

116TH CONGRESS 2D SESSION

S. 3592

To amend the Foreign Sovereign Immunities Act to establish an exception to jurisdictional immunity for a foreign state that discharges a biological weapon, and for other purposes.

IN THE SENATE OF THE UNITED STATES

May 4, 2020

Mrs. Blackburn (for herself, Ms. McSally, and Mr. Daines) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Foreign Sovereign Immunities Act to establish an exception to jurisdictional immunity for a foreign state that discharges a biological weapon, and for other purposes.

- 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. SHORT TITLE.
- 4 This Act may be cited as the "Stop China-Originated
- 5 Viral Infectious Diseases Act of 2020" or the "Stop
- 6 COVID Act of 2020".

1 SEC. 2. EXCEPTION TO JURISDICTIONAL IMMUNITY OF A

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7)	
/.	FOREIGN STATE.

- 3 (a) In General.—Section 1605 of title 28, United
- 4 States Code, is amended—
- 5 (1) by redesignating subsections (g) and (h) as
- 6 subsections (h) and (i), respectively; and
- 7 (2) by inserting after subsection (f) the fol-
- 8 lowing:
- 9 "(g)(1) A foreign state shall not be immune from the
- 10 jurisdiction of the courts of the United States in any case
- 11 where such foreign state is alleged, whether intentionally
- 12 or unintentionally, to have discharged a biological agent,
- 13 as defined in section 178 of title 18, and such discharge
- 14 results in the bodily injury, death, or damage to property
- 15 of a national of the United States.
- 16 "(2) Notwithstanding section 2337(2) of title 18, a
- 17 national of the United States may bring a claim for money
- 18 damages against a foreign state in accordance with section
- 19 2333 of title 18 if the foreign state would not be immune
- 20 under this subsection.".
- 21 (b) APPLICABILITY.—The amendment made by sub-
- 22 section (a) shall apply to the discharge of a biological
- 23 agent that occurred before, on, or after the date of enact-
- 24 ment of this Act.