

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 934

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IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, SEPTEMBER 12), 1994

Received

OCTOBER 8 (legislative day, SEPTEMBER 12), 1994

Read twice and referred to the Committee on the Judiciary

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## AN ACT

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 United States nationals 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. EXCEPTION TO FOREIGN SOVEREIGN IMMU-**  
4                               **NITY FOR CERTAIN CASES INVOLVING ACTS**  
5                               **OF GENOCIDE IN A FOREIGN STATE.**

6       Section 1605(a) of title 38, United States Code, is  
7       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           “(7) not otherwise encompassed in paragraph  
7           (2), in which money damages are sought against the  
8           Federal Republic of Germany for the personal injury  
9           or death of a United States citizen occurring in the  
10          predecessor states of the Federal Republic of Ger-  
11          many, or in any territories or areas occupied, an-  
12          nexed or otherwise controlled by those states and  
13          caused by an act of genocide committed against that  
14          citizen, by such predecessor state or by any official  
15          or employee of such predecessor state while acting  
16          within the scope of his or her office or employment  
17          during World War II except that—

18                 “(A) an action under this paragraph shall  
19                 not be maintained unless the individual whose  
20                 injury or death gave rise to the action was a  
21                 United States citizen at the time the conduct  
22                 causing such injury or death occurred;

23                 “(B) the court shall decline to hear a claim  
24                 under this paragraph if the claimant has not  
25                 exhausted adequate and available remedies in

1 the place in which the conduct giving rise to the  
2 claim occurred; and

3 “(C) an action under this paragraph shall  
4 not be maintained unless the cause of action is  
5 brought within 18 months after the date of en-  
6 actment of this paragraph.

7 For purposes of paragraph (7), the term ‘act of genocide’  
8 means conduct that would be a violation of section 1091  
9 of title 18 if committed in the United States.”.

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

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

13 (1) by striking the period at the end of para-  
14 graph (6) and inserting in lieu thereof “, or”; and

15 (2) by adding at the end thereof the following  
16 new paragraph:

17 “(7) the judgment relates to a claim for which  
18 the foreign state is not immune by virtue of section  
19 1605(a)(7) of this chapter, regardless of whether the  
20 property is or was involved in the act upon which  
21 the claim is based.”.

22 (b) AGENCY OR INSTRUMENTALITY.—Section  
23 1610(b)(2) of such title is amended—

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

