

(1) Executive Order Numbered 9066, dated February 19, 1942;

(2) the Act entitled “An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones”, approved March 21, 1942 (56 Stat. 173); or

(3) any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States, or other action taken by or on behalf of the United States or its agents, representatives, officers, or employees, respecting the evacuation, relocation, or internment of individuals solely on the basis of Japanese ancestry;

on account of the refusal by such individual, during the evacuation, relocation, and internment period, to accept treatment which discriminated against the individual on the basis of the individual’s Japanese ancestry.

(b) Recommendations for pardons

Based upon any review under subsection (a), the Attorney General is requested to recommend to the President for pardon consideration those convictions which the Attorney General considers appropriate.

(c) Action by the President

In consideration of the statement of the Congress set forth in section 4202(a) of this title, the President is requested to offer pardons to any individuals recommended by the Attorney General under subsection (b).

(Pub. L. 100-383, title I, §102, Aug. 10, 1988, 102 Stat. 904.)

REFERENCES IN TEXT

Executive Order Numbered 9066, dated February 19, 1942, referred to in subsec. (a)(1), is not classified to the Code.

The Act entitled “An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones”, approved March 21, 1942 (56 Stat. 173), referred to in subsec. (a)(2), is act Mar. 21, 1942, ch. 191, 56 Stat. 173, which was classified to section 97a of former Title 18, Criminal Code and Criminal Procedure, and was repealed by act of June 25, 1948, ch. 645, §21, 62 Stat. 868 and reenacted as section 1383 of Title 18, Crimes and Criminal Procedure. Section 1383 of Title 18 was repealed by Pub. L. 94-412, title V, §501(e), Sept. 14, 1976, 90 Stat. 1258.

CODIFICATION

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

§ 4213. Consideration of Commission findings by departments and agencies

(a) Review of applications by eligible individuals

Each department and agency of the United States Government shall review with liberality, giving full consideration to the findings of the Commission and the statement of the Congress set forth in section 4202(a) of this title, any application by an eligible individual for the restitution of any position, status, or entitlement lost in whole or in part because of any discriminatory act of the United States Government

against such individual which was based upon the individual’s Japanese ancestry and which occurred during the evacuation, relocation, and internment period.

(b) No new authority created

Subsection (a) does not create any authority to grant restitution described in that subsection, or establish any eligibility to apply for such restitution.

(Pub. L. 100-383, title I, §103, Aug. 10, 1988, 102 Stat. 905.)

CODIFICATION

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

§ 4214. Trust Fund

(a) Establishment

There is established in the Treasury of the United States the Civil Liberties Public Education Fund, which shall be administered by the Secretary of the Treasury.

(b) Investment of amounts in the Fund

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

(c) Uses of the Fund

Amounts in the Fund shall be available only for disbursement by the Attorney General under section 4215 of this title and by the Board under section 4216 of this title.

(d) Termination

The Fund shall terminate not later than the earlier of the date on which an amount has been expended from the Fund which is equal to the amount authorized to be appropriated to the Fund by subsection (e), and any income earned on such amount, or 10 years after August 10, 1988. If all of the amounts in the Fund have not been expended by the end of that 10-year period, investments of amounts in the Fund shall be liquidated 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.

(e) Authorization of appropriations

There are authorized to be appropriated to the Fund \$1,650,000,000, of which not more than \$500,000,000 may be appropriated for any fiscal year. Any amounts appropriated pursuant to this section are authorized to remain available until expended.

(Pub. L. 100-383, title I, §104, Aug. 10, 1988, 102 Stat. 905; Pub. L. 102-371, §2, Sept. 27, 1992, 106 Stat. 1167.)

CODIFICATION

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

AMENDMENTS

1992—Subsec. (e). Pub. L. 102-371 substituted “\$1,650,000,000” for “\$1,250,000,000”.

MAXIMUM AMOUNT AUTHORIZED FOR FUND

Pub. L. 101-162, title II, Nov. 21, 1989, 103 Stat. 996, provided that: “Subject to the provisions of section

104(e) of the Civil Liberties Act of 1988 (Public Law 100-383; 50 U.S.C. App. 1989(b-3(e) [1989b-3(e)]) [now 50 U.S.C. 4214(e)], the maximum amount authorized under such section for any fiscal year is appropriated, from money in the Treasury not otherwise appropriated, for each fiscal year beginning on or after October 1, 1990, to the Civil Liberties Public Education Fund established by section 104(a) of the Civil Liberties Act of 1988 [50 U.S.C. 4214(a)], for payments to eligible individuals under section 105 of that Act [50 U.S.C. 4215].”

§ 4215. Restitution

(a) Location and payment of eligible individuals

(1) In general

Subject to paragraph (7), the Attorney General shall, subject to the availability of funds appropriated to the Fund for such purpose, pay out of the Fund to each eligible individual the sum of \$20,000, unless such individual refuses, in the manner described in paragraph (5), to accept the payment.

(2) Location of eligible individuals

The Attorney General shall identify and locate, without requiring any application for payment and using records already in the possession of the United States Government, each eligible individual. The Attorney General should use funds and resources available to the Attorney General, including those described in subsection (c), to attempt to complete such identification and location within 12 months after August 10, 1988. Any eligible individual may notify the Attorney General that such individual is an eligible individual, and may provide documentation therefor. The Attorney General shall designate an officer or employee to whom such notification and documentation may be sent, shall maintain a list of all individuals who submit such notification and documentation, and shall, subject to the availability of funds appropriated for such purpose, encourage, through a public awareness campaign, each eligible individual to submit his or her current address to such officer or employee. To the extent that resources referred to in the second sentence of this paragraph are not sufficient to complete the identification and location of all eligible individuals, there are authorized to be appropriated such sums as may be necessary for such purpose. In any case, the identification and location of all eligible individuals shall be completed within 12 months after the appropriation of funds under the preceding sentence. Failure to be identified and located by the end of the 12-month period specified in the preceding sentence shall not preclude an eligible individual from receiving payment under this section.

(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.

(4) Notice from the Attorney General

The Attorney General shall, when funds are appropriated to the Fund for payments to an

eligible individual under this section, notify that eligible individual in writing of his or her eligibility for payment under this section. Such notice shall inform the eligible individual that—

(A) acceptance of payment under this section shall be in full satisfaction of all claims against the United States arising out of acts described in section 4218(2)(B) of this title, and

(B) each eligible individual who does not refuse, in the manner described in paragraph (5), to accept payment under this section within 18 months after receiving such written notice shall be deemed to have accepted payment for purposes of paragraph (6).

(5) Effect of refusal to accept payment

If an eligible individual refuses, in a written document filed with the Attorney General, to accept any payment under this section, the amount of such payment shall remain in the Fund and no payment may be made under this section to such individual at any time after such refusal.

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

The acceptance of payment by an eligible individual under this section shall be in full satisfaction of all claims against the United States arising out of acts described in section 4218(2)(B) of this title. This paragraph shall apply to any eligible individual who does not refuse, in the manner described in paragraph (5), to accept payment under this section within 18 months after receiving the notification from the Attorney General referred to in paragraph (4).

(7) Exclusion of certain individuals

No payment may be made under this section to any individual who, after September 1, 1987, accepts payment pursuant to an award of a final judgment or a settlement on a claim against the United States for acts described in section 4218(2)(B) of this title, or to any surviving spouse, child, or parent of such individual to whom paragraph (8) applies.

(8) Payments in the case of deceased persons

(A) In the case of an eligible individual who is deceased at the time of payment under this section, such payment shall be made only as follows:

(i) If the eligible individual is survived by a spouse who is living at the time of payment, such payment shall be made to such surviving spouse.

(ii) If there is no surviving spouse described in clause (i), such payment shall be made in equal shares to all children of the eligible individual who are living at the time of payment.

(iii) If there is no surviving spouse described in clause (i) and if there are no children described in clause (ii), such payment shall be made in equal shares to the parents of the eligible individual who are living at the time of payment.

If there is no surviving spouse, children, or parents described in clauses (i), (ii), and (iii),