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

Mrs. BLACKBURN (for herself and Ms. McSALLY) introduced the following bill; which was read twice and referred to the Committee on

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop China-Originated Viral Infectious Diseases Act of 2020” or the “Stop COVID Act of 2020”.

YB4 VT Y3Z
SEC. 2. EXCEPTION TO JURISDICTIONAL IMMUNITY OF A FOREIGN STATE.

(a) IN GENERAL.—Section 1605 of title 28, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

“(g)(1) A foreign state shall not be immune from the jurisdiction of the courts of the United States in any case where such foreign state is alleged, whether intentionally or unintentionally, to have discharged a biological agent, as defined in section 178 of title 18, and such discharge results in the bodily injury, death, or damage to property of a national of the United States.

“(2) Notwithstanding section 2337(2) of title 18, a national of the United States may bring a claim for money damages against a foreign state in accordance with section 2333 of title 18 if the foreign state would not be immune under this subsection.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to the discharge of a biological agent that occurred before, on, or after the date of enactment of this Act.