

110TH CONGRESS
2D SESSION

S. 3107

To require the payment of compensation to members of the Armed Forces and civilian employees of the United States who were forced to perform slave labor by the Imperial Government of Japan or by corporations of Japan during World War II, or the surviving spouses of such members, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2008

Mr. BINGAMAN (for himself and Mr. HATCH) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To require the payment of compensation to members of the Armed Forces and civilian employees of the United States who were forced to perform slave labor by the Imperial Government of Japan or by corporations of Japan during World War II, or the surviving spouses of such members, 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. PAYMENT OF COMPENSATION TO MEMBERS OF**
2 **THE ARMED FORCES AND CIVILIAN EMPLOY-**
3 **EES OF THE UNITED STATES CAPTURED BY**
4 **JAPAN AND FORCED TO PERFORM SLAVE**
5 **LABOR DURING WORLD WAR II.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) During World War II, members of the
9 Armed Forces of the United States fought valiantly
10 against the Armed Forces of Japan in the Pacific.
11 In particular, from December 1941 until May 1942,
12 members of the Armed Forces of the United States
13 fought courageously against overwhelming Armed
14 Forces of Japan on Wake Island, Guam, the Phil-
15 ippine Islands, including the Bataan Peninsula and
16 Corregidor, and the Dutch East Indies, thereby pre-
17 venting Japan from accomplishing strategic objec-
18 tives necessary for achieving a preemptive military
19 victory in the Pacific during World War II.

20 (2) During initial military action in the Phil-
21 ippines, members of the Armed Forces of the United
22 States were ordered to surrender on April 9, 1942,
23 and were forced to march 65 miles to prison camps
24 at Camp O'Donnell, Cabanatuan, and Bilibid. More
25 than 10,000 people of the United States died during
26 the march (known as the “Bataan Death March”)

1 and during subsequent imprisonment as a result of
2 starvation, disease, and executions.

3 (3) Beginning in January 1942, the Armed
4 Forces of Japan began transporting United States
5 prisoners of war to Japan, Taiwan, Manchuria, and
6 Korea to perform slave labor to support Japanese
7 industries. Many of the unmarked merchant vessels
8 in which the prisoners were transported (known as
9 “Hell Ships”) were attacked by the Armed Forces of
10 the United States, which, according to some esti-
11 mates, killed more than 3,600 people of the United
12 States.

13 (4) Following the conclusion of World War II,
14 the Government of the United States agreed to pay
15 compensation to former prisoners of war of the
16 United States, amounting to \$2.50 per day of im-
17 prisonment. This compensation, paid from assets of
18 Japan frozen by the Government of the United
19 States, is wholly insufficient to compensate fully
20 such former prisoners of war for the conditions they
21 endured. Neither the Government of Japan nor any
22 corporations of Japan admit any liability requiring
23 payment of compensation.

24 (5) Other countries, including Canada, the
25 United Kingdom, Isle of Man, Norway, the Nether-

1 lands, New Zealand, and Australia have previously
2 awarded such a compensation to their surviving vet-
3 erans who were captured by the Japanese during
4 World War II and required to perform slave labor.
5 Currently, the United States is the only Western Al-
6 lied power that has not awarded similar compensa-
7 tion to these distinguished heroes of World War II
8 who were prisoners of war of Japan.

9 (b) PURPOSE.—The purpose of this section is to rec-
10 ognize, by the provision of compensation, the heroic con-
11 tributions of the members of the Armed Forces and civil-
12 ian employees of the United States who were captured by
13 the Japanese military during World War II and denied
14 their basic human rights by being forced to perform slave
15 labor by the Imperial Government of Japan or by corpora-
16 tions of Japan during World War II.

17 (c) DEFINITIONS.—In this section:

18 (1) COVERED VETERAN OR CIVILIAN IN-
19 TERNEE.—The term “covered veteran or civilian in-
20 ternee” means any individual who—

21 (A) is a citizen of the United States;

22 (B) was a member of the Armed Forces, a
23 civilian employee of the United States, or an
24 employee of a contractor of the United States
25 during World War II;

1 (C) served in or with the Armed Forces
2 during World War II;

3 (D) was captured and held as a prisoner of
4 war or prisoner by Japan in the course of such
5 service; and

6 (E) was required by the Imperial Govern-
7 ment of Japan, or one or more corporations of
8 Japan, to perform slave labor during World
9 War II.

10 (2) SLAVE LABOR.—The term “slave labor”
11 means forced servitude under conditions of subjugation.
12

13 (d) PAYMENT OF COMPENSATION REQUIRED.—

14 (1) IN GENERAL.—Subject to the availability of
15 appropriated funds, the Secretary of Defense shall
16 pay compensation to each living covered veteran or
17 civilian internee, or to the surviving spouse of a covered
18 veteran or civilian internee, in the amount of
19 \$20,000.

20 (2) REBUTTABLE PRESUMPTION.—An applica-
21 tion for compensation submitted under this section
22 by or with respect to an individual seeking treatment
23 as a covered veteran or civilian internee under this
24 section is subject to a rebuttable presumption that
25 such individual is a covered veteran or civilian in-

1 ternee if the application on its face provides infor-
2 mation sufficient to establish such individual as a
3 covered veteran or civilian internee.

4 (e) RELATIONSHIP TO OTHER PAYMENTS.—Any
5 amount paid to a person under this section for activity
6 described in subsection (c)(1)(D) is in addition to any
7 other amount paid to such person for such activity under
8 any other provision of law.

9 (f) INAPPLICABILITY OF TAXATION OR ATTACH-
10 MENT.—Any amount paid to a person under this section
11 shall not be subject to any taxation, attachment, execu-
12 tion, levy, tax lien, or detention under any process what-
13 ever.

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