Subpart A—Civilian American Citizens

§ 506.1 “Civilian American citizen” defined.

Civilian American citizen means any person who, being then a citizen of the United States, was captured in Southeast Asia during the Vietnam conflict by any force hostile to the United States, or who went into hiding in Southeast Asia in order to avoid capture or internment by any such hostile force.

§ 506.2 Other definitions.

Calendar month means the period of time between a designated day of any given month and the date preceding a similarly designated day of the following month.

Citizen of the United States means a person who under applicable law acquired citizenship of the United States by birth, by naturalization, or by derivation.

Dependent husband means the surviving male spouse of a deceased civilian American citizen who was married to the deceased at the time of her death by a marriage valid under the applicable law of the place where entered into.

Force hostile to the United States means any organization or force in Southeast Asia, or any agent or employee thereof, engaged in any military or civil activities designed to further the prosecution of its armed conflict against the Armed Forces of the United States during the Vietnam conflict.

Southeast Asia means, but is not necessarily restricted to, the areas of Vietnam, Laos, and Cambodia.

Went into hiding means the action taken by a civilian American citizen when that person initiated a course of conduct consistent with an intention to evade capture or detention by a hostile force in Southeast Asia.

§ 506.3 Rate of benefits payable.

Detention benefits awarded to a civilian American citizen will be paid at the rate of $150 for each calendar month of internment or during the period in which that civilian American citizen went into hiding to avoid capture and internment by a hostile force. Awards shall take account of fractional parts of a calendar month.

§ 506.4 Survivors entitled to award of detention benefits.

In case of death of a civilian American citizen who would have been entitled to detention benefits under the War Claims Act of 1948, as amended, benefits will be awarded, if claim is made, only to the following persons:

(a) Widow or husband if there is no child or children of the deceased;
(b) Widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;
(c) The child or children of the deceased in equal shares if there is no widow or dependent husband, if otherwise qualified.

§ 506.5 Persons not eligible to award of civilian detention benefits.

An individual is disqualified as a “civilian American citizen” under the Act, and thus is precluded from receiving an award of detention benefits, if that person:

(a) Voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served the detaining hostile force; or
(b) While detained, was a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

Subpart B—Prisoners of War

§ 506.10 “Vietnam conflict” defined.

Vietnam conflict refers to the period beginning February 28, 1961, and ending on a date to be determined by Presidential proclamation or concurrent resolution of the Congress. (For purposes of determining eligibility for certain veterans’ benefits, the President has proclaimed the date of May 7, 1975, to be the ending date of the “Vietnam era” (Presidential Proclamation No. 4373, 38 U.S.C. 101 note). In addition, Congress has set May 7, 1975, as the ending date of the “Vietnam conflict” for purposes of payment of interest on missing military service members’ deposits in the United States Treasury under 10 U.S.C. 1035. However, neither
the President nor the Congress has set
an ending date for the Vietnam conflict
for purposes of determining eligibility
2004 and 2005.)

§ 506.11 “Prisoner of war” defined.

Prisoner of war means any regularly
appointed, enrolled, enlisted or in-
ducted member of the Armed Forces of
the United States who was held by any
force hostile to the United States for
any period of time during the Vietnam
conflict.

§ 506.12 Membership in the Armed
Forces of the United States; estab-
lishment of.

Regular appointment, enrollment,
enlistment or induction in the Armed
Forces of the United States must be es-
established by certification obtained
from the Department of Defense.

§ 506.13 “Armed Forces of the United
States” defined.

Armed Forces of the United States
means the United States Air Force,
Army, Navy, Marine Corps and Coast
Guard, and commissioned officers of
the U.S. Public Health Service who
were detailed for active duty with the
Armed Forces of the United States.

§ 506.14 “Force hostile to the United
States” defined.

Force hostile to the United States
means any organization or force in
Southeast Asia, or any agent or em-
ployee thereof, engaged in any military
or civil activities designed to further
the prosecution of its armed conflict
against the Armed Forces of the United
States during the Vietnam conflict.

§ 506.15 Geneva Convention of August
12, 1949.

The Geneva Convention of August 12,
1949, as identified in section 6(f) of the
War Claims Act of 1948, as amended, is
the “Geneva Convention Relative to
the Treatment of Prisoners of War of
August 12, 1949” which is included
under the “Geneva Convention of Au-
gust 12, 1949, for the Protection of War
Victims,” entered into by the United
States and other governments, includ-
ing the former government in North
Vietnam which acceded to it on June
28, 1957.

§ 506.16 Failure to meet the conditions
and requirements prescribed under
the Geneva Convention of August
12, 1949.

For the purpose of this part, obliga-
tions under the Geneva Convention of
August 12, 1949, consist of the respon-
sibility assumed by the contracting par-
ties thereto with respect to prisoners
of war within the meaning of the Con-
vention, to comply with and to fully
observe the provisions of the Conven-
tion, and particularly those articles re-
lying to food rations of prisoners of
war, humane treatment, protection,
and labor of prisoners of war, and the
failure to abide by the conditions and
requirements established in such Con-
vention by any hostile force with
which the Armed Forces of the United
States were engaged in armed conflict.

§ 506.17 Rate of and basis for award of
compensation.

(a) Compensation allowed a prisoner
of war during the Vietnam conflict
under section 6(f)(2) of the War Claims
Act of 1948, as amended, will be paid at
the rate of $2 per day for each day on
which that person was held as prisoner
of war and on which the hostile force,
or its agents, failed to furnish the
quantity and quality of food prescribed
for prisoners of war under the Geneva
Convention of August 12, 1949.

(b) Compensation allowed a prisoner
of war during the Vietnam conflict
under section 6(f)(3) of the Act, will be
paid at the rate of $3 per day for each
day on which that person was held as a
prisoner of war and on which the hos-
tile force failed to meet the conditions
and requirements under the provisions
of the Geneva Convention of August 12,
1949 relating to labor of prisoners of
war or for inhumane treatment by the
hostile force by which such person was
held.

(c) Compensation under paragraphs
(a) and (b) of this section will be paid
to the prisoner of war or qualified ap-
plicant on a lump-sum basis at a total
rate of $5 per day for each day the pris-
isoner of war was entitled to compensa-
tion.