Public Law 91-289

AN ACT

June 24, 1970
[H. R. 4204]

To amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the War Claims Act of 1948 (50 App. U.S.C. 2005) is amended as follows:

War Claims Act of 1948, amendment.
62 Stat. 1244; 66 Stat. 47, 49; 68 Stat. 761.

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting immediately after subsection (e) the following new subsection:

"(f)(1) As used in this subsection—

"Vietnam conflict."

"(A) the term 'Vietnam conflict' relates to the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

"Prisoner of war."

"(B) the term 'prisoner of war' means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time during the Vietnam conflict by any force hostile to the United States, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with, or in any manner served, such hostile force.

Claims, compensation.

"(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of $2 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

6 UST 3316.

"(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

"(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under chapter VIII, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

6 UST 3354.

"Inhumane treatment."

"(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term 'inhumane treatment' as used in this subparagraph shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

Amount.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of $3 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) of this paragraph or the inhumane treatment described in subparagraph (B) of this paragraph. In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of $3 with respect to any one day.

Limitation.

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"(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in the case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by subsection (d)(4) of this section.

66 Stat. 47.
50 USC app. 2005.

"(5) Each claim filed under this subsection must be filed not later than three years from whichever of the following dates last occurs:

Filing date.

"(A) the date of enactment of this subsection;

"(B) the date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

"(C) the date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

"(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

Appropriation.

"(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses."

U.S.S. *Pueblo*.

SEC. 2. Section 6(e) of the War Claims Act of 1948 (50 App. U.S.C. 2005(e)) is amended as follows:

68 Stat. 761.

(1) In paragraph (1), strike out "except any such member" and insert in lieu thereof "or any person (military or civilian) assigned to duty in the U.S.S. Pueblo who was captured by the military forces of North Korea on January 23, 1968, and thereafter held prisoner by the Government of North Korea for any period of time ending on or before December 23, 1968, except any person".

(2) At the end of paragraph (5), add the following new subparagraph:

"(D) In the case of any person assigned to duty in the U.S.S. Pueblo referred to in paragraph (1) of this subsection, one year after the date of enactment of this subparagraph."

62 Stat. 1242; 76 Stat. 413.

SEC. 3. Section 5 of the War Claims Act of 1948 (50 App. U.S.C. 2004) is amended—

(1) by striking out in subsection (e) "subsection (g)" and inserting in lieu thereof "subsections (g) and (i)"; and

(2) by adding at the end thereof the following new subsection:

"(i)(1) As used in this subsection—

"Vietnam conflict."

"(A) the term 'Vietnam conflict' relates to the period beginning on February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

"Civilian American citizen."

"(B) the term '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, except (i) a person who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (ii) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

"(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to February 27, 1961, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid capture or internment by any such hostile force. Detention benefits.

"(3) The detention benefits allowed under paragraph (2) of this subsection shall be at the rate of $60 for each calendar month. Amount.

"(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the civilian American citizen entitled thereto, or, in the event of his death, only to the following persons:

"(A) the widow or husband if there is no child or children of the deceased;

"(B) the 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.

"(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid to the person entitled thereto, except that if a person entitled to payment under this section is under any legal disability, payment shall be made in accordance with the provisions of subsection (e) of this section. 66 Stat. 49.

"(6) Each claim filed under this section must be filed not later than three years from whichever of the following dates last occurs: Filing date.

"(A) the date of enactment of this subsection;

"(B) the date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

"(C) the date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations for each claim filed under this subsection at the earliest practicable date, but not later than one year after the date on which such claim was filed.

"(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses." Appropriation.

Approved June 24, 1970.

Public Law 91-290

AN ACT

June 25, 1970
[S. 887]

To further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existing restrictions, tax exemptions, and limitations affecting lands of Quapaw Indians in Oklahoma that were extended to March 3, 1971, by the Act of July 27, 1939 (53 Stat. 1127), are hereby extended for a further period of twenty-five years from the date on which such restrictions, tax exemptions, and limitations would otherwise expire. Quapaw Indians, Okla. Land restrictions, extension.

Approved June 25, 1970.