

IN THE SUPREME COURT OF THE UNITED STATES

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No. 17-1011

BUDHA ISMAIL JAM, ET AL., PETITIONERS

v.

INTERNATIONAL FINANCE CORPORATION

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ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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MOTION OF THE UNITED STATES FOR LEAVE TO  
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE  
AND FOR DIVIDED ARGUMENT

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Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case as amicus curiae supporting petitioner and that the United States be allowed ten minutes of argument time. Petitioner has agreed to cede ten minutes of argument time to the United States and therefore consents to this motion.

This case concerns the scope of immunity from suit enjoyed by certain international organizations in U.S. courts under the International Organizations Immunities Act (IOIA or Act), 22 U.S.C. 288 et seq. The court of appeals held that the immunity from suit afforded by the Act is governed by the immunity standards applicable to foreign governments when the Act was enacted in 1945,

rather than those applicable to foreign governments today. Pet. App. 1a-22a. The United States has filed a brief as amicus curiae supporting petitioners, contending that the immunity from suit afforded by the IOIA is governed by the immunity standards applicable to foreign governments today, under the Foreign Sovereign Immunities Act of 1976, 28 U.S.C. 1602 et seq.

The United States has a substantial interest in the issue in this case. The United States' participation in international organizations is a critical component of the Nation's foreign relations and reflects an understanding that robust multilateral engagement is a crucial tool in advancing national interests. The United States participates in or supports nearly 200 international organizations and other multilateral entities, including major international financial institutions such as the International Monetary Fund and the World Bank. The United States contributes billions of dollars annually to those organizations and entities. In recognition of the United States' leadership role, nearly 20 international organizations are headquartered in the United States, and many others have offices here.

The government has previously presented oral argument as amicus curiae in cases concerning the standards governing immunity from suit in U.S. courts. See, e.g., OBB Personenverkehr AG v. Sachs, 136 S. Ct. 390 (2015); Samantar v. Yousuf, 560 U.S. 305 (2010); Permanent Mission of India to the U.N. v. City of New York,

551 U.S. 193 (2007); Republic of Austria v. Altmann, 541 U.S. 677 (2004); Argentine Republic v. Amerada Hess Shipping Corp., 488 U.S. 428 (1989); Verlinden B.V. v. Central Bank of Nigeria, 461 U.S. 480 (1983). We therefore believe that participation by the United States in the oral argument in this case would be of material assistance to the Court.

Respectfully submitted.

NOEL J. FRANCISCO  
Solicitor General

SEPTEMBER 2018