

(ii) a “child” of an eligible individual includes a recognized natural child, a stepchild who lived with the eligible individual in a regular parent-child relationship, and an adopted child; and

(iii) a “parent” of an eligible individual includes fathers and mothers through adoption.

(b) Order of payments

The Attorney General shall endeavor to make payments under this section to eligible individuals in the order of date of birth (with the oldest individual on August 10, 1988 (or, if applicable, that individual’s survivors under paragraph (8)) receiving full payment first), until all eligible individuals have received payment in full.

(c) Resources for locating eligible individuals

In attempting to locate any eligible individual, the Attorney General may use any facility or resource of any public or nonprofit organization or any other record, document, or information that may be made available to the Attorney General.

(d) Administrative costs not paid from the Fund

No costs incurred by the Attorney General in carrying out this section shall be paid from the Fund or set off against, or otherwise deducted from, any payment under this section to any eligible individual.

(e) Termination of duties of Attorney General

The duties of the Attorney General under this section shall cease 180 days after the Fund terminates.

(f) Clarification of treatment of payments under other laws

Amounts paid to an eligible individual 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 available under any other law administered by the Secretary of Veterans Affairs, or for purposes of determining the amount of such benefits.

(g) Liability of United States limited to amount in Fund

(1) General rule

An eligible individual may be paid under this section only from amounts in the Fund.

(2) Coordination with other provisions

Nothing in this subchapter shall authorize the payment to an eligible individual by the United States Government of any amount authorized by this section from any source other than the Fund.

(3) Order in which unpaid claims to be paid

If at any time the Fund has insufficient funds to pay all eligible individuals at such time, such eligible individuals shall, to the extent permitted under paragraph (1), be paid in full in the order specified in subsection (b).

(h) Judicial review

(1) Review by the Court of Federal Claims

A claimant may seek judicial review of a denial of compensation under this section solely in the United States Court of Federal Claims, 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 September 27, 1992.

(Pub. L. 100-383, title I, §105, Aug. 10, 1988, 102 Stat. 905; Pub. L. 101-162, title II, §209(b), Nov. 21, 1989, 103 Stat. 1005; Pub. L. 102-371, §§4-6(a), Sept. 27, 1992, 106 Stat. 1167, 1168; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

CODIFICATION

Section was formerly classified to section 1989b-4 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-371, §4(c)(1)(A), substituted “(7)” for “(6)” and “(5)” for “(4)”.

Subsec. (a)(3). Pub. L. 102-371, §4(a)(2), added par. (3). Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 102-371, §4(a)(1), (c)(1)(B), redesignated par. (3) as (4) and in subpar. (B) substituted “(5)” for “(4)” and “(6)” for “(5)”. Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 102-371, §4(a)(1), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 102-371, §4(a)(1), (c)(1)(C), redesignated par. (5) as (6) and substituted “(5)” for “(4)” and “(4)” for “(3)”. Former par. (6) redesignated (7).

Subsec. (a)(7). Pub. L. 102-371, §4(a)(1), (c)(1)(D), redesignated par. (6) as (7) and substituted “(8)” for “(6)”. Former par. (7) redesignated (8).

Subsec. (a)(8). Pub. L. 102-371, §4(a)(1), redesignated par. (7) as (8).

Subsec. (b). Pub. L. 102-371, §4(c)(2), substituted “(8)” for “(6)”.

Subsec. (e). Pub. L. 102-371, §5, substituted “180 days after the Fund terminates” for “when the Fund terminates”.

Subsec. (f)(2). Pub. L. 102-371, §6(a), substituted “or available under any other law administered by the Secretary of Veterans Affairs, or for purposes of determining the” for “, or the”.

Subsec. (h). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court” in par. (1).

Pub. L. 102-371, §4(b), added subsec. (h).

1989—Subsec. (g). Pub. L. 101-162 added subsec. (g).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

Pub. L. 102-371, §6(b), Sept. 27, 1992, 106 Stat. 1168, provided that: “The amendment made by subsection (a) [amending this section] shall be effective as of August 10, 1988.”

§ 4216. Board of Directors of the Fund

(a) Establishment

There is established the Civil Liberties Public Education Fund Board of Directors, which shall

be responsible for making disbursements from the Fund in the manner provided in this section.

(b) Uses of the Fund

The Board may make disbursements from the Fund only—

(1) to sponsor research and public educational activities, and to publish and distribute the hearings, findings, and recommendations of the Commission, so that the events surrounding the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood; and

(2) for reasonable administrative expenses of the Board, including expenses incurred under subsections (c)(3), (d), and (e).

(c) Membership

(1) Appointment

The Board shall be composed of 9 members appointed by the President, by and with the advice and consent of the Senate, from individuals who are not officers or employees of the United States Government.

(2) Terms

(A) Except as provided in subparagraphs (B) and (C), members shall be appointed for terms of 3 years.

(B) Of the members first appointed—

(i) 5 shall be appointed for terms of 3 years, and

(ii) 4 shall be appointed for terms of 2 years,

as designated by the President at the time of appointment.

(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of such member's term until such member's successor has taken office. No individual may be appointed as a member for more than 2 consecutive terms.

(3) Compensation

Members of the Board shall serve without pay, except that members of the Board shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Board, in the same manner as persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5.

(4) Quorum

5 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(5) Chair

The Chair of the Board shall be elected by the members of the Board.

(d) Director and staff

(1) Director

The Board shall have a Director who shall be appointed by the Board.

(2) Additional staff

The Board may appoint and fix the pay of such additional staff as it may require.

(3) Applicability of civil service laws

The Director and the additional staff of the Board may be appointed without regard to section 5311(b)¹ of title 5 and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Board may not exceed a rate equivalent to the minimum rate of basic pay payable for GS-18 of the General Schedule under section 5332(a) of such title.

(e) Administrative support services

The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(f) Gifts and donations

The Board may accept, use, and dispose of gifts or donations of services or property for purposes authorized under subsection (b).

(g) Annual reports

Not later than 12 months after the first meeting of the Board and every 12 months thereafter, the Board shall transmit to the President and to each House of the Congress a report describing the activities of the Board.

(h) Termination

90 days after the termination of the Fund, the Board shall terminate and all obligations of the Board under this section shall cease.

(Pub. L. 100-383, title I, §106, Aug. 10, 1988, 102 Stat. 908.)

REFERENCES IN TEXT

Section 5311(b) of title 5, referred to in subsec. (d)(3), was repealed by Pub. L. 101-509, title V, §529 [title I, §104(c)(1)], Nov. 5, 1990, 104 Stat. 1427, 1447.

CODIFICATION

Section was formerly classified to section 1989b-5 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 4217. Documents relating to the internment

(a) Preservation of documents in National Archives

All documents, personal testimony, and other records created or received by the Commission during its inquiry shall be kept and maintained by the Archivist of the United States who shall

¹ See References in Text note below.