

109TH CONGRESS  
2D SESSION

# H. R. 5237

To seek the inclusion of certain requirements of the International Health Regulations of the World Health Organization as obligations under the World Trade Organization.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2006

Mr. MARKEY introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on International Relations and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To seek the inclusion of certain requirements of the International Health Regulations of the World Health Organization as obligations under the World Trade Organization.

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 “Global Trade Requires  
5   Unmitigated Truth in Health (TRUTH) Act” .

### 6   **SEC. 2. FINDINGS.**

7       The Congress finds as follows:

1           (1) The rise of global trade has created both  
2           new commercial opportunities and new health risks.

3           (2) Governments have the right and responsi-  
4           bility to protect their countries from the threat of  
5           disease.

6           (3) Trade is responsible for contributing to the  
7           rapid spread of disease around the globe and in-  
8           creases the risk of a pandemic outbreak.

9           (4) Those who participate in world trade, there-  
10          fore, have a responsibility to promptly report and  
11          appropriately respond to infectious diseases on a  
12          timely basis to minimize the potential for global  
13          pandemics.

14          (5) The World Health Organization has created  
15          the World Health Organization International Health  
16          Regulations to prevent, protect against, and control  
17          disease and provide a public health response to the  
18          international spread of disease in ways that are com-  
19          mensurate with and restricted to public health risks,  
20          and that avoid unnecessary interference with inter-  
21          national traffic and trade.

22          (6) The failure of countries to be transparent  
23          and responsive to the existence or spread of disease  
24          in a country that is a member of the World Trade  
25          Organization threatens the free flow of goods and

1 services that is a primary objective of the GATT  
2 1994 and other agreements of the World Trade Or-  
3 ganization.

4 (7) The experience with the SARS outbreak in  
5 2002 and 2003 should be a clear warning that the  
6 system of public health readiness can be easily com-  
7 promised by delays in reporting the earliest cases of  
8 an outbreak by a country reluctant to publicize a  
9 problem with an economic downside, no matter the  
10 public health consequences.

11 (8) If a country fails to abide by regulations  
12 which are designed to prevent, protect against, and  
13 control disease and provide a public health response  
14 to the international spread of disease without unnec-  
15 essary interference with international traffic and  
16 trade, it may be necessary to take actions against  
17 that country which restrict or otherwise interfere  
18 with international traffic or trade in the best inter-  
19 est of public health.

20 **SEC. 3. WTO PROPOSAL.**

21 (a) ACTION BY UNITED STATES TRADE REPRESENT-  
22 ATIVE.—The United States Trade Representative shall—

23 (1) propose to the World Trade Organization  
24 that the rights and obligations of the World Trade  
25 Organization should take into account whether coun-

1 tries are undermining the trade system by failing to  
2 abide by the rules of other international organiza-  
3 tions with regard to public health, specifically the  
4 International Health Regulations of the World  
5 Health Organization; and

6 (2) include in the proposal options for its imple-  
7 mentation, such as—

8 (A) provisions that would give members of  
9 the World Trade Organization the right to im-  
10 pose sanctions or other punitive measures on  
11 members that have been found to violate the  
12 International Health Regulations of the World  
13 Health Organization; and

14 (B) membership criteria for current and  
15 potential members of the World trade Organiza-  
16 tion that would include the requirement to up-  
17 hold the trade system by abiding by rules of  
18 other international organizations with regard to  
19 public health.

20 (b) REPORT TO CONGRESS.—The United States  
21 Trade Representative shall report to the Congress, not  
22 later than 90 days after the date of the enactment of this  
23 Act, and not later than the end of each 90-day period  
24 thereafter, on steps the Trade Representative has taken  
25 to carry out subsection (a), and the results of those steps.

1 **SEC. 4. ANNUAL REPORT ON COUNTRY COMPLIANCE WITH**  
2 **INTERNATIONAL HEALTH REGULATIONS.**

3 (a) IN GENERAL.—The Secretary of Health and  
4 Human Services shall transmit to the Speaker of the  
5 House of Representatives and the Committee on Energy  
6 and Commerce of the House of Representatives and the  
7 Committee on Health, Education, Labor, and Pensions of  
8 the Senate, not later than December 1, 2006, and not  
9 later than December 1 of each year thereafter, a full and  
10 complete report regarding the status of the compliance  
11 with and observance of the International Health Regula-  
12 tions of the World Health Organization in each country  
13 that is a member of that Organization.

14 (b) CONTENTS.—Each report under subsection (a)  
15 shall include the following information:

16 (1) The extent to which each country complies  
17 with and enforces the requirements contained in the  
18 International Health Regulations.

19 (2) The extent to which each country uses ef-  
20 fective epidemiological principles to detect, reduce,  
21 or eliminate the sources from which infection  
22 spreads, to improve sanitation in and around ports  
23 and airports, to prevent the dissemination of vectors,  
24 and, in general, to encourage epidemiological activi-  
25 ties on the national level so that there is little risk

1 of outside infection establishing itself in that coun-  
2 try.

3 (3) The steps that the Secretary has taken to  
4 alter United States programs or policies with respect  
5 to any country because of unsatisfactory compliance  
6 with the International Health Regulations.

7 (4) For each country in which the report indi-  
8 cates that the country's health administration has  
9 failed to notify the World Health Organization with-  
10 in 24 hours of its being informed that the first case  
11 of a disease subject to the International Health Reg-  
12 ulations, that is neither an imported case nor a  
13 transferred case, has occurred in its territory, or,  
14 within the subsequent 24 hours, has failed to notify  
15 the infected area, the extent to which the United  
16 States has taken or will take action to encourage  
17 such notifications.

18 (5) The extent to which each country commu-  
19 nicates frequent and detailed information to the  
20 World Health Organization about the presence of  
21 plague, cholera, yellow fever, avian influenza, Severe  
22 Acute Respiratory Syndrome (SARS), and any other  
23 disease determined by the Secretary that is present  
24 in its country. The report shall describe whether  
25 each country communicates to the World Health Or-

1       ganization the number of cases and deaths at least  
2       once each week, and the precautions taken to pre-  
3       vent the spread of the disease, in particular the  
4       measures which are being applied to prevent the  
5       spread of the disease to other territories by vessels,  
6       aircraft, trains, road vehicles, other means of trans-  
7       port, and containers leaving the infected area.

8               (6) What steps the government of each country  
9       has taken to ensure that ports and airports in its  
10      territory have at their disposal an organization and  
11      equipment adequate for the application of the meas-  
12      ures provided for in the International Health Regu-  
13      lations.

14              (7) What steps the government of each country  
15      has taken to make available, at as many of the ports  
16      and airports in a territory as practicable, an orga-  
17      nized medical and health service with adequate staff,  
18      equipment, and premises, in particular facilities for  
19      the prompt isolation and care of infected persons,  
20      for disinfection, disinsecting, and deratting, for bac-  
21      teriological investigation, for the collection and ex-  
22      amination of rodents for plague infection, for collec-  
23      tion of water and food samples and their dispatch to  
24      a laboratory for examination, and for other appro-

- 1        priate measures provided for by the International
- 2        Health Regulations.

