

No. 370

AN ACT

SB 1241

Providing compensation to certain persons who served in the military, naval or air forces of the United States or any of her allies during the Vietnam Conflict and were taken as prisoners of war; imposing certain duties on the Adjutant General; making an appropriation and providing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Citation of Act.—This act shall be cited as the “Vietnam Conflict Prisoners of War Compensation Act.”

Section 2. Definitions.—As used in this act, the word “prisoner of war veteran” includes any member of the armed forces of the United States eligible to receive the Vietnam Service Medal and who was a prisoner of the Vietcong, North Vietnam or its allies during the Vietnam Conflict, but does not include (1) any individual at any time during such periods or thereafter separated from such forces under other than honorable conditions; (2) any individual who has renounced his United States citizenship; or (3) any person who does not qualify as a legal resident of this Commonwealth.

The term “legal resident of this Commonwealth” means any individual who gave Pennsylvania or any specific place in this Commonwealth as his or her place of residence or home address when entering the armed forces of the United States without regard to the place of enlistment, commission, or induction. The proof of such residence shall be either the official records of the United States, or such other evidence of bona fide residence as may be deemed sufficient by the Adjutant General of Pennsylvania.

Section 3. Compensation.—The compensation for a returning prisoner of war veteran who was taken prisoner of war while on active armed forces duty shall be one thousand dollars (\$1,000).

Section 4. Application for Compensation.—Applications for compensation shall be made to the Adjutant General on forms and in the manner as he shall prescribe.

All applications shall be made (1) personally by the prisoner of war veteran, or (2) in case of death or mental incompetency preventing the making of a personal application, then by such representative of the prisoner of war veteran as the Adjutant General shall by regulation prescribe. An application made by a representative other than one authorized by such regulation shall be void.

The Adjutant General shall not accept or consider any application filed or mailed after two years beyond the date which Congress establishes as the end of the period of service for which a person shall be eligible to receive the Vietnam Service Medal.

Section 5. Applicant to Designate Beneficiaries.—Every person making application for compensation, as herein provided, shall set forth in his or her application the names and addresses of all persons who under this act would be entitled to receive the same in the event of the death of the applicant, and if the applicant dies before the payment of the compensation, then the application shall be deemed to inure to the benefit of the person or persons next entitled thereto, and payments shall be made to such person or persons upon proof of identity satisfactory to the Adjutant General. If all persons designated herein as entitled to compensation die before payment thereof, the right to the compensation shall cease and determine. Application for compensation, made in behalf of minor children, shall be made by the duly appointed guardian of such children or by any person who stands in loco parentis to the minor children, and payments shall be made to the guardians or persons.

Section 6. Exemption from Attachment, Etc.—No sum payable under this act to a prisoner of war veteran or to any other person under this act shall be subject to attachment, levy or seizure under any legal or equitable process, and shall be exempt from all State taxation. No right to compensation under the provisions of this act shall be assignable, except as hereinafter provided, or serve as a security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. Assignments to any group or organization of veterans, incorporated or unincorporated, or to any nonprofit corporation heretofore formed, solely for aiding disabled or incapacitated veterans and assignments to the State Veterans' Commission shall be valid. The State Veterans' Commission is hereby authorized to accept the assignments which shall be treated as confidential, and the funds realized from them shall be expended by the commission solely for the aid of needy prisoner of war veterans and their families. Except as in this section provided, the Adjutant General shall not direct the payment nor shall payment be made under this act to any person other than a prisoner of war veteran or the representatives of a prisoner of war veteran, as in this act provided.

Section 7. Penalty for Fees for Assisting Prisoner of War Veterans.—Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting, in any manner, a prisoner of war veteran in obtaining any of the benefits to which he or she is entitled under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than seven hundred fifty dollars (\$750), or undergo imprisonment for not more than one year, or both.

Section 8. Digest and Explanation of Act.—The Adjutant General shall, as soon as practicable after the approval of this act, prepare and publish a pamphlet or pamphlets containing a digest and explanation of the provisions of this act, accompanied by statements which he believes

may be of assistance to the prisoner of war veterans in filing their applications and shall, from time to time, prepare and publish any additional or supplementary information as may be found necessary.

The pamphlet or pamphlets shall be distributed in a manner as the Adjutant General may determine to be most effective to inform prisoner of war veterans of their rights under this act. The Adjutant General shall enlist as far as possible the services of veteran organizations in this Commonwealth in the dissemination of such information.

Section 9. Ascertainment of Service.—Immediately upon the passage of this act, the Adjutant General shall ascertain the individuals who are prisoner of war veterans as defined in section 2 and his decisions shall be final and not subject to review by any court or by any other officer. In all cases not within the express purview of this act, the decision of the Adjutant General, as to payment or nonpayment of compensation or eligibility therefor, shall be in all things final.

Section 10. False or Fraudulent Statements; Penalty.—Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate or document made under the provisions of this act, or of any regulation made by the Adjutant General in administering this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or undergo imprisonment for not more than five years, or both.

Section 11. Administration of Act.—For the purpose of carrying into effect the provisions of this act, the Adjutant General of the Commonwealth is charged with the administration thereof, and for that purpose, he shall prepare and distribute application blanks, investigate all claims and applications filed with him, and if satisfied of the proof of such claim or application, approve the same and direct payment thereof, and shall make any regulation necessary to the efficient administration of the provisions of this act.

The books, papers and records, together with the filing cases and equipment procured and used in the administration of this act, shall become a part of the permanent records of the office of Adjutant General.

All printing necessary to carry out the provisions of this act shall be done by the Bureau of Publications on the requisition of the Adjutant General to the Department of Property and Supplies.

The Adjutant General may employ the necessary clerical help and fix their salaries and pay for postage and other expenses incurred in the administration of this act.

In all appointments under this act, preference shall, so far as practicable, be given to veterans as defined in this act.

Employes of the Department of Military Affairs of this Commonwealth, whose specific duty is to aid and assist veterans and their widows, children and dependents in the prosecution of claims before the Veterans' Administration or other branch of the Federal Government, are hereby

authorized and empowered to administer oaths and affirmations in all matters pertaining to and concerning such claims.

Section 12. Appropriation.—For the purpose of paying for the compensation to eligible prisoner of war veterans, and clerical services, postage and other necessary expenses incurred by the Adjutant General in the administration of this act, the sum of one hundred thousand dollars (\$100,000), or as much thereof as may be necessary, is specifically appropriated to the Department of Military Affairs.

Section 13. Other Benefits.—Payment under this act shall not prevent the returning prisoner of war veteran from receiving compensation under the “Vietnam Conflict Veterans’ Compensation Act.”

This act shall in no way affect other benefits due eligible persons under this act.

Section 14. Effective Date.—This act shall take effect immediately.

APPROVED—The 29th day of December, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 370.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

*Secretary of the Commonwealth.*