

106TH CONGRESS
1ST SESSION

H. R. 271

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Ms. SLAUGHTER (for herself, Mr. HORN, Mr. FARR of California, Mr. FROST, Mr. MCGOVERN, Mr. HASTINGS of Florida, Mrs. MINK of Hawaii, Mr. CALVERT, Mrs. MEEK of Florida, Mr. McNULTY, Mrs. KELLY, Mr. FOLEY, Mr. HOLDEN, Mr. TIERNEY, Mr. GEORGE MILLER of California, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. BILBRAY, Mr. TOWNS, Mr. ENGEL, Mr. GUTIERREZ, Mr. ACKERMAN, Mr. WEXLER, Mr. PASCRELL, Mr. HINCHEY, Ms. WATERS, Mr. DEUTSCH, Ms. ROSLEHTINEN, Mr. PALLONE, Mr. PAYNE, Mr. LEVIN, Mrs. MORELLA, Mr. NADER, Mr. LANTOS, Mr. FORBES, Mr. ROMERO-BARCELÓ, Mr. WEYGAND, Mr. SANDLIN, Mr. FRANKS of New Jersey, Mr. WALSH, Mr. MATSUI, Mr. REYES, Mr. BENTSEN, Mr. HEFLEY, Ms. WOOLSEY, Mr. SHERMAN, and Mr. CLYBURN) introduced the following bill; which was referred to the Committee on the Judiciary

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice for Holocaust
5 Survivors Act”.

6 **SEC. 2. EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY**
7 **FOR CERTAIN CASES INVOLVING ACTS OF**
8 **GENOCIDE IN A FOREIGN STATE.**

9 Section 1605 of title 28, United States Code, is
10 amended—

11 (1) in subsection (a)—

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

14 (B) by striking the period at the end of
15 paragraph (7) and inserting “; or”; and

16 (C) by adding at the end the following:

17 “(8) not otherwise encompassed in paragraph
18 (2), in which money damages are sought against the
19 Federal Republic of Germany for the personal injury
20 of a United States citizen occurring in the prede-
21 cessor states of the Federal Republic of Germany, or
22 in any territories or areas occupied, annexed, or oth-
23 erwise controlled by those states and caused by an
24 act of genocide committed against that citizen dur-

1 ing World War II by, or under the direction or su-
2 pervision of, such predecessor state or by, or under
3 the direction or supervision of, an official or em-
4 ployee of such predecessor state while acting within
5 the scope of his or her office or employment, wheth-
6 er or not the individual whose injury gave rise to the
7 action was a United States citizen at the time the
8 conduct causing such injury occurred, except that—

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

18 “(B) an action under this paragraph shall
19 not be maintained unless the cause of action is
20 brought within 24 months after the date of the
21 enactment of this paragraph.”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(h) For purposes of paragraph (8) of subsection (a),
25 the term ‘act of genocide’ means conduct that would be

1 a violation of section 1091 of title 18 if committed in the
2 United States.”.

3 **SEC. 3. EXCEPTION TO IMMUNITY FROM ATTACHMENT.**

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

6 (1) by striking the period at the end of para-
7 graph (7) and inserting “, or”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(8) the judgment relates to a claim for which
11 the foreign state is not immune by virtue of section
12 1605(a)(8), regardless of whether the property was
13 involved in the act upon which the claim is based.”.

14 (b) AGENCY OR INSTRUMENTALITY.—Section
15 1610(b)(2) of such title is amended by striking “or (7)”
16 and inserting in lieu thereof “(7), or (8)”.

17 **SEC. 4. VENUE.**

18 Section 1391(f) of title 28, United States Code, is
19 amended—

20 (1) in paragraph (3) by striking “or” after the
21 semicolon;

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

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

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

4 **SEC. 5. APPLICABILITY.**

5 The amendments made by this Act shall apply to any
6 cause of action arising before, on, or after the date of the
7 enactment of this Act.

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