

# The Implementation or Effectiveness of Any Federal Law or Regulation Applied, Enacted, or Under Consideration to Address the Coronavirus Pandemic and Prepare for Future Pandemics

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## I. Overreliance on the World Health Organization

The WHO is the most recognized global public health institution. As a specialized agency within the UN, the WHO's mandate is to "act as the directing and coordinating authority on international health work" within the UN system.<sup>597</sup> The overarching mission of the WHO is "attainment by all peoples of the highest possible level of health,"<sup>598</sup> and is achieved via (1) providing technical assistance to member states, (2) setting international health standards and providing guidance, and (3) coordinating and supporting international responses to health emergencies.<sup>599</sup>

Yet, while the WHO is supposed to support the entire world, during the COVID-19 pandemic, it appeared to protect its relationship with the CCP. The WHO was misinformed, denied access to China, and was used as cover for CCP's reckless actions. At a time when the globe was turning to the WHO for leadership and advice, the WHO's actions showed that it did not support all its members equally. What was seen was an organization that, rather than serving all of humankind, became beholden to and entrapped in politics.

The Director-General of the WHO can make a formal declaration of a "public health emergency of international concern," [hereinafter "PHEIC"] which can immediately implement action to attempt to stop or slow the spread of the PHEIC.<sup>600</sup> A PHEIC is defined as "an extraordinary event which is determined to constitute a public health risk to other States through the international spread of disease and to potentially require a coordinated international response."<sup>601</sup> These are situations that are serious, sudden, unusual or unexpected; carry implications for public health beyond the affected State's border; and may require immediate international action.<sup>602</sup>

When a PHEIC is declared, the WHO issues guidance as to how Member-States should respond to the emergency, which can include restrictions on travel and trade.<sup>603</sup> Declaring a

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<sup>597</sup> Constitution of the World Health Organization (Nov. 1, 1946) (The WHO has 194 Member-States, all Members of the UN, except for Liechtenstein).

<sup>598</sup> United Nations Academic Impact, WORLD HEALTH ORG., available at <https://www.un.org/en/academic-impact/who#:~:text=The%20objective%20of%20WHO%20is,absence%20of%20disease%20or%20infirmity>.

<sup>599</sup> Lawrence O. Gostin, *COVID-19 Reveals Urgent Need to Strengthen the World Health Organization*, JAMA HEALTH FORUM (Apr. 30, 2020).

<sup>600</sup> Emergencies: International health regulations and emergency committees, WORLD HEALTH ORG., available at <https://web.archive.org/web/20210815072835/https://www.who.int/news-room/q-a-detail/emergencies-international-health-regulations-and-emergency-committees>.

<sup>601</sup> *Id.*

<sup>602</sup> *Id.* (The WHO has declared six PHEICs: 2009 swine flu (H1N1) epidemic; 2014 in reaction to reversal of progress in polio; 2014 Ebola outbreak; 2016 Zika virus; 2019 Ebola; and 2020 COVID-19.)

<sup>603</sup> CRF.org Editors, *What Does the World Health Organization Do?*, COUNCIL ON FOREIGN RELATIONS (last updated June 2, 2022).

PHEIC is intended to speed up the rate of international action and even encourages research on the disease in question.<sup>604</sup> It is a formal declaration of a “red alert” to the world.<sup>605</sup>

The WHO has two primary sources of revenue, assessed contributions (set amounts expected to be paid by Member-State governments) and voluntary contributions (other funds provided by Member-States and private organizations).<sup>606</sup> Most assessed contributions are considered core funding, which are flexible funds used to cover general expenses and program activities.<sup>607</sup> Voluntary contributions are specialized funds which can be earmarked by donors for certain activities.<sup>608</sup>

The U.S. is historically the single largest contributor to the WHO.<sup>609</sup> The assessed contributions of the U.S. remained fairly stable between fiscal year (FY) 2014-2023, fluctuating between \$110 million and \$123 million.<sup>610</sup> U.S. voluntary contributions for specific projects or activities varied to reflect changing policies and/or support during international crisis. Voluntary contributions ranged from a low of \$102 million in FY 2014 to a high of \$402 million in FY 2017.<sup>611</sup>



<sup>604</sup> Mara Pilinger, *WHO declared a public health emergency about Zika's effects. Here are three takeaways.*, THE WASH. POST (Feb. 2, 2016).

<sup>605</sup> *Id.*

<sup>606</sup> Financing of 2022-2023 Biennium, WORLD HEALTH ORG., available at <http://open.who.int/2022-23/budget-and-financing/summary>.

<sup>607</sup> *Id.*

<sup>608</sup> *Id.*

<sup>609</sup> *Id.*

<sup>610</sup> *The U.S. Government and the World Health Organization*, KFF (Jun. 13, 2024) (With the exception of 2020 when the Trump administration suspended financial support, and in 2021 when the Biden administration reestablished relations.).

<sup>611</sup> *Id.*

Apart from the assessed contributions from Member-States, the WHO is funded through private organizations through voluntary contributions.<sup>612</sup> These voluntary contributions are specialized funds that can be earmarked by the individual donors for specific activities. In the current 2022-2023 budget, the total assessed contributions were 12.1 percent of the total revenue<sup>613</sup> (or approximately \$956.9 million) and the total voluntary contributions were 87.5 percent (or approximately \$6.92 billion).<sup>614</sup> For the 2020-2021 budget, the top five specified voluntary contributions were: Germany – \$952 million; Bill & Melinda Gates Foundation - \$592 million; U.S. – \$447 million; GAVI Alliance – \$413 million; and the United Kingdom of Great Britain and Northern Ireland – \$367 million.<sup>615</sup>

The WHO exists for the protection of all. Yet in the time of the greatest global crisis, it did not deliver on its promises.

**FINDING:** The World Health Organization Failed to Uphold Its Mission and Caved to Chinese Communist Party Pressure.

The WHO claims to “work worldwide to promote health, keep the world safe, and serve the vulnerable.”<sup>616</sup> More specifically, regarding health emergencies, the WHO claims to:

- “Prepare for emergencies by identifying, mitigating and managing risks.
- Prevent emergencies and support development of tools necessary during outbreaks.
- Detect and respond to acute health emergencies.
- Support delivery of essential health services in fragile settings.”<sup>617</sup>

The WHO’s response to the COVID-19 pandemic was an abject failure. The Organization failed to satisfy all of the above stated goals.

Throughout the pandemic, the WHO shied away from placing any blame on the CCP. Dr. Tedros even went so far as to praise the CCP’s “transparency” during the crisis, when, in fact, the regime consistently lied to the world by underreporting China’s actual infection and death statistics.<sup>618</sup> During the pandemic, the WHO repeatedly relied on false information from the CCP.

### **The WHO Ignored Taiwan Despite It Warning of COVID-19 in December 2019**

<sup>612</sup> *Id.*

<sup>613</sup> *Id.* (updated Jun. 13, 2024).

<sup>614</sup> *Id.*

<sup>615</sup> *Voluntary contributors – Specified*, WORLD HEALTH ORG., available at <https://open.who.int/2020-21/contributors/overview/vcs>.

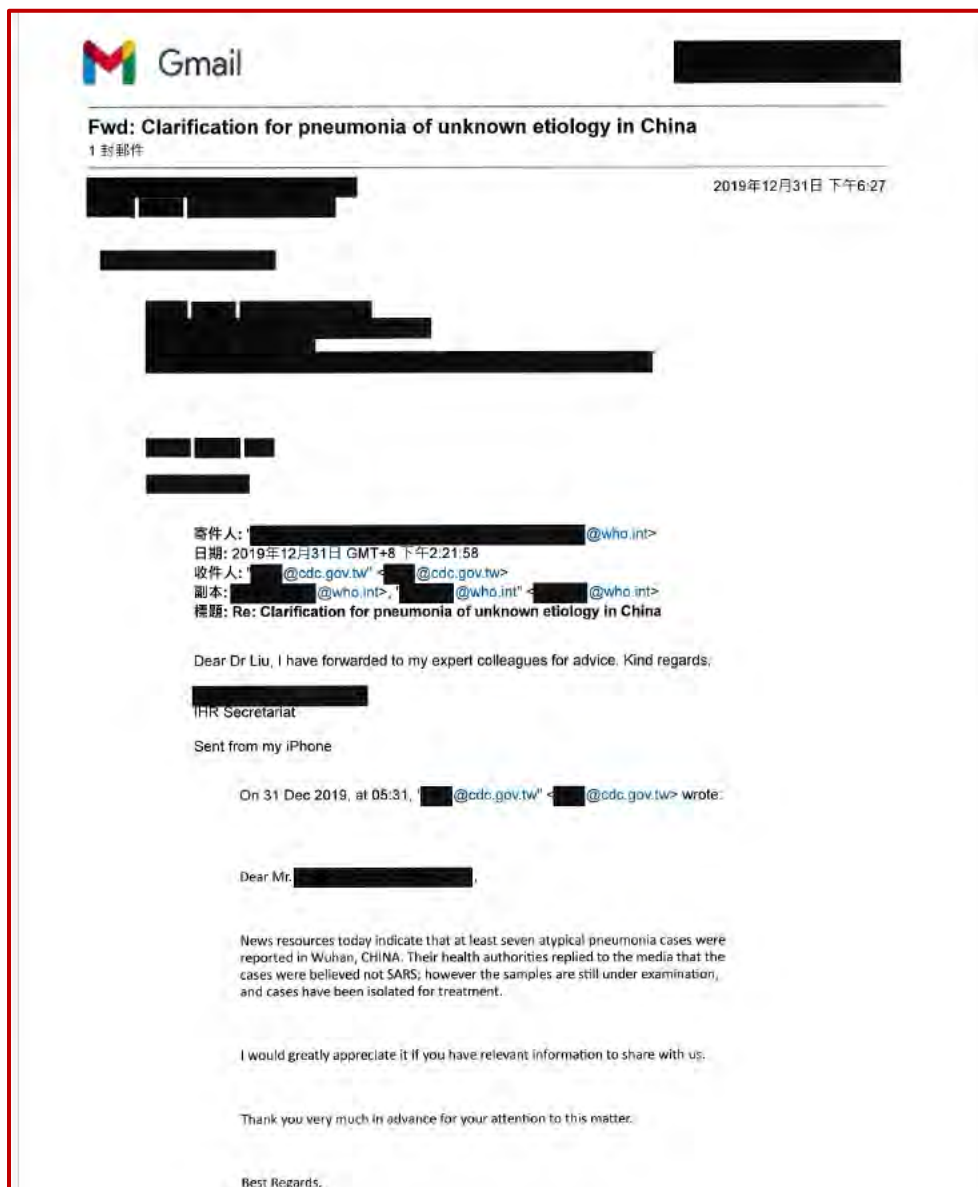
<sup>616</sup> *What we do*, WORLD HEALTH ORG. (2024).

<sup>617</sup> *Id.*

<sup>618</sup> THE EDITORIAL BOARD, *World Health Coronavirus Disinformation*, THE WALL ST. J. (Apr. 5, 2020); Nick Wadhams & Jennifer Jacobs, *China Concealed Extent of Virus Outbreak, U.S. Intelligence Says*, BLOOMBERG (Apr. 1, 2020).

The WHO disregarded warnings from Taiwan of a burgeoning virus because of pressure from China. From 2009 to 2016, Taiwan was an observer in the WHO under the name “Chinese Taipei.”<sup>619</sup> Yet, the CCP has consistently blocked any form of engagement, ensuring the WHO does not formally recognize Taiwan as a Member-State. This lack of recognition led to these warnings from Taiwan being substantially ignored.

Taiwan notified the WHO as early as December 31, 2019, asking for more information about atypical pneumonia cases reported in Wuhan.<sup>620</sup> The WHO never followed up with information.



<sup>619</sup> Jonahtan Herington & Kelley Lee, *The limits of global health diplomacy: Taiwan's observer status at the world health assembly*, GLOBALIZATION AND HEALTH (Oct. 1, 2014).

<sup>620</sup> E-mail from IHR Secretariat, to Dr. Liu (Dec. 31, 2019, 02:21).

Then Taiwanese Vice President Chen Chien-Jen, a renowned scientist with a doctorate in epidemiology from Johns Hopkins University who oversaw the SARS outbreak in Taiwan in 2003, stated in an interview that had Taiwan been a member of the WHO, it would have been even better prepared for countermeasures against COVID-19.<sup>621</sup>

The initial mismanagement of the COVID-19 pandemic not only potentially caused the further spread of the virus, but it created a situation where people lost trust in the global public health organization. The IHR requires mutual communication, yet when it was time to test the strength of this trust, the WHO did not care to use their own policy, rather playing politics and ensuring their relationship with the CCP remained intact.

### **The WHO Denied Human-to-Human Spread of COVID-19 Based Solely on CCP Propaganda**

On January 14, 2020, the WHO tweeted that “[p]reliminary investigations conducted by Chinese authorities have found no clear evidence of human-to-human transmission of the novel coronavirus.”<sup>622</sup>



These “preliminary investigations” in actuality included the CCP jailing any doctor that disseminated any information about COVID-19 that was not first cleared through state-run media.<sup>623</sup> U.S. intelligence sources have since discovered that the CCP covered-up and lied about the extent of the outbreak.<sup>624</sup> On January 23, 2020, the WHO finally recognized that human-to-human spread was occurring, a month later than the first warnings.<sup>625</sup>

### **The WHO Prolonged Naming COVID-19 a PHEIC and Pandemic Because the CCP Insisted the Spread was Under Control**

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<sup>621</sup> Javier C. Hernandez & Chris Horton, *Taiwan’s Weapon Against Coronavirus: An Epidemiologist as Vice President*, THE N.Y. TIMES (May 9, 2020).

<sup>622</sup> World Health Organization (@WHO), Twitter (Jan. 14, 2020) available at [https://twitter.com/WHO/status/1217043229427761152?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed&ref\\_url=https%3A%2F%2Fwww.foxnews.com%2Fworld%2Fworld-health-organization-january-tweet-china-human-transmission-coronavirus](https://twitter.com/WHO/status/1217043229427761152?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed&ref_url=https%3A%2F%2Fwww.foxnews.com%2Fworld%2Fworld-health-organization-january-tweet-china-human-transmission-coronavirus).

<sup>623</sup> Jim Geraghty, *Whom Does WHO Trust?*, NATIONAL REVIEW (Mar. 20, 2020).

<sup>624</sup> Wadhams *supra* note 618.

<sup>625</sup> Francois Godement, *Fighting the Coronavirus Pandemic: China’s Influence at the World Health Organization*, INSTITUT MONTAIGNE (Mar. 23, 2020).

By the time the WHO declared COVID-19 a PHEIC on January 30, 2020, the disease had infected almost 10,000 and killed almost 1,000 people in 19 different countries.<sup>626</sup> It was reported that the delay in PHEIC declaration was a result of intense pressure from the CCP.<sup>627</sup> According to both the U.S. Central Intelligence Agency and the German Bundesnachrichtendienst [hereinafter “BND”], on January 21, 2020 the CCP threatened to cease participation in all international COVID-19 efforts if the WHO declared a PHEIC.<sup>628</sup> While making the PHEIC declaration, Dr. Tedros stated, “China is to be congratulated for the extraordinary measures it has taken to contain the outbreak.”<sup>629</sup> The BND concluded that the WHO’s delay in declaring the PHEIC wasted approximately four to six weeks of the potential global response to the COVID-19 pandemic.<sup>630</sup>

### **The WHO Delayed and Denigrated Serious Countermeasures, Like Travel Restrictions, Because of CCP Pressure**

Despite declaring COVID-19 a PHEIC and extensive evidence of transmission through travel, the WHO insisted other countries not restrict travel or trade to or from China.<sup>631</sup> On January 31, 2020, President Trump came under intense criticism when he barred travel from China; an order called “xenophobi[c]” by then Presidential candidate Biden.<sup>632</sup> As Dr. Fauci testified on July 31, 2020, in comparison to the WHO’s inaction, President Trump’s decision to restrict travel from China saved lives.

#### **Dr. Anthony Fauci (July 31, 2020)**

Q. Dr. Fauci, let me ask you about some of the decisions that you worked with President Trump on and the whole team did. I know when you go back to the beginning of this, the China ban was very heavily discussed. Were you involved in working with President Trump on deciding to ban flights from China?

A. Yes, sir, I was.

Q. Do you agree with that decision?

A. I do.

Q. Do you think that decision saved lives, Dr. Fauci?

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<sup>626</sup> *Deaths surpass 200, and State Department Urges Against Travel to China*, THE N.Y. TIMES (Jan. 30, 2020).

<sup>627</sup> Sarah Boseley, *China’s handling of coronavirus is a diplomatic challenge for WHO*, BLOOMBERG (Feb. 18, 2020).

<sup>628</sup> Naveed Jmali & Tom O’Connor, *Exclusive: As China Hoarded Medical Supplies, the CIA Believes it Tried to Stop the WHO from Sounding the Alarm on the Pandemic*, NEWSWEEK (May 12, 2020).

<sup>629</sup> Sarah Boseley, *WHO declares coronavirus a global health emergency*, THE GUARDIAN (Jan. 30, 2020).

<sup>630</sup> Matthew Strong, *China asked WHO to cover up coronavirus outbreak: German intelligence service*, TAIWAN NEWS (May 05, 2020).

<sup>631</sup> Yasufumi Saito, Andrew James, & Rosa de Acosta, *High-Speed Trains, International Flights: How the Coronavirus Spread*, THE WALL STREET JOURNAL (Mar. 5, 2020); Boseley, *supra* note 72.

<sup>632</sup> Dan McLaughlin, *Trump Could Have Restricted Travel Further*, NATIONAL REVIEW (Apr. 7, 2020).

A. Yes, I do.<sup>633</sup>

Dr. Fauci, however, could have quelled the unwarranted criticism that the travel restrictions were xenophobic if he had forcefully and publicly supported President Trump's decision.

Between December 31—when cases were first reported—and January 31, more than 430,000 people were on direct flights from China to the U.S.<sup>634</sup> If the CCP had been more transparent and the WHO acted with integrity, fewer COVID-19 cases would have entered the U.S.

### **The WHO Continued to Praise CCP Failed Efforts to Combat the Pandemic, Despite a Globally Recognized the Cover-Up**

The WHO routinely praised the CCP's efforts to combat the spread of COVID-19 despite multiple reports that the CCP engaged in a massive disinformation campaign.<sup>635</sup> According to a U.S. intelligence community report, the CCP severely underreported both its total number of cases and deaths caused by COVID-19.<sup>636</sup> The CCP continually altered their reporting methodology which, at different points, left out individuals who tested positive but were asymptomatic—despite their ability to remain contagious.<sup>637</sup> The CCP also gagged doctors and journalists that attempted to speak the truth about the severity of COVID-19.<sup>638</sup> Dr. Tedros said the CCP should be “praised” for these manipulative tactics; tactics frowned upon worldwide.<sup>639</sup>

### **The WHO Failed to Condemn the CCP's Aggressive Tactics Against Whistleblowers, Journalists, and Americans**

The CCP is a known human rights offender, including by silencing or “disappearing” dissenters, journalists, and researchers that go against the CCP's narrative.

Dr. Ai Fen was the first Chinese doctor to receive a laboratory test of a possible SARS-CoV type virus in Wuhan. Dr. Ai then sent the laboratory test results to a group of eight other Chinese scientists, including Dr. Li Wenliang. These scientists expressed grave concern over the test results and began warning others of the novel virus—later to be named COVID-19. As a result, they were all harassed by CCP officials for “spreading rumors” regarding the novel COVID-19 outbreak.<sup>640</sup>

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<sup>633</sup> The Urgent Need for a National Plan to Contain the Coronavirus: Hearing Before the Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, 116<sup>th</sup> Cong (July 31, 2020).

<sup>634</sup> Derrick Bryson Taylor, *A Timeline of the Coronavirus Pandemic*, THE N.Y. TIMES (Apr. 7, 2020).

<sup>635</sup> *WHO chief praises China's virus fight, urges more from world*, ASSOCIATED PRESS (Feb. 15, 2020).

<sup>636</sup> Wadhams *supra* note 618.

<sup>637</sup> *Id.*

<sup>638</sup> *Whom Does WHO Trust?*, *supra* note 623.

<sup>639</sup> Boseley *supra* note 627.

<sup>640</sup> *Li Wenliang: Coronavirus kills Chinese Whistleblower doctor*, BBC (Feb. 7, 2020).

On January 1, 2020, Dr. Ai ordered her staff to wear masks to combat the spread and was immediately called in front of her hospital’s disciplinary board.<sup>641</sup> She was then accused of “spreading rumors” and “damag[ing] the stability of Wuhan.”<sup>642</sup> The disciplinary board went further and banned Dr. Ai and her staff from publicly discussing the virus.<sup>643</sup> Unfortunately, because of the CCP’s efforts to silence Dr. Ai, multiple members of her medical team became sick and later died.

On January 3, 2020—four days after Dr. Li warned of a novel virus—he was forced to sign a letter accusing him of “making false statements” that “severely disturbed the social order” by the Wuhan Public Security Bureau.<sup>644</sup> This punishment and the harassment of the seven other doctors was publicly broadcast on CCP state media to deter any other whistle-blowers from coming forward.<sup>645</sup> Dr. Li was allowed to return to work but consequently contracted COVID-19 five days later, on February 7, died of complications from COVID-19.<sup>646</sup>

On January 3, 2020, the CCP arrested eight people for “publishing or forwarding false information without verification.”<sup>647</sup> The CCP then “issued a warning that anyone caught using social media to share coronavirus information obtained from anywhere, but state-run media or organizations would face between three and seven years in jail.”<sup>648</sup>

Additionally, the CCP took the unprecedented step of expelling U.S. journalists reporting on the beginnings of the COVID-19 pandemic from China.<sup>649</sup> The CCP expelled at least 13 journalists, including correspondents from *The New York Times*, *Wall Street Journal*, and *Washington Post*.<sup>650</sup>

Further, according to the FBI and the U.S. Cybersecurity and Infrastructure Security Agency, the CCP instituted a cyber espionage campaign in an attempt to steal sensitive U.S. research related to COVID-19 vaccines and treatments.<sup>651</sup> These attacks were a direct assault on U.S. public health.

And finally, according to the CCP aligned *Global Times*, the CCP was considering “punitive measures” against multiple state and federal U.S. lawmakers.<sup>652</sup> In an unprecedented

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<sup>641</sup> Jeremy Page, *et al.*, *How the WHO’s Hunt for Covid’s Origins Stumbled in China*, WALL ST. JOURNAL (Mar. 17, 2021).

<sup>642</sup> *Id.*

<sup>643</sup> *Id.*

<sup>644</sup> *Id.*

<sup>645</sup> *China didn’t warn public of likely pandemic for 6 key days*, ASSOCIATED PRESS (Apr. 15, 2020).

<sup>646</sup> *Li Wenliang: Coronavirus kills Chinese Whistleblower doctor*, BBC (Feb. 7, 2020).

<sup>647</sup> Jim Geraghty, *Whom Does WHO Trust?*, NATIONAL REVIEW (Mar. 20, 2020).

<sup>648</sup> *Id.*

<sup>649</sup> Tony Munroe, *et al.*, *China expels American journalists as spat with U.S. escalates*, REUTERS (Mar. 18, 2020).

<sup>650</sup> *Id.*

<sup>651</sup> Public Service Announcement, Federal Bureau of Investigation & Cybersecurity and Infrastructure Security Agency People’s Republic of China (PRC) Targeting of COVID-19 Research Organizations (May 13, 2020); Gordon Lubhold & Dustin Volz, *U.S. Says Chinese, Iranian Hackers Seek to Steal Coronavirus Research*, THE WALL ST. JOURNAL (May 14, 2020).

<sup>652</sup> Chen Qingqing & Li Sikun, *China targets GOP hawks, US forms, states over lawsuits*, GLOBAL TIMES (May 14, 2020).



and abhorrent step, the CCP said it will “strike back” at attempts from the U.S. government to ascertain the origins of COVID-19 and go beyond sanctions to make U.S. lawmakers “feel painful.”<sup>653</sup> For example, the Chinese Ambassador to the U.S. expressed its “grave concern” regarding the Select Subcommittee’s investigation.<sup>654</sup> This is just another example of China and the CCP obfuscating their wrongdoing during the beginnings of this pandemic.

Shockingly, the WHO has not acknowledged or supported the brave actions by these scientists and reporters who blew the whistle against the oppressive CCP regime and warned the world about this deadly pandemic. Instead of praising their efforts to save lives, the WHO routinely promoted the CCP regime’s disinformation.

### **The WHO Posted False Information Regarding the Origins and Notification of COVID-19’s Emergence**

On April 9, 2020, Committee on Oversight and Reform Republicans wrote to Dr. Tedros regarding the WHO’s failed response to the COVID-19 pandemic.<sup>655</sup> On June 15, 2020, more than two months after receipt of the letter, Dr. Tedros provided a formal response.<sup>656</sup> This response was wholly incomplete and contained at least one false statement.<sup>657</sup>

From as early as April 27, 2020, the WHO included a COVID-19 response timeline on its public website.<sup>658</sup> This timeline originally stated that on December 31, 2019 the “Wuhan Municipal Health Commission, China, reported a cluster of cases of pneumonia in Wuhan, Hubei Province” to the WHO.<sup>659</sup> This is also what Dr. Tedros told the Committee in his June 15, 2020 letter and maintained on the WHO’s website until June 29, 2020.<sup>660</sup> On April 20, 2020, during a virtual press conference, Dr. Tedros even said: “[t]he first report came from Wuhan, from China itself.”<sup>661</sup>

However, the WHO chose to quietly contradict these claims by posting an “updated” timeline to its official website.<sup>662</sup> Then, on June 30, 2020, the above reference was quietly scrubbed from the website timeline. The timeline now states that the “WHO’s Country Office in

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<sup>653</sup> Paul D. Shinkman, *China Threatens to Sanction U.S. Politicians for Coronavirus Criticism*, U.S. NEWS & WORLD REPORT (May 14, 2020).

<sup>654</sup> Adam Sabes, *Chinese Embassy emails House Republican staff expressing 'grave concern' with COVID-19 origins hearing*, FOX NEWS (Apr. 15, 2023).

<sup>655</sup> Letter from Jim D. Jordan, *et. al.*, Ranking Member, H. Comm. on Oversight & Reform, to Dr. Tedros Adhanom Ghebreyesus, Director-General, World Health Org. (Apr. 9, 2020).

<sup>656</sup> Letter from Dr. Tedros Adhanom Ghebreyesus, Director-General, World Health Org., to Jim D. Jordan, Ranking Member, H. Comm. on Oversight & Reform (June 15, 2020).

<sup>657</sup> *Id.*

<sup>658</sup> Statement, World Health Org., Archived: WHO Timeline – COVID-19 (last updated June 29, 2020), *available at* <https://www.who.int/news-room/detail/27-04-2020-who-timeline---covid-19>.

<sup>659</sup> *Id.*

<sup>660</sup> Letter from Dr. Tedros Adhanom Ghebreyesus, Director-General, World Health Org., to Jim D. Jordan, Ranking Member, H. Comm. on Oversight & Reform (June 15, 2020).

<sup>661</sup> World Health Org., *Virtual Press Conference* (Apr. 20, 2020) *transcript available at* <https://www.who.int/docs/default-source/coronaviruse/transcripts/who-audio-emergencies-coronavirus-press-conference-20apr2020.pdf>.

<sup>662</sup> Adam Kredo, *China Never Reported Existence of Coronavirus to World Health Organization*, THE WASH. FREE BEACON (July 2, 2020).

the People’s Republic of China (PRC) picked up a media report...on cases of ‘viral pneumonia’ in Wuhan, PRC.”<sup>663</sup> In actuality, the “media report” was information posted to a U.S. website from doctors working at the epicenter of the pandemic.<sup>664</sup> This revelation confirms that the CCP failed to notify the WHO of the outbreak. This failure is a violation of the IHR for which the CCP must be held accountable.<sup>665</sup> By refusing to disclose the truth, the WHO made an affirmative decision to shield the CCP from accountability.

**FINDING:** The Chinese Communist Party Violated Articles Six and Seven of the International Health Regulations with No Repercussions.

The CCP violated IHR Articles Six and Seven and needs to be held accountable.

Article 6 of the IHR says that “[e]ach State Party shall notify WHO...within 24 hours...of all events which may constitute a public health emergency of international concern.”<sup>666</sup> In order for an outbreak to require notification it must: (1) have serious public health consequences, (2) be unusual or unexpected, (3) have risk of international spread, and (4) pose significant risk to international trade.<sup>667</sup> COVID-19 met all these criteria well before the WHO was formally notified of the outbreak by China. Further, Article 7 of the IHR states that if a “State Party has evidence of an unexpected or unusual public health event...it shall provide to WHO all relevant public health information.”<sup>668</sup> The CCP failed to notify the WHO in a timely manner and subsequently concealed valuable information—harming the global response and leading to unnecessary illness and death.

According to reports from Hong Kong, the CCP identified cases of COVID-19 going all the way back to November 17, 2019—more than a month before the WHO was publicly notified.<sup>669</sup> On December 27, 2019, Dr. Zhang Jixian, a doctor with the Hubei Provincial Hospital Integrated Chinese and Western Medicine, told CCP health authorities that the disease was caused by a novel coronavirus—three days before the WHO was publicly notified.<sup>670</sup> Doctors were ordered not to disclose any information about the unidentified virus to the public.<sup>671</sup> This delay in public notification is in violation of Article 6 of the IHR and led to a delay in global response.

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<sup>663</sup> Listings of WHO’s Response to COVID-19, WORLD HEALTH ORG. (last updated June 29, 2021), *available at* <https://www.who.int/news-room/detail/29-06-2020-covidtimeline>.

<sup>664</sup> *Id.*; Adam Kredo, *China Never Reported Existence of Coronavirus to World Health Organization*, THE WASH. FREE BEACON (July 2, 2020).

<sup>665</sup> WORLD HEALTH ORG., INTERNATIONAL HEALTH REGULATIONS, 2<sup>nd</sup>, at 12 (2005); Matthew Lee, *Trump US notifies UN of withdrawal from World Health Organization*, THE ASSOCIATED PRESS (July 7, 2020).

<sup>666</sup> IHR, *supra* note 665.

<sup>667</sup> *Id.* at 44-46.

<sup>668</sup> *Id.* at 12.

<sup>669</sup> Josephine Ma, *Coronavirus: China’s first confirmed COVID-19 case traced back to November 17*, SOUTH CHINA MORNING POST (Mar. 13, 2020); Statement, World Health Organization, WHO Timeline-COVID-19 (last updated Apr. 27, 2020).

<sup>670</sup> *Id.*

<sup>671</sup> *Id.*

Additionally, Dr. John MacKenzie, WHO's emergency committee adviser, admitted that the WHO was "misled" about the outbreak.<sup>672</sup> He stated by the time the CCP notified the WHO on December 31, the CCP had already sequenced the virus genome—the first step to creating an accurate test and developing medical countermeasures—but did not share the sequencing with the WHO until January 12, in violation of Article 7 of the IHR.<sup>673</sup>

This was confirmed by Dr. Farrar, in his book *Spike: The Virus vs The People The Inside Story*, and Dr. Daszak in a transcribed interview before the Select Subcommittee.

**Dr. Peter Daszak (November 14, 2023)**

Q. Do you recall when China first officially reported what would become COVID-19?

A. It was in early January, from my recollection. I mean, we heard about it 18 earlier than that through unofficial channels.

Q. When did you first hear about it?

A. I think December the 30th or the 31st. It's a matter of record. I put out a tweet, I think very late on the 31st, New Year's Eve. But I think I heard about it the day before. And, you know, you hear about these rumors all the time. "Oh, there's an outbreak here, there's an outbreak there." Your first response is, well, verify, to quote Ronald Reagan. So we managed to get hold of folks in China and ask what they knew, what are these rumors. And we were told on the day before New Year's Eve, to my recollection, that there was a new coronavirus percent different to SARS, which was strangely accurate information.

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Q. Okay. Do you recall when the genome was publicly released?

A. I think it was the 9th or the 12th of January.<sup>674</sup>

For potentially more than two weeks, the CCP held the key to the global response but refused to share it.

The CCP intentionally delayed notification of COVID-19 and concealed important health information in violation of Articles 6 and 7 of the IHR. These actions demonstrate the CCP's complete lack of respect for the global public health community.

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<sup>672</sup> Stephen Buranyi, *The WHO v coronavirus: why it can't handle the pandemic*, THE GUARDIAN (Apr. 10, 2020).

<sup>673</sup> *Id.*

<sup>674</sup> Daszak TI, *supra* note 256, at 169-170, 173.

**FINDING:** The World Health Organization’s Report Regarding the Origins of COVID-19 Was Incomplete, Misleading, and Parroted Chinese Communist Party Propaganda.

Apart from the initial mismanagement of the virus, the WHO produced a report on the origins of COVID-19 that did nothing but continue the CCP’s propaganda.<sup>675</sup> The WHO attempted to organize an investigation into the origins of the virus, yet from the very beginning it was evident the CCP was completely in control.

The “Terms of Reference for the China Part” [hereinafter “Terms of Reference”] was a document that laid the ground rules for the WHO’s investigation. These terms were inherently flawed, provided significant discretion to the CCP, and continued to parrot CCP propaganda.<sup>676</sup> Some examples included:

- Supporting CCP propaganda by stating the investigation would also evaluate the “possibility the virus may have silently” started outside of Wuhan.
- Dodging responsibility by “build[ing] on existing information and augment, rather than duplicate, ongoing [CCP]...efforts.”
- Phony scientific independence by giving the CCP final right of refusal on the “composition of the international team.”<sup>677</sup>

With these restrictions baked into the Terms of Reference, it was near impossible for any review of the origins of COVID-19 conducted by the WHO to bear fruit.

In January 2021, an international team traveled to Wuhan, China to review evidence of when and how the virus might have emerged.<sup>678</sup> In March 2021, the WHO team released a report, entitled “WHO-Convended Global Study of Origins of SARS-CoV-2: China Part,” [hereinafter “WHO Report”] outlining four possible origin scenarios:

- 1) “direct zoonotic spillover is considered to be a possible-to-likely pathway;
- 2) introduction through an intermediate host is considered to be a likely to very likely pathway;
- 3) introduction through cold/food chain products is considered a possible pathway; [and]

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<sup>675</sup> WHO-convended Global Study of the Origins of SARS-CoV-2, WORLD HEALTH ORG. (Nov. 5, 2020).

<sup>676</sup> WHO-convended Global Study of the Origins of SARS-CoV-2: Terms of Reference for the China Part (July 31, 2020), available at <https://www.who.int/publications/m/item/who-convended-global-study-of-the-origins-of-sars-cov-2>.

<sup>677</sup> *Id.*

<sup>678</sup> Smriti Mallapaty, *WHO abandons plans for crucial second phase of COVID-origins investigation*, NATURE (Mar. 3, 2020).

- 4) introduction through a laboratory incident was considered to be an extremely unlikely pathway.”<sup>679</sup>

Yet, many, including the U.S., U.K., Australia and Canada, sharply criticized the WHO Report.<sup>680</sup> Experts stated the scientists weren’t provided with access to complete, original data and samples; full access to interviews; and access to any and all laboratories they wished to tour.<sup>681</sup> Even members of the WHO team stated the report was not adequate. Dr. Ben Embarek, a WHO expert who led the WHO mission to Wuhan, reiterated there were areas his team had difficulty getting down to the raw data in China, adding that the data would need to be reexamined in the next phase of the study.<sup>682</sup> He also stated the report “only scratched the surface,” of their understandings of the origins of COVID-19.<sup>683</sup>

Prominent U.S. public health officials, such as Dr. Fauci, publicly denounced the report. In March 2021, on *Face The Nation*, Dr. Fauci stated, “[t]here was a lot of restrictions on the ability of the people who went there to really take a look... [I] have some considerable concerns about that.”<sup>684</sup> Further senior officials, including President Biden’s Secretary of State Mr. Antony Blinken, similarly criticized it stating, “[w]e’ve got real concerns about the methodology and the process that went into that report, including the fact that the government in Beijing apparently helped to write it.”<sup>685</sup>

It is no surprise the WHO Report did not receive a glowing reception from the global stage. To begin with, one of the conditions the CCP demanded in allowing the investigation to take place at all, was that they had full veto power over the inclusion of American scientists.<sup>686</sup> HHS submitted three expert candidates: a virologist who works on viruses that require study in high-security laboratories; a senior veterinarian; and a medical epidemiologist leading a program in global health studies.<sup>687</sup> All three were denied.

The only American on the WHO’s team was Dr. Daszak, who prominent scientists acknowledged has significant conflicts of interest, due in part to his work with the WIV—the very laboratory the WHO group was supposed to be investigating.

**Dr. Ian Lipkin (Apr. 6, 2023)**

Q. The team was comprised of 17 international scientists and 17 Chinese scientists. There is only one American. It was Dr. Daszak

<sup>679</sup> World Health Organization, *WHO-convened Global Study of Origins of SARS-CoV-2: China Part* (Jan. 14-Feb. 10 2021).

<sup>680</sup> Peter Beaumont, *UK and U.S. criticize WHO’s Covid report and accuse China of withholding data*, THE GUARDIAN (Mar. 30, 2021).

<sup>681</sup> *Id.*

<sup>682</sup> *Id.*

<sup>683</sup> *Id.*

<sup>684</sup> Transcript, Anthony Fauci, *Face the Nation* (Mar. 28, 2021).

<sup>685</sup> Javier C. Hernandez, *The U.S. is concerned about China’s influence over a report on the pandemic’s origins*, THE N.Y. TIMES (Mar. 29, 2021).

<sup>686</sup> Jeremy Page, Betsy McKay & Drew Hinshaw, *How the WHO’s Hunt for Covid’s Origins Stumbled in China*, WALL ST. JOURNAL (Mar. 17, 2021).

<sup>687</sup> *Id.*

of EcoHealth Alliance. Do you think Dr. Daszak has conflicts of interest regarding the search for origins of COVID 19?

A. I do.

Q. Why?

A. Because he was – because he had ran an active research program at WIV.<sup>688</sup>

**Dr. Anthony Fauci (Jan. 9, 2024)**

Q. I'm going to ask your opinion now. He has obviously been intertwined with the Wuhan Institute for a long time, has made numerous public statements, has now -- over the past 3 years, we've seen numerous compliance issues with his grants. Do you think that he has a conflict of interest in investigating the origins question?

A. I believe that he could've saved himself a lot of trouble if he did.

Q. If he did disclose a conflict of interest?

A. Yeah, yeah, because he's obviously received a lot of flak about that and had doubts about his credibility on that. I think, retrospectively, thinking about it, he probably would've said it would have been a better idea to do.<sup>689</sup>

A significant restriction, was the CCP's complete control over every single aspect of the investigation team's itinerary and access to information. Upon arriving in Wuhan, the WHO team quarantined for two weeks in hotel rooms and were further restricted to certain areas of the hotel after quarantining.<sup>690</sup> The investigators were restricted from dining with their Chinese counterparts, a seemingly insignificant detail, yet denied the WHO team the opportunity to engage in informal, human-to-human, conversation that can provide invaluable information.<sup>691</sup>

In Wuhan, Chinese scientists stated they had reviewed the medical records of approximately 76,000 patients from more than 200 medical institutions.<sup>692</sup> When the WHO team requested raw numbers and data, Chinese scientists only presented analysis.<sup>693</sup> Of the 76,000 medical records examined, 92 patients from October, November, and early December 2019 curiously showed symptoms suggesting COVID-19, yet none tested positive for antibodies

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<sup>688</sup> Lipkin TI, *supra* note 38, at 73-74.

<sup>689</sup> Fauci TI 2, *supra* note 81, at 2.

<sup>690</sup> Jeremy Page, Betsy McKay & Drew Hinshaw, *How the WHO's Hunt for Covid's Origins Stumbled in China*, WALL ST. JOURNAL (Mar. 17, 2021).

<sup>691</sup> *Id.*

<sup>692</sup> *Id.*

<sup>693</sup> *Id.*

according to medical records.<sup>694</sup> The WHO team was not allowed to review any raw data or conduct their own analysis.<sup>695</sup>

The WHO Report’s conclusion included four hypotheses: that the virus jumped directly from animal to human; it spread via some (one not identified) intermediate animal; it was transmitted via the food chain, especially frozen products; or it came from a laboratory.<sup>696</sup> These were concluded via a show of hands, in a room with Chinese counterparts—many of whom report directly to the CCP—that had already ruled out a lab accident and suggested the pandemic started somewhere outside of China.<sup>697</sup> The theory that the virus came from a lab was voted as “extremely unlikely” and wasn’t recommended for further research.<sup>698</sup>

This was very clearly not a thorough, complete, or impartial investigation. The CCP Ministry of Foreign Affairs even admitted, “China firmly opposes certain countries’ attempts to...hold China accountable.”<sup>699</sup> Yet, even though the rest of the world understands this report is a sham, the CCP presents it as the definitive assessment concerning the origins of COVID-19. So much so, the Chinese Ambassador to the U.S. sent the Select Subcommittee a letter attempting to obstruct the Select Subcommittee’s investigation into the origins of COVID-19, citing to the WHO origins report.<sup>700</sup>

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<sup>694</sup> *Id.*

<sup>695</sup> *Id.*

<sup>696</sup> *Id.*

<sup>697</sup> *Id.*

<sup>698</sup> *Id.*

<sup>699</sup> Ken Moritsugu, *China outlines COVID-origin findings ahead of WHO Report*, ABC NEWS (Mar. 26, 2021).

<sup>700</sup> E-Mail from Li Xiang, Counselor, Embassy of China in the United States of America, to Staff, Select Subcomm. on the Coronavirus Pandemic (May 3, 2023, 2:15 AM).

**From:** Li Xiang [REDACTED]  
**Sent:** Friday, April 14, 2023 2:15 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** About the upcoming hearing on COVID-19 origins

Dear [REDACTED],

I am Counselor Li Xiang with the Chinese Embassy in the US. I am reaching out to express our grave concern regarding the COVID-19 Origins hearing to be chaired by Congressman Wenstrup on next Tuesday. According to the announcement, the hearing is to examine "China's complicity in the COVID-19" crisis and hold China accountable. We firmly

oppose it, and I would like to share with you our perspectives on this issue.

First of all, the origins-tracing is a complex matter of science. This study should be and can only be conducted jointly by scientists. Intelligence community, which is highly political in nature, cannot possibly produce anything objective or credible on such professional matter. We oppose "political tracing" or "intelligence tracing". We oppose any attempt to label China esp. Wuhan as the origin of the virus before any concrete evidence is presented and conclusion is drawn collectively by the scientists all over the world. We oppose any political maneuver such as "verdict first, then comes trial".

Second, China values life and public health cause around the globe and is always ready to cooperate with other countries on origin tracing. "A laboratory origin of the pandemic was considered to be extremely unlikely" is a science-based, authoritative conclusion reached by the experts of the WHO-China joint mission after field trips to the lab in Wuhan and in-depth communication with researchers in 2021. It was accurately recorded in the mission's report and has received extensive recognition from the international community and the science community.

Third, the hearing just demonstrates that the US is going further and further down the wrong path. To simply blame others or find a scapegoat for its own failure and incompetence is the easiest thing to do, but it is neither responsible for the past nor helpful for the future.

We call on the US side to respect science and facts, refrain

from targeting China in holding the above-mentioned hearings, and put a stop to the intelligence-led, politics-driven origins-tracing, and help promote international solidarity against the pandemic and global cooperation on science-based origins-tracing.

I look forward to having an in-depth discussion with you on COVID-19 or any other issue of mutual concern at any time.

Li Xiang  
Counsellor  
Embassy of China in the USA  
Tel: [REDACTED]  
Address: 3505 International Place NW, Washington DC 20008



**FINDING:** The World Health Organization’s Draft “Pandemic Treaty” Does Not Solve the Organization’s Underlying Problems and May Affirmatively Harm the United States.

Unlike the World Trade Organization, the WHO has no real authority to sanction or otherwise pressure its Member-States. As *Lancet* editor Dr. Richard Horton said, “[t]he WHO has been drained of its power and resources. Its coordinating authority and capacity are weak. Its ability to direct an international response to a life-threatening epidemic is non-existent.”<sup>701</sup> The only authority WHO leadership must enforce compliance is via public pressure. Illustrative of this point, when asked to name the countries who had “alarming levels of inaction,” Dr. Mike Ryan, WHO’s head of COVID-19 response, stated, “[y]ou know who you are, we don’t criticize our member states in public.”<sup>702</sup>

The COVID-19 pandemic was the worst global public health emergency since the inception of the WHO in 1948 and it further exposed the severe limitations of the IHR and the institutional limits of the WHO. The IHR is designed to achieve a higher level of global health security, but in the face of COVID-19, the IHR did not properly perform its management or supervision.<sup>703</sup>

Responding to the many calls of Member-States to strengthen the framework for future pandemics, a rare special session of the WHA convened in November 2021.<sup>704</sup> There, Member-States agreed “to establish...an intergovernmental negotiating body open to all Member States and Associate Members to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response.”<sup>705</sup>

As of September 20, 2024, there was not a completed, presentable draft of a Pandemic Treaty.<sup>706</sup> As of the draft dated March 13, 2024, the overall goal of the Pandemic Treaty is to help “prevent, prepare for and respond to pandemics.”<sup>707</sup> The provisions (still being negotiated) included definitions and principles, aspirational goals for improving pandemic preparedness and response capacities, and supply chain and logistics.<sup>708</sup> Some of the more contested and debated provisions include financing for pandemic preparedness and response, pathogen access and benefit sharing, intellectual property rights, technology transfer, and research and development for pandemic-related products.<sup>709</sup>

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<sup>701</sup> Stephen Buryani, *The WHO v coronavirus: why it can’t handle the pandemic*, THE GUARDIAN (Apr. 10, 2020).

<sup>702</sup> *Id.*

<sup>703</sup> Myungsei Sohn, *The problem of International Health Regulations (IHR) in the process of responding to COVID-19 and improvements measures to improve its effectiveness*, JOURNAL OF GLOBAL HEALTH SCIENCE (Dec.13, 2021).

<sup>704</sup> Nick Cumming-Bruce, *W.H.O. members agree to begin talks on a global pandemic treaty*, THE N.Y. TIMES (Dec. 1, 2021).

<sup>705</sup> World Health Assembly, Second Special Session (Dec. 1, 2021).

<sup>706</sup> News Release, World Health Organization, Governments progress on negotiations for a pandemic agreement to boost global preparedness for future emergencies (Sept. 20, 2024).

<sup>707</sup> *Revised Draft of the negotiating text of the WHO Pandemic Agreement*, WORLD HEALTH ORG. (Mar. 13, 2024) available at [https://apps.who.int/gb/inb/pdf\\_files/inb9/A\\_inb9\\_3-en.pdf](https://apps.who.int/gb/inb/pdf_files/inb9/A_inb9_3-en.pdf).

<sup>708</sup> *Id.*

<sup>709</sup> *Id.*

The Pandemic Treaty does not address the weaknesses of the IHR. The WHO's refusal to hold the CCP accountable for violating the IHR is a major issue in protecting global public health.

Furthermore, there are specific U.S. concerns regarding enactment of any potential Pandemic Treaty. Throughout the ongoing negotiations, there have been questions about the transparency of the negotiations. There have been multiple closed-door negotiations resulting in large edits that are then presented to all Member-States. Further, it is not clear if this treaty will be ratified through the U.S. Senate or not. If the U.S. determines to enact a Pandemic Treaty, it must go through the required Senate approval process.

While a new pandemic, prevention, preparedness, and response treaty seems like a good idea in theory, on paper it falls short. The draft does little to address any of the shortfalls revealed in COVID-19. The WHO needs to be an organization that represents and protects the entire world. That requires a system of trust from both the Member-States to report and the WHO to protect, which proved not to be the case during the pandemic. Accordingly, Ambassador Nkengasong testified:

**The Honorable John Nkengasong (December 13, 2023)**

We fully agree with your opening remarks about the trust capital that is required to [deal] with global disease threats, and that comes with the ability to be fully transparent, to be accountable, to report in a timely fashion, and also to cooperate, and all of these elements were lacking in China's ability to cooperate with WHO and the world. And when you have a fast-moving respiratory disease like COVID, all of these elements are very important for the global health security.

I think the burden is still on China, that for the past 3 years China has not been forthcoming the way it should be in working with WHO, working with us directly so that we just understand what the origin is of the virus is so that it can better prepare us for the future. As we have all said, it is a matter of time before we are faced with another threat, yes, so I think I fully agree with you that we need to build a trusting relationship that will enable us to be able to respond in a very timely fashion.<sup>710</sup>

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<sup>710</sup> Reforming the WHO: Ensuring Global Health Security and Accountability: Hearing Before Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, 118<sup>th</sup> Cong., 11 (Dec. 13, 2023).