

## H.R.442 - Civil Liberties Act of 1987

100th Congress (1987-1988)

LAW

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### Summary: H.R.442 — 100th Congress (1987-1988)

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Conference report filed in House (07/26/1988)

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Conference report filed in House (07/26/1988)

(Conference report filed in House, H. Rept. 100-785)

Declares that: (1) a grave injustice was done to citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II; (2) these actions were without security reasons and without any acts of espionage or sabotage documented by the Commission on Wartime Relocation and Internment of Civilians, and were motivated by racial prejudice, wartime hysteria, and a failure of political leadership; (3) the excluded individuals suffered enormous damages for which appropriate compensation has not been made; and (4) the Congress apologizes on behalf of the Nation.

Declares that: (1) the Aleut civilian residents of certain islands who were relocated during World War II remained relocated long after any potential danger had passed; (2) the United States failed to provide reasonable care for the Aleuts, resulting in illness, disease, and death, and failed to protect Aleut personal and community property; (3) the United States has not compensated the Aleuts adequately; and (4) there is no remedy for injustices suffered by the Aleuts except an Act of Congress.

**Title I: United States Citizens of Japanese Ancestry and Resident Japanese Aliens** - Civil Liberties Act of 1988 - Requests the President, upon the recommendation of the Attorney General, to offer pardons to those convicted of violating laws or executive orders during the internment period because they refused to accept treatment which discriminated on the basis of their Japanese ancestry.

Provides that Federal departments and agencies that review applications for restitution of positions, status, or entitlement lost during the internment period shall review the applications with liberality, giving full consideration to the findings of the Commission and the declarations of the Congress.

Establishes within the Treasury a Civil Liberties Public Education Fund (the Fund). Terminates the Fund after all authorized funds have been expended or ten years after enactment of this Act, whichever occurs first. Authorizes appropriations.

Directs the Attorney General to: (1) identify and locate each eligible individual; and (2) pay from the Fund \$20,000 to each eligible individual. Makes a refusal to accept payment irrevocable. Declares that acceptance of payment shall be in full satisfaction of all related claims against the United States. Provides that payments shall be considered as damages for human suffering for purposes of Federal taxes and shall not be included in determining eligibility to receive certain income-based Federal benefits.

Establishes a Board of Directors which shall be responsible for making disbursements from the Fund. Provides that disbursements from the Fund shall be used to: (1) sponsor research and public educational activities dealing with the internment; (2) publish and distribute the hearings, findings, and recommendations of the Commission; and (3) pay administrative expenses of the Board. Directs the Board, no later than 12 months after its first meeting and every 12 months thereafter, to transmit to the President and to each House of the Congress a report describing its activities. Terminates the Board 90 days after the termination of the Fund.

Requires that all documents, testimony, and other records created or received by the Commission be kept and maintained by the Archivist of the United States and be made available for public research. Makes records of the House of Representatives relating to the internment period available for use, stating that this is enacted as a rule of the House and is therefore subject to subsequent action by the House of Representatives to change the rule.

Provides that no authority created by this title shall be effective in any fiscal year except to the extent and in such amounts as provided in advance in appropriations Acts.

**Title II: Aleutian and Pribilof Islands Restitution** - Aleutian and Pribilof Islands Restitution Act - Establishes within the Treasury the Aleutian and Pribilof Islands Restitution Fund. Directs the Secretary of the Interior to make restitution for certain Aleut losses sustained in World War II, conditioning such payments on the availability of appropriated funds. Outlines certain reporting and investment procedures relating to the Fund to be performed by the Secretary of the Interior. Directs the Secretary to terminate the Fund as of a specified conditional date. Directs the Secretary to appoint the Aleutian/Pribilof Islands Association as Administrator of the Fund, if a certain agreement is reached with the Association within 90 days after enactment of this title.

Directs the Secretary to establish a trust to be used for the benefit of the following people and purposes within specified Aleut communities: (1) the elderly, disabled, or seriously ill; (2) students in need of scholarship assistance; (3) preservation of Aleut cultural heritage and historical records; (4) the improvement of community centers in affected Aleut villages; and (5) other purposes to improve Aleut life. Authorizes appropriations to the Fund for such purposes.

Directs the Administrator to make an inventory and assessment of church property damaged or destroyed in affected Aleut villages during World War II. Directs the Administrator, within one year after enactment of this title, to submit such inventory and assessment, together with an estimate of replacement value for the damages or destroyed property, to the Secretary. Directs the Secretary to review such inventory and assessment and to make payments to the trust in an amount reasonably calculated by the Secretary to compensate affected Aleut villages for church property lost, damaged, or destroyed during World War II. Requires the trustees to distribute the amount so paid to the trust for the benefit of the affected churches. Authorizes appropriations to the trust established for such purpose.

Directs the Secretary to reimburse the Administrator for administrative and legal expenses. Authorizes appropriations.

Requires the Secretary to make payment of \$12,000 from the Fund to eligible Aleuts for any uncompensated personal property losses. Provides that such payments shall be considered damages for human suffering for purposes of Federal taxes and shall not be considered income or receipts for determining eligibility for certain Federal benefits. Declares payment to be in full satisfaction of all claims against the United States. Authorizes appropriations.

Provides a system of direct compensation to Aleut people for the loss of traditional land and village properties on Attu Island, such Island having been designated as wilderness. Requires the Secretary to (1) determine the total acreage of land on Attu Island that was traditionally used by the Aleut peoples; (2) make a valuation of such land; and (3) notify the Aleut Corporation (a for-profit corporation) of the valuation determination made. Provides that such valuation determination shall be considered final (if not successfully appealed by the Corporation within 30 days of notification), and shall constitute the amount payable as compensation to the Corporation for the Aleuts' loss of ownership of such land. Directs the Secretary, subject to appropriations, to pay to the Corporation the full amount of the value of the acreage. Declares payment to be in full satisfaction of any claims against the United States. Authorizes the Secretary to convey to the Corporation the surface estate of the traditional Aleut village site on Attu Island, Alaska, under the authority provided for such transfer in the Alaska Native Claims Settlement Act. Prohibits the conveyance to the Corporation of any other site on Attu Island after enactment of this Act. Authorizes appropriations.

Provides that no authority in this Act to enter into contracts or make payments shall be effective in any fiscal year except to such extent and in such amounts as provided in advance in appropriations Acts. Limits benefits conferred to appropriated amounts.

**Title III: Territory or Property Claims Against United States** - Provides that nothing in this Act shall be construed as: (1) recognition of any claim of Mexico or any other country or any Indian tribe (except as provided in this Act) to any territory or other property of the United States; or (2) providing any basis for compensation in connection with any such claim.