

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.

preserve such documents, testimony, and records in the National Archives of the United States. The Archivist shall make such documents, testimony, and records available to the public for research purposes.

(b) Public availability of certain records of the House of Representatives

(1) The Clerk of the House of Representatives is authorized to permit the Archivist of the United States to make available for use records of the House not classified for national security purposes, which have been in existence for not less than thirty years, relating to the evacuation, relocation, and internment of individuals during the evacuation, relocation, and internment period.

(2) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives, but is applicable only with respect to the availability of records to which it applies, and supersedes other rules only to the extent that the time limitation established by this section with respect to such records is specifically inconsistent with such rules, and is enacted with full recognition of the constitutional right of the House to change its rules at any time, in the same manner and to the same extent as in the case of any other rule of the House.

(Pub. L. 100-383, title I, §107, Aug. 10, 1988, 102 Stat. 909.)

CODIFICATION

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

§ 4218. Definitions

For the purposes of this subchapter—

(1) the term “evacuation, relocation, and internment period” means that period beginning on December 7, 1941, and ending on June 30, 1946;

(2) the term “eligible individual” means any individual of Japanese ancestry, or the spouse or a parent of an individual of Japanese ancestry, who is living on August 10, 1988, and who, during the evacuation, relocation, and internment period—

(A) was a United States citizen or a permanent resident alien; and

(B)(i) was confined, held in custody, relocated, or otherwise deprived of liberty or property as a result of—

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

(II) 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

(III) 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; or

(ii) was enrolled on the records of the United States Government during the period beginning on December 7, 1941, and ending on June 30, 1946, as being in a prohibited military zone;

except that the term “eligible individual” does not include any individual who, during the period beginning on December 7, 1941, and ending on September 2, 1945, relocated to a country while the United States was at war with that country;

(3) the term “permanent resident alien” means an alien lawfully admitted into the United States for permanent residence;

(4) the term “Fund” means the Civil Liberties Public Education Fund established in section 4214 of this title;

(5) the term “Board” means the Civil Liberties Public Education Fund Board of Directors established in section 4216 of this title; and

(6) the term “Commission” means the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981 note).¹

(Pub. L. 100-383, title I, §108, Aug. 10, 1988, 102 Stat. 910; Pub. L. 102-371, §3, Sept. 27, 1992, 106 Stat. 1167.)

REFERENCES IN TEXT

Executive Order Numbered 9066, dated February 19, 1942, referred to in par. (2)(B)(i)(I), 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 par. (2)(B)(i)(II), 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.

The Commission on Wartime Relocation and Internment of Civilians Act, referred to in par. (6), is Pub. L. 96-317, July 31, 1980, 94 Stat. 964, which was classified as a note under section 1981 of the former Appendix to this title and was omitted from the Code due to termination of the Commission not later than 90 days after June 30, 1983.

CODIFICATION

Section was formerly classified to section 1989b-7 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1992—Par. (2). Pub. L. 102-371 inserted “, or the spouse or a parent of an individual of Japanese ancestry,” after “Japanese ancestry” in introductory provisions.

§ 4219. 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

¹ See References in Text note below.