

105TH CONGRESS
1ST SESSION

S. 759

To provide for an annual report to Congress concerning diplomatic immunity.

IN THE SENATE OF THE UNITED STATES

MAY 16, 1997

Mr. COVERDELL introduced the following bill; which was read twice and
referred to the Committee on Foreign Relations

A BILL

To provide for an annual report to Congress concerning
diplomatic immunity.

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. REPORTS AND POLICY CONCERNING DIPLO-**
4 **MATIC IMMUNITY.**

5 (a) FINDINGS.—The Congress makes the following
6 findings:

7 (1) The United States was founded on the prin-
8 ciple that all men are equal before the law and any-
9 one, rich or poor, is entitled to the protection of the
10 law and also subject to just penalties under the law.

1 (2) International treaties regarding diplomatic
 2 and consular immunity place diplomatic and con-
 3 sular officials from foreign countries in the unique
 4 situation of being above the law and not subject to
 5 prosecution for criminal offenses committed in the
 6 country in which they serve, or their home country.

7 (3) Recent events indicate that this situation is
 8 endangering the safety and security of citizens and
 9 other persons residing in the United States.

10 (4) It is incumbent on the President and the
 11 Secretary of State to alleviate the injustice of the
 12 situation regarding diplomatic and consular immu-
 13 nity.

14 (b) ANNUAL REPORT CONCERNING DIPLOMATIC IM-
 15 MUNITY.—

16 (1) REPORT TO CONGRESS.—The Secretary of
 17 State shall prepare and submit to the Congress, an-
 18 nually, a report concerning diplomatic immunity en-
 19 titled “Report on Cases Involving Diplomatic Immu-
 20 nity”.

21 (2) CONTENT OF REPORT.—In addition to such
 22 other information as the Secretary of State may con-
 23 sider appropriate, the report under paragraph (1)
 24 shall include the following:

1 (A) The number of persons residing in the
2 United States who enjoy full immunity from the
3 criminal jurisdiction of the United States under
4 laws extending diplomatic privileges and immu-
5 nities.

6 (B) Each case involving an alien described
7 in subparagraph (A) in which the appropriate
8 authorities of a State, a political subdivision of
9 a State, or the United States reported to the
10 Department of State that the authority had
11 reasonable cause to believe the alien committed
12 a serious criminal offense within the United
13 States.

14 (C) Each case in which the United States
15 has certified that a person enjoys full immunity
16 from the criminal jurisdiction of the United
17 States under laws extending diplomatic privi-
18 leges and immunities.

19 (D) The number of United States citizens
20 who are residing in a receiving State and who
21 enjoy full immunity from the criminal jurisdic-
22 tion of such State under laws extending diplo-
23 matic privileges and immunities.

24 (E) Each case involving a United States
25 citizen under subparagraph (D) in which the

1 United States has been requested by the gov-
 2 ernment of a receiving State to waive the im-
 3 munity from criminal jurisdiction of the United
 4 States citizen.

5 (3) SERIOUS CRIMINAL OFFENSE DEFINED.—

6 The term “serious criminal offense” means—

7 (A) any felony under Federal, State, or
 8 local law;

9 (B) any Federal, State, or local offense
 10 punishable by a term of imprisonment of more
 11 than 1 year;

12 (C) any crime of violence as defined for
 13 purposes of section 16 of title 18, United States
 14 Code; or

15 (D) driving under the influence of alcohol
 16 or drugs or driving while intoxicated if the case
 17 involves personal injury to another individual.

18 (c) UNITED STATES POLICY CONCERNING REFORM
 19 OF DIPLOMATIC IMMUNITY.—It is the sense of the Con-
 20 gress that the Secretary of State should explore, in appro-
 21 priate fora, whether States should enter into agreements
 22 and adopt legislation—

23 (1) to provide jurisdiction in the sending State
 24 to prosecute crimes committed in the receiving State
 25 by persons entitled to immunity from criminal juris-

1 diction under laws extending diplomatic privileges
2 and immunities; and

3 (2) to provide that where there is probable
4 cause to believe that an individual who is entitled to
5 immunity from the criminal jurisdiction of the re-
6 ceiving State under laws extending diplomatic privi-
7 leges and immunities committed a serious crime, the
8 sending State will waive such immunity or the send-
9 ing State will prosecute such individual.

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