

118TH CONGRESS
1ST SESSION

H. R. _____

To provide justice for victims of foreign state misrepresentation to the World Health Organization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself, and Mr. BURGESS) introduced the following bill; which was referred to the Committee on _____

A BILL

To provide justice for victims of foreign state misrepresentation to the World Health Organization, 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 “Compensation for the
5 Victims of State Misrepresentations to the World Health
6 Organization Act of 2023”.

7 **SEC. 2. FINDINGS.**

8 (a) FINDINGS.—Congress finds the following:

1 (1) There is a role for an international organi-
2 zation to help mitigate infectious diseases that re-
3 spect no boundaries.

4 (2) The United States depends on an effective
5 World Health Organization (WHO) to make good,
6 well informed, and transparent public health deci-
7 sions to contain infectious diseases.

8 (3) In the past, the WHO played a critical role
9 in addressing and mitigating infectious diseases,
10 such as the 1979 eradication of smallpox, which
11 eradication the WHO coordinated through a sus-
12 tained global effort.

13 (4) Without accurate information, the WHO
14 cannot advise Member States properly on the risks
15 posed by infectious diseases.

16 (5) There are credible reports that in 2006,
17 2009, and 2011 the Government of Ethiopia mis-
18 represented the nature and seriousness of cholera
19 epidemics in that country to the WHO with a view
20 towards minimizing the potential damage to their
21 economy.

22 (A) Those misrepresentations diminished
23 the WHO's effectiveness and the WHO trans-
24 mitted inaccurate and misleading information

1 regarding the presence of cholera to partici-
2 pating states.

3 (B) Other Member States relied on the
4 misleading and inaccurate information that the
5 WHO communicated to them to formulate pub-
6 lic health policy, resulting in loss of life, injury,
7 and damage to property and commercial inter-
8 ests to citizens outside of Ethiopia as a con-
9 sequence of that country's misrepresentations
10 to the WHO.

11 (6) There are credible reports that WHO Mem-
12 ber States misrepresented facts concerning the
13 Ebola outbreak to that organization with a view to-
14 wards minimizing the commercial impact that a
15 widely disseminated understanding of the risks
16 posed by the Ebola epidemic may have caused in
17 their individual economies.

18 (A) Those misrepresentations diminished
19 the WHO's effectiveness, and the WHO trans-
20 mitted inaccurate and misleading information
21 regarding the communicability of Ebola to par-
22 ticipating States.

23 (B) Other Member States relied on the
24 misleading and inaccurate information that the
25 WHO communicated to them to formulate pub-

1 lic health policy, resulting in loss of life, injury,
2 and damage to property and commercial inter-
3 ests to citizens outside of the misrepresenting
4 States as a consequence of those countries' mis-
5 representations to the WHO.

6 (7) During the onset of the COVID–19 pan-
7 demic, China misrepresented the seriousness and na-
8 ture of the novel coronavirus to the WHO, with a
9 view towards minimizing the potential damage to
10 their economy and international reputation.

11 (A) Those misrepresentations diminished
12 the WHO's effectiveness and the WHO trans-
13 mitted inaccurate and misleading information
14 regarding the communicability of the novel
15 coronavirus to participating States.

16 (B) Other Member States relied on the
17 misleading and inaccurate information that the
18 WHO communicated to them to formulate pub-
19 lic health policy, resulting in loss of life, injury,
20 and damage to property and commercial inter-
21 ests to citizens outside of China as a con-
22 sequence of that country's misrepresentations
23 to the WHO.

24 (8) In failing to relay accurate information to
25 Member States particularly at the onset of the

1 COVID–19 pandemic, Director-General Tedros re-
2 lied on false information provided by the People’s
3 Republic of China and the Chinese Communist
4 Party that the virus either could not be transmitted
5 human-to-human or had a low rate of transmission,
6 and based on such reliance, failed to thoroughly in-
7 vestigate the origins of the COVID–19 virus as well
8 as contrary evidence of whistleblowers such as Li
9 Wenliang regarding the virus’s transmissibility and
10 lethality, thereby abetting the People’s Republic of
11 China’s efforts to suppress information regarding a
12 global health emergency. To date he has failed to
13 hold the People’s Republic of China accountable to
14 International Health Regulations, which apply to all
15 WHO members, and mandate accurate reporting of
16 disease outbreaks.

17 **SEC. 3. RESPONSIBILITY OF FOREIGN STATES FOR LOSS OF**
18 **LIFE, INJURY, OR OTHER DAMAGES RESULT-**
19 **ING FROM CERTAIN MISREPRESENTATIONS**
20 **TO THE WORLD HEALTH ORGANIZATION.**

21 (a) IN GENERAL.—Section 1605(a)(5) of title 28,
22 United States Code, is amended by striking “in which
23 money damages are sought against a foreign state for per-
24 sonal injury or death, or damage to or loss of property,
25 occurring in the United States and caused by the tortious

1 act or omission of that foreign state or of any official or
2 employee of that foreign state while acting within the
3 scope of his office or employment;” and inserting “in
4 which money damages are sought against a foreign state,
5 for personal injury or death, or damage to or loss of prop-
6 erty, occurring in the United States as a result of a willful
7 or grossly negligent misrepresentation of information to
8 the World Health Organization of the nature, seriousness,
9 or communicability of an infections disease or other
10 tortious act or omission of that foreign state or of any
11 official or employee of that foreign state while acting with-
12 in the scope of his office or employment;”.

13 (b) CONFORMING AMENDMENT.—Section
14 1605(a)(5)(B) of title 28, United States Code, is amended
15 by striking “misrepresentation, deceit,”.

16 (c) EFFECTIVE DATE.—The amendment made by
17 this section shall take effect 90 days after the date of the
18 enactment of this Act.