

Act of Endowment

Radiation Effects Research Foundation

1 July 1997

Radiation Effects Research Foundation

Act of Endowment

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Radiation Effects Research Foundation

Act of Endowment

Section 1 - General Provisions

(Name)

Article 1 - This juristic person shall be called "The Radiation Effects Research Foundation."

(Location of Office)

Article 2 - This juristic person shall have its principal office at 5-2 Hijiyama Park, Minami-ku, Hiroshima City, Hiroshima Prefecture, and its subordinate office at 8-6 Nakagawa 1 chome, Nagasaki City, Nagasaki Prefecture.

Section 2 - Objectives and Activities

(Objectives)

Article 3 - The objectives of the juristic person shall be to conduct research and studies, for peaceful purposes, on the medical effects of radiation on man and on diseases which may be affected by radiation, with a view to contributing to the maintenance of the health and welfare of atomic bomb survivors and to the enhancement of the health of all mankind.

(Activities)

Article 4 - This juristic person shall engage in the following activities in order to achieve the objectives set forth in Article 3:

- (1) To establish and operate its laboratories in the cities of Hiroshima and Nagasaki (hereinafter referred to as "the Laboratory") which will conduct comprehensive research and studies on the life span, health conditions and pathological aspects of atomic bomb survivors and on any other effects of radiation on man and on diseases which may be affected by radiation;
- (2) To conduct research and studies on the effects of radiation on man and on diseases which may be affected by radiation in cooperation with universities, laboratories attached to universities and other research organizations;
- (3) To preserve, report and publicize the results of research and studies on the effects of radiation on man and on diseases which may be affected by radiation;
- (4) To carry out health examination of atomic bomb survivors; and
- (5) To carry out such other activities as may be deemed necessary to achieve the objectives of the juristic person.

Section 3 - Resources and Accounts

(Composition of Resources)

Article 5 - The Resources of the juristic person shall comprise the following items:

- (1) Properties listed in the inventory of assets at the time of foundation of the juristic person;
- (2) Commission fees and subsidies;
- (3) Contributions in cash and in kind;
- (4) Income accruing from the assets;
- (5) Income accruing from the activities of the juristic person; and
- (6) Other incomes.

(Types of Resources)

Article 6 - The resources of the juristic person shall be divided into the permanent properties and the operating properties.

2. The permanent properties shall be composed of the following items and shall not be disposed of. With compelling reason, however, part of the permanent properties may be disposed of with the consent of not less than three-fourths (3/4) of the members of the Board of Directors (hereinafter referred to as the "Board Members") and the approval of the competent Minister(s).

- (1) Those properties listed as permanent properties in the inventory referred to in item (1) of the preceding Article.
- (2) Those properties which are contributed with specific designation to be permanent properties and those properties which are designated to be permanent properties through the decision of the Board of Directors.

3. The operating properties shall be properties other than the permanent properties.

(Maintenance of Resources)

Article 7 - The resources of the juristic person shall be maintained by the Chairman of the Board of Directors in a manner prescribed by the Board of Directors.

2. Permanent properties in the form of funds shall be deposited at a post office or a reliable bank, left in trust at the trust company, or maintained in the form of fully guaranteed valuable securities such as government and public bonds.

(Expenses)

Article 8 - Any expenses of the juristic person shall be paid from the operating properties.

(Plans of Activities and Budget)

Article 9 - The annual plans of activities and budget estimates of the juristic person shall be decided upon by the Board of Directors and thereafter submitted to the competent Minister(s) before the beginning of each fiscal year. The same procedure shall apply in case of changes in the plans of activities and budget estimates.

(Report of Activities and Settlement of Accounts)

Article 10 - The annual report of activities and settlement of accounts of the juristic person shall be submitted to the competent Minister(s) after review and audit by the Supervisors and approval by the Board of Directors, within three (3) months from

- the end of each fiscal year.
2. When the annual report is submitted to the competent Minister(s) in accordance with the provisions of the preceding paragraph, the inventory of assets as well as the balance sheet as of the end of the fiscal year shall accompany the report.
 3. In the event that there exists a surplus in the settled accounts of the juristic person, a part or the whole of such surplus shall be incorporated into the permanent properties or carried over to the following fiscal year, through the decision of the Board of Directors.

(Fiscal Year)

Article 11 - The fiscal year of the juristic person shall begin on the first (1) of April each year and end on the thirty-first (31) of March of the following year.

Section 4 - Officers

(Types and Number of Officers)

Article 12 - This juristic person shall have the following officers:

Chairman:	one (1)
Vice Chairman	one (1)
Permanent Directors:	four (4) or less
Directors:	six (6) or less
Supervisors:	two (2)

2. The Chairman, the Vice Chairman and the Permanent Directors shall serve on a full-time basis, and the other Officers shall serve on a part-time basis.

(Election of Officers)

Article 13 - The Officers shall be elected at the meeting of the Board of Directors.

2. The Chairman, the Vice Chairman, the Permanent Directors and the Directors shall not serve concurrently as the supervisors, and vice versa.

Article 14 - The Chairman and the Vice Chairman to be elected in accordance with the provisions of paragraph 1 of the preceding Article shall be citizens of Japan or the United States of America, but the positions shall not be held by citizens of the same country at the same time. In principle, each of the positions shall alternate between the citizens of the two countries for every term of office.

2. The Permanent Directors to be elected in accordance with the provisions of paragraph 1 of the preceding Article shall consist of the same number of citizens of Japan and the United States of America respectively.
3. The Directors to be elected in accordance with the provisions of paragraph 1 of the preceding Article shall consist of the same number of citizens of Japan and the United States of America respectively.
4. The Supervisors to be elected in accordance with the provisions of paragraph 1 of the preceding Article shall consist of one citizen of Japan and one citizen of the United States of America.

(Duties of Officers)

Article 15 - The Chairman shall represent the juristic person and manage the regular business thereof.

2. The Vice Chairman shall assist the Chairman and, in the event that the Chairman is unable to perform his duties, shall perform all duties of the Chairman on his behalf.
3. The Permanent Directors shall assist the Chairman in administering the regular business of the juristic person.
4. The Directors shall participate in the decisions concerning the affairs of the juristic person.
5. The Supervisors shall perform the duties provided for in Article 59 of the Civil Code.

(Term of Office of Officers)

Article 16 - The term of office of the Chairman, the Vice Chairman and the Permanent Directors shall be four (4) years. However, subject to the provisions of paragraph 1 of Article 14, they may be re-elected as these Officers.

2. The term of office of the Directors shall be four (4) years.
3. The directors may be re-elected to their posts. However, they shall not, in principle, be re-elected for more than two (2) consecutive terms.
4. The term of office of the Supervisors shall be four (4) years. However, they may be re-elected to their posts.
5. In the event an officer's post becomes vacant, his successor shall be promptly elected to serve for the remainder of the term of office of his predecessor.
6. The officers shall continue to perform their duties after the expiration of their terms of office or their resignation, until the time of their successor's assumption of office.

Section 5 - Board of Directors

(Organization of the Board of Directors)

Article 17 - The Chairman, the Vice Chairman, the Permanent Directors and the Directors shall constitute the Board of Directors.

(Powers of the Board of Directors)

Article 18 - The Board of Directors shall have the following powers in addition to the powers otherwise prescribed in this Act of Endowment.

- (1) To decide basic policies of research, finance and operation, and to establish regulations concerning the organization of the juristic person, duties of the personnel and other procedural matters;
- (2) To approve research programs;
- (3) To approve preservation, report and publication of the results of research and studies; and
- (4) To decide other important matters concerning the management and operation of the juristic person.

(Convening of the Meetings of the Board of Directors)

Article 19 - The Chairman shall convene the meetings of the Board of Directors at least

- once a year.
2. The Chairman of the Board of Directors shall promptly convene a meeting of the Board of Directors whenever two-thirds (2/3) or more of the Board Members agree to request such a meeting indicating the subject matter to be discussed.
 3. In convening a meeting of the Board of Directors, written notice shall be given to each Board Member at least one (1) month in advance, except in cases of emergency, indicating the purpose, the contents of the matters to be discussed at the meeting, and the proposed time and place of the meeting.

(Presiding Officer of the Meeting of the Board of Directors)

Article 20 - The Chairman of the Board of Directors shall preside over the meeting of the Board of Directors.

(Board of Directors' Quorum and Decisions)

Article 21 - The meeting of the Board of Directors shall not be able to transact business and make decision unless at least two-thirds (2/3) of the Board Members are present.

2. Decisions at the meeting of the Board of Directors shall be made by a three-fourths (3/4) majority affirmative vote of the Board Members present including the presiding officer of the meeting, but in any case by the consent of majority of the Board Members except when circumstances necessitate the election of officers by the consent of fewer than half of the Board Members.

(Voting in Writing, etc.)

Article 22 - Any Board Member unable to attend the meeting of the Board of Directors for a compelling reason, may vote in writing or by proxy on matters of which he has been notified in advance. In the application of the provisions prescribed in the preceding Article, such Board Members voting in writing or by proxy shall be considered as being present at the meeting.

(Minutes of Meeting of the Board of Directors)

Article 23 - Concerning the transaction of business at all meetings of the Board of Directors, the minutes recording the following items shall be made:

- (1) Date and place of the meeting
 - (2) Number of the Board Members at the time concerned;
 - (3) Names of those who attended the meeting (including those who voted in writing or by proxy);
 - (4) Decisions made at the meeting;
 - (5) Proceedings of the meeting;
 - (6) Matters concerning the selection of the signatories to the minutes.
2. Minutes shall be signed by the Board Members, not less than two (2) in number, who are selected by the Board Members present at the meeting, and by the presiding officer of the meeting.

Section 6 - Secretariat

(Secretariat)

Article 24 - This juristic person shall have a Secretariat.

2. The organization of the Secretariat shall be determined separately upon the decision of the Board of Directors.

Section 7 - Personnel

(Chief Researcher)

Article 25 - The laboratory shall have a Chief Researcher as its head.

2. The Vice Chairman or a Permanent Director to be designated by the Board of Directors shall be the Chief Researcher.
3. The Chief Researcher shall conduct the business of the Laboratory under the direction and supervision of the Chairman.

(Head of the Secretariat)

Article 26 - The Secretariat of this juristic person shall have a Head of the Secretariat.

2. A person to be designated by the Board of Directors shall be the Head of the Secretariat.
3. The Head of the Secretariat shall conduct the business of the Secretariat under the direction and supervision of the Chairman.

(Research Staff Members and Other Personnel)

Article 27 - This juristic person shall have personnel including research staff members.

2. The personnel shall be appointed or dismissed by the Chairman in a manner to be decided by the Board of Directors.
3. The personnel shall be assigned to the Laboratory or the Secretariat

(Conditions of Work)

Article 28 - Regulations concerning remuneration, office hours and other conditions of work, when fixed, shall be promptly reported to the competent Minister(s). The same procedure shall apply in case of changes made in the regulations.

Section 8 - Operating Committee Members

(Operating Committee Members)

Article 29 - This juristic person shall have Operating Committee members.

2. The Operating Committee Members shall consist of the following:
 - (1) Chairman
 - (2) Vice Chairman
 - (3) Chief Researcher
 - (4) Head of the Secretariat
 - (5) Any permanent Directors not included above and others to be designated by the Board of Directors from among the senior personnel of the Foundation

3. The Operating Committee Members to be designated by the Board of Directors in accordance with item (5) of the preceding paragraph shall consist, in principle, of the same numbers of citizens of Japan and the United States of America.
4. The Operating Committee Members shall comprise the Operating Committee and shall consult on matters concerning the operation of the Laboratory and the Secretariat.

Section 9 - Scientific Councillors

(Scientific Councillors)

Article 30 - This juristic person shall have not more than ten (10) Scientific Councillors.

2. The Scientific Councillors shall be selected and appointed by the Board of Directors, from among those who are possessed of expert knowledge and experience useful for carrying out the activities of the juristic person. The Scientific Councillors to be appointed shall consist of the same numbers of citizens of Japan and the United States of America respectively.
3. The Scientific Councillors shall constitute the Scientific Council, which reviews the scientific research programs of the juristic person, and makes recommendations to the Board of Directors with respect to adoption of a new research program, and/or continuation or alteration of programs under progress.

(Term of Office of Scientific Councillors)

Article 31 - The term of office of the Scientific Councillors shall be five (5) years.

2. The Scientific Councillors may be re-appointed to their posts only when the Board of Directors expressly deems it necessary.
3. The tenure of the Scientific Councillors reelected under the provision of the preceding clause above shall be one term only.
4. The provisions of paragraphs 5 and 6 of Article 16 shall apply to the Scientific Councillors.

Section 10 - Visiting Research Fellows

(Visiting Research Fellows)

Article 32 - Those who are neither officers nor personnel of the juristic person may engage in research at the Laboratory as visiting research fellows with the permission of the Chief Researcher.

2. Visiting research fellows may engage in research only on such subjects as the Chief Researcher approves, and the results of their research shall accrue to the juristic person.
3. The Chief Researcher shall obtain prior approval from the Chairman of the Board of Directors before he grants permission referred to in paragraph 1 or approval referred to in paragraph 2 of this Article.

Section 11 - Amendment of the Act of Endowment and Dissolution

(Amendment of the Act of Endowment)

Article 33 - This Act of Endowment may be amended by the affirmative votes of not less than three-fourths (3/4) of the Board Members at the meeting of the Board of Directors and by approval of the competent Minister(s).

(Dissolution and Title of the Remaining Properties)

Article 34 - This juristic person shall be dissolved in accordance with the provisions prescribed in Item (2) to (4) of paragraph 1 of Article 68 of the Civil Code. It shall also be dissolved with the consent of not less than nine (9) Board Members at the meeting of the Board of Directors and the approval of the competent Minister(s).

2. The title of the remaining properties after the dissolution of this juristic person shall be transferred, by such resolution adopted at the meeting of the Board of Directors and upon the approval thereof by the competent Minister(s), to Japan and the United States of America, and/or to other associations or foundations serving public interests whose objectives are similar to those of this juristic person.
3. In determining the transfer of the title of the remaining properties as prescribed in the preceding paragraph, consideration shall be paid to the manner and sources of the acquisition of the resources of this juristic person.

Section 12 - Miscellaneous Provisions

(Documents and Records to Be Kept)

Article 35 - The office of this juristic person shall keep the following documents and records:

- (1) Act of Endowment;
- (2) List of names and personal histories of the officers and other personnel;
- (3) Inventory of assets;
- (4) Record of assets and liabilities;
- (5) Record of revenues and expenditures and supporting documents thereof;
- (6) Documents concerning the minutes of the meetings of the Board of Directors and other meetings;
- (7) Record of daily business
- (8) Documents to and from governmental and other public agencies; and
- (9) Other necessary records and documents

(Specific Rules for Operation)

Article 36 - Any other matters necessary for the execution of this Act of Endowment shall be separately established by the decisions made at the meetings of the Board of Directors.

Supplementary Provisions

1. The initial Officers of this juristic person at the time of its establishment shall be as

those listed in the attached sheet notwithstanding the provisions of paragraph 1 of Article 13.

2. The initial two (2) terms of office of the Chairman, the Vice Chairman and the Permanent Directors at the time of the establishment of this juristic person shall be three (3) years, notwithstanding the provisions of paragraph 1 of Article 16.
3. Notwithstanding the provisions of paragraph 1 of Article 31, the term of office shall be two (2) years from the date of appointment for one half (1/2) of the Scientific Councillors to be initially selected and appointed after the establishment of this juristic person. The Board of Directors shall designate such one half at the time of the initial selection and appointment.
4. The initial programs and budget of this juristic person at the time of its establishment shall be those stated in the attached list of programs and budget, notwithstanding the provisions of Article 9.
5. The initial fiscal year of this juristic person at the time of its establishment shall be from the date of approval granted for the establishment of this juristic person to March 31, 1976, notwithstanding the provisions of Article 11.

Supplementary Provision

This Act of Endowment will be effected from 10 July 1975 and applied from 10 July 1975.

Supplementary Provision

This Act of Endowment will be effected from 16 July 1982 and applied from 16 July 1982.

Supplementary Provision

This Act of Endowment will be effected from 19 February 1983 and applied from 19 February 1983.

Supplementary Provision

This Act of Endowment will be effected from 10 June 1983 and applied from 1 July 1983.

Supplementary Provision

This Act of Endowment will be effected from 30 June 1994.

Supplementary Provisions

(Effective Date)

Article 1 - This Act of Endowment will be effected from 1 July 1997.

(Interim Measures)

Article 2 - Those who are in the position of scientific councillor at the time this Act of Endowment becomes effective will be considered to have resigned as of the effective date of the Act of Endowment.

Article 3 - Of the scientific councillors to be appointed by the Board of Directors for the first time after the Act of Endowment becomes effective, the term of office of each of the four Japanese councillors and each of the four American councillors will be one, two, three, and four years, irrespective of the provision in Paragraph 1, Article 31.