

109TH CONGRESS
2^D SESSION

H. R. 5972

To provide for the payment of compensation to members of the Armed Forces and civilian employees of the United States who, as prisoners of war, performed slave labor for Japanese corporations during World War II, to authorize the Secretary of Defense to accept contributions in order to provide additional compensation to such members and employees, to encourage Japanese corporations that benefitted from the use of slave labor to make contributions for such additional compensation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2006

Mr. HUNTER (for himself, Mr. MICA, Mr. REYES, Mr. MCINTYRE, Mr. SMITH of New Jersey, Mr. BILBRAY, Mr. REYNOLDS, Mr. HALL, Mr. ROYCE, Mr. RENZI, Mr. CALVERT, Mr. HAYWORTH, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. DAVIS of Kentucky, Mr. BROWN of South Carolina, Mr. BASS, Mr. KLINE, Mr. CASTLE, Mr. CANTOR, Mr. WALDEN of Oregon, Mr. ROHRABACHER, Mr. RADANOVICH, Mr. TIBERI, Mr. PORTER, Mr. BRADLEY of New Hampshire, Mrs. WILSON of New Mexico, Mr. WELDON of Pennsylvania, Mr. AKIN, Mr. ADERHOLT, Mr. CULBERSON, Mr. POE, Mrs. BIGGERT, Mr. WAMP, Mr. WOLF, Mr. BURTON of Indiana, Ms. PRYCE of Ohio, Mr. EVERETT, Mr. SOUDER, Mr. ROGERS of Alabama, Mr. HOEKSTRA, Mr. ENGLISH of Pennsylvania, and Mr. GINGREY) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs 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

A BILL

To provide for the payment of compensation to members of the Armed Forces and civilian employees of the United States who, as prisoners of war, performed slave labor

for Japanese corporations during World War II, to authorize the Secretary of Defense to accept contributions in order to provide additional compensation to such members and employees, to encourage Japanese corporations that benefitted from the use of slave labor to make contributions for such additional compensation, 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,*

3 **SECTION 1. PAYMENT OF COMPENSATION TO MEMBERS OF**
4 **THE ARMED FORCES AND CIVILIAN EMPLOY-**
5 **EES OF THE UNITED STATES CAPTURED BY**
6 **JAPAN AND USED AS SLAVE LABOR BY JAPA-**
7 **NESE CORPORATIONS DURING WORLD WAR**
8 **II.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) During World War II, members of the
12 United States Armed Forces fought valiantly against
13 Japanese military forces in the Pacific. In par-
14 ticular, from December 1941 until May 1942,
15 United States military personnel fought coura-
16 geously against overwhelming Japanese military
17 forces on Wake Island, Guam, the Philippine Is-
18 lands, including the Bataan Peninsula and Cor-
19 regidor, and the Dutch East Indies, thereby pre-
20 venting Japan from accomplishing strategic objec-

1 tives necessary for achieving a decisive military vic-
2 tory in the Pacific during World War II.

3 (2) During initial military actions in the Phil-
4 ippines, United States troops were ordered to sur-
5 render on April 9, 1942, and were forced to march
6 65 miles to prison camps at Camp O'Donnell, Caba-
7 natuan, and Bilibid. More than 10,000 Americans
8 died during the march, known as the “Bataan Death
9 March”, and during subsequent imprisonment as a
10 result of starvation, disease, and executions.

11 (3) The treatment of members of the Armed
12 Forces who were held as prisoners of war in the Pa-
13 cific Theater during World War II was so egregious
14 that more than 40 percent of the prisoners of war
15 died while imprisoned.

16 (4) Beginning in January 1942, the Japanese
17 military began transporting United States prisoners
18 of war to Japan, Taiwan, Manchuria, and Korea to
19 perform slave labor to support Japanese war indus-
20 tries. Many of the unmarked merchant vessels in
21 which the prisoners were transported, called “Hell
22 Ships”, were attacked by American naval and air
23 forces, which, according to some estimates, resulted
24 in more than 3,600 American fatalities.

1 (5) Following the conclusion of World War II,
2 the United States Government agreed to pay com-
3 pensation to United States ex-prisoners of war
4 amounting to \$2.50 per day of imprisonment. This
5 compensation was to be paid from Japanese assets
6 frozen by the United States Government. However,
7 the compensation could never fully compensate those
8 ex-prisoners of war for the sacrifice they endured.
9 Neither the Government of Japan nor any Japanese
10 corporation admits any liability requiring payment
11 or compensation.

12 (6) Other Allied nations, including Canada, the
13 United Kingdom, and the Netherlands, have author-
14 ized payment of gratuities to their surviving veterans
15 who were captured by the Japanese during World
16 War II and required to perform slave labor.

17 (b) PURPOSE.—The purpose of this section is to rec-
18 ognize, by the provision of compensation, the heroic con-
19 tributions of the members of the Armed Forces and civil-
20 ian employees of the United States who were captured by
21 the Japanese military during World War II and denied
22 their basic human rights by being made to perform slave
23 labor for Japanese corporations during World War II.

24 (c) DEFINITIONS.—In this section

1 (1) SELECTED VETERAN OR CIVILIAN IN-
2 TERNEE.—The term “selected veteran or civilian in-
3 ternee” means any individual who—

4 (A) was a member of the Armed Forces, a
5 civilian employee of the United States, or an
6 employee of a contractor of the United States
7 during World War II;

8 (B) served in or with United States com-
9 bat forces during World War II;

10 (C) was captured and held as a prisoner of
11 war or prisoner by Japan in the course of such
12 service; and

13 (D) was forced to perform slave labor dur-
14 ing World War II for one or more Japanese
15 corporations.

16 (2) SLAVE LABOR.—The term “slave labor”
17 means forced servitude under conditions of subjugation.
18 tion.

19 (d) PAYMENT OF COMPENSATION.—As soon as prac-
20 ticable after the end of the period specified in subsection
21 (e)(1), the Secretary of Defense shall pay compensation
22 to each living selected veteran or civilian internee whose
23 application for compensation under this section is ap-
24 proved by the Secretary.

1 (e) ACCEPTANCE OF CONTRIBUTIONS FOR COM-
2 PENSATION.—

3 (1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—

4 During the period beginning on the date of the en-
5 actment of this Act and ending on December 31,
6 2007, the Secretary of Defense may accept, hold,
7 and administer any gift, devise, or bequest of money
8 made by any person on the condition that the gift,
9 devise, or bequest be used to provide compensation
10 under this section to a selected veteran or civilian in-
11 ternee.

12 (2) DEPOSIT.—Amounts received as contribu-
13 tions under this subsection shall be deposited in the
14 Department of Defense General Gift Fund estab-
15 lished pursuant to section 2601 of title 10, United
16 States Code. Such amounts shall be accounted for
17 separately from other amounts in that fund.

18 (3) ACCEPTANCE OF CERTAIN CONTRIBUTIONS
19 PROHIBITED.—A gift may not be accepted under
20 this subsection—

21 (A) if the gift is designated for a specific
22 selected veteran or civilian internee;

23 (B) if the Secretary of Defense determines
24 that the acceptance of the gift would reflect un-
25 favorably on the ability of the Department of

1 Defense, any employee of the Department, or
2 any member of the Armed Forces to carry out
3 any responsibility or duty in a fair and objective
4 manner; or

5 (C) if the Secretary determines that the
6 use of the gift would compromise the integrity
7 or appearance of integrity of any program of
8 the Department of Defense or any individual in-
9 volved in such a program.

10 (4) TREATMENT OF CONTRIBUTIONS.—The
11 making of a contribution under this subsection by
12 any person is wholly voluntary and, in no way, may
13 the existence of such a contribution be used as a
14 matter of proof in any civil litigation.

15 (f) AMOUNT OF COMPENSATION.—The amount of
16 compensation paid to each living selected veteran or civil-
17 ian internee whose application for compensation is ap-
18 proved by the Secretary of Defense shall be equal to the
19 sum of the following:

20 (1) An equal share of the funds appropriated to
21 the Secretary to provide compensation under this
22 section, but not to exceed \$20,000 per selected vet-
23 eran or civilian internee.

24 (2) An equal share of the amounts received as
25 contributions under subsection (e).

1 (g) REBUTTABLE PRESUMPTION OF ELIGIBILITY.—
2 An application for compensation submitted under this sec-
3 tion by or on behalf of an individual seeking recognition
4 as a selected veteran or civilian internee under this section
5 is subject to a rebuttable presumption that the individual
6 is a selected veteran or civilian internee if the application
7 on its face provides information sufficient to establish the
8 individual as a selected veteran or civilian internee.

9 (h) RELATIONSHIP TO OTHER PAYMENTS.—Any
10 amount paid a selected veteran or civilian internee as com-
11 pensation under this section is in addition to any other
12 amount paid to the selected veteran or civilian internee
13 under any other provision of law as compensation for the
14 performance of slave labor during World War II.

15 (i) UNAVAILABILITY FOR PAYMENT OF ATTORNEY
16 FEES IN CLASS ACTION SUITS.—Amounts paid under this
17 section may not be used for the payment of attorney fees
18 incurred in any class action law suit seeking the payment
19 of compensation for members of the Armed Forces and
20 civilian employees of the United States captured by Japan
21 and used as slave labor during World War II or a similar
22 payment as a result of the performance of slave labor dur-
23 ing World War II.

24 (j) SENSE OF CONGRESS REGARDING CONTRIBU-
25 TIONS BY CERTAIN JAPANESE CORPORATIONS.—

1 (1) SENSE OF CONGRESS.—It is the sense of
2 Congress that the Japanese corporations specified in
3 paragraph (2) that benefitted from the use of cap-
4 tured members of the Armed Forces and civilian em-
5 ployees of the United States as slave labor during
6 World War II should make contributions under sub-
7 section (e) for the provision of compensation to each
8 living selected veteran or civilian internee under this
9 section.

10 (2) LIST OF COVERED COMPANIES.—The Japa-
11 nese corporations known to have used captured
12 members of the Armed Forces and civilian employ-
13 ees of the United States as slave labor during World
14 War II are Asano Dockyard; Electric-Chemical Com-
15 pany; Fujinagara Shipbuilding, Kobe; Furukawa
16 Mining, Omine Machi; Hitachi Shipbuilding; Hokkai
17 Electric Chemical; Hokkaido Coal (Sorachi Mining
18 Co.); Imperial Special Copper Works, Noetsu;
19 Ishihara Industries, Narumi; Kajima Coal, Ohnoura;
20 Kawaminami Shipbuilding, Yahata; Kawasaki Heavy
21 Industries, Kobe; Kinkaseki Copper Mine, Formosa;
22 Kobe Stevedore, Kobe; Kumagai Enggr. Co.;
23 Manshu Leather, Mukden Manchuria; Manshu Ma-
24 chinery, Mukden; Manshu Tent; Meiji Mining;
25 Mitsubishi Heavy Industries; Mitsubishi Mining Co.;

1 Mitsubishi Chemical; Mitsui Industries; Mitsui Min-
2 ing; Moji Transportation Association; Namura Ship-
3 yards; Niigata Iron and Steel; Niigata Transport,
4 Kawasaki; Nippon Express; Nippon Ko-Kan (Japan
5 Iron Co.); Nippon Metallurgy; Nippon Mining;
6 Nippon Soda; Nippon Steel Pipe; Nippon Vehicles;
7 Nisshin Mill; Nisshin Oil; Nittetsu Mining; Ohsaka
8 Shipbuilding; Radio Tokyo (government-operated);
9 Shinetsu Chemicals; Showa Electrical Engineering;
10 Showa Electrode (Showa Denko); Sorachi Mining
11 Co.; Sumitomo Mining; Taihoku Locomotive Works,
12 Taiwan; Tobashima Construction Co.; Tokyo-
13 Shibaura Electric; Tsuruga Stevedore, Osaka;
14 Tsurumi Shipbuilding; Yawata Iron Works; Ohasi;
15 and Yodogawa Steel.

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