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Senator Spark M. Matsunaga Papers
Senate, Subject files, Civil Rights, Redress, Box 54, Folder 7
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Senate

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

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

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

In 1980, nearly 40 years after the event, the U.S. Congress authorized a study of the circumstances surrounding the relocation and incarceration of Japanese Americans during World War II. A distinguished nine-member study Commission, chaired by Washington attorney Joan Bernstein, reported on its findings in February of this year and, in June, submitted to the Congress its recommended remedies. The Commission's careful review of wartime records, and its extensive public hearings, confirmed what Americans of Japanese ancestry have always known: the evacuation of Japanese Americans from the west coast and their incarceration in what can only be described as American-style concentration camps was not justified by military necessity, but was the result of racial prejudice, wartime hysteria, and a historic character failure on the part of our political leaders. The Commission found that:

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

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

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

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

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

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

(7) Attorney General Francis Biddle,

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

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

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

In the light of these findings, the Commission concluded that "a grave injustice was done to American citizens and resident aliens of Japanese ancestry, who, without individual review or any probative evidence against them, were excluded, removed, and detained by the United States during World War II." In accordance with its mandate from Congress, the Commission recommended remedies, including the following:

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

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

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

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

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

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

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

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

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

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

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

S. 2116

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

FINDINGS AND PURPOSE

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

(1) the findings of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act, accurately and completely describe the circumstances of the exclusion, relocation, and internment of in excess of 110,000 United States citizens and perma-

nent resident aliens of Japanese ancestry and the treatment of the individuals of Aleut ancestry who were removed from the Aleutian and the Pribilof Islands;

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

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

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

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

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

(7) as documented in the Commission's reports, the Aleut civilian residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island were relocated during World War II to temporary camps in isolated regions of Southeastern Alaska where they remained, under United States control and in the care of the United States, until long after any potential danger to their home villages had passed;

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

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

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

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

(12) there is no remedy for injustices suffered by the Aleuts during World War II except an Act of Congress providing appropriate compensation for those losses which are attributable to the conduct of United States forces and other officials and employees of the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

DEFINITIONS

SEC. 201. For the purposes of this title—

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

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

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

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

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

(iii) any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States, or other action made by or on behalf of the United States or its agents, representatives, officers, or employees respecting the exclusion, relocation, or detention of individuals on the basis of race;

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

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

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

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

CRIMINAL CONVICTIONS

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

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

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

CONSIDERATION OF COMMISSION FINDINGS

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

TRUST FUND

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

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

RESTITUTION

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

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

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

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

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

BOARD OF DIRECTORS

SEC. 206. (a) ESTABLISHMENT.—There is hereby established the Civil Liberties Public Education Fund Board of Directors which shall be responsible for making disbursements from the Fund in the manner provided in this section.

(b) DISBURSEMENTS FROM FUND.—The Board of Directors may make disbursements from the Fund only—

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

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

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

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

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

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

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

(B) Of the members first appointed—

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE III—ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION

SHORT TITLE

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

DEFINITIONS

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

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

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

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

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

(5) "Corporation" means The Aleut Corporation, a for-profit regional corporation for the Aleut region organized under the laws of the State of Alaska and established pursuant to section 7 of the Alaska Native Claims Settlement Act (Public Law 92-203);

(6) "eligible Aleut" means any Aleut living on the date of enactment of this Act who was a resident of Attu Island on June 7, 1942, or any Aleut living on the date of enactment of this Act who, as a civilian, was relocated by authority of the United States from his home village on the Pribilof Islands or the Aleutian Islands west of Unimak Island to an internment camp, or other temporary facility or location, during World War II; and

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

ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION FUND

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

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

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

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

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

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

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

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

EXPENDITURES AND AUDIT

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

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

ADMINISTRATION OF CERTAIN FUND EXPENDITURES

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

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

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

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

(b) SUBMISSION TO CONGRESS.—The Secretary shall submit the Agreement described in subsection (a) to Congress within 15 days after approval by the parties thereto. If the Secretary and the Association fail to reach agreement within the period provided in subsection (a), the Secretary shall report such failure to Congress within 75 days after the date of enactment of this Act, together with the reasons therefor.

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

DUTIES OF THE ADMINISTRATOR

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

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

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

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

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

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

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

(3) The trust established by this subsection shall be administered in a manner that is consistent with the laws of the State of Alaska, and as prescribed by the Administrator, after consultation with representa-

tive eligible Aleuts, the residents of affected Aleut villages, and the Secretary. The trustees may use the accrued interest, and other earnings of the trust for—

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

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

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

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

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

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

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

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

(A) the Secretary of Housing and Urban Development;

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

(C) the Administrator of the General Services Administration.

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

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

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

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

INDIVIDUAL COMPENSATION OF ELIGIBLE ALEUTS

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

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

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

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

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

MINIMUM CLEANUP OF WARTIME DEBRIS

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

(b) ADMINISTRATION OF PROGRAM.—The debris removal program authorized under subsection (a) shall be carried out substantially in accordance with the recommendations for a "Minimum Cleanup," at an estimated cost of $22,473,180 based on 1976 prices, contained in the report prepared by

the Alaska District, Corps of Engineers, entitled "Debris Removal and Cleanup Study: Aleutian Islands and lower Alaska Peninsula, Alaska," dated October 1976. In carrying out the program required by this section, the Chief of Engineers shall consult with the trustees of the trust established by section 306 (b) of this title, and shall give preference to the Aleutian Housing Authority as general contractor.

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

ATTU ISLAND REHABILITATION PROGRAM

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

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

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

(2) the Secretary of Transportation and the Corporation have certified to the Secretary of the Interior that the Department of Transportation and the Corporation have reached an agreement which will allow the United States Coast Guard to continue essential functions on Attu Island. The patent conveying the lands under this section shall reflect the right of the Coast Guard to continue such essential functions on such island, with reversion to the Corporation of all interests held by the Coast Guard when and if the Coast Guard terminates its activities on the island.

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

SEPARABILITY OF PROVISIONS

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

TITLE IV—MISCELLANEOUS PROVISIONS

DOCUMENTS RELATING TO THE INTERNMENT

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

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

COMPLIANCE WITH BUDGET ACT

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

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

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

In 1980, the United States Congress established (P.L. 96-317, 94 Stat. 964) a Commission on Wartime Relocation and Internment of Civilians to review the facts and circumstances surrounding Executive Order 9066, to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order 9066, and to recommend appropriate remedies. In June 1983, the Commission released its recommendations, one of which is for Congress to appropriate $1.5 billion dollars for compensation to these individuals, including payment of $20,000 to each Japanese American held in relocation camps during World War II.

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

FINDINGS AND PURPOSE

Section 1 (a) would provide for acceptance of the findings of the Commission on Wartime Relocation and Internment of Civilians regarding the exclusion and relocation of more than 110,000 United States citizens and permanent resident aliens of Japanese ancestry and regarding the treatment of the Aleuts of the Aleutian and Pribilof Islands; namely, that the findings of the Commission on Wartime Relocation and Internment of Civilians represent an accurate description of the circumstances surrounding the exclusion and removal; that the internment of the Japanese Americans was carried out without any documented cases of subver-

sion; that there was no military reason for the relocation; that the internment was caused by racial prejudice, war hysteria, and a failure of political leadership; that the exclusion and relocation caused great economic losses to the Japanese Americans; that their basic civil liberties and constitutional rights were violated; that the evacuated Aleuts, relocated for their safety by the United States military because of the Japanese invasion and capture of the Aleutian Islands of Attu and Kiska, were kept in camps long after any danger to them; that inadequate care for Aleuts' personal and community property caused widespread hardship; that the United States has not compensated the Aleuts adequately; that significant amounts of hazardous military debris abound in the Aleutian Islands; that the United States has not rehabilitated Attu; and that the only remedy for injustices suffered by the Aleuts is an Act of Congress providing appropriate compensation.

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

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

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

TITLE II. CITIZENS OF JAPANESE ANCESTRY AND RESIDENT JAPANESE ALIENS

Definition

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

1. "Eligible individual" would mean any living individual of Japanese ancestry who was confined, held in custody, or otherwise deprived of liberty or property during the period beginning on December 7, 1941, and ending on June 30, 1946, as a result of Executive Order 9066, or any other Executive Order, Presidential proclamation, law, directives of the Armed Forces of the United States, or any other action made by or on behalf of the United States respective to the exclusion, relocation, or detention of individuals on the basis of race.

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

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

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

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

Criminal convictions

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

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

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

Consideration of Commission findings

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

Trust fund

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

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

Restitution

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

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

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

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

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

Board of Directors

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

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

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

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

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

Section 206(c)(4) would provide that five

members of the Board constitute a quorum.

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

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

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

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

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

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

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

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

TITLE III. ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION

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

Definitions

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

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

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

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

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

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

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

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

Aleutian and Pribilof Islands restitution fund

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

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

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

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

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

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

Expenditures and audits

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

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

Administration of certain fund expenditures

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

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

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

Duties of the Administrator

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

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

* * * * *

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

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

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

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

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

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

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

Individual compensation of eligible Aleuts

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

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

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

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

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

Minimum cleanup of wartime debris

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

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

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

ATTU Island rehabilitation program

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

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

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

Separability of provisions

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

TITLE IV. MISCELLANEOUS PROVISIONS

Documents relating to internment

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

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

Compliance with Budget Act

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

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

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

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

In response to this grave injustice, the Commission recommended a series of remedies to redress the wrongs suffered by the internees. As an impartial

nonpartisan body, and one which spent a considerable amount of time and effort thoroughly studying this issue, we can be confident that these recommendations are highly unbiased.

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

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

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

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

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

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

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

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

THE ALEUT PEOPLE

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

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

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

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

Aleut people outside the immediate area of the Aleutians and the relocation camps.

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

EVACUATION OF ALEUT VILLAGES

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

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

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

COMMISSION RECOMMENDATIONS

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

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

There are two substantive differences between the Commission's recommendations and the provisions of our bill. First, those eligible for per capita payment would include not only the survivors of the evacuation by U.S. forces, but also the surviving Attuans who were held in detention on Hokkaido Island, Japan. I am informed that these people number only five survivors today. They suffered a great loss when their home village was not rehabilitated for resettlement after the war. Second, our bill provides per capita payment of $12,000 to each of some 400 to 500 surviving Aleuts, instead of the recommended $5,000. The legislation includes this increase in per capita payment to reflect comparability with the treatment of the surviving Japanese American internees.

CONCLUSION

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

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

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

SECTION-BY-SECTION SUMMARY OF THE "ALEU-

TIAN AND PRIBILOF ISLANDS RESTITUTION ACT"

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

TITLE III—ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION

SECTION 301—SHORT TITLE

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

SECTION 302—DEFINITIONS

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

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

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

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

SECTION 303—ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION FUND

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

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

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

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

SECTION 304—EXPENDITURES AND AUDIT OF FUND

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

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

SECTION 305—ADMINISTRATION OF CERTAIN FUND EXPENDITURES

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

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

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

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

SECTION 306—DUTIES OF THE ADMINISTRATOR

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

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

The principal amount of the trust established under this subsection shall be

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

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

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

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

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

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

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

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

This section authorizes appropriations to the Fund adequate to carry out the purposes of the section, including $1,399,000 to carry out the church rehabilitation program under section 306(c). In addition, section 306(d) authorizes the Secretary of the Treasury to reimburse the Administrator, not less often than quarterly, for all necessary and reasonable administrative and legal expenses incurred in carrying out its functions under this title.

SECTION 307—INDIVIDUAL COMPENSATION OF ELIGIBLE ALEUTS

Section 307(a) authorizes and directs the Secretary of the Treasury to make per capita payments out of the Fund to eligible Aleuts, as defined, for uncompensated personal property losses and for other purposes. The subsection requires a payment of $12,000 to each of approximately 400 individual Aleuts who are living on the date of enactment of this Act and who are the survivors of the relocation experience during World War II. All such per capita payments shall be made within one year after enactment of this Act, and shall not be considered income for purposes of any Federal taxes or for the purposes of determining eligibility for or the amount of any benefits or assistance under any Federal program or under any State or local program financed in whole or in part with Federal funds. This section addresses the second recommendation of the Commission for compensation of Aleut losses during World War II.

Under section 307(a) (2) and (3), the Secretary of the Treasury may require the assistance of the Attorney General in locating eligible Aleuts, and the Administrator shall assist the Secretary in identifying and locating eligible Aleuts for the purpose of the section.

Section 307(b) authorizes appropriations to the Fund adequate to make the per capita payments required by the section for restitution of heretofore uncompensated Aleut wartime losses.

SECTION 308—MINIMUM CLEANUP OF WARTIME DEBRIS

Section 308(a) authorizes and directs the Secretary of the Army, acting through the Chief of Engineers, to plan and carry out a program for the removal and disposal of live ammunition, obsolete and abandoned buildings, abondoned machinery, and other hazardous debris remining in populated areas of the lower Alaskan peninsula and the Aleutian Islands as a result of military activity during World War II. This section is consistent with the fourth recommendation of the Commission.

Section 308(b) provides that the debris removal program shall be the "Minimum Cleanup." as recommended by the Alaska District, Corps of Engineers, in its report dated October 1976. In carrying out the program, the Chief of Engineers is required to

consult with the trustees of the trust established in section 306(b), and is further required to give preference to the Aleutian Housing Authority as general contractor.

Section authorizes $38,601,000 to be appropriated to carry out the purposes of this section. The authorized amount reflects the October 1976 estimate by the Corps of Engineers to accomplish the "Minimum Cleanup," as adjusted for inflation (CPI) to October 1983.

SECTION 309—ATTU ISLAND REHABILITATION PROGRAM

Section 309(a) authorizes the Secretary of the Interior to convey, subject to certain requirements, Attu Island in fee simple to the Aleut Corporation—the regional corporation established for the Aleut region under terms of the Alaska Native Claims Settlement Act.

This section is consistent with the fifth recommendation of the Commission for compensation of the Aleut people for losses sustained in World War II.

Under the terms of section 309(b), the Secretary of the Intrerior shall make the conveyance described in section 309(a) within one year after the Corporation has entered into a cooperative management agreement for Attu Island with the Secretary of the Interior.

As a condition precedent to conveyance, the Secretary of the Interior shall also ensure that the Secretary of Transportation and the Aleut Corporation have reached agreement which will allow the U.S. Coast Guard to continue essential functions on Attu Island. The patent conveying the lands to the Corporation shall reflect the right of the U.S. Coast Guard to continue such essential functions on the island, with reversion ot the Corporation of all interests held by the Coast Guard when and if the Coast Guard terminates its activities on the island.

Under section 309(c), the Secretary of the Interior is authorized to promulgate such rules and regulations as are necessary to carry out this section.

SECTION 310—SEPARABILITY OF PROVISIONS

This section provides that if any provision of this title, or the application of any provision to any person or circumstance, shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. MURKOWSKI. Mr. President, I am pleased to join Senators STEVENS, MATSUNAGA, and INOUYE in authoring a bipartisan bill to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

As my colleagues will recall, the independent Commission was established by act of Congress in 1980 to investigate the circumstances surrounding the relocation and internment of Japanese-American and Aleut citizens during World War II. The Commission's reports were presented to Congress in January and June of this year. Those reports document fully the injustices suffered by those who were relocated to camps far from their homes in early 1942 for the duration of the war.

In the case of the Aleuts, who inhabited a number of small, remote villages on the Aleutian Island chain and the Pribilofs, the Commission determined that the military decision to relocate the people was justified under the circumstances. The Japanese enemy forces captured Attu and Kiska in early June 1942, and about 881 Aleut villagers were removed from their home villages by Army and Navy forces within the following 60 days.

Unfortunately, the relocation of the Aleuts to abandoned fish canneries and mining camps in southeastern Alaska resulted in widespread disease and death among the residents of the camps. The Commission found that medical care was inadequate, shelter and food were below standard, sanitary facilities were virtually nonexistent, and the drinking water was unhealthful. At least 10 percent of all the Aleuts relocated to the camps perished before their villages were restored on the Aleutian and Pribilof Islands.

Upon their return after 2 to 3 years in the camps, the Aleuts found their personal and community property and been converted without compensation for military use, destroyed, or taken by those who occupied the villages in the Aleuts' absence. They were never fully compensated for these losses. In addition their churches were burned, descrated, or stripped of invaluable religious icons dating from 18th and 19th century Imperial Russia. There was never any effort by our Government to replace or rehabilitate the churches and church properties destroyed or severely damaged while under U.S. control during the war.

Mr. President, the populated areas of the Lower Alaska Peninsula and the Aleutians are still littered with the debris and abandoned structures from the U.S. military occupation of the islands. In recent years at least one child, who lived with his family in Cold Bay, lost the use of his hand when a World War II fuse exploded. He had been playing in an area where live ammunition still litters the lands outside the town. The Commission has recommended that this debris be cleaned up, as the debris from World War II has been cleaned up in Japan, Europe, and elsewhere, often with substantial American assistance.

Mr. President, our legislation implements the five recommendations of the Commission to provide restitution to the Aleut people for the losses they suffered as a consequence of Government operations during the war years. In addition the bill implements the

Commission's recommendations for restitution of Japanese-American losses. I know that Senators MATSUNAGA and INOUYE will be addressing the Japanese-American issues in connection with the introduction of this legislation. Thus I have limited my remarks to the Aleut issues at this time.

Mr. President, 40 years and more have passed since the Aleuts were relocated to unimaginably inadequate camp facilities in southeastern Alaska. A number of those who suffered the most are quite elderly—an even greater number have already passed away. I urge the Senate to consider this legislation promptly, as substantial justice to the Aleut people demands compensation for losses sustained as a result of U.S. Government activities in World War II. The restitution provided in our bill should not be unreasonably delayed any longer.

Thank You, Mr. President.

● Mr. CRANSTON. Mr. President, it is my pleasure and my honor to join with my colleagues from Hawaii and Alaska—Senator MATSUNAGA, Senator INOUYE, Senator STEVENS, and Senator MURKOWSKI—in sponsoring this legislation fully implementing the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

Redressing the violations of civil liberties by our Government during World War II is an issue that has long been dear to me. I fought against the internment policy in 1942, pushed for creation of the Commission in 1980, and upon completion of the Commission's recommendations, introduced redress legislation last June.

The bill that my distinguished colleagues and I introduce today continues the important process of achieving redress for those American citizens and legal residents of Japanese and Aleut ancestry whose constitutional guarantee of civil liberties were all to easily swept away by our Government. This bill is a natural, more detailed evolution of the measure which Senator KENNEDY and I introduced 5 months ago, which has had hearings in the Administrative Practices and Procedures Subcommittee of the Judiciary Committee.

Our strength as a democracy lies in adherence to and zealous protection of the guaranteed liberties of every American. The guarantee of these liberties, of the freedom and dignity of an individual, is what distinguishes us from all other nations in history.

It is the Government's duty, when Government action violates constitutional guarantees, to correct and redress the violation. If we forget the exclusion and internment of hundreds of thousands of law-abiding citizens and residents, or merely decry the episode, then we have tolerated an erosion of our precious liberties. We increase the chance that a similar episode could happen again to another group of Americans.

Many Americans recognize the wrong that was done, but raise questions about the wisdom of a monetary payment to surviving individuals. Most of those who suffered in this episode, lost many times the amount provided under this legislation. All suffered the same basic injustice and affront to their civil liberties—a loss that can never be measured adequately in money. Monetary compensation is a symbolic effort to provide redress and to deter recurrence in the future.

Some have suggested that this bill would involve the present generation paying for past mistakes. Rather, it is an investment in our future to guarantee our children's liberties.

I am very proud to join in this renewed redress effort, and look forward to working closely with my colleagues to pass a bill.●

Mr. DENTON. Will the Senator yield?

Mr. MATSUNAGA. I yield.

Mr. DENTON. Mr. President, I wish to compliment the Senator from Hawaii. I endorse in every respect the authenticity of his remarks and that I consider that event one of the most darkest moments in our history, a consequence of General Sherman's statement that war is hell. We in the United States yielded to the temptation of the moment in that respect and caused a grave injustice to which the Senator from Hawaii alluded. I defer to the learned historian from the State of New York, Senator MOYNIHAN, but I have felt this all my life. I have felt the hypocrisy of that, the tragedy of it. I wish to join with the Senator in the sentiments he just described.

Mr. MATSUNAGA. I thank the Senator.

SUPPLEMENTAL APPROPRIATIONS, 1984—CONFERENCE REPORT

The Senate continued with the consideration of the amendments in disagreement to the conference report.

ADJUSTMENT TO AMENDMENT NO. 2638

Mr. GARN. Mr. President, earlier, during the consideration of my amendment, we had modified a Proxmire amendment from back in the Banking Committee when it was marked up and changed the date. The words that were inserted were "before September 30, 1985."

We find that my staff erred in the

drafting of this, and I have to ask unanimous consent, so there is no misunderstanding, that in title IV, page 21, line 15, after the word "development" add "before September 30, 1985." There is no change in what we put in, but we put it in the wrong place. We are correcting the drafting of the amendment. It has been cleared on both sides of the aisle. I ask unanimous consent that amendment No. 2638 agreed to earlier be corrected to read as shown in the amendment which I send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. This is a technical correction?