (19 U.S.C. 58c (a)(1),(2),(3),(4),(6),(7), and (8)). These fees would similarly be available to directly reimburse appropriations expended in connection with the service for which the fees were collected. This would include necessary overtime, supplies and equipment, additional staffing and the full array of expenses required to provide Customs services to the commercial vessels, commercial trucks, railroad cars, private vessels/aircraft,
dutiable mail, Customs brokers and barge or bulk carriers for which associated fees are required.

Finally, to the extent that any fees revenues remain available this legislation would establish a prioritized schedule for the reimbursement of appropriations in a manner calculated to advance the purposes for which the fees are collected. This prioritized schedule shall not, however, in any way inhibit or impede the reimbursement of appropriations in the primary function areas discussed above. For example, costs for informational processing systems required to process air and sea passengers would ordinarily be reimbursed directly from the (a)(5) sub-account -- it is only after fully satisfying such primary requirements that remaining funds would be available for these prioritized reimbursements.

It is anticipated that the total user fee revenues dealt with in this legislation will be available to reimburse appropriations on an approximately 70%/30% basis, with 70% of the fees going into the (a)(5) sub-account and 30% to the second sub-account. This distribution reflects both need and fundamental honesty in the approach to user fee revenue utilization.

In conclusion, it should be noted that this legislation does not treat the "ad valorem" user fee revenues generated under section 13031(a)(9) and (10) of P.L. 99-509, as amended (19 U.S.C. 58c (a)(9) and (10). This will be the subject of separate legislation.
JUL-15-92 WED 11:10 GOV DIVISION FAX NO. 202-707-3325 P.01/06

THE LIBRARY OF CONGRESS

Date: 7/15/92

FACSIMILE COVER PAGE

TO

Name: Marie Blanco
Location: Office of the Hon. Daniel K. Inouye
Telephone Number: (202) 4-3934

FROM

Name: James Sayler
Location: GOVERNMENT DIVISION, CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS, LM-303
Telephone Number: (202) 707-6748

************

IF THERE ARE PROBLEMS IN TRANSMISSION:

Please Call: James Sayler
Telephone Number: (202) 707-6748

Messages (if any): Marie. Following is a side-by-side comparison I've written of the chief bills that would authorize appropriations for the payment of redress to Japanese Americans during Fiscal Year 1993. If you have a chance, please look it over and tell me if you see any problems with it. Thanks.

1 of 6 pages
### Summary

<table>
<thead>
<tr>
<th>Bill</th>
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<tbody>
<tr>
<td>H.R. 4570, The Bush Administration Bill</td>
<td>Introduced, at the request of the Bush Administration, by Rep. Gekas. The legislation would authorize the expenditure of $250 million more than $1.25 billion authorized by the Civil Liberties Act of 1988, to provide redress to Americans of Japanese descent, over and above the estimated 60,000 internees. The $1.25 billion had been predicated on that estimate. The bill would authorize an additional $50 million to fund the educational program, defined in the enabling act, the Civil Liberties Act of 1988.</td>
</tr>
<tr>
<td>H.R. 4551, The Gephardt Bill</td>
<td>Introduced by the House Majority Leader, and co-sponsored by the House Minority Whip, and many other prominent Members of the Chamber, to amend the Civil Liberties Act of 1988. Like H.R. 4570, this bill would authorize an increase in the spending authority for Japanese American redress by $250 million for FY 93. In addition, it would authorize an additional $70 million for the remaining payments to eligible individuals. And, it would authorize an additional $70 million for remaining payments to eligible individuals, as well as funding the educational program defined by the redress program's enabling act.</td>
</tr>
<tr>
<td>S. 2553, the Inouye Bill</td>
<td>Introduced by Senator Inouye (for himself and Senator Akaka). The authorization proposals for appropriations are the same as those for H.R. 4551. This legislative proposal would also make a technical correction of the law, making it clear that redress payments under the law would not be considered as assets for determining eligibility for veterans' benefits.</td>
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### Section 1:

<table>
<thead>
<tr>
<th>Bill</th>
<th>(Short title): “Civil Liberties Act Amendments of 1992”</th>
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**PRELIMINARY DRAFT Subject to revision**

**NOT FOR QUOTATION OR Attribute**
<table>
<thead>
<tr>
<th>H.R. 4570, The Bush</th>
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<tr>
<td>Administration Bill</td>
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</table>

| H.R. 4551, The Gephardt Bill |

| S. 2553, The Inouye Bill |

| Section 2 (Authorization for Trust Fund): this section would amend the enabling act's authorization of $1.25 billion for the redress program, raising it to $1.5 billion. |
| Section 2 (Authorization for Trust Fund): Same as Section 2 of H.R. 4551. |
| No comparable provision. |

| Section 3 (Budget Treatment of the Fund): For purposes of part C of the Gramm-Rudman-Hollings Act, "payments to eligible individuals from the Fund constitute direct spending". This section, in effect, would bolster the authority of the Office of Management and Budget to request monies for the redress program. |
| No comparable provision. |

| Section 4 (Termination of Duties of Attorney General): The legislation would have the Japanese American redress duties of the Attorney General end "180 days after the Fund terminates". Under current law, the authority held by the Attorney General ends as soon as all the money for redress has been spent. |
| Section 5 (Termination of Duties of Attorney General): Same as Section 5 of H.R. 4551. |

| Section 4 (Termination of Duties of Attorney General): The legislation would have the Japanese American redress duties of the Attorney General end "180 days after the Fund terminates". |

| No comparable provision. |
### H.R. 4570, The Bush Administration Bill

**Section 5 (Definition of Japanese Ancestry):** "the term 'of Japanese ancestry' includes any individual who was interned with his or her spouse or child of Japanese ancestry during the evacuation, relocation, and internment period."

**Section 6 (Payments in the Case of Deceased Persons):** A statutory heir of a deceased individual who was eligible for redress has recourse for filing a claim. The heir must certify to the Department of Justice the names of any other living statutory heir or heirs to receive the claim. Should the heir omit the names of another heir or heirs, they would have to sue him or her to get their share if denied it, once the Department made the payment.

### H.R. 4551, The Gephardt Bill

**Section 3 (Definitions):** Spouses or parents of an individual of Japanese ancestry, and who because of their relationship had been similarly interned or evacuated, would be eligible for redress. The definition of an eligible Japanese American in the Civil Liberties Act of 1988 would be amended by adding: "or the spouse or a parent of an individual of Japanese ancestry," after "Japanese ancestry."

**Section 4 (Payments in the case of deceased persons):** Same as H.R. 4570.

### S. 2553, The Inouye Bill

**Section 6 (Definitions):** Same as that given in Section 3 of H.R. 4551.

**Section 3 (Payments in the case of deceased persons):** Same as H.R. 4570.
Section 7 (Judicial Review): Any person who wants to contest a Justice Department ruling of being ineligible for redress may seek judicial review only in the United States Claims Court. That court shall have the authority to set aside the Department's denial if it is found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."

Section 8 (Termination of the Fund): The Japanese American redress program would end on September 30, 1994.

No comparable provision. The absence of any comparable provision would have the effect of preserving the enabling act's definition of the program. That is, the funds for redress would remain available until August 10, 1998, ten years after the act became law.
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<td><strong>Section 9 (Uses of [The Civil Liberties Public Education Fund]):</strong> The bill would repeal the provision the Civil Liberties Act of 1988 makes for establishing, funding, and administering the Civil Liberties Public Education Fund.</td>
<td>No comparable provision. The absence of any provision would have the effect of preserving the enabling act's provision for educating the public about the internment during World War II of more than 120,000 Americans of Japanese descent.</td>
<td>No comparable provision. The effect would be the same as that described for H.R. 4551.</td>
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<td>No comparable provision.</td>
<td>No comparable provision.</td>
<td>Section 5 (Exclusion of Payments as Income for Veterans Benefits): this amendment would correct the law technically, making it clear that redress payments under the law would not be considered as assets for determining eligibility for veterans' benefits. Similar language, to the same effect, appears in H.R. 4553, introduced March 24, 1992 by Representative Matsui, for himself and Representatives Mineta and Edwards.</td>
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</table>
# Japanese American Redress Authorization Legislation, 1992

<table>
<thead>
<tr>
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<tr>
<td>H.R. 4570, The Bush Administration Bill</td>
<td>Introduced March 25, 1992, at the request of the Bush Administration, by Representative Gekas. The legislation would authorize $250 million to be spent for redress to more than 60,000 Americans of Japanese descent. That sum would be in addition to the $1.25 billion already authorized for the program by the Civil Liberties Act of 1988. The $1.25 billion had been predicated on the size of the payment due 60,000 survivors, the original estimate, which has since proved to be too low. The bill would also eliminate the authority for the educational program, defined in the enabling act, the Civil Liberties Act of 1988.</td>
</tr>
<tr>
<td>H.R. 4551, The Gephardt Bill</td>
<td>Introduced March 24, 1992, by the House Majority Leader, and co-sponsored by the House Minority Whip, and many other Members of the Chamber, to amend the Civil Liberties Act of 1988. Like H.R. 4570, this bill would authorize an increase in the spending authority for Japanese American redress by $250 million for FY 93. In addition, it would authorize an additional $70 million for the remaining payments to eligible individuals and the education program defined by the enabling act.</td>
</tr>
<tr>
<td>S. 2553, The Inouye Bill</td>
<td>Introduced April 8, 1992, by Senator Inouye (for himself and Senator Akaka). The authorization proposals for appropriations are the same as those for H.R. 4551. This legislative proposal would also make a technical correction to the law, making it clear that redress payments under the law would not be considered as assets for determining eligibility for veterans' benefits.</td>
</tr>
<tr>
<td>S. 2217, The Bush Administration Bill</td>
<td>Introduced on February 7, 1992, at the request of the Bush Administration, by Senators Dole and Domenici. This legislative proposal was introduced as Title 26 (one of 49 titles) of the Economic Growth Act of 1992, the President's legislative economic proposals. With one exception, most of Title 26's provisions have the same effect as those of H.R. 4570, even though the language often differs. The exception: Title 26 provides no definition of the &quot;budget treatment of the fund&quot; under the Balanced Budget and Emergency Control Act of 1985 (Gramm-Rudman-Hollings).</td>
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<tr>
<td><strong>Section 1:</strong> (Short title): &quot;Civil Liberties Act Amendments of 1992&quot;</td>
<td><strong>Section 1:</strong> Same as Section 1, H.R. 4570.</td>
</tr>
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<td><strong>Section 2</strong> (Authorization for Trust Fund): This section would amend the enabling act's authorization of $1.25 billion for the redress program, raising it to $1.5 billion.</td>
<td><strong>Section 2</strong> (Authorization for Trust Fund): This section would amend the enabling act's authorization of $1.25 billion for the redress program, raising it to $1.57 billion.</td>
</tr>
<tr>
<td><strong>Section 3</strong> (Budget Treatment of the Fund): For purposes of part C of the Gramm-Rudman-Hollings Act, &quot;payments to eligible individuals from the Fund constitute direct spending&quot;. This section, in effect, would bolster the authority of the Office of Management and Budget to sequester monies for the redress program.</td>
<td><strong>No comparable provision.</strong></td>
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<td><strong>Section 4</strong> (Termination of Duties of Attorney General): The legislation would have the Japanese American redress duties of the Attorney General end &quot;180 days after the Fund terminates&quot;. Under current law, the authority held by the Attorney General ends as soon as all the money for redress has been spent.</td>
<td><strong>Section 5</strong> (Termination of Duties of Attorney General): Same as Section 4 in H.R. 4570.</td>
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<td><strong>Section 5 (Definition of Japanese Ancestry):</strong> &quot;[T]he term 'of Japanese ancestry' includes any individual who was interned with his or her spouse or child of Japanese ancestry during the evacuation, relocation, and internment period.&quot;</td>
<td><strong>Section 3 (Definitions):</strong> Spouses or parents of an individual of Japanese ancestry, and who because of their relationship had been similarly interned or evacuated, would be eligible for redress. The definition of an eligible Japanese American in the Civil Liberties Act of 1988 would be amended by adding: &quot;or the spouse or a parent of an individual of Japanese ancestry,&quot; after &quot;Japanese ancestry.&quot;</td>
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<td><strong>Section 6 (Payments in the Case of Deceased Persons):</strong> A statutory heir of a deceased individual who was eligible for redress has recourse for filing a claim. The heir must certify to the Department of Justice the names of any other living statutory heir or heirs to receive the claim. Legal recourse for any heirs excluded from the certified list would be a lawsuit against the heir receiving the payments. Should the heir omit the names of another heir or heirs, and the Department has already made the payment, they would have to pay the payee(s) to get their share if denied it.</td>
<td><strong>Section 4 (Payments in the Case of Deceased Persons):</strong> Essentially the same as Section 6, H.R. 4570.</td>
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<td><strong>Section 7 (Judicial Review):</strong> Any person who wants to contest a Justice Department ruling of being ineligible for redress may seek judicial review only in the United States Claims Court. That court shall have the authority to set aside the Department’s denial if it is found to be &quot;arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.&quot;</td>
<td><strong>H. Administrative Law Subcommittee Amendment, Section 5 (Judicial Review):</strong> The amendment would adopt the judicial review provision defined in H.R. 4570. The judicial review provision under this amendment would not apply to cases pending in the courts at the time the amendment was enacted. And, the amendment adds a provision giving claimants the benefit of the doubt in eligibility decisions made by the Department of Justice.</td>
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<td><strong>Section 8</strong> (Termination of the Fund): The Japanese American redress program would end on September 30, 1994.</td>
<td><strong>No comparable provision.</strong> The absence of any comparable provision would have the effect of preserving the enabling act's definition of the program. That is, the funds for redress would remain available until August 10, 1998, ten years after the act became law.</td>
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<td><strong>Section 9</strong> (Uses of [The Civil Liberties Public Education] Fund): The bill would repeal the provision the Civil Liberties Act of 1988 makes for establishing, funding, and administering the Civil Liberties Public Education Fund.</td>
<td><strong>No comparable provision.</strong> The absence of any provision would have the effect of preserving the enabling act's provision for educating the public about the internment during World War II of more than 120,000 Americans of Japanese descent.</td>
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<td>No comparable provision.</td>
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MEMORANDUM

July 16, 1992

SUBJECT: Status Of Bills Authorizing Monies During FY 1993 for the Redress of Interned Americans Of Japanese Descent During World War II

FROM: James Sayler
Specialist in American National Government
Government Division

The following table provides summary portrayals of the similarities and differences among bills authorizing Federal funds for certain Japanese Americans and certain close relatives. Specifically, the table compares legislative proposals before the U.S. Congress authorizing appropriations for Fiscal Year 1993 to fund redress payments to U.S. citizens of Japanese descent and their relatives whom the Federal Government, during World War II, evacuated, relocated, or kept in internment camps.

JS:js

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This memorandum was prepared by the Government Division for distribution to more than one client. The facts and premises included herein are current as of the date of preparation, unless otherwise noted.
Assembly Concurrent Resolution No. 181 Relative to school instructional materials on American and Japanese relocation during World War II.

LEGISLATIVE COUNSEL'S DIGEST

ACR 181, as introduced, Ferguson. Education: school instructional materials on American and Japanese relocation during World War II.

This measure would urge the state and school districts to adopt a broad range of instructional materials that discuss and reference American and Japanese relocation during World War II, including a specified text.

This measure would request the Superintendent of Public Instruction to provide notice of this resolution to all school districts and county offices of education, and to those textbook publishers who have or may provide instructional materials.

Fiscal committee: yes

WHEREAS, The state and school districts of California are urged, pursuant to Assembly Concurrent Resolution 37 (hereafter ACR 37), enacted as Chapter 1 of the Statutes of 1989, to adopt instructional materials that reflect 'accurate and objective versions of the Japanese-American internment experience'; and

WHEREAS, An accurate and objective treatment of this subject requires balance through the inclusion of disparate claims, evidence, and viewpoints; and

WHEREAS, ACR 37 declares that the relocation program was not justified by
military necessity but was the result of race prejudice, war hysteria, and a failure of political leadership; and

WHEREAS, It is simply untrue that Japanese-Americans were interned in concentration camps during World War II as stated in ACR 37; and

WHEREAS, Wartime policies toward civilians were not directed solely at people of Japanese descent, but applied also to an almost equal number of European immigrants, American citizens of European extraction, and German, Italian, Austrian, Bulgarian, Rumanian and Russian nationals, German-Americans, Bund members, and pro-Axis Italians with naturalized United States citizenship; and

WHEREAS, The relocation law could not have been motivated by racism across or in America, since it did not apply to those of Japanese descent living in the other 44 states, but only to those living in the prescribed, "War Zone"; and

WHEREAS, Canada, Mexico, and Central and South America nations bordering on the Pacific Ocean implemented similar programs affecting Japanese nationals and citizens of Japanese descent living in coastal areas; and

WHEREAS, The United States Justice Department has just recently released, under the Freedom of Information Act (P. L. 99-570), the top secret Japanese military code messages broken by United States intelligence prior to and during the war, which document that the Empire of Japan was counting on its nationals living in the United States and Japanese-Americans to assist in the war effort against America; and

WHEREAS, This information documents acts of sabotage, espionage, and disloyalty by groups of Japanese nationals and European nationals on the west coast, preceding and following the Pearl Harbor attack; and

WHEREAS, The existence of several thousand Japanese subversives was also documented in the California State Senate Journal of April 16, 1945; and

WHEREAS, The people of California and the designated war zone areas had good reason to fear an invasion attempt after the surprise attack on Pearl Harbor as Japanese submarines cruised off our coast, barrage balloons flew over our harbor areas, and great parts of the zone existed under blackout conditions; and

WHEREAS, ACR 37 excludes, as a basis for the relocation policy, any military need or cause; and

WHEREAS, A portrayal which omits the attack on Pearl Harbor and the war as a major factor in our nation's relocation policy unfairly denigrates the character of a generation of Americans, including all who fought in that war or who merely were alive at the time; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the state and school districts are urged to adopt a broad range of instructional materials that discuss and reference these events and facts, including American and Japanese Relocation in World War II by historian Lillian Baker, published by Webb Research Group, so as to offer California students an honest, objective, and balanced education concerning this period in our history; and be it further

Resolved, That copies of this resolution be transmitted to the Superintendent of Public Instruction and the State Board of Education, and that the superintendent be requested to provide notification of this resolution to all school districts and county offices of education, and to
those textbook publishers who have or may provide instructional materials, including the Webb Research Group of Medford, Oregon.
F.Y.I. -- It is the intention of Assemblywoman Jackie Speier to kill the following resolution in Assembly Rules Committee as expeditiously as possible.