

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**
2 **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.

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