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APPROVED
AUG 12 1976

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: August 14

August 10, 1976

posted
8/12/76
archives
8/12/76

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

H.R. 5360 - Detention Payments
for Civilians Interned in
Southeast Asia

Attached for your consideration is H.R. 5360, sponsored by Representatives Staggers and Devine.

The enrolled bill would increase detention payments for American civilians interned in Southeast Asia during the Vietnam War from \$60 to \$150 a month. The bill is identical to legislation submitted by the Department of State.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, NSC, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 5360 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

AUG 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5360 - Detention payments
for civilians interned in Southeast Asia
Sponsors - Rep. Staggers (D) West Virginia
and Rep. Devine (R) Ohio

Last Day for Action

August 14, 1976 - Saturday

Purpose

Increases detention payments for American civilians
interned in Southeast Asia during the Vietnam war from
\$60 to \$150 a month.

Agency Recommendations

Office of Management and Budget	Approval
Department of State Foreign Claims Settlement Commission	Approval
Department of Defense	Approval

Discussion

The War Claims Act of 1948, as amended, currently authorizes
detention payments of \$5.00 a day (\$150 a month) for military
personnel held as prisoners of war in Southeast Asia, and
\$60 a month for civilian American citizens similarly detained.
The purpose of H.R. 5360 is to increase the civilian deten-
tion payment to \$150 a month to parallel the amount author-
ized for military prisoners of war. The detention benefit
for civilians is authorized for any American citizen held
as prisoner, internee, or hostage by a hostile force in
Southeast Asia, or who went into hiding to avoid such
status, at any time since the start of the Vietnam conflict,
defined by law as February 27, 1961.

As originally enacted, detention benefits for civilians and members of the Armed Forces captured during World War II were approximately the same--\$60 a month for civilians, \$2.50 a day (\$75 a month) for military personnel. The allowance for military personnel was increased to \$5.00 a day in 1970 when detention payments were authorized for civilian and military internees in Southeast Asia, but the amount for civilians was not changed.

An increase in the civilian detention payment was recommended by the Department of State as a matter of equity in legislation first submitted to the 92nd Congress and resubmitted to the 93rd and 94th Congresses.

The Foreign Claims Settlement Commission (FCSC) determines the amount and validity, and provides for payment of, any claim filed by or on behalf of such civilian internees. FCSC informally advises that as of June 1975, 28 internees had returned, 29 were still missing, 9 were still captive and 8 had been declared dead. A year later, as of June 30, 1976, FCSC informally advises that payments have been made to 39 internees, including the 28 noted above as "returned," the 9 "still captive," and 2 other eligibles who had not previously filed a claim. FCSC staff indicate that while the outside number of civilians could go as high as 66, the approximate figure of 60 has been used in public estimates since the fate of those still missing is uncertain. In its letter on the enrolled bill, accordingly, FCSC states that the legislation could affect as many as 60 civilians and the amount of compensation would total approximately \$275,000.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures



DEPARTMENT OF STATE

Washington, D.C. 20520

AUG 4 1976

Dear Mr. Lynn:

In response to Mr. Frey's request for the Department's views and recommendations on H.R. 5360, an enrolled bill to increase benefits provided to American civilian internees in Southeast Asia, the Department recommends that the bill be approved. It is identical to legislation previously recommended by the Department to the Congress with the Administration's clearance.

The bill would amend the War Claims Act of 1948 to increase the authorized detention benefit for American civilians interned in Southeast Asia during the Vietnam Conflict from \$60 per month to \$150 per month. The purpose is to raise the detention benefit for civilians interned in that conflict to the level authorized for military personnel.

This bill would authorize the Foreign Claims Settlement Commission, which administers the War Claims Act, to recompute benefits at the higher rate for civilian internees of the Vietnam Conflict, or their eligible survivors, who have been paid at the old rate, and, also, to pay any future claims of civilians interned in that conflict at the new rate. The bill would benefit up to approximately 60 American civilians at a total one-time cost of up to \$275,000. Benefit payments would be made from funds appropriated to the Foreign Claims Settlement Commission.

The civilian prisoners suffered the same deprivation in prisoner of war camps in Southeast Asia as did military prisoners. This bill would correct the inequity in present law which provides a higher detention payment for military than for civilian personnel.

The Honorable
James T. Lynn,
Director, Office of Management
and Budget.

The Department favors the legislation and recommends
that it be approved.

Sincerely,

Robert J. McCloskey
Robert J. McCloskey
Assistant Secretary for
Congressional Relations



**FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES**

WASHINGTON, D.C. 20579

August 4, 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Executive Office of the President
Washington, DC 20503

Attention: Ms. Ramsey
Room 7201
New Executive Office Building

Dear Mr. Lynn:

In compliance regarding the request of Mr. James M. Frey, Assistant Director for Legislative Reference, dated August 2, 1976, the Foreign Claims Settlement Commission has examined the facsimile of the enrolled bill, H.R. 5360, 94th Congress, Second Session, entitled, "An Act to increase benefits provided for American civilian internees in Southeast Asia."

The purpose of the enrolled bill is to increase the rate of detention benefits payable under section 5(i)(3) of the War Claims Act of 1948, as amended, to civilian American citizens held as prisoners in Southeast Asia, from \$60 per month as presently authorized to \$150 per month.

Section 5(i) of the War Claims Act of 1948, as amended, authorizes the Foreign Claims Settlement Commission to determine the amount and validity, and provide for payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits at the rate of \$60 per month for any period of time after February 27, 1961, during which he was held as a prisoner, internee, or hostage in Southeast Asia by any force hostile to the United States, or who went into hiding to avoid capture or internment by such hostile force. Section 5 of the Act also authorized the settlement of claims of certain civilian American citizens who were held as prisoners, internees, or hostages during World War II and the Korean conflict. These claimants were also paid at the rate of \$60 per month.

Members of the Armed Forces of the United States who were captured and held as prisoners of war during World War

II and the Korean conflict were paid benefits at the aggregate rate of \$2.50 per day, for each day they were held as prisoners of war, and where there was a violation by the detaining enemy force of the Geneva Convention of 1929 in regard to the food rations, forced labor, and the treatment of such prisoners.

The Congress, however, in the enactment of legislation (Public Law 91-289, approved June 24, 1970) providing for the settlement of similar claims by prisoners of war of the Vietnam conflict, increased the rate of compensation to \$5 per day for every day members of the Armed Forces of the United States were held as prisoners of war during such conflict. No comparable increase in benefits was made with respect to the civilian American citizens held by a hostile force in Southeast Asia.

The Commission would have no objections to the proposal to increase the civilian internee benefits to \$150 per month inasmuch as the increase would be equal to those presently being paid to military prisoners of war in Vietnam. This arrangement would be more equitable than that currently in effect.

This legislation could affect as many as 60 civilian American citizens in Southeast Asia, and the increase in the amount of compensation payable under the legislation, from \$60 to \$150, would total approximately (\$275,000). There would be no increase to the Commission in the cost of administering the civilian internee program.

In view of the foregoing, the Foreign Claims Settlement Commission recommends that the President approve enrolled bill, H.R. 5360.

Sincerely,

Wayland D. McClellan

Wayland D. McClellan
General Counsel



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
WASHINGTON, D. C. 20301

4 August 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

Reference is made to your request for the views of the Department of Defense with respect to the enrolled enactment of H.R. 5360, 94th Congress, an act "To increase benefits provided to American civilian internees in Southeast Asia."

The purpose of this bill is to increase the detention payment authorized under the War Claims Act for American civilians interned in Southeast Asia from \$60 a month to \$150 a month.

The \$60 per month detention benefit for civilians has remained unchanged since 1948 while the benefit for the military has been revised upward to \$5.00 per day (\$150 a month). The Department of Defense believes that equity considerations dictate that civilian benefits be increased to the level authorized for members of the Armed Forces.

This Act may ultimately affect approximately 60 civilian American citizens captured and interned or missing in Southeast Asia. To date, about 30 of these persons have been returned to the United States and have already been paid the \$60 per month compensation. The increase from \$60 to \$150 per month in the amount of compensation payable would total approximately \$126,000. These benefits will be paid by the Foreign Claims Settlement Commission from funds which have already been appropriated.

The Department of Defense strongly endorses this legislation and recommends that the President approve H.R. 5360.

Sincerely,

Richard A. Wiley

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 9

Time: 1130am

FOR ACTION: NSC/S
Max Friedersdorf
Ken Laaxruscc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 9

Time: 530pm

SUBJECT:

H.R. 5360-Detention payments for civilians interned in
SE Asia

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, g round floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 9

Time: 1130am

FOR ACTION: NSC/S
Max Friedersdorf
Ken Lazaruscc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 9

Time: 530pm

SUBJECT:

H.R. 5360-Detention payments for civilians interned in
SE Asia

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, g round floor west wing

No objection -- Ken Lazarus 8/9/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.James M. Cannon
For the President

MEMORANDUM

4523

NATIONAL SECURITY COUNCIL

August 9, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: Jeanne W. Dav^{PM}
SUBJECT: H. R. 5360

The NSC Staff concurs in the proposed Enrolled Bill H. R. 5360 -
Detention Payments for Civilians Interned in Southeast Asia.

THE WHITE HOUSE

WASHINGTON

August 10, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.*
SUBJECT: H.R. 5360-Detention payments for
civilians interned in SE Asia

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 9 1976

To:
J. Conaway
8-9-76 9 AM
11:00 9 M

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5360 - Detention payments
for civilians interned in Southeast Asia
Sponsors - Rep. Staggers (D) West Virginia
and Rep. Devine (R) Ohio

Last Day for Action

August 14, 1976 - Saturday

Purpose

Increases detention payments for American civilians
interned in Southeast Asia during the Vietnam war from
\$60 to \$150 a month.

Agency Recommendations

Office of Management and Budget	Approval
Department of State Foreign Claims Settlement Commission	Approval
Department of Defense	Approval
	Approval

Discussion

The War Claims Act of 1948, as amended, currently authorizes detention payments of \$5.00 a day (\$150 a month) for military personnel held as prisoners of war in Southeast Asia, and \$60 a month for civilian American citizens similarly detained. The purpose of H.R. 5360 is to increase the civilian detention payment to \$150 a month to parallel the amount authorized for military prisoners of war. The detention benefit for civilians is authorized for any American citizen held as prisoner, internee, or hostage by a hostile force in Southeast Asia, or who went into hiding to avoid such status, at any time since the start of the Vietnam conflict, defined by law as February 27, 1961.

WAR CLAIMS ACT AMENDMENTS

SEPTEMBER 17, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. STAGGERS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany H.R. 5360]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 5360) to increase benefits provided to American civilian internees in Southeast Asia, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE AND SUMMARY

The bill amends section 5 of the War Claims Act of 1948 to increase the authorized detention benefit for American civilians interned during the Vietnam conflict from \$60 per month to \$150 per month. The purpose is to raise the detention benefits authorized for civilians who are or were being held as prisoners to the level presently authorized for military personnel. The proposed benefit of \$150 per month for civilians would be equivalent to the current \$5 per day benefit for military personnel.

BACKGROUND

An identical bill was introduced in the 93d Congress and supported by the State Department, the Foreign Claims Settlement Commission, and the Office of Management and Budget. A separate bill amending another provision of the War Claims Act of 1948 relating to property losses by individuals and corporations arising out of World War II, was also considered and the civilian internee benefit bill was amended to include this provision. The bill, as amended, was reported by the full Committee and passed by the House in the 93d Congress. A compromise measure, proposed in conference between the House and the Senate, failed to be approved at the close of the 93d Congress.

The Administration again proposed the raise in benefits for American civilian internees in the 94th Congress. The State Department urged that the Congress act separately and expeditiously on this measure, since more than two years have passed since the American intern-

ees were released from captivity. Testimony was presented at the Subcommittee hearings by Ambassador Carol C. Laise, Director General of the Foreign Service, Department of State and Mr. Wayland D. McClellan, General Counsel of the Foreign Claims Settlement Commission. They both stated that it is a matter of simple equity to give civilians who were captured and imprisoned in Southeast Asia the same detention benefit that is provided under the same law for our military personnel who were captured and imprisoned during the Vietnam conflict.

As originally enacted, detention benefits for civilians and members of the U.S. Armed Forces were authorized by the War Claims Act of 1948 to provide a measure of compensation for those Americans captured and held as prisoners of war during World War II. The original law set the benefit rate at \$60 per month for civilians and \$2.50 per day (equivalent to \$75 per month) for military personnel. In 1954 the Act was amended to include internees during the Korean conflict. Another amendment in 1970 (Public Law 92-289) authorized detention benefits for civilian and military internees in Southeast Asia during the Vietnam conflict. The rate for civilian benefits was continued at \$60 for each calendar month.

To qualify for the benefit a civilian must be a United States citizen who was captured in Southeast Asia during the Vietnam conflict or who went into hiding in Southeast Asia in order to avoid capture by a hostile force. The benefit is not authorized for any person who voluntarily, knowingly, and without duress gave aid to or collaborated with or in any manner served any hostile force. The benefit is effective for all periods during which a civilian was interned in Southeast Asia during the Vietnam conflict. The Foreign Claims Settlement Commission determines the amount and validity of benefit claims and provides for payment of adjudicated claims from appropriated funds.

The detention benefit for military personnel was raised by Public Law 91-289, enacted in 1970, and is presently \$2.00 for each day without adequate food and \$3.00 per day for certain other violations of the Geneva Convention of 1949. All of the military prisoners whose claims have been processed by the Foreign Claims Settlement Commission have qualified for and have been paid the total benefit of \$5 per day. No comparable increase in benefits was made in 1970 with respect to civilian American citizens held by a hostile force in Southeast Asia.

COMMITTEE CONSIDERATIONS

The Subcommittee on Transportation and Commerce held hearings on H.R. 5360, introduced by Mr. Staggers and Mr. Devine, on June 10, 1975.

Testimony was presented by Wayland D. McClellan, Esq., General Counsel, Foreign Claims Settlement Commission, and Ambassador Carol C. Laise, Director General of the Foreign Service, Department of State.

The Subcommittee, after executive session, unanimously reported H.R. 5360, without amendment, on June 10, 1975, to the full Committee.

The full Committee favorably ordered the bill reported to the House without amendment after executive session, by voice vote, a quorum being present, on September 4, 1975.

OVERSIGHT FINDINGS

Pursuant of clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee believes that the administration of the War Claims Act of 1948 has been reviewed in both the 93rd and the 94th Congresses (See Serial No. 93-44; House Report No. 93-1179; and Serial No. 94-16). The Committee further believes that the Foreign Claims Settlement Commission, which has the responsibility for administering that Act, is carrying out its functions in accordance with the intent of Congress. The Committee has not received oversight reports from either its Subcommittee on Oversight and Investigations or the Committee on Government Operations.

INFLATIONARY IMPACT STATEMENT

Pursuant to rule XI, clause 2(l)(4) of the Rules of the House of Representatives, the Committee states that it is unaware of any inflationary impact on the economy which would result from the passage of H.R. 5360. Since the bill essentially represents single, non-recurring payments of detention benefits to persons who were interned in Southeast Asia during the Vietnam conflict, the Committee feels that no inflationary impact is involved in the bill. In any event, the increased benefits contained in the bill over those involved in existing law amount to \$90 per month for each internee, totaling approximately \$126,000, which would appear to be of insufficient magnitude to have more than a minimal inflationary impact.

COST ESTIMATE

In accordance with clause 7(a) of rule XIII of the Rules of the House of Representatives, the committee estimates that the cost incurred in carrying out the functions of H.R. 5360 will be \$126,000.

The Foreign Claims Settlement Commission, which administers the War Claims Act of 1948, as amended, has submitted the following statement:

H.R. 5360 may ultimately affect approximately 60 civilian American citizens captured and interned or missing in Southeast Asia. To date, 30 of these persons have been returned to the custody of the United States. They have already been paid the \$60 per month compensation. The increase from \$60 to \$150 per month in the amount of compensation payable would total approximately \$126,000. This is a revised figure from the one included in our report to the Committee on the bill. Of course, there may be additional civilian American citizens who have not yet been accounted for, and who may eventually qualify as claimants. If so, there would be some additional costs, since they or their survivors would be paid on the basis of the increased amount of compensation. There would be no increase in the Commission's administrative costs of implementing the proposal if enacted.

The benefits proposed under the provisions of H.R. 5360 will be paid from funds which have already been appropriated.

EXPLANATION OF THE REPORTED BILL BY SECTION

This explanation is of the bill as reported by the Committee.

Section 1 of the bill amends section 5(i)(3) of the War Claims Act of 1948 (50 App. U.S.C. 2004(i)(3)) by striking out "\$60" and inserting in lieu thereof "\$150," thus raising the rate of detention benefits for civilian internees in Southeast Asia to \$150 for each calendar month.

AGENCY REPORTS

FOREIGN CLAIMS SETTLEMENT COMMISSION,
OF THE UNITED STATES,
Washington, D.C., May 23, 1975.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of
Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Further reference is made to your letter of May 1, 1975, requesting the Commission's views on H.R. 5360, 94th Congress, "A Bill to increase benefits provided to American civilian internees in Southeast Asia." The bill is identical to H.R. 5895, 93rd Congress.

The purpose of the bill is to increase the rate of detention benefits payable under section 5(i)(3) of the War Claims Act of 1948, as amended, to civilian American citizens held as prisoners in Southeast Asia, from \$60 per month as presently authorized to \$150 per month.

Section 5(i) of the War Claims Act of 1948, as amended, authorizes the Foreign Claims Settlement Commission to determine the amount and validity, and provide for payment, of any claim filed by, or on behalf of, any civilian American citizen for detention benefits at the rate of \$60 per month for any period of time after February 27, 1961, during which he was held as a prisoner, internee, or hostage, in Southeast Asia by any force hostile to the United States, or who went into hiding to avoid capture or internment by such hostile force. Section 5 of the Act also authorized the settlement of claims of certain civilian American citizens who were held as prisoners, internees, or hostages, during World War II and the Korean conflict. These claimants were also paid at the rate of \$60 per month.

Members of the Armed Forces of the United States who were captured and held as prisoners of war during World War II, and the Korean conflict were paid benefits at the aggregate rate of \$2.50 per day for each day they were held as prisoners of war and where there was a violation by the detaining enemy force of the Geneva Convention of 1929 in regard to the food rations, forced labor and the treatment of such prisoners.

The Congress, however, in the enactment of legislation (Public Law 91-289, approved June 24, 1970) providing for the settlement of similar claims by prisoners of war of the Vietnam conflict, increased the rate of compensation to \$5 per day for every day members of the Armed Forces of the United States were held as prisoners of war during such conflict. No comparable increase in benefits was made with respect to the civilian American citizens held by a hostile force in Southeast Asia.

The Commission would have no objections to the proposal to increase the civilian internee benefits to \$150 per month inasmuch as the in-

crease would be equal to those presently being paid to military prisoners of war in Vietnam. This arrangement would be more equitable than that currently in effect.

The proposed legislation would affect approximately 60 civilian American citizens in Southeast Asia and the increase in the amount of compensation payable under the legislation from \$60 to \$150 would total approximately \$275,000. There would be no increase to the Commission in the cost of administering the civilian internee program in case the legislation is enacted.

The Commission is in favor of the proposed amendment to section 5(i)(3) of the War Claims Act of 1948, as amended by H.R. 5360 and recommends that the bill be enacted by the Congress.

The Office of Management and Budget has advised that there is no objection to submission of this report, and that enactment of H.R. 5360 would be consistent with the Administration's objectives.

Sincerely,

J. RAYMOND BELL,
Chairman.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 6, 1975.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House
of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to the Committee's request for the views of this Office on H.R. 5360, "To increase benefits provided for American civilian internees in Southeast Asia."

The purpose of this bill is to increase detention payments to civilians interned in Southeast Asia during the Vietnam conflict from \$60 to \$150 a month.

In report on this bill, the Department of State and the Foreign Claims Settlement Commission support its enactment and point out that the increased payments for civilian detainees would parallel the amounts now authorized for members of the Armed Forces detained as prisoners of war.

We concur in the views expressed by these agencies, and accordingly, recommend enactment of this bill. Enactment of H.R. 5360 would be consistent with the Administration's objectives.

Sincerely,

JAMES M. FREY,
*Assistant Director for
Legislative Reference.*

DEPARTMENT OF STATE,
Washington, D.C., May 21, 1975.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, U.S.
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Department appreciates your introduction of H.R. 5360, a bill we recommended in a letter to the Speaker March 4, 1975 "To increase benefits provided for American civilian

internees in Southeast Asia," and submits the following information in response to your letter to the Secretary of May 1, 1975.

The bill would amend the War Claims Act of 1948 to raise the detention benefit authorized for American civilians who were interned in Southeast Asia to \$5 a day—the same level authorized for military personnel in similar status.

Similar legislation was before the Congress in the last session and received wide support. However, an amendment dealing with another section of the War Claims Act was added to the legislation, and as a result of disagreement about this amendment, the legislation failed in the last days of the Congress. This legislation is now of special urgency, since it has been two years since our men were released from captivity in Southeast Asia. I hope it will be possible for H.R. 5360 to be considered free of amendments on other subjects, and that it will be approved by the Congress at an early date.

Our letter to the Speaker recommending this legislation contained a detailed explanation of the proposal and is attached for your convenience. Please let me know if the Committee desires additional information.

We are advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this report.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary
for Congressional Relations.

Enclosure.

DEPARTMENT OF STATE,
Washington, D.C., March 4, 1975.

Hon. CARL B. ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed for the urgent consideration of the Congress is draft legislation to further amend the War Claims Act of 1948 to raise the detention benefit authorized for American civilians who were interned in Southeast Asia to the same level as authorized for military personnel in similar status.

Similar legislation was before the Congress in the last session and received wide support. However, an amendment dealing with another section of the War Claims Act was added to the legislation, and as a result of disagreement about this amendment, the legislation failed in the last days of the Congress. This legislation is now of special urgency, since it has been two years since our men were released from captivity in Southeast Asia. I hope it will be possible for the enclosed draft legislation to be considered free of amendments on other subjects and that it will be approved by the Congress at an early date.

No monetary payment could adequately compensate anyone for the loss of freedom and hardship suffered while detained as a prisoner of war. However in 1948, as a step in this direction, the War Claims Act was enacted to provide a nominal payment to military and civilian personnel held as prisoners during World War II. Detention payments for military personnel totaled \$2.50 per day, and for civilians—\$60 per month. Subsequently, the law was extended to cover personnel captured

during the Korean conflict. In 1970 the law was again amended, this time to cover persons captured during the Vietnam conflict. The 1970 amendment also doubled detention benefits for military personnel because of the intervening inflation.

The \$60 per month detention benefit for civilians has remained unchanged since 1948. We believe for reasons of equity that the detention benefit for civilians should be increased to the level authorized for Members of the Armed Forces. The enclosed draft bill would accomplish this by increasing detention benefits for civilians captured in Southeast Asia during the Vietnam conflict to \$150 per month. This would match the \$5 per day military benefit.

About sixty American civilians are known or believed to have been captured in Southeast Asia during the Vietnam conflict. Some of these are known or believed to have died in captivity, and others have been released. This legislation would benefit all U.S. citizen civilians who have been captured in Southeast Asia since the start of the Vietnam conflict, which is defined in the Act as February 28, 1961.

Claims are adjudicated and paid from appropriated funds by the Foreign Claim Settlement Commission. The total cost of the bill is estimated to be \$275,000.

We recommend that the Congress give prompt and favorable consideration to the proposed draft bill which is enclosed with a more detailed explanation.

The Department has been informed by the Office of Management and Budget that enactment of the enclosed draft bill would be consistent with the Administration's objectives.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary
for Congressional Relations.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

SECTION 5 OF THE WAR CLAIMS ACT OF 1948

INTERNEES

SEC. 5. (a) * * *

* * * * *

(i) (1) As used in this subsection—

(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

(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.

(3) The detention benefits allowed under paragraph (2) of this subsection shall be at the rate of **[\$60]** \$150 for each calendar month.

* * * * *



Calendar No. 778

94TH CONGRESS
2d Session }

SENATE }

{

REPORT
No. 94-820

WAR CLAIMS—VIETNAM CONFLICT—AMERICAN CIVILIAN INTERESTS

MAY 12, 1976.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 5360]

The Committee on the Judiciary, to which was referred the bill (H.R. 5360), a bill to increase benefits provided to American civilian internees in Southeast Asia, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the bill is to increase the rate of detention benefits payable under section 5(i)(3) of the War Claims Act of 1948, as amended, to civilian American citizens held as prisoners in Southeast Asia, from \$60 per month as presently authorized to \$150 per month.

STATEMENT

A similar bill passed the Senate in the 93rd Congress (S. 1728). It was amended in the House. (House Report 93-1179.) The bill as amended subsequently did not pass the Senate.

The report filed with regard to S. 1728 in the 93d Congress (Senate Report No. 93-434), stated:

No monetary payments could possibly compensate anyone for the loss of freedom and hardship suffered while detained as a prisoner of war. However in 1948, as a modest step in this direction, Congress enacted the War Claims Act to provide a nominal payment to military and civilian personnel held as prisoners during World War II. Under the original act, detention payments totaled \$2.50 per day for military personnel and \$60 per month for civilians. Subsequently, the law was

extended to cover persons captured during the Korean conflict. In 1970 the law was again amended to cover persons captured during the Vietnam conflict. The 1970 amendments also doubled detention benefits for military personnel to allow for the rise in the cost of living and inflation.

The \$60 per month detention benefit for civilians has remained unchanged since 1948. The committee believes that equitable considerations dictate that civilian benefits should be increased to the level authorized for members of the Armed Forces. This will be accomplished by increasing the detention benefits for civilians to \$150 per month.

While these claims are to be adjudicated by the Foreign Claims Settlement Commission and paid from appropriated funds, the benefit is not authorized for any person, who voluntarily, knowingly, and without duress gave aid to, collaborated with, or in any manner served any hostile force.

The proposed legislation would affect approximately 60 civilian American citizens in Southeast Asia. The increase in the amount of monthly compensation payable under this legislation would total approximately \$275,000.

The Foreign Claims Settlement Commission supports S. 1728. The committee agrees that the compensation to American civilian internees should be increased to approximate that granted to military prisoners of war.

Attached to and made a part of this report is a letter from the Chairman of the Foreign Claims Settlement Commission dated May 25, 1973.

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES,
Washington, D.C., May 25, 1973.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Further reference is made to your letter of May 18, 1973, requesting a report by the Foreign Claims Settlement Commission on the bill S. 1728, 93d Congress. "A bill to increase benefits provided to American civilian internees in Southeast Asia."

The purpose of the bill is to increase the rate of detention benefits payable under section 5(1)(3) of the War Claims Act of 1948, as amended, to civilian American citizens held as prisoners in Southeast Asia, from \$60 per month as presently authorized to \$150 per month.

Section 5(i) of the War Claims Act of 1948, as amended, authorizes the Foreign Claims Settlement Commission to determine the amount and validity, and provide for payment, of any claim filed by, or on behalf of, any civilian American citizen for detention benefits at the rate of \$60 per month for any period of time after February 27, 1961, during which he was held as a prisoner, internee, or hostage, in Southeast Asia by any force hostile to the United States, or who went into hiding to avoid capture or interment by such hostile force. Section 5 of the act also authorized the settlement of claims of certain civilian American citizens who were held as prisoners, internees or hostages during World War II and the Korean conflict. These claimants were also paid at the rate of \$60 per month.

Members of the Armed Forces of the United States who were captured and held as prisoners of war during World War II, and the Korean conflict were paid benefits at the aggregate rate of \$2.50 per day for each day they were held as prisoners of war and where there was a violation by the detaining enemy forces of the Geneva Convention of 1929 in regard to the food rations, forced labor and the treatment of such prisoners.

The Congress, however, in the enactment of legislation (Public Law 91-289, approved June 24, 1970) providing for the settlement of similar claims by prisoners of war of the Vietnam conflict, increased the rate of compensation to \$5.00 per day for every day members of the Armed Forces of the United States were held as prisoners of war during such conflict. No comparable increase in benefits was made with respect to the civilian American citizens held by a hostile force in Southeast Asia.

The Commission would have no objections to the proposal to increase the civilian internee benefits to \$150 per month inasmuch as the increase would be equal to those presently being paid to military prisoners of war in Vietnam. This arrangement would be more equitable than that currently in effect.

The proposed legislation would affect approximately 60 civilian American citizens in Southeast Asia and the increase in the amount of compensation payable under the legislation from \$60 to \$150 would total approximately \$275,000. There would be no increase to the Commission in the cost of administering the civilian internee program in case the legislation is enacted.

The Commission is in favor of the proposed amendment to section 5(1)(3) of the War Claims Act of 1948, as amended by S. 1728 and recommends that the bill be enacted by the Congress.

The Office of Management and Budget has advised that there is no objection to submission of this report and that enactment of S. 1728 would be consistent with the administration's objectives.

Sincerely yours,

LYLE S. GARLOCK,
Chairman.

The committee recommends that the bill be favorably considered.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman).

TITLE 50, APPENDIX, UNITED STATES CODE

* * * * *

§ 2004. (i) (3) The detention benefits allowed under paragraph (2) of this subsection shall be at the rate of [\$60] \$150 for each calendar month.



Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To increase benefits provided to American civilian internees in Southeast Asia.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That section 5(i)(3)
of the War Claims Act of 1948 (50 App. U.S.C. 2004(i)(3)) is
amended by striking out "\$60" and inserting in lieu thereof "\$150".*

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*