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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

# H. R.

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To amend title 28, United States Code, to provide a civil action against a foreign state for deliberate concealment or distortion of information with respect to an international public health emergency, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. CRENSHAW introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend title 28, United States Code, to provide a civil action against a foreign state for deliberate concealment or distortion of information with respect to an international public health emergency, 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 “Holding the Chinese  
5 Communist Party Accountable for Infecting Americans  
6 Act of 2021”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Chinese Communist Party covered up  
4 the existence and downplayed the seriousness of  
5 SARS-CoV-2, hereinafter referred to as COVID-  
6 19, at least as early as December 2019.

7 (2) Chinese government officials engaged in a  
8 campaign to silence and delegitimize doctors—in-  
9 cluding Dr. Li Wenliang—who were warning their  
10 colleagues and others about COVID-19.

11 (3) Chinese government officials ordered the de-  
12 struction of laboratory samples and research regard-  
13 ing COVID-19 in January 2020.

14 (4) Chinese government officials have detained  
15 or otherwise silenced researchers, journalists, and  
16 citizens who attempted to share information that  
17 could have proven unflattering to the Chinese gov-  
18 ernment's response to the COVID-19 outbreak.

19 (5) Chinese government officials have expelled  
20 American journalists who were covering the COVID-  
21 19 outbreak in China.

22 (6) Chinese government officials have attempted  
23 to censor or destroy academic research into COVID-  
24 19 and its origins that might disagree with the offi-  
25 cial positions of the Chinese government.

1           (7) Chinese government officials have inten-  
2           tionally underreported or altered official numbers of  
3           COVID–19 infections and deaths in China, leading  
4           world health experts to make flawed analyses that  
5           severely underestimated the nature and seriousness  
6           of COVID–19.

7           (8) Academic studies have shown that, had ap-  
8           propriate interventions occurred to stop the spread  
9           of COVID–19 even just weeks earlier, the spread of  
10          COVID–19 would have been severely curtailed.

11          (9) The cover-up of COVID–19 by the Chinese  
12          government has caused significant economic harm in  
13          the United States and around the world.

14          (10) The cover-up of COVID–19 by the Chinese  
15          government has caused significant death and injury  
16          in the United States and around the world.

17          (11) The cover-up of COVID–19 by the Chinese  
18          government is, at minimum, grossly negligent behav-  
19          ior causing significant injury.

20   **SEC. 3. PURPOSE.**

21          The purpose of this Act is to provide civil litigants  
22          with the broadest possible basis, consistent with the Con-  
23          stitution of the United States, to seek relief against per-  
24          sons, entities, and foreign countries, wherever acting and  
25          wherever they may be found, that are responsible for, or

1 complicit in ordering, controlling, or otherwise directing  
2 acts intended to deliberately conceal or distort the exist-  
3 ence or nature of COVID–19, if such acts are found to  
4 have likely contributed to the global COVID–19 pandemic.

5 **SEC. 4. RESPONSIBILITY OF FOREIGN STATES FOR DELIB-**  
6 **ERATE CONCEALMENT OR DISTORTING IN-**  
7 **FORMATION ABOUT INTERNATIONAL PUBLIC**  
8 **HEALTH EMERGENCIES.**

9 (a) IN GENERAL.—Chapter 97 of title 28, United  
10 States Code, is amended by inserting after section 1605B  
11 the following new section:

12 **“SEC. 1605C. RESPONSIBILITY OF FOREIGN STATES FOR**  
13 **DELIBERATE CONCEALMENT OR DISTORTING**  
14 **INFORMATION ABOUT INTERNATIONAL PUB-**  
15 **LIC HEALTH EMERGENCIES OF INTER-**  
16 **NATIONAL CONCERN.**

17 “(a) RESPONSIBILITY OF FOREIGN STATE.—A for-  
18 eign state shall not be immune from the jurisdiction of  
19 the courts of the United States in any case in which money  
20 damages are sought against a foreign state for physical  
21 injury or death, or injury to property or economic inter-  
22 ests, occurring in the United States and caused by—

23 “(1) the spread of COVID–19; and

24 “(2) a tortious act or acts, including acts in-  
25 tended to deliberately conceal or distort the existence

1 or nature of COVID–19, of the foreign state, or of  
2 any official, employee, or agent of that foreign state  
3 while acting within the scope of his or her office,  
4 employment, or agency, regardless where the  
5 tortious act or acts of the foreign state occurred.

6 “(b) EXCLUSIVE JURISDICTION.—The United States  
7 District Court for the Southern District of New York, the  
8 United States District Court for the Northern District of  
9 California, the United States District Court for the North-  
10 ern District of Illinois, and the United States District  
11 Court for the Southern District of Texas shall have origi-  
12 nal and exclusive jurisdiction over all actions in which a  
13 foreign state is subject to the jurisdiction of a court of  
14 the United States under this section. Appellate jurisdic-  
15 tion for such actions shall be exclusively reserved to the  
16 United States District Court of Appeals for the Federal  
17 Circuit.

18 “(c) STAY OF ACTIONS PENDING FOREIGN STATE  
19 NEGOTIATIONS.—

20 “(1) INTERVENTION.—The Attorney General  
21 may intervene in any action in which a foreign state  
22 is subject to the jurisdiction of a court of the United  
23 States under this section for the purpose of seeking  
24 a stay of the civil action, in whole or in part.

25 “(2) STAY.—

1           “(A) IN GENERAL.—A court of the United  
2 States shall stay a proceeding under this sec-  
3 tion against a foreign state or any official, em-  
4 ployee, or agent of the foreign state, if the Sec-  
5 retary of State certifies that the United States  
6 is engaged in good faith discussions with the  
7 foreign state defendant, or any other defendant,  
8 with respect to the resolution of a claim against  
9 such a defendant.

10           “(B) DURATION.—

11           “(i) IN GENERAL.—A stay under this  
12 section may be granted for not more than  
13 180 days.

14           “(ii) EXTENSION.—

15           “(I) IN GENERAL.—The Attorney  
16 General may petition the court for an  
17 extension of the stay for additional  
18 180-day periods.

19           “(II) RECERTIFICATION.—A  
20 court may grant an extension under  
21 clause (I) if the Secretary of State re-  
22 certifies that the United States re-  
23 mains engaged in good faith discus-  
24 sions with the foreign state defendant  
25 or any other defendant concerning the

1 resolution of a claim against the for-  
2 eign state or any official, employee, or  
3 agent of the foreign state, as to whom  
4 a stay of claims is sought.

5 “(d) DISMISSAL OF ACTIONS FOLLOWING FOREIGN  
6 STATE AGREEMENT.—

7 “(1) INTERVENTION.—The Attorney General  
8 may intervene in any action in which a foreign state  
9 is subject to the jurisdiction of a court of the United  
10 States under this section for the purpose of seeking  
11 the dismissal of the case.

12 “(2) DISMISSAL WITH PREJUDICE.—A court of  
13 the United States may dismiss with prejudice a pro-  
14 ceeding under this section against a foreign state or  
15 any official, employee, or agent of the foreign state  
16 if the Secretary of State certifies that the United  
17 States and the foreign state have entered into an  
18 agreement with respect to the resolution of a claim  
19 against such a defendant, regardless of whether the  
20 plaintiff is a party to such agreement or consents to  
21 the dismissal.

22 “(e) SEVERABILITY.—If any provision of this Act or  
23 any amendment made by this Act, or the application of  
24 a provision or amendment to any person or circumstance,  
25 is held to be invalid, the remainder of this Act and the

1 amendments made by this Act, and the application of the  
2 provisions and amendments to any other person not simi-  
3 larly situated or to other circumstances, shall not be af-  
4 fected by the holding.

5 “(f) RULE OF CONSTRUCTION.—A foreign state shall  
6 not be subject to the jurisdiction of the courts of the  
7 United States under this section on the basis of a tortious  
8 act or acts that constitute mere negligence.

9 “(g) APPLICATION DATE.—The amendments made  
10 by this Act shall apply to a civil action—

11 “(1) pending on, or commenced on or after, the  
12 date of enactment of this Act; and

13 “(2) arising out of an injury to a person from  
14 COVID–19 on or after January 1, 2020, or arising  
15 out of an injury to property or business during the  
16 pendency of the National Emergency Concerning the  
17 Novel Coronavirus Disease (COVID–19) Outbreak  
18 declared by the President on March 13, 2020, under  
19 the National Emergencies Act (50 U.S.C. 1601 et  
20 seq.).

21 “(h) DEFINITION.—In this section, the term  
22 ‘COVID–19’ has the meaning given that term in section  
23 2102 of the Coronavirus Aid, Relief, and Economic Secu-  
24 rity Act (Public Law 116–136).”.

25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—



