

117TH CONGRESS  
1ST SESSION

# H. R. 1775

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2021

Mr. SMITH of New Jersey (for himself and Mr. VAN DREW) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide justice for victims of 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 2021”.

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           WHO to make good and well informed public health  
6           decisions to contain infectious diseases.

7           (3) The WHO has played a critical role in ad-  
8           dressing and mitigating infectious diseases, such as  
9           the 1979 eradication of smallpox, which eradication  
10          the WHO coordinated through a sustained global ef-  
11          fort.

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

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

21                (A) Those misrepresentations diminished  
22                the WHO's effectiveness and the WHO trans-  
23                mitted inaccurate and misleading information  
24                regarding the presence of cholera to partici-  
25                pating states.

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

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

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

21 (B) Other Member States relied on the  
22 misleading and inaccurate information that the  
23 WHO communicated to them to formulate pub-  
24 lic health policy, resulting in loss of life, injury,  
25 and damage to property and commercial inter-

1           ests to citizens outside of the misrepresenting  
2           States as a consequence of those countries' mis-  
3           representations to the WHO.

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

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

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

22 **SEC. 3. PURPOSE.**

23           The purpose of this Act is to provide civil litigants  
24           with the broadest possible basis, consistent with the Con-  
25           stitution of the United States, to seek relief against per-

1 sons, entities, and foreign countries, wherever acting and  
2 wherever they may be found, that have sustained wrongful  
3 death, injury, or damage to property or commercial inter-  
4 ests as a result of the misrepresentations of an agent of  
5 a sovereign State to the WHO concerning the nature, com-  
6 municability, or seriousness of an infectious disease.

7 **SEC. 4. STATEMENT OF POLICY.**

8 It is the policy of the United States to facilitate the  
9 ability of victims of state misrepresentations to the World  
10 Health Organization (WHO) that result in death, injury,  
11 and damage to property and business interests.

12 **SEC. 5. RESPONSIBILITY OF FOREIGN STATES FOR LOSS OF**  
13 **LIFE, INJURY, OR OTHER DAMAGES RESULT-**  
14 **ING FROM CERTAIN MISREPRESENTATIONS**  
15 **TO THE WORLD HEALTH ORGANIZATION.**

16 (a) IN GENERAL.—Section 1605(a) of title 28,  
17 United States Code, is amended by striking “in which  
18 money damages are sought against a foreign state for per-  
19 sonal injury or death, or damage to or loss of property,  
20 occurring in the United States and caused by the tortious  
21 act or omission of that foreign state or of any official or  
22 employee of that foreign state while acting within the  
23 scope of his office or employment;” and inserting “in  
24 which money damages are sought against a foreign state,  
25 for personal injury or death, or damage to or loss of prop-

1 erty, occurring in the United States as a result of a willful  
2 or grossly negligent misrepresentation of information to  
3 the World Health Organization of the nature, seriousness,  
4 or communicability of an infectious disease or other  
5 tortious act or omission of that foreign state or of any  
6 official or employee of that foreign state while acting with-  
7 in the scope of his office or employment”.

8 (b) EFFECTIVE DATE.—The amendment made by  
9 this section shall take effect 90 days after the date of the  
10 enactment of this Act.

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