

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6481

To create a civil action to provide judicial remedies to carry out certain treaty obligations of the United States under the Vienna Convention on Consular Relations and the Optional Protocol to the Vienna Convention on Consular Relations.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2008

Mr. BERMAN (for himself and Ms. ZOE LOFGREN of California) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To create a civil action to provide judicial remedies to carry out certain treaty obligations of the United States under the Vienna Convention on Consular Relations and the Optional Protocol to the Vienna Convention on Consular Relations.

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 “Avena Case Implemen-  
5       tation Act of 2008”.

1 **SEC. 2. JUDICIAL REMEDY.**

2 (a) CIVIL ACTION.—Any person whose rights are in-  
3 fringed by a violation by any nonforeign governmental au-  
4 thority of article 36 of the Vienna Convention on Consular  
5 Relations may in a civil action obtain appropriate relief.

6 (b) NATURE OF RELIEF.—Appropriate relief for the  
7 purposes of this section means—

8 (1) any declaratory or equitable relief necessary  
9 to secure the rights; and

10 (2) in any case where the plaintiff is convicted  
11 of a criminal offense where the violation occurs dur-  
12 ing and in relation to the investigation or prosecu-  
13 tion of that offense, any relief required to remedy  
14 the harm done by the violation, including the vitia-  
15 tion of the conviction or sentence where appropriate.

16 (c) APPLICATION.—This Act applies with respect to  
17 violations occurring before, on, or after the date of the  
18 enactment of this Act.

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