

appropriation of additional funds, and restricting use of appropriated funds, see section 1(b), (c), of Pub. L. 103-402, set out as a note under section 4235 of this title.

§ 4234. Appointment of Administrator

As soon as practicable after August 10, 1988, the Secretary shall offer to undertake negotiations with the Association, leading to the execution of an agreement with the Association to serve as Administrator under this subchapter. The Secretary may appoint the Association as Administrator if such agreement is reached within 90 days after August 10, 1988. If no such agreement is reached within such period, the Secretary shall appoint another person as Administrator under this subchapter, after consultation with leaders of affected Aleut villages and the Corporation.

(Pub. L. 100-383, title II, § 204, Aug. 10, 1988, 102 Stat. 912.)

CODIFICATION

Section was formerly classified to section 1989c-3 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4235. Compensation for community losses

(a) In general

Subject to the availability of funds appropriated to the Fund, the Secretary shall make payments from the Fund, in accordance with this section, as restitution for certain Aleut losses sustained in World War II.

(b) Trust

(1) Establishment

The Secretary shall, subject to the availability of funds appropriated for this purpose, establish a trust for the purposes set forth in this section. 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 Secretary. Each affected Aleut village may submit to the Administrator a list of three prospective trustees. The Secretary, after consultation with the Administrator, affected Aleut villages, and the Corporation, shall designate not more than seven trustees from such lists as submitted.

(2) Administration of trust

The trust established under this subsection shall be administered in a manner that is consistent with the laws of the State of Alaska, and as prescribed by the Secretary, after consultation with representatives of eligible Aleuts, the residents of affected Aleut villages, and the Administrator.

(c)¹ Accounts for benefit of Aleuts

(1) In general

The Secretary shall deposit in the trust such sums as may be appropriated for the purposes set forth in this subsection. The trustees shall maintain and operate 8 independent and separate accounts in the trust for purposes of this subsection, as follows:

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

(B) Six accounts for the benefit of the 6 surviving affected Aleut villages, one each for the independent benefit of Akutan, Atka, Nikolski, Saint George, Saint Paul, and Unalaska, respectively.

(C) One account for the independent benefit of those Aleuts who, as determined by the Secretary, upon the advice of the trustees, are deserving but will not benefit directly from the accounts established under subparagraphs (A) and (B).

The trustees shall credit to the account described in subparagraph (C) an amount equal to 5 percent of the principal amount deposited by the Secretary in the trust under this subsection. Of the remaining principal amount, an amount shall be credited to each account described in subparagraphs (A) and (B) which bears the same proportion to such remaining principal amount as the Aleut civilian population, as of June 1, 1942, of the village with respect to which such account is established bears to the total civilian Aleut population on such date of all affected Aleut villages.

(2) Uses of accounts

The trustees may use the principal, accrued interest, and other earnings of the accounts maintained under paragraph (1) 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.

(3) Authorization of appropriations

There are authorized to be appropriated \$5,000,000 to the Fund to carry out this subsection.

(d) Compensation for damaged or destroyed church property

(1) Inventory and assessment of property

The Administrator shall make an inventory and assessment of real and personal church property of affected Aleut villages which was damaged or destroyed during World War II. In making such inventory and assessment, the Administrator shall consult with the trustees of the trust established under subsection (b), residents of affected Aleut villages, affected church members and leaders, and the clergy of the churches involved. Within 1 year after August 10, 1988, the Administrator shall submit such inventory and assessment, together with an estimate of the present replacement value of lost or destroyed furnishings and artifacts, to the Secretary.

(2) Review by the Secretary; deposit in the trust

The Secretary shall review the inventory and assessment provided under paragraph (1),

¹ So in original. Two subsecs. (c) have been enacted.

and shall deposit in the trust established under subsection (b) an amount reasonably calculated by the Secretary to compensate affected Aleut villages for church property lost, damaged, or destroyed during World War II.

(3) Distribution of compensation

The trustees shall distribute the amount deposited in the trust under paragraph (2) for the benefit of the churches referred to in this subsection.

(4) Authorization of appropriations

There are authorized to be appropriated to the Fund \$4,700,000 to carry out this subsection.

(c)¹ Administrative and legal expenses

(1) Reimbursement for expenses

The Secretary shall reimburse the Administrator, not less often than annually, for reasonable and necessary administrative and legal expenses in carrying out the Administrator's responsibilities under this subchapter.

(2) Authorization of appropriations

There are authorized to be appropriated to the Fund such sums as are necessary to carry out this subsection.

(Pub. L. 100-383, title II, § 205, Aug. 10, 1988, 102 Stat. 912; Pub. L. 103-402, § 1(a), Oct. 22, 1994, 108 Stat. 4174.)

CODIFICATION

Section was formerly classified to section 1989c-4 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1994—Subsec. (d)(4). Pub. L. 103-402 substituted “\$4,700,000” for “\$1,400,000”.

REESTABLISHMENT OF FUND; USE OF FUNDS

Pub. L. 103-402, § 1(b), (c), Oct. 22, 1994, 108 Stat. 4174, provided that:

“(b) FUND.—If the Fund referred to in section 205(a) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c-4(a)) [now 50 U.S.C. 4235(a)] has been terminated pursuant to section 203(d) of such Act (50 U.S.C. App. 1989c-2(d)) [now 50 U.S.C. 4233(d)], upon the appropriation of additional funds pursuant to this Act [amending this section], the Fund shall be reestablished.

“(c) USE OF FUNDS.—The funds appropriated pursuant to this Act shall be used solely for the renovation, replacement, and restoration of church property lost, damaged, or destroyed during World War II.”

§ 4236. Individual compensation of eligible Aleuts

(a) Payments to eligible Aleuts

In addition to payments made under section 4235 of this title, the Secretary shall, in accordance with this section, make per capita payments out of the Fund to eligible Aleuts. The Secretary shall pay, subject to the availability of funds appropriated to the Fund for such payments, to each eligible Aleut the sum of \$12,000.

(b) Assistance of Attorney General

The Secretary may request the Attorney General to provide reasonable assistance in locating eligible Aleuts residing outside the affected Aleut villages, and upon such request, the Attor-

ney General shall provide such assistance. In so doing, the Attorney General may use available facilities and resources of the International Committee of the Red Cross and other organizations.

(c) Assistance of Administrator

The Secretary may request the assistance of the Administrator in identifying and locating eligible Aleuts for purposes of this section.

(d) Clarification of treatment of payments under other laws

Amounts paid to an eligible Aleut under this section—

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

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31 or the amount of such benefits.

(e) Payment in full settlement of claims against United States

The payment to an eligible Aleut under this section shall be in full satisfaction of all claims against the United States arising out of the relocation described in section 4232(5) of this title.

(f) Authorization of appropriations

There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

(Pub. L. 100-383, title II, § 206, Aug. 10, 1988, 102 Stat. 914.)

CODIFICATION

Section was formerly classified to section 1989c-5 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4237. Attu Island restitution program

(a) Purpose of section

In accordance with section 1132(c) of title 16, the public lands on Attu Island, Alaska, within the National Wildlife Refuge System have been designated as wilderness by section 702(1) of the Alaska National Interest Lands Conservation Act (94 Stat. 2417; 16 U.S.C. 1132 note). In order to make restitution for the loss of traditional Aleut lands and village properties on Attu Island, while preserving the present designation of Attu Island lands as part of the National Wilderness Preservation System, compensation to the Aleut people, in lieu of the conveyance of Attu Island, shall be provided in accordance with this section.

(b) Acreage determination

Not later than 90 days after August 10, 1988, the Secretary shall, in accordance with this subsection, determine the total acreage of land on Attu Island, Alaska, that, at the beginning of World War II, was subject to traditional use by the Aleut villagers of that island for subsistence and other purposes. In making such acreage determination, the Secretary shall establish a base acreage of not less than 35,000 acres within that part of eastern Attu Island traditionally used by the Aleut people, and shall, from the