

H. CON. RES. 264

Whereas Congress is pleased to welcome the Prime Minister of India, Atal Bihari Vajpayee, on his visit to the United States;

Whereas the United States and India, the world's two largest democracies, are natural allies, based on their shared values and common interests in building a stable, peaceful, and prosperous world in the 21st century;

Whereas from the very day that the terrorist attacks in New York and Washington occurred, India has expressed its condolences for the terrible losses, its solidarity with the American people, and its pledge of full cooperation in the campaign against international terrorism;

Whereas India, which has been on the front lines in the fight against international terrorism for many years, directly shares America's grief over the terrorist attacks against the United States on September 11, 2001, with the number of missing Indian nationals and persons of Indian origin estimated at 250;

Whereas the United States and India are engaged as partners in a global coalition to combat the scourge of international terrorism, a partnership that began well before the tragic events of September 11, 2001;

Whereas cooperation between India and the United States extends beyond the current international campaign against terrorism, and has been steadily developing over recent years in such areas as preserving stability and growth in the global economy, protecting the environment, combating infectious diseases, and expanding trade, especially in emerging knowledge-based industries and high technology areas; and

Whereas more than 1,000,000 Americans of Indian heritage have contributed immeasurably to American society: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress—*

(1) to welcome the Prime Minister of India, Atal Bihari Vajpayee, to the United States;

(2) to express profound gratitude to the Government of India for its expressions of sympathy for the September 11, 2001, terrorist attacks and its demonstrated willingness to fully cooperate with the United States in the campaign against terrorism; and

(3) to pledge commitment to the continued expansion of friendship and cooperation between the United States and India.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. ROHRABACHER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. ROHRABACHER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2500, be instructed to insist on the language contained in section 626 of the House-passed bill and section 623 of the Senate amendment, prohibiting the use of funds in the bill by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. ROHRABACHER) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, this motion is highly unusual. It is highly unusual because the Parliamentarian's Office has not been able to find another instance in the history of this House in which a motion was offered to instruct conferees to keep something in a conference report that was approved by both the House and the Senate in identical form. In theory, such a motion should be completely unnecessary, because under the rules of both Houses, this House and the Senate, any provision that has been approved by each House in identical form is "non-conferenceable," which means it automatically goes to the conference and goes into the conference report as it passed both Houses. That is called democracy, where the majority of people in both Houses vote for something, and then it stays in the bill as the bill goes through the system.

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Unfortunately, the lobbying of Japanese corporations and other very powerful interest groups in this city over this period of time has been unusually heavy. They have been spreading misinformation about the peace treaty with Japan, and it appears that our courageous World War II POWs will feel the brunt of this deception. The fact is that private companies did use American POWs during World War II as slave laborers.

In his recent decision, Judge William F. McDonald rejected all arguments by the State Department that such a court hearing, in terms of a hearing of our own POWs' requests for compensation from these Japanese companies that enslaved them, Judge McDonald decided that this would not violate the treaty which ended World War II, although what we have been hearing over and over and over again in this town is, my gosh, we cannot permit our greatest war heroes, the survivors of the Bataan Death March to sue the Japanese corporations that used them as slave labor in the war, because this would violate the treaty that ended the war.

Well, already we have a judge suggesting, a Federal judge suggesting that that argument does not hold water, and a reading of the treaty itself suggests that that does not hold water.

What do we have, then? We have a situation where this judge, a neutral party, an American judge, has decided that our POWs under the treaty have the right to file a claim in court.

In the past what has happened, and the reason this legislation is necessary, is our greatest American war heroes from World War II, the survivors of the Bataan Death March, not only were they left out on their own and betrayed by our country in a certain way, at least if not betrayed, let down, that we did not come to their rescue; then they served as prisoners of war and as slave labor; and then after the war, we betrayed them again, we let them down again in that they were told that the treaty prevented them from suing the corporations that had used them as slave labor.

Well, as I say, in the treaty there is a provision that says very clearly, any rights not granted to American citizens in this treaty that are granted to other citizens of other countries in other treaties, subsequent treaties, will automatically be the rights of the American people as well, and since that time, of course, Japan has signed many other treaties and other people have had the right to sue these Japanese corporations.

We are not talking about suing the Japanese Government, we are talking about suing Japanese corporations. It is the courts, not the executive branch, that will ultimately determine the meaning of what this treaty is all about. We already have a court decision.

The political question is what we need to decide, and that is what is happening today, and that is what happened in a decision in this body overwhelmingly and a decision in the Senate. Both in this House and the Senate, we decided that our American heroes of the Bataan Death March, their claims are more important than bending over backwards to try to recognize claims of big Japanese corporations that used our people as slave labor during the war. The courts have found that factual issues exist for the application of our people. That means that our POWs have a right to sue, they have an actual, factual claim, and the court has decided that the 1951 peace treaty with Japan does not, does not prevent the plaintiffs from filing action in the court.

Now, I would ask my colleagues to vote for this motion, and I would ask them to pay particular attention, and the American people to pay attention, to what is going on here. What has been voted on on the floor, some people are trying to take out behind closed doors in the conference. It is the first time in history we have a motion to recommit, to insist on language that has been passed in both Houses. I think it