

105TH CONGRESS  
1ST SESSION

# S. 759

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## AN ACT

To amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity.

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. REPORTS AND POLICY CONCERNING DIPLO-**  
2 **MATIC IMMUNITY.**

3 Title I, of the State Department Basic Authorities  
4 Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred  
5 to as the “Foreign Missions Act”) is amended by inserting  
6 after section 204A the following new section:

7 **“SEC. 204B. CRIMES COMMITTED BY DIPLOMATS.**

8 “(a) ANNUAL REPORT CONCERNING DIPLOMATIC  
9 IMMUNITY.—

10 “(1) REPORT TO CONGRESS.—The Secretary of  
11 State shall prepare and submit to the Congress, an-  
12 nually, a report concerning diplomatic immunity en-  
13 titled “Report on Cases Involving Diplomatic Immu-  
14 nity”.

15 “(2) CONTENT OF REPORT.—In addition to  
16 such other information as the Secretary of State  
17 may consider appropriate, the report under para-  
18 graph (1) shall include the following:

19 “(A) The number of persons residing in  
20 the United States who enjoy full immunity from  
21 the criminal jurisdiction of the United States  
22 under laws extending diplomatic privileges and  
23 immunities.

24 “(B) Each case involving an alien de-  
25 scribed in subparagraph (A) in which an appro-  
26 priate authority of a State, a political subdivi-

1           sion of a State, or the United States reported  
2           to the Department of State that the authority  
3           had reasonable cause to believe the alien com-  
4           mitted a serious criminal offense within the  
5           United States, and any additional information  
6           provided to the Secretary relating to other seri-  
7           ous criminal offenses that any such authority  
8           had reasonable cause to believe the alien com-  
9           mitted before the period covered by the report.  
10          The Secretary may omit from such report any  
11          matter the provision of which the Secretary rea-  
12          sonably believes would compromise a criminal  
13          investigation or prosecution or which would di-  
14          rectly compromise law enforcement or intel-  
15          ligence sources or methods.

16                 “(C) Each case described in subparagraph  
17          (B) in which the Secretary of State has cer-  
18          tified that a person enjoys full immunity from  
19          the criminal jurisdiction of the United States  
20          under laws extending diplomatic privileges and  
21          immunities.

22                 “(D) The number of United States citizens  
23          who are residing in a receiving state and who  
24          enjoy full immunity from the criminal jurisdic-

1           tion of such state under laws extending diplo-  
2           matic privileges and immunities.

3           “(E) Each case involving a United States  
4           citizen under subparagraph (D) in which the  
5           United States has been requested by the gov-  
6           ernment of a receiving state to waive the immu-  
7           nity from criminal jurisdiction of the United  
8           States citizen.

9           “(F) Whether the Secretary has made the  
10          notifications referred to in subsection (c) during  
11          the period covered by the report.

12          “(3) SERIOUS CRIMINAL OFFENSE DEFINED.—  
13          For the purposes of this section, the term ‘serious  
14          criminal offense’ means—

15                 “(A) any felony under Federal, State, or  
16                 local law;

17                 “(B) any Federal, State, or local offense  
18                 punishable by a term of imprisonment of more  
19                 than 1 year;

20                 “(C) any crime of violence as defined for  
21                 purposes of section 16 of title 18, United States  
22                 Code; or

23                 “(D)(i) driving under the influence of alco-  
24                 hol or drugs;

25                 “(ii) reckless driving; or

1                   “(iii) driving while intoxicated.

2           “(b) UNITED STATES POLICY CONCERNING REFORM  
3 OF DIPLOMATIC IMMUNITY.—It is the sense of the Con-  
4 gress that the Secretary of State should explore, in appro-  
5 priate fora, whether states should enter into agreements  
6 and adopt legislation—

7                   “(1) to provide jurisdiction in the sending state  
8 to prosecute crimes committed in the receiving state  
9 by persons entitled to immunity from criminal juris-  
10 diction under laws extending diplomatic privileges  
11 and immunities; and

12                   “(2) to provide that where there is probable  
13 cause to believe that an individual who is entitled to  
14 immunity from the criminal jurisdiction of the re-  
15 ceiving state under laws extending diplomatic privi-  
16 leges and immunities committed a serious crime, the  
17 sending state will waive such immunity or the send-  
18 ing state will prosecute such individual.

19           “(c) NOTIFICATION OF DIPLOMATIC CORPS.—The  
20 Secretary should periodically notify each foreign mission  
21 of United States policies relating to criminal offenses com-  
22 mitted by individuals with immunity from the criminal ju-

1 jurisdiction of the United States under laws extending diplo-  
2 matic privileges and immunities.”.

Passed the Senate November 8, 1997.

Attest:

*Secretary.*

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