

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 825

To amend title 28 of the United States Code to permit a foreign state to be subject to the jurisdiction of Federal or State courts in any case involving an act of international terrorism.

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## IN THE SENATE OF THE UNITED STATES

APRIL 27 (legislative day, APRIL 19), 1993

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 28 of the United States Code to permit a foreign state to be subject to the jurisdiction of Federal or State courts in any case involving an act of international terrorism.

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. INAPPLICABILITY OF FOREIGN SOVEREIGN IM-**  
4 **MUNITY IN CASES INVOLVING ACTS OF**  
5 **INTERNATIONAL TERRORISM.**

6 (a) DEFINITION.—Section 1603 of title 28, United  
7 States Code, is amended by adding at the end the  
8 following:

1           “(f) The term ‘act of international terrorism’  
2 means an act—

3           “(1) which is violent or dangerous to  
4 human life and that is a violation of the crimi-  
5 nal laws of the United States or of any State  
6 or that would be a criminal violation if commit-  
7 ted within the jurisdiction of the United States  
8 or any State; and

9           “(2) which appears to be intended—

10           “(A) to intimidate or coerce a civilian  
11 population;

12           “(B) to influence the policy of a gov-  
13 ernment by intimidation or coercion; or

14           “(C) to affect the conduct of a gov-  
15 ernment by assassination or kidnapping.

16           “(g) The term ‘permanent resident alien’ means  
17 an alien who has been lawfully admitted to the  
18 United States for permanent residence.”.

19           (b) ADDITIONAL EXCEPTION TO FOREIGN STATE IM-  
20 MUNITY.—Section 1605(a) of title 28, United States  
21 Code, is amended—

22           (1) by striking “or” at the end of paragraph  
23 (5);

24           (2) by striking the period at the end of para-  
25 graph (6) and inserting “; or”; and

1           (3) by adding at the end the following new  
2 paragraph:

3           “(7) in which the action is based upon an act  
4 of international terrorism—

5                   “(A) within the United States, or

6                   “(B) outside the United States if money  
7 damages are sought against a foreign state for  
8 personal injury or death to a United States citi-  
9 zen or permanent resident alien,

10 which act occurred not more than 6 years previously  
11 and which was committed or aided or abetted by a  
12 foreign state that was designated by the Secretary of  
13 State as a state repeatedly providing support for  
14 acts of international terrorism under section 40(d)  
15 of the Arms Export Control Act.”.

16           (c) PROPERTY SUBJECT TO EXECUTION UPON A  
17 JUDGMENT.—Section 1610(a) of title 28, United States  
18 Code, is amended—

19                   (1) by striking “or” at the end of paragraph  
20 (5);

21                   (2) by striking the period at the end of para-  
22 graph (6) and inserting “; or”; and

23                   (3) by adding at the end the following new  
24 paragraph:

1           “(7) the execution relates to a judgment en-  
2           tered in a case based upon an act of international  
3           terrorism—

4                   “(A) within the United States, or

5                   “(B) outside the United States if money  
6           damages are sought against a foreign state for  
7           personal injury or death to a United States citi-  
8           zen or permanent resident alien,

9           which act occurred not more than 6 years previously  
10          and which was committed or aided or abetted by a  
11          foreign state that was designated by the Secretary of  
12          State as a state repeatedly providing support for  
13          acts of international terrorism under section 40(d)  
14          of the Arms Export Control Act.”.

15          (d) ATTACHMENT OF PROPERTY PRIOR TO ENTRY  
16          OF JUDGMENT.—Section 1610(d) of title 28, United  
17          States Code, is amended—

18                   (1) by redesignating paragraph (1) as para-  
19                   graph (1)(A);

20                   (2) by striking “and” at the end of paragraph  
21                   (1)(A) and inserting “or”; and

22                   (3) by inserting after paragraph (1)(A) the fol-  
23                   lowing:

1           “(B) the foreign state is not immune from ju-  
2           risdiction by virtue of the operation of section  
3           1605(7); and”.

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