

103^D CONGRESS
1ST SESSION

H. R. 934

To amend title 28, United States Code, relating to jurisdictional immunities of foreign states, to grant jurisdiction to the courts of the United States in certain cases involving torture or extrajudicial killing occurring in that state.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 1993

Mr. MAZZOLI 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 foreign states, to grant jurisdiction to the courts of the United States in certain cases involving torture or extrajudicial killing occurring in that state.

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. EXCEPTION TO FOREIGN SOVEREIGN IMMUN-**
4 **ITY FOR CERTAIN CASES INVOLVING TOR-**
5 **TURE OR EXTRAJUDICIAL KILLING IN A FOR-**
6 **EIGN STATE.**

7 Section 1605(a) of title 28, United States Code, is
8 amended—

1 (1) by striking “or” at the end of paragraph
2 (5);

3 (2) by striking the period at the end of para-
4 graph (6) and inserting in lieu thereof “; or”; and

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

7 “(7) not otherwise encompassed in paragraph
8 (2), in which money damages are sought against a
9 foreign state for personal injury or death of a Unit-
10 ed States citizen occurring in such foreign state and
11 caused by the torture or extrajudicial killing of that
12 citizen by such foreign state or by any official or em-
13 ployee of such foreign state while acting within the
14 scope of his or her office or employment, except
15 that—

16 “(A) the court shall decline to hear a claim
17 under this paragraph if the claimant has not
18 exhausted adequate and available remedies in
19 the place in which the conduct giving rise to the
20 claim occurred; and

21 “(B) an action under this paragraph shall
22 not be maintained unless it is commenced with-
23 in 10 years after the cause of action accrues.

24 For purposes of paragraph (7), the terms ‘torture’ and
25 ‘extrajudicial killing’ have the meanings given those terms

1 in section 3 of the Torture Victim Protection Act of
2 1991.”.

3 **SEC. 2. 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 (6) and inserting in lieu thereof “, or”; and

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

10 “(7) the judgment relates to a claim for which
11 the foreign state is not immune by virtue of section
12 1605(a)(7) of this chapter, regardless of whether the
13 property is or was involved in the act upon which
14 the claim is based.”.

15 (b) AGENCY OR INSTRUMENTALITY.—Section
16 1610(b)(2) of such title is amended—

17 (1) by striking “or (5)” and inserting in lieu
18 thereof “(5), or (7)”; and

19 (2) by striking “used for the activity” and in-
20 serting in lieu thereof “involved in the act”.

21 **SEC. 3. APPLICABILITY.**

22 The amendments made by this Act shall apply to any
23 cause of action arising before, on, or after the date of the
24 enactment of this Act.

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