

(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 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 II, §208, Aug. 10, 1988, 102 Stat. 916.)

Editorial Notes

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 1989c-7 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4239. Severability

If any provision of this subchapter, or the application of such provision to any person or cir-

cumstance, is held invalid, the remainder of this subchapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

(Pub. L. 100-383, title II, §209, Aug. 10, 1988, 102 Stat. 916.)

Editorial Notes

CODIFICATION

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

SUBCHAPTER III—TERRITORY OR PROPERTY CLAIMS AGAINST UNITED STATES

§ 4251. Exclusion of claims

Notwithstanding any other provision of law or of this chapter, nothing in this chapter shall be construed as recognition of any claim of Mexico or any other country or any Indian tribe (except as expressly provided in this chapter with respect to the Aleut tribe of Alaska) to any territory or other property of the United States, nor shall this chapter be construed as providing any basis for compensation in connection with any such claim.

(Pub. L. 100-383, title III, §301, Aug. 10, 1988, 102 Stat. 916.)

Editorial Notes

CODIFICATION

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

CHAPTER 53—TRADING WITH THE ENEMY

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| <p>Sec. 4301. 4302. 4303. 4304. 4305. 4306. 4307. 4308. 4309. 4310.</p> | <p>Designation of chapter. Definitions. Acts prohibited. Licenses to enemy or ally of enemy insurance or reinsurance companies; change of name; doing business in United States. Suspension of provisions relating to ally of enemy; regulation of transactions in foreign exchange of gold or silver, property transfers, vested interests, enforcement and penalties. Alien Property Custodian; general powers and duties. Lists of enemy or ally of enemy officers, directors or stockholders of corporations in United States; acts constituting trade with enemy prior to October 6, 1917; conveyance of property to custodian; voluntary payment to custodian by holder; acts under order, rule, or regulation. Contracts, mortgages, or pledges against or with enemy or ally of enemy; abrogation of contracts; suspension of limitations. Claims to property transferred to custodian; notice of claim; filing; return of property; suits to recover; sale of claimed property in time of war or during national emergency. Acts permitted; applications for patents, or registration of trade-marks or copyrights; payment of tax in relation thereto; licenses under enemy owned patent or copyright; statements by licensees; term and cancellation; suits against licensees; restraining infringements; powers of attorney; keeping secret inventions.</p> |
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