

108TH CONGRESS  
1ST SESSION

# H. R. 1864

To preserve certain actions in Federal court brought by members of the United States Armed Forces held as prisoners of war by Japan during World War II against Japanese nationals seeking compensation for mistreatment or failure to pay wages in connection with labor performed in Japan to the benefit of the Japanese nationals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2003

Mr. ROHRABACHER (for himself and Mr. HONDA) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on International Relations and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To preserve certain actions in Federal court brought by members of the United States Armed Forces held as prisoners of war by Japan during World War II against Japanese nationals seeking compensation for mistreatment or failure to pay wages in connection with labor performed in Japan to the benefit of the Japanese nationals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Justice for United  
3 States Prisoners of War Act of 2003”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) During World War II, members of the  
7 United States Armed Forces held as prisoners of  
8 war by Japan were forced to provide labor for Japa-  
9 nese privately owned corporations in functions unre-  
10 lated to the prosecution of the war.

11 (2) These Japanese corporations violated inter-  
12 national law, including the standards required under  
13 international conventions relating to protection of  
14 prisoners of war, by failing to pay wages for that  
15 labor, by allowing and promoting torture and mis-  
16 treatment of the United States prisoners of war at  
17 the hand of their private employees, and by with-  
18 holding food and medical treatment.

19 (3) In the Treaty of Peace with Japan, signed  
20 at San Francisco in 1951, Japan admitted liability  
21 for its illegal and inhumane conduct toward the Al-  
22 lied Powers and, in particular, liability for such con-  
23 duct toward members of the armed forces of the Al-  
24 lied Powers held as prisoners of war.

25 (4) Despite this admission of liability, article  
26 14(b) of the Treaty has been construed to waive all

1 claims of nationals of the United States, including  
2 claims of members of the United States Armed  
3 Forces held as prisoners of war by Japan during  
4 World War II.

5 (5) Under article 26 of the Treaty, the Govern-  
6 ment of Japan agreed that, if it entered into a war  
7 claims settlement agreement with any other country  
8 that provided terms more beneficial than those  
9 terms extended to the parties to the Treaty, then  
10 those more favorable terms would be extended to  
11 each of the parties to the Treaty, including the  
12 United States.

13 (6) Since the entry into force of the Treaty in  
14 1952, the Government of Japan has entered into  
15 war claims settlement agreements with other coun-  
16 tries that provide terms more beneficial than those  
17 terms extended to the parties to the Treaty with re-  
18 spect to claims by nationals of those countries  
19 against Japanese nationals, allowing such claims to  
20 be pursued without limitation, restriction, or waiver  
21 or any type.

22 (7) In accordance with article 26 of the Treaty,  
23 Japan is obligated to extend the same more bene-  
24 ficial terms under the subsequent war claims settle-  
25 ment agreements with other countries described in

1 paragraph (6) to the United States, including to na-  
2 tionals of the United States who as members of the  
3 United States Armed Forces were held as prisoners  
4 of war by Japan during World War II and were  
5 forced to provide labor without compensation and  
6 under inhumane conditions.

7 (8) The people of the United States owe a deep  
8 and eternal debt to members of the United States  
9 Armed Forces held as prisoners of war by Japan  
10 during World War II for their heroism and sacrifice  
11 on the nation's behalf in the first days after Japan's  
12 ignominious aggression against the United States at  
13 Pearl Harbor, Bataan, and Corregidor.

14 (9) The pursuit of justice by members of the  
15 United States Armed Forces held as prisoners of  
16 war by Japan during World War II who were forced  
17 to provide labor without compensation and under in-  
18 humane conditions through lawsuits filed in the  
19 courts of the United States, where otherwise sup-  
20 ported by applicable standards established by Fed-  
21 eral, State, or international law, is consistent with  
22 the interests of the United States and should not be  
23 deemed preempted by any other provision of law or  
24 the Treaty.

1           (10) Japanese records relating to chemical and  
2 biological experiments conducted on members of the  
3 United States Armed Forces held as prisoners of  
4 war by Japan during World War II that were turned  
5 over to the United States Government after the war  
6 have been withheld from such United States pris-  
7 oners of war and their physicians, despite repeated  
8 requests for disclosure of such records by the pris-  
9 oners of war themselves, the Department of Vet-  
10 erans Affairs, and the Congress.

11 **SEC. 3. SUITS AGAINST JAPANESE NATIONALS.**

12       (a) IN GENERAL.—In any action in a Federal court  
13 brought by one or more members of the United States  
14 Armed Forces held as a prisoner of war by Japan during  
15 World War II against one or more Japanese nationals (in-  
16 cluding entities organized or incorporated under Japanese  
17 law or any affiliates of such entities organized or incor-  
18 porated under the laws of any State) seeking compensa-  
19 tion for mistreatment or failure to pay wages in connection  
20 with labor performed in Japan by such United States pris-  
21 oners of war to the benefit of such Japanese nationals (or  
22 their predecessors) during World War II, the court—

23           (1) shall apply the applicable statute of limita-  
24 tions of the State in which the action is pending;  
25 and



1 World War II and were forced to provide labor without  
2 compensation and under inhumane conditions.

3 **SEC. 5. AVAILABILITY OF INFORMATION RELATING TO CER-**  
4 **TAIN CHEMICAL AND BIOLOGICAL TESTS**  
5 **CONDUCTED BY JAPAN DURING WORLD WAR**  
6 **II.**

7 (a) AVAILABILITY OF INFORMATION TO THE SEC-  
8 RETARY OF VETERANS AFFAIRS.—Notwithstanding any  
9 other provision of law, the Secretary of Veterans Affairs  
10 may secure directly from any department or agency of the  
11 United States information relating to chemical or biologi-  
12 cal tests conducted by Japan on members of the United  
13 States Armed Forces held as prisoners of war by Japan  
14 during World War II, including any such information pro-  
15 vided to the United States Government by Japan. Upon  
16 request of the Secretary of Veterans Affairs, the head of  
17 that department or agency shall furnish that information  
18 to the Secretary.

19 (b) AVAILABILITY OF INFORMATION TO INTERESTED  
20 MEMBERS OF THE ARMED FORCES.—Any information re-  
21 ceived by the Secretary of Veterans Affairs under sub-  
22 section (a) with respect to an individual member of the  
23 United States Armed Forces held as a prisoner of war  
24 by Japan during World War II may be made available to  
25 such individual to the extent otherwise provided by law.

1 **SEC. 6. DEFINITIONS.**

2 In this Act:

3 (1) TREATY OF PEACE WITH JAPAN; TREATY.—

4 The terms “Treaty of Peace with Japan” and  
5 “Treaty” mean the Treaty of Peace with Japan,  
6 signed at San Francisco on September 8, 1951 (3  
7 UST 3169).

8 (2) STATE.—The term “State” means the sev-  
9 eral States, the District of Columbia, and any com-  
10 monwealth, territory or possession of the United  
11 States.

12 (3) APPLICABLE STATUTE OF LIMITATIONS.—

13 The “applicable statute of limitations” of a State  
14 means, with respect to a court action, the law of  
15 that State which establishes the time within which  
16 such an action may be brought.

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