

in appropriations Acts. In any fiscal year, total benefits conferred by this subchapter shall be limited to an amount not in excess of the appropriations for such fiscal year. Any provision of this subchapter which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal year 1989 and thereafter.

(Pub. L. 100-383, title I, §109, Aug. 10, 1988, 102 Stat. 910.)

REFERENCES IN TEXT

The Budget Act, referred to in section catchline, probably means the Congressional Budget Act of 1974, titles I through IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

CODIFICATION

Section was formerly classified to section 1989b-8 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4220. Entitlements to eligible individuals

(a) In general

Subject to sections 4214(e) and 4215(g) of this title and except as provided in subsection (b), beginning on October 1, 1990, the payments to be made to any eligible individual under the provisions of this subchapter shall be an entitlement.

(b) Payments from discretionary appropriations

(1) Payments

Any such payment made to an individual who is not of Japanese ancestry and who is an eligible individual on the basis of the amendment made by section 3 of the Civil Liberties Act Amendments of 1992 shall not be an entitlement and shall be made from discretionary appropriations.

(2) Authorization of appropriations

There are authorized to be appropriated for fiscal year 1993 and each subsequent fiscal year such sums as may be necessary for the payments from discretionary appropriations described in paragraph (1).

(c) Definitions

As used in this section—

(1) the term “discretionary appropriations” has the meaning given that term in section 900(c)(7) of title 2; and

(2) the term “entitlement” means “spending authority” as defined in section 651(c)(2)(C)¹ of title 2.

(Pub. L. 100-383, title I, §110, as added Pub. L. 101-162, title II, §209(a), Nov. 21, 1989, 103 Stat. 1005; amended Pub. L. 102-371, §7, Sept. 27, 1992, 106 Stat. 1168.)

REFERENCES IN TEXT

Section 3 of the Civil Liberties Act Amendments of 1992, referred to in subsec. (b)(1), is section 3 of Pub. L. 102-371, which amended paragraph (2) of section 4218 of this title.

Section 651(c)(2)(C) of title 2, referred to in subsec. (c)(2), was repealed by Pub. L. 105-33, title X, §10116(a)(3), Aug. 5, 1997, 111 Stat. 691.

¹ See References in Text note below.

CODIFICATION

Section was formerly classified to section 1989b-9 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1992—Pub. L. 102-371 designated existing provisions as subsec. (a), inserted heading, inserted “and except as provided in subsection (b)” after “4215(g) of this title”, struck out “As used in this section, the term ‘entitlement’ means ‘spending authority’ as defined in section 651(c)(2)(C) of title 2.” after “shall be an entitlement.”, and added subsecs. (b) and (c).

SUBCHAPTER II—ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION

§ 4231. Short title

This subchapter may be cited as the “Aleutian and Pribilof Islands Restitution Act”.

(Pub. L. 100-383, title II, §201, Aug. 10, 1988, 102 Stat. 911.)

CODIFICATION

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

§ 4232. Definitions

As used in this subchapter—

(1) the term “Administrator” means the person appointed by the Secretary under section 4234 of this title;

(2) the term “affected Aleut villages” means the surviving Aleut villages of Akutan, Atka, Nikolski, Saint George, Saint Paul, and Unalaska, and the Aleut village of Attu, Alaska;

(3) the term “Association” means the Aleutian/Pribilof Islands Association, Inc., a non-profit regional corporation established for the benefit of the Aleut people and organized under the laws of the State of Alaska;

(4) the term “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 under section 1606 of title 43;

(5) the term “eligible Aleut” means any Aleut living on August 10, 1988—

(A) who, as a civilian, was relocated by authority of the United States from his or her 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; or

(B) who was born while his or her natural mother was subject to such relocation;

(6) the term “Secretary” means the Secretary of the Interior;

(7) the term “Fund” means the Aleutian and Pribilof Islands Restitution Fund established in section 4233 of this title; and

(8) the term “World War II” means the period beginning on December 7, 1941, and ending on September 2, 1945.

(Pub. L. 100-383, title II, §202, Aug. 10, 1988, 102 Stat. 911.)

CODIFICATION

Section was formerly classified to section 1989c-1 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4233. Aleutian and Pribilof Islands Restitution Fund

(a) Establishment

There is established in the Treasury of the United States the Aleutian and Pribilof Islands Restitution Fund, which shall be administered by the Secretary. The Fund shall consist of amounts appropriated to it pursuant to this subchapter.

(b) Report

The Secretary shall report to the Congress, not later than 60 days after the end of each fiscal year, on the financial condition of the Fund, and the results of operations of the Fund, during the preceding fiscal year and on the expected financial condition and operations of the Fund during the current fiscal year.

(c) Investment

Amounts in the Fund shall be invested in accordance with section 9702 of title 31.

(d) Termination

The Secretary shall terminate the Fund 3 years after August 10, 1988, or 1 year following disbursement of all payments from the Fund, as authorized by this subchapter, whichever occurs later. On the date the Fund is terminated, all investments of amounts in the Fund 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.

(Pub. L. 100-383, title II, §203, Aug. 10, 1988, 102 Stat. 911.)

CODIFICATION

Section was formerly classified to section 1989c-2 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

REESTABLISHMENT OF FUND; USE OF FUNDS

For provisions that the Fund, if terminated pursuant to subsec. (d) of this section, is to be reestablished upon 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.

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