

105TH CONGRESS  
1ST SESSION

# H. R. 1531

To amend title 28, United States Code, relating to jurisdictional immunities of the Federal Republic of Germany, to grant jurisdiction to the courts of the United States in certain cases involving acts of genocide occurring against certain individuals during World War II in the predecessor states of the Federal Republic of Germany, or in any territories or areas occupied, annexed, or otherwise controlled by those states.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1997

Ms. SLAUGHTER introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, relating to jurisdictional immunities of the Federal Republic of Germany, to grant jurisdiction to the courts of the United States in certain cases involving acts of genocide occurring against certain individuals during World War II in the predecessor states of the Federal Republic of Germany, or in any territories or areas occupied, annexed, or otherwise controlled by those states.

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. EXCEPTION TO FOREIGN SOVEREIGN IMMUN-**  
2 **ITY FOR CERTAIN CASES INVOLVING ACTS**  
3 **OF GENOCIDE IN A FOREIGN STATE.**

4 Section 1605 of title 28, United States Code, is  
5 amended—

6 (1) in subsection (a)—

7 (A) by striking “or” at the end of para-  
8 graph (6);

9 (B) by striking the period at the end of  
10 paragraph (7) and inserting in lieu thereof “;  
11 or”; and

12 (C) by adding at the end thereof the fol-  
13 lowing:

14 “(8) not otherwise encompassed in paragraph  
15 (2), in which money damages are sought against the  
16 Federal Republic of Germany for the personal injury  
17 of a United States citizen occurring in the prede-  
18 cessor states of the Federal Republic of Germany, or  
19 in any territories or areas occupied, annexed, or oth-  
20 erwise controlled by those states and caused by an  
21 act of genocide committed against that citizen dur-  
22 ing World War II by, or under the direction or su-  
23 pervision of, such predecessor state or by, or under  
24 the direction or supervision of, an official or em-  
25 ployee of such predecessor state while acting within  
26 the scope of his or her office or employment, wheth-

1 er or not the individual whose injury gave rise to the  
2 action was a United States citizen at the time the  
3 conduct causing such injury occurred; except that—

4 “(A) the court shall decline to hear a claim  
5 under this paragraph if the claimant has not  
6 exhausted adequate and available remedies  
7 under the law of the Federal Republic of Ger-  
8 many, unless pursuing such remedies would  
9 cause or would have caused the claimant undue  
10 hardship on account of the nature of the inju-  
11 ries sustained and their effects on the ability of  
12 the claimant to pursue such remedies; and

13 “(B) an action under this paragraph shall  
14 not be maintained unless the cause of action is  
15 brought within 24 months after the date of the  
16 enactment of this paragraph.”; and

17 (2) by adding at the end the following new sub-  
18 section:

19 “(h) For purposes of paragraph (8) of subsection (a),  
20 the term ‘act of genocide’ means conduct that would be  
21 a violation of section 1091 of title 18 if committed in the  
22 United States.”.

23 **SEC. 2. EXCEPTION TO IMMUNITY FROM ATTACHMENT.**

24 (a) FOREIGN STATE.—Section 1610(a) of title 28,  
25 United States Code, is amended—

1 (1) by striking “or” at the end of paragraph  
2 (6);

3 (2) by striking the period at the end of para-  
4 graph (7) and inserting in lieu thereof “, or”; and

5 (3) by adding at the end the following new  
6 paragraph:

7 “(8) the judgment relates to a claim for which  
8 the foreign state is not immune by virtue of section  
9 1605(a)(8) of this chapter, regardless of whether the  
10 property is or was involved in the act upon which  
11 the claim is based.”.

12 (b) AGENCY OR INSTRUMENTALITY.—Section  
13 1610(b)(2) of such title is amended by striking “or (7)”  
14 and inserting in lieu thereof “(7), or (8)”.

15 **SEC. 3. VENUE.**

16 Section 1391(f) of title 28, United States Code, is  
17 amended—

18 (1) in paragraph (3) by striking “or” after the  
19 semicolon;

20 (2) in paragraph (4) by striking the period and  
21 inserting “; or”; and

22 (3) by adding at the end the following:

23 “(5) in the case of an action for which there is  
24 no immunity by virtue of section 1605(a)(8), in the  
25 judicial district in which the plaintiff resides.”.

1 **SEC. 3. APPLICABILITY.**

2       The amendments made by this Act shall apply to any  
3 cause of action arising before, on, or after the date of the  
4 enactment of this Act.

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