

Public Law 102-371
102d Congress

An Act

To amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under that Act, and for other purposes.

Sept. 27, 1992
[H.R. 4551]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Liberties Act Amendments of 1992".

Civil Liberties
Act
Amendments of
1992.
50 USC app.
1989b note.

SEC. 2. AUTHORIZATION FOR TRUST FUND.

Section 104(e) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-3(e)) is amended by striking "\$1,250,000,000" and inserting "\$1,650,000,000".

SEC. 3. DEFINITIONS.

Section 108(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-7(2)) is amended in the matter preceding subparagraph (A) by inserting ", or the spouse or a parent of an individual of Japanese ancestry," after "Japanese ancestry".

SEC. 4. BENEFIT OF THE DOUBT; JUDICIAL REVIEW.

(a) **BENEFIT OF THE DOUBT.**—Section 105(a) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-4(a)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) **BENEFIT OF THE DOUBT.**—When, after consideration of all evidence and relevant material for determining whether an individual is an eligible individual, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of eligibility, the benefit of the doubt in resolving each such issue shall be given to such individual."

(b) **JUDICIAL REVIEW.**—Section 105 of such Act is amended by adding at the end the following:

"(h) **JUDICIAL REVIEW.**—

"(1) **REVIEW BY THE CLAIMS COURT.**—A claimant may seek judicial review of a denial of compensation under this section solely in the United States Claims Court, which shall review the denial upon the administrative record and shall hold unlawful and set aside the denial if it is found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(2) **APPLICABILITY.**—This subsection shall apply only to any claim filed in court on or after the date of the enactment of this subsection."

(c) **CONFORMING AMENDMENTS.**—Section 105 of such Act is amended—

(1) in subsection (a)—

- (A) in paragraph (1)—
 - (i) by striking “(6)” and inserting “(7)”; and
 - (ii) by striking “(4)” and inserting “(5)”;
- (B) in subparagraph (B) of paragraph (4) (as redesignated by subsection (a)(1) of this section)—
 - (i) by striking “(4)” and inserting “(5)”; and
 - (ii) by striking “(5)” and inserting “(6)”;
- (C) in paragraph (6) (as redesignated by subsection (a)(1) of this section)—
 - (i) by striking “(4)” and inserting “(5)”; and
 - (ii) by striking “(3)” and inserting “(4)”; and
- (D) in paragraph (7) (as redesignated by subsection (a)(1) of this section) by striking “(6)” and inserting “(8)”; and
- (2) in subsection (b) by striking “(6)” and inserting “(8)”.

SEC. 5. TERMINATION OF DUTIES OF ATTORNEY GENERAL.

Section 105(e) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-4(e)) is amended by striking “when the Fund terminates.” and inserting “180 days after the Fund terminates.”.

SEC. 6. EXCLUSION OF PAYMENTS AS INCOME FOR VETERANS BENEFITS.

(a) EXCLUSION.—Section 105(f)(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-4(f)(2)) is amended by striking out “, or the” and inserting “or available under any other law administered by the Secretary of Veterans Affairs, or for purposes of determining the”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as of August 10, 1988.

SEC. 7. COMPLIANCE WITH BUDGET ACT.

Section 110 of the Civil Liberties Act of 1988 (50 App. 1989b-9) is amended—

- (1) by inserting “(a) IN GENERAL.—” before “Subject to”;
- (2) in subsection (a) (as so designated by paragraph (1))—
 - (A) in the first sentence, by inserting “and except as provided in subsection (b)” after “105(g) of this title”; and
 - (B) by striking the second sentence; and
- (3) by adding at the end the following new subsections:

“(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).

50 USC app.
1989b-4 note.

50 USC app.
1989b-9.

“(c) DEFINITIONS.—As used in this section—

“(1) the term ‘discretionary appropriations’ has the meaning given that term in section 250(c)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(7)); and

“(2) the term ‘entitlement’ means ‘spending authority’ as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)(C)).”.

Approved September 27, 1992.

LEGISLATIVE HISTORY—H.R. 4551:

HOUSE REPORTS: No. 102-863 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 138 (1992):

Sept. 14, considered and passed House.

Sept. 16, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):

Sept. 27, Presidential statement.