

KENNEDY, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 05–85

POWEREX CORP., PETITIONER *v.* RELIANT ENERGY
SERVICES, INC., ET AL.

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

[June 18, 2007]

JUSTICE KENNEDY, with whom JUSTICE ALITO joins,
concurring.

When Congress acted through the Foreign Sovereign Immunities Act of 1976, 28 U. S. C. §1602 *et seq.* (2000 ed. and Supp. IV), to codify certain protections and immunities for foreign sovereigns and the entities of those sovereigns, it no doubt considered its action to be of importance for maintaining a proper relationship with other nations. And so it is troubling to be required to issue a decision that might well frustrate a policy of importance to our own Government.

As the Court explains, however, the structure and wording of §1447(d) (2000 ed.) leave us no other choice. There is no latitude for us to reach a different result. If it is true that the statute as written and the judgment we issue today are inconsistent with the intent and purpose Congress wanted to express, then the immediate jeopardy that foreign sovereign entities will now face should justify urgent legislative action to enact the necessary statutory revisions.