

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

# H. R. 934

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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,*

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(a) of title 38, United States Code, is  
5 amended—

6 (1) by striking “or” at the end of paragraph  
7 (5);

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

10 (3) by adding at the end thereof the following:

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

23 “(A) an action under this paragraph shall  
24 not be maintained unless the individual whose  
25 injury or death gave rise to the action was a

1 United States citizen at the time the conduct  
2 causing such injury or death occurred;

3 “(B) the court shall decline to hear a claim  
4 under this paragraph if the claimant has not  
5 exhausted adequate and available remedies in  
6 the place in which the conduct giving rise to the  
7 claim occurred; and

8 “(C) an action under this paragraph shall  
9 not be maintained unless the cause of action is  
10 brought within 18 months after the date of en-  
11 actment of this paragraph.

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

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

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

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

20 (2) by adding at the end thereof the following  
21 new paragraph:

22 “(7) the judgment relates to a claim for which  
23 the foreign state is not immune by virtue of section  
24 1605(a)(7) of this chapter, regardless of whether the

1 property is or was involved in the act upon which  
2 the claim is based.”.

3 (b) AGENCY OR INSTRUMENTALITY.—Section  
4 1610(b)(2) of such title is amended—

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

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

9 **SEC. 3. APPLICABILITY.**

10 The amendments made by this Act shall apply to any  
11 cause of action arising before, on, or after the date of the  
12 enactment of this Act.

Passed the House of Representatives October 7,  
1994.

Attest:

*Clerk.*



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