

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MR. CRENSHAW OF TEXAS

Add at the end of title LVIII of division E the following:

1 **SEC. _____. AMENDMENT TO FOREIGN SOVEREIGN IMMUN-**
2 **ITIES ACT TO HOLD CHINESE COMMUNIST**
3 **PARTY ACCOUNTABLE FOR INFECTING**
4 **AMERICANS.**

5 (a) **PURPOSE.**—The purpose of this section is to pro-
6 vide civil litigants with the broadest possible basis, con-
7 sistent with the Constitution of the United States, to seek
8 relief against persons, entities, and foreign countries,
9 wherever acting and wherever they may be found, that are
10 responsible for, or complicit in ordering, controlling, or
11 otherwise directing acts intended to deliberately conceal
12 or distort the existence or nature of COVID–19, if such
13 acts are found to have likely contributed to the global
14 COVID–19 pandemic.

15 (b) **RESPONSIBILITY OF FOREIGN STATES FOR DE-**
16 **LIBERATE CONCEALMENT OR DISTORTING INFORMATION**
17 **ABOUT INTERNATIONAL PUBLIC HEALTH EMER-**
18 **GENCIES.**—

1 (1) IN GENERAL.—Chapter 97 of title 28,
2 United States Code, is amended by inserting after
3 section 1605B the following new section:

4 **“SEC. 1605C. RESPONSIBILITY OF FOREIGN STATES FOR**
5 **DELIBERATE CONCEALMENT OR DISTORTING**
6 **INFORMATION ABOUT INTERNATIONAL PUB-**
7 **LIC HEALTH EMERGENCIES OF INTER-**
8 **NATIONAL CONCERN.**

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

15 “(1) the spread of COVID–19; and

16 “(2) a tortious act or acts, including acts in-
17 tended to deliberately conceal or distort the existence
18 or nature of COVID–19, of the foreign state, or of
19 any official, employee, or agent of that foreign state
20 while acting within the scope of his or her office,
21 employment, or agency, regardless where the
22 tortious act or acts of the foreign state occurred.

23 “(b) EXCLUSIVE JURISDICTION.—The United States
24 District Court for the Southern District of New York, the
25 United States District Court for the Northern District of

1 California, the United States District Court for the North-
2 ern District of Illinois, and the United States District
3 Court for the Southern District of Texas shall have origi-
4 nal and exclusive jurisdiction over all actions in which a
5 foreign state is subject to the jurisdiction of a court of
6 the United States under this section. Appellate jurisdic-
7 tion for such actions shall be exclusively reserved to the
8 United States District Court of Appeals for the Federal
9 Circuit.

10 “(c) STAY OF ACTIONS PENDING FOREIGN STATE
11 NEGOTIATIONS.—

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

17 “(2) STAY.—

18 “(A) IN GENERAL.—A court of the United
19 States shall stay a proceeding under this sec-
20 tion against a foreign state or any official, em-
21 ployee, or agent of the foreign state, if the Sec-
22 retary of State certifies that the United States
23 is engaged in good faith discussions with the
24 foreign state defendant, or any other defendant,

1 with respect to the resolution of a claim against
2 such a defendant.

3 “(B) DURATION.—

4 “(i) IN GENERAL.—A stay under this
5 section may be granted for not more than
6 180 days.

7 “(ii) EXTENSION.—

8 “(I) IN GENERAL.—The Attorney
9 General may petition the court for an
10 extension of the stay for additional
11 180-day periods.

12 “(II) RECERTIFICATION.—A
13 court may grant an extension under
14 clause (I) if the Secretary of State re-
15 certifies that the United States re-
16 mains engaged in good faith discus-
17 sions with the foreign state defendant
18 or any other defendant concerning the
19 resolution of a claim against the for-
20 eign state or any official, employee, or
21 agent of the foreign state, as to whom
22 a stay of claims is sought.

23 “(d) DISMISSAL OF ACTIONS FOLLOWING FOREIGN
24 STATE AGREEMENT.—

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

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

16 “(e) SEVERABILITY.—If any provision of this section
17 or any amendment made by this section, or the application
18 of a provision or amendment to any person or cir-
19 cumstance, is held to be invalid, the remainder of this sec-
20 tion and the amendments made by this section, and the
21 application of the provisions and amendments to any other
22 person not similarly situated or to other circumstances,
23 shall not be affected by the holding.

24 “(f) RULE OF CONSTRUCTION.—A foreign state shall
25 not be subject to the jurisdiction of the courts of the

1 United States under this section on the basis of a tortious
2 act or acts that constitute mere negligence.

3 “(g) APPLICATION DATE.—The amendments made
4 by this section shall apply to a civil action—

5 “(1) pending on, or commenced on or after, the
6 date of enactment of the ‘National Defense Author-
7 ization Act for Fiscal Year 2023’; and

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

16 “(h) DEFINITION.—In this section, the term
17 ‘COVID–19’ has the meaning given that term in section
18 2102 of the Coronavirus Aid, Relief, and Economic Secu-
19 rity Act (Public Law 116–136).”.

20 (2) TECHNICAL AND CONFORMING AMEND-
21 MENTS.—

22 (A) TABLE OF SECTIONS.—The table of
23 sections for chapter 97 of title 28, United
24 States Code, is amended by inserting after the
25 item relating to section 1605B the following:

“1605C. Responsibility of foreign states for deliberate concealment or distorting information about international public health emergencies of international concern.”.

1 (B) CONFORMING AMENDMENT.—Section
2 1605(g)(1)(A) of title 28, United States Code,
3 is amended by striking “or section 1605B” and
4 inserting “, section 1605B, or section 1605C”.

5 (3) EFFECTIVE DATE.—The amendments made
6 by this section shall take effect on the date of the
7 enactment of this Act.

