

107TH CONGRESS  
1ST SESSION

# S. 1272

To assist United States veterans who were treated as slave laborers while held as prisoners of war by Japan during World War II, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 2001

Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. HARKIN, and Mr. SMITH of New Hampshire) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

JUNE 18, 2002

Committee discharged; referred to the Committee on the Judiciary

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## A BILL

To assist United States veterans who were treated as slave laborers while held as prisoners of war by Japan during World War II, 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. SHORT TITLE.**

4 This Act may be cited as the "POW Assistance Act  
5 of 2001".

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) During World War II, members of the  
2           United States Armed Forces who were prisoners of  
3           war in Japan were forced to provide labor for Japa-  
4           nese privately owned corporations in functions unre-  
5           lated to the prosecution of the war.

6           (2) The Japanese corporations did not comply  
7           with the standards required under international con-  
8           ventions relating to the protection of prisoners of  
9           war, including by failing to pay wages for the forced  
10          labor performed by United States prisoners of war,  
11          by allowing and promoting torture and mistreatment  
12          of these POWs at the hands of their private employ-  
13          ees, and by withholding food and medical treatment  
14          for these POWs.

15          (3) In the Treaty of Peace with Japan, signed  
16          at San Francisco in 1951, Japan admitted liability  
17          for its illegal and inhumane conduct toward the Al-  
18          lied Powers and, in particular, liability for such con-  
19          duct toward members of the Armed Forces of the  
20          Allied Powers held as prisoners of war by Japan.

21          (4) The people of the United States owe a deep  
22          and eternal debt to members of the United States  
23          Armed Forces held as prisoners of war by Japan  
24          during World War II for their heroism and sacrifice  
25          on behalf of the United States, especially their her-

1 oism and sacrifice in the first days after Japan's ig-  
2 nominous aggression against the United States at  
3 Pearl Harbor, Bataan, and Corregidor.

4 (5) The pursuit of justice by the United States  
5 POWs, who were forced to perform slave labor under  
6 inhumane conditions, through lawsuits filed in the  
7 courts of the United States, where otherwise sup-  
8 ported by applicable Federal, State, or international  
9 law, is consistent with the interests of the United  
10 States.

11 **SEC. 3. APPLICABLE STATUTES OF LIMITATIONS IN SUITS**  
12 **AGAINST JAPANESE PERSONS.**

13 (a) IN GENERAL.—In any action pending in or re-  
14 moved to a Federal court which was brought by any  
15 United States POW against a Japanese person seeking  
16 money damages for mistreatment or failure to pay wages  
17 in connection with labor performed for the Japanese per-  
18 son by the United States POW during World War II, the  
19 Federal court shall apply the applicable statute of limita-  
20 tions of the State in which the action was brought.

21 (b) RULE OF CONSTRUCTION.—Subsection (a) pro-  
22 vides for the facilitation of actions against Japanese per-  
23 sons and shall not be construed as providing for the facili-  
24 tation of actions against the Government of Japan.

1 (c) SUNSET.—Subsection (a) shall cease to apply at  
2 the end of the 10-year period beginning on the date of  
3 the enactment of this Act.

4 **SEC. 4. DEFINITIONS.**

5 In this Act:

6 (1) APPLICABLE STATUTE OF LIMITATIONS.—

7 The term “applicable statute of limitations” of a  
8 State means, with respect to a court action, the law  
9 of that State which establishes the time within which  
10 such an action may be brought.

11 (2) JAPANESE PERSON.—The term “Japanese  
12 person” means—

13 (A) any national of Japan;

14 (B) any corporation, company, association,  
15 partnership, or sole proprietorship having its  
16 principal place of business within Japan or or-  
17 ganized or incorporated under the laws of  
18 Japan or any political subdivision thereof; and

19 (C) any foreign subsidiary or affiliate of a  
20 national or entity of Japan under subparagraph

21 (A) or (B) if controlled in fact by the national  
22 or entity.

23 (3) STATE.—The term “State” means the sev-  
24 eral States, the District of Columbia, and any com-

1 monwealth, territory, or possession of the United  
2 States.

3 (4) 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 (5) UNITED STATES POW.—The term “United  
9 States POW” means any member of the United  
10 States Armed Forces held as a prisoner of war by  
11 Japan during World War II.

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