

the purposes of this subsection, including necessary administrative expenses.

(July 3, 1948, ch. 826, title I, § 5, 62 Stat. 1242; 1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1271; Apr. 9, 1952, ch. 168, § 1, 66 Stat. 49; Aug. 21, 1954, ch. 784, § 1, 68 Stat. 759; Aug. 31, 1954, ch. 1162, title I, §§ 101 (a)–(c), 102(a), 68 Stat. 1033, 1034; Pub. L. 87–617, Aug. 31, 1962, 76 Stat. 413; Pub. L. 87–846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107; Pub. L. 91–289, § 3, June 24, 1970, 84 Stat. 324; Pub. L. 94–383, Aug. 12, 1976, 90 Stat. 1122.)

#### REFERENCES IN TEXT

The Act entitled “An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes”, approved December 2, 1942, referred to in subsec. (f)(1), is act Dec. 2, 1942, ch. 668, 56 Stat. 1028, which is classified principally to chapter 12 (§ 1701 et seq.) of Title 42, The Public Health and Welfare. Titles I and II of the act, popularly known as the War Hazards Compensation Act, are classified generally to subchapters I (§ 1701 et seq.) and II (§ 1711 et seq.) of chapter 12 of Title 42. For complete classification of this Act to the Code, see Tables.

The Federal Employee Compensation Act, referred to in subsec. (f)(11), is act Sept. 7, 1916, ch. 458, 39 Stat. 742. The act was repealed, and the provisions thereof were reenacted as subchapter I (§ 8101 et seq.) of chapter 81 of Title 5, Government Organization and Employees, by Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 378.

Subsection (b) of section 5 of the Act entitled “An Act to amend the Act entitled ‘An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes’, as amended”, approved July 28, 1945, referred to in subsec. (f)(11), is section 5(b) of act July 28, 1945, ch. 328, 59 Stat. 504, which enacted section 801 of former Title 5, Executive Departments and Government Officers and Employees, prior to repeal by Pub. L. 85–608, § 303, Aug. 8, 1958, 72 Stat. 539. See section 8102(b) of Title 5, Government Organization and Employees.

#### CODIFICATION

Section was formerly classified to section 2004 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

1976—Subsec. (i)(3). Pub. L. 94–383 substituted “\$150” for “\$60”.

1970—Subsec. (e). Pub. L. 91–289, § 3(1), included reference to subsec. (i) in parenthetical phrase.

Subsec. (i). Pub. L. 91–289, § 3(2), added subsec. (i).

1962—Subsec. (e). Pub. L. 87–846 made technical amendment to reference in original act which appears in text as reference to section 4110 of this title.

Subsec. (h). Pub. L. 87–617 added subsec. (h).

1954—Subsec. (a). Act Aug. 31, 1954, § 101(a), included as eligible for detention benefits, civilian American citizens who were captured at certain Pacific islands by the Japanese, but who were formerly expressly excluded from these benefits by reason of being Federal employees or employees of contractors with the United States, and to make them eligible for disability compensation. Act Aug. 21, 1954, § 1(b), limited the application of such section’s definition of “civilian American citizen” to subsecs. (b) and (f) of this section.

Subsec. (d). Act Aug. 31, 1954, § 102(a), (b), struck out “dependent” wherever appearing, and added cl. (4).

Subsec. (e). Act Aug. 21, 1954, § 1(c), inserted “(except under subsection (g))” after “under this section”.

Subsec. (f)(3). Act Aug. 31, 1954, § 101(b), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “The following provisions of such Act of Decem-

ber 2, 1942, as amended, shall not apply in the case of such civilian American citizens: Section 101(b), section 104, and section 105.”

Subsec. (f)(10), (11). Act Aug. 31, 1954, § 101(c), added pars. (10) and (11).

Subsec. (g). Act Aug. 21, 1954, § 1(a), added subsec. (g). 1952—Subsec. (e). Act Apr. 9, 1952, allowed the award for the benefit of claimant to be paid to the claimant’s natural or legal guardian, committee, conservator, or curator, or to such other person as is charged with the care of the claimant, and permitted the payment of an award payable to a minor, directly to such minor.

#### TRANSFER OF FUNCTIONS

“Secretary of Labor” substituted for “Federal Security Administrator” in subsec. (f)(6) pursuant to Reorg. Plan No. 19 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1271, which transferred functions of Federal Security Administrator and Federal Security Agency under this section to Secretary of Labor, with power to delegate, and was set out in the Appendix to Title 5, Government Organization and Employees, prior to repeal by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 662. See section 8145 of Title 5, Government Organization and Employees.

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, including offices of its members, abolished and functions transferred to Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 4101 of this title and notes thereunder.

### § 4105. Prisoners of war

#### (a) “Prisoner of war” defined

As used in subsection (b) of this section, the term “prisoner of war” means any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which the United States has been at war subsequent to such date.

#### (b) Payment of claims; rate allowed; certification of claims

The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any prisoner of war for compensation for the violation by the enemy government by which he was held as a prisoner of war, or its agents, of its obligation to furnish him the quantity or quality of food to which he was entitled as a prisoner of war under the terms of the Geneva Convention of July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this subsection shall be at the rate of \$1 for each day he was held as a prisoner of war on which the enemy government or its agents failed to furnish him such quantity or quality of food. Any claim allowed under the provisions of this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 4110 of this title.

#### (c) Persons entitled to payments

Claims pursuant to subsection (b) shall be paid to the person entitled thereto, and shall in case

of death of the persons who are entitled be payable only to or for the benefit of the following persons:

- (1) Widow or husband if there is no child or children of the deceased;
- (2) Widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares;
- (3) Child or children of the deceased (in equal shares) if there is no widow or husband; and
- (4) Parents (in equal shares) if there is no widow, husband, or child.

**(d) Additional definition of "prisoner of war"; payment of claims; rate allowed; persons entitled to payments**

(1) As used in this subsection the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States, who was held a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which the United States has been at war subsequent to such date.

(2) The Commission is authorized to receive, adjudicate according to law, and to provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the violations by the enemy government by which he was held as a prisoner of war, or its agents, of such government's obligations under title III, section III, of the Geneva Convention of July 27, 1929, relating to labor of prisoners of war; or

(B) for inhumane treatment by the enemy government by which he was held, or its agents. The term "inhumane treatment" as used herein shall include, but not be limited to, violation by such enemy government, or its agents, of one or more of the provisions of articles 2, 3, 7, 10, 12, 13, 21, 22, 54, 56, or 57, of the Geneva Convention of July 27, 1929.

(3) Compensation shall be allowed to any prisoner of war under this subsection at the rate of \$1.50 per day for each day he was held as a prisoner of war on which he alleges and proves in a manner acceptable to the Commission—

(A) the violation by such enemy government or its agents of the provisions of title III, section III, of the Geneva Convention of July 27, 1929; or

(B) any inhumane treatment as defined herein.

Any claim allowed under the provisions of this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 4110 of this title. In no event shall the compensation allowed to any prisoner of war under this subsection exceed the sum of \$1.50 with respect to any one day.

(4) Claims pursuant to subsection (d)(2) shall be paid to the person entitled thereto, or to his legal or natural guardian if he has one, and shall, in case of death of the persons who are entitled be payable only to or for the benefit of the following persons:

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

(B) widow or husband and child or children of the deceased, one-half to the widow or hus-

band and the other half to the child or children of the deceased in equal shares;

(C) child or children of the deceased (in equal shares) if there is no widow or husband; and

(D) parents (in equal shares) if there is no widow, husband, or child.

**(e) Extension to Korean War prisoners**

(1) As used in this subsection 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 subsequent to June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to August 21, 1954, 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 who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force.

(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 July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of \$1 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.

(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 title III, section III, of the Geneva Convention of July 27, 1929, relating to labor of prisoners of war; or

(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term "inhumane treatment" as used herein 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 articles 2, 3, 7, 10, 12, 13, 21, 22, 54, 56, or 57 of the Geneva Convention of July 27, 1929.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of \$1.50 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) or the inhumane treatment described in sub-

paragraph (B). In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of \$1.50 with respect to any one day.

(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 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 paragraph (4) of subsection (d) of this section.

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

(A) August 21, 1954;

(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;

(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 June 24, 1970.

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.

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

(B) The Commission shall determine, from time to time, the share of its administrative expenses attributable to the performance of its functions under this subsection and make the appropriate adjustments in its accounts, and determinations and adjustments made pursuant to this subparagraph shall be final and conclusive.

**(f) Vietnam conflict; definitions; authority of Commission; classes of claims; rate of compensation; certification for payment; persons entitled to payments; filing date; determination of claims; fund for payment; appropriations**

(1) As used in this subsection—

(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

(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.

(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.

(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

(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 articles 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.

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.

(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.

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

(A) June 24, 1970;

(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.

(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.

**(g) Manner of payment**

Where any person entitled to payment under this section is under any legal disability, payment may be made in accordance with the provisions of subsection (e) of section 4104 of this title.

(July 3, 1948, ch. 826, title I, § 6, 62 Stat. 1244; Sept. 30, 1950, ch. 1116, 64 Stat. 1090; Apr. 9, 1952, ch. 167, § 1, 66 Stat. 47; Apr. 9, 1952, ch. 168, § 2, 66 Stat. 49; Aug. 21, 1954, ch. 784, § 2, 68 Stat. 761; Aug. 31, 1954, ch. 1162, title I, § 102(a)(1), 68 Stat. 1034; Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107; Pub. L. 91-289, §§ 1, 2, June 24, 1970, 84 Stat. 323.)

CODIFICATION

Section was formerly classified to section 2005 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1970—Subsec. (e)(1). Pub. L. 91-289, § 2(1), defined “prisoner of war” to include 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 Government of North Korea for any period of time ending on or before December 23, 1968, and substituted “except any person” for “except any such member”.

Subsec. (e)(5)(D). Pub. L. 91-289, § 2(2), added subpar. (D).

Subsecs. (f), (g). Pub. L. 91-289, § 1, added subsec. (f) and redesignated former subsec. (f) as (g).

1962—Subsecs. (b), (d)(3). Pub. L. 87-846 made technical amendment to reference in original act which appears in text as reference to section 4110 of this title.

1954—Subsecs. (c), (d)(4). Act Aug. 31, 1954, § 102(a), struck out “dependent” wherever appearing.

Subsec. (e). Act Aug. 21, 1954, § 2(b), added subsec. (e).

Subsec. (f). Act Apr. 9, 1952, ch. 168, added subsec. as a second subsec. (d) which was redesignated “(f)” by act Aug. 21, 1954, § 2(a).

1952—Subsec. (a). Act Apr. 9, 1952, ch. 167, inserted “subsection (b) of” after “As used in”.

Subsec. (c). Act Apr. 9, 1952, ch. 168, struck out “or to his legal or natural guardian if he has one” after “person entitled thereto”.

Subsec. (d). Act Apr. 9, 1952, ch. 167, added subsec. (d). Another subsec. (d), which was added by act Apr. 9, 1952, ch. 168, was redesignated “(f)”. See 1954 Amendment note above.

1950—Subsec. (c)(4). Act Sept. 30, 1950, removed requirement of dependency upon which parents were entitled to benefits.

TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, including offices of its members, abolished and functions transferred to Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 4101 of this title and notes thereunder.

COMPENSATION FOR PERSONS AWARDED PRISONER OF WAR MEDAL WHO DID NOT PREVIOUSLY RECEIVE COMPENSATION AS PRISONER OF WAR

Pub. L. 104-201, div. A, title VI, § 656, Sept. 23, 1996, 110 Stat. 2584, provided that:

“(a) AUTHORITY TO MAKE PAYMENTS.—The Secretary of the military department concerned shall make payments in the manner provided in section 6 of the War Claims Act of 1948 (50 U.S.C. App. 2005) [now 50 U.S.C. 4105] to (or on behalf of) any person described in subsection (b) who submits an application for such payment in accordance with subsection (d).

“(b) ELIGIBLE PERSONS.—This section applies with respect to a member or former member of the Armed Forces who—

“(1) has received the prisoner of war medal under section 1128 of title 10, United States Code; and

“(2) has not previously received a payment under section 6 of the War Claims Act of 1948 (50 U.S.C. App. 2005) [now 50 U.S.C. 4105] with respect to the period of internment for which the person received the prisoner of war medal.

“(c) AMOUNT OF PAYMENT.—The amount of the payment to any person under this section shall be determined based upon the provisions of section 6 of the War Claims Act of 1948 [50 U.S.C. 4105] that are applicable with respect to the period of time during which the internment occurred for which the person received the prisoner of war medal.

“(d) ONE-YEAR PERIOD FOR SUBMISSION OF APPLICATIONS.—A payment may be made by reason of this section only in the case of a person who submits an application to the Secretary concerned for such payment during the one-year period beginning on the date of the enactment of this Act [Sept. 23, 1996]. Any such application shall be submitted in such form and manner as the Secretary may require.”

**§ 4106. Religious organizations**

**(a) Reimbursement for services furnished members of armed services and American civilians; certification of claims**

The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any religious organization functioning in the Philippine Islands and affiliated with a religious organization in the United States, or by the personnel of any such Philippine organization, for reimbursement of expenditures incurred, or for payment of the fair value of supplies used, by such organization or such personnel for the purpose of furnishing shelter, food, clothing, hospitalization, medicines and medical services, and other relief in the Philippines to members of the armed forces of the United States or to civilian American citizens (as defined in section 4104 of this title) at any time subsequent to December 6, 1941, and before August 15, 1945. Any claim allowed under the provisions of this section shall be certified to the Secretary of the Treasury for payment