

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), 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)<sup>1</sup> 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.)

**Editorial Notes**

**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”.

**Statutory Notes and Related Subsidiaries**

**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 Attorney 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.)

**Editorial Notes**

**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 best available information, including information that may be submitted by representatives of the Aleut people, identify any such additional acreage on Attu Island that was subject to such use. The combination of such base acreage and such additional acreage shall constitute the acreage determination upon which payment to the Corporation under this section is based. The Secretary shall promptly notify the Corporation of the results of the acreage determination made under this subsection.

**(c) Valuation**

**(1) Determination of value**

Not later than 120 days after August 10, 1988, the Secretary shall determine the value of the Attu Island acreage determined under subsection (b), except that—

(A) such acreage may not be valued at less than \$350 per acre nor more than \$500 per acre; and

(B) the total valuation of all such acreage may not exceed \$15,000,000.

**(2) Factors in making determination**

In determining the value of the acreage under paragraph (1), the Secretary shall take into consideration such factors as the Secretary considers appropriate, including—

(A) fair market value;

(B) environmental and public interest value; and

(C) established precedents for valuation of comparable wilderness lands in the State of Alaska.

**(3) Notification of determination; appeal**

The Secretary shall promptly notify the Corporation of the determination of value made under this subsection, and such determination shall constitute the final determination of value unless the Corporation, within 30 days after the determination is made, appeals the determination to the Secretary. If such appeal is made, the Secretary shall, within 30 days after the appeal is made, review the determination in light of the appeal, and issue a final determination of the value of that acreage determined to be subject to traditional use under subsection (b).

**(d) In lieu compensation payment**

**(1) Payment**

The Secretary shall pay, subject to the availability of funds appropriated for such

purpose, to the Corporation, as compensation for the Aleuts' loss of lands on Attu Island, the full amount of the value of the acreage determined under subsection (c), less the value (as determined under subsection (c)) of any land conveyed under subsection (e).

**(2) Payment in full settlement of claims against the United States**

The payment made under paragraph (1) shall be in full satisfaction of any claim against the United States for the loss of traditional Aleut lands and village properties on Attu Island.

**(e) Village site conveyance**

The Secretary may convey to the Corporation all right, title, and interest of the United States to the surface estate of the traditional Aleut village site on Attu Island, Alaska (consisting of approximately 10 acres) and to the surface estate of a parcel of land consisting of all land outside such village that is within 660 feet of any point on the boundary of such village. The conveyance may be made under the authority contained in section 1613(h)(1) of title 43, except that after August 10, 1988, no site on Attu Island, Alaska, other than such traditional Aleut village site and such parcel of land, may be conveyed to the Corporation under such section 1613(h)(1).

**(f) Authorization of appropriations**

There are authorized to be appropriated \$15,000,000 to the Secretary to carry out this section.

(Pub. L. 100-383, title II, §207, Aug. 10, 1988, 102 Stat. 914.)

**Editorial Notes**

REFERENCES IN TEXT

Section 1132(c) of title 16, referred to in subsec. (a), was in the original "section (3)(c) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(c))" and was translated as meaning section 3(c) of Pub. L. 88-577 to reflect the probable intent of Congress.

Section 702(1) of the Alaska National Interest Lands Conservation Act, referred to in subsec. (a), is section 702(1) of Pub. L. 96-487, title VII, Dec. 2, 1980, 94 Stat. 2417, which is listed in a table of wilderness areas set out under section 1132 of Title 16, Conservation.

CODIFICATION

Section was formerly classified to section 1989c-6 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**§ 4238. Compliance with Budget Act**

No authority under this subchapter to enter into contracts or to make payments shall be effective in any fiscal year except to such extent and in such amounts as are provided in advance in appropriations Acts. In any fiscal year, the Secretary, with respect to—

(1) the Fund established under section 4233 of this title,

(2) the trust established under section 4235(b) of this title, and

(3) the provisions of sections 4236 and 4237 of this title,

shall limit the total benefits conferred to an amount not in excess of the appropriations for