

Public Law 95-382
95th Congress

An Act

To amend title 5, United States Code, to provide that Japanese-Americans shall be allowed civil service retirement credit for time spent in World War II interment camps.

Sept. 22, 1978
 [H.R. 9471]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8332 of title 5, United States Code, relating to creditable service for civil service retirement purposes, is amended by adding at the end thereof the following new subsection:

Japanese-Americans.
 Civil service retirement credit.

“(1) (1) Any employee or Member who—

“(A) is of Japanese ancestry; and

“(B) while a citizen of the United States or an alien lawfully admitted to the United States for permanent residence, was interned or otherwise detained at any time during World War II in any camp, installation, or other facility in the United States, or in any territory or possession of the United States, under any policy or program of the United States respecting individuals of Japanese ancestry which was established during World War II in the interests of national security pursuant to—

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

“(ii) section 67 of the Act entitled ‘An Act to provide a government for the Territory of Hawaii’, approved April 30, 1900 (chapter 339, Fifty-sixth Congress; 31 Stat. 153);

“(iii) Executive Order Numbered 9489, dated October 18, 1944;

“(iv) sections 4067 through 4070 of the Revised Statutes of the United States; or

“(v) any other statute, rule, regulation, or order;

shall be allowed credit (as civilian service) for any period during which such employee or Member was so interned or otherwise detained after such employee became 18 years of age.

“(2) For the purpose of this subsection, ‘World War II’ means the period beginning on December 7, 1941, and ending on December 31, 1946.”.

3 CFR,
 1938-1943
 Comp., p. 1092.

3 CFR,
 1943-1948
 Comp., p. 346.
 50 USC 21-24.

(b) Section 8334(g) of title 5, United States Code, relating to deposits, is amended—

(1) by striking out “or” at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof “; or”; and

(3) by adding at the end thereof the following new paragraph:

“(6) any period for which credit is allowed under section 8332(1) of this title.”.

SEC. 2. (a) The amendments made by this Act shall take effect on the later of—

(1) the date of the enactment of this Act, or

(2) October 1, 1978.

(b) Subject to subsection (c) of this section, the amendments made by the first section of this Act shall apply with respect to annuities which commence before, on, or after the effective date of this Act, but

“World War II.”

Effective date.
 5 USC 8332 note.

no monetary benefit by reason of such amendments shall accrue for any period before such effective date.

(c) (1) An annuity or survivor annuity based on the service of an employee or Member who performed service described in section 8332(1) of title 5, United States Code, as added by the first section of this Act, shall, upon application to the Civil Service Commission, be recomputed in accordance with such section 8332(1).

(2) Any recomputation of an annuity under paragraph (1) shall apply with respect to months beginning more than 30 days after the date on which application for such recomputation is received in the Commission.

(d) (1) The Civil Service Commission shall take such action as may be necessary and appropriate to inform individuals entitled to have any service credited under section 8332(1) of title 5, United States Code, as added by the first section of this Act, or to have any annuity recomputed under subsection (c), of their entitlement to such credit or recomputation.

(2) The Civil Service Commission shall, on request, assist any individual referred to in paragraph (1) in obtaining from any department, agency, or other instrumentality of the United States such information possessed by such instrumentality as may be necessary to verify the entitlement of such individual to have any service credited under such section 8332(1) or to have any annuity recomputed under subsection (c).

(3) Any department, agency, or other instrumentality of the United States which possesses any information with respect to the internment or other detention of any employee or Member as described in such section 8332(1) shall, at the request of the Commission, furnish such information to the Commission.

Approved September 22, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-789 (Comm. on Post Office and Civil Service).

SENATE REPORT No. 95-1085 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 124 (1978):

Jan. 23, considered and passed House.

Aug. 18, considered and passed Senate, amended.

Sept. 11, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 14, No. 38:

Sept. 22, Presidential statement.