

117TH CONGRESS
1ST SESSION

H. R. 4080

To impose additional duties on imports of goods from the People’s Republic of China until China provides full compensation and reimbursement relating to the COVID–19 pandemic to the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2021

Mr. BROOKS (for himself, Mr. DESJARLAIS, and Mr. CAWTHORN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Foreign Affairs, 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

A BILL

To impose additional duties on imports of goods from the People’s Republic of China until China provides full compensation and reimbursement relating to the COVID–19 pandemic to the United States, 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 “China COVID–19 Res-
5 titution Act”.

1 **SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) In April 2012, six miners assigned to clear
4 bat guano from the Mojiang coal mine in Mojiang,
5 Yunnan, China fell ill and 3 of them died. A team
6 of scientists from the Wuhan Institute of Virology
7 were called in to take samples of bats and found
8 multiple new coronaviruses.

9 (2) Scientists at the Wuhan Institute of Virol-
10 ogy did not announce the existence of the new
11 coronaviruses nor their connections to the coal mine
12 and the miners that became ill until 2021.

13 (3) Dr. Shi Zhengli, lead scientist at Wuhan In-
14 stitute of Virology, described experiments to World
15 Health Organization (WHO) scientists that could be
16 described as gain of function research. These experi-
17 ments included manipulating certain spike proteins
18 from coronaviruses found in bats and making them
19 capable of infecting human cells.

20 (4) The Wuhan Institute of Virology has been
21 conducting experiments on a coronavirus identified
22 as RaTG13, which was among the viruses found in
23 the Mojiang mineshaft.

24 (5) The Wuhan Institute of Virology has identi-
25 fied RaTG13 to be the most similar to SARS-CoV-

1 2, the virus that causes COVID–19 with a 96.2 per-
2 cent similarity.

3 (6) In November 2019 three scientists at the
4 Wuhan Institute of Virology became ill “with symp-
5 toms consistent with both COVID–19 and common
6 seasonal illness”. All 3 scientists sought treatment
7 at a hospital.

8 (7) A lab leak would not be unprecedented in
9 China. In 2004, a SARS outbreak stemming from 2
10 scientists at the Chinese Institute of Virology in Bei-
11 jing infected 9 people and killed one.

12 (8) China refused to allow scientists to inves-
13 tigate the potential origins of COVID–19 until Jan-
14 uary 2021, more than a year after COVID–19 began
15 its spread.

16 (9) China only agreed to a WHO investigation
17 if it had veto power over the scientists chosen for the
18 trip and privilege to review and edit the final report
19 before release. Thirty to sixty members of the Chi-
20 nese participants were not scientists.

21 (10) China would not allow the international
22 team access to blood bank samples, raw data of any
23 kind, lab logs, lab biosafety requirements, or to
24 interview staff members.

1 (11) The WHO team was required to remain
2 separate from Chinese scientists unless in approved
3 settings and were allowed only 3 hours inside the
4 Wuhan lab under strict conditions.

5 (12) Chinese scientists examined the medical
6 records of 76,000 people in a province of nearly 60
7 million people. Of that 76,000, only 92 were chosen
8 to be tested for COVID–19 antibodies long after
9 they could have faded and without any explanation
10 to the WHO team of the criterion in which they
11 were chosen.

12 (13) The COVID–19 pandemic, whether natu-
13 rally occurring or not, was made worse due to the
14 lies and misinformation promulgated by the Chinese
15 Communist Party (CCP).

16 (14) On January 3, 2020, China’s National
17 Health Commission ordered medical institutions and
18 labs not to publish any information about the new
19 virus without specific government approval. The no-
20 tice also ordered labs to destroy their samples or
21 send them to other designated institutions.

22 (15) Even after the CCP knowingly delayed no-
23 tifying the world of the COVID–19 virus and did not
24 share the genome sequence until January 11, 2020,
25 the WHO repeatedly defended them.

1 (16) For weeks after various physicians in
2 Wuhan warned of the possibility of human-to-human
3 transmission, China refused to admit any such cases
4 existed, as reported by the BBC.

5 (17) Dr. Li Wenliang and eight other doctors
6 warned of the dangers of the new virus in December
7 2019.

8 (18) In January 2020, the doctors were sum-
9 moned by the Public Security Bureau and silenced.

10 (19) On January 14, 2020, the WHO tweeted
11 “preliminary investigations conducted by China have
12 found no clear evidence of human-to-human trans-
13 mission”.

14 (20) On January 30, 2020, the WHO finally
15 declares the outbreak to be a global health emer-
16 gency.

17 (21) On February 24, 2020, following a 9-day
18 field excursion in China, a joint team of CCP and
19 WHO scientists held a news conference in which the
20 WHO stated China’s actions slowed the spread of
21 the epidemic and prevented or delayed thousands of
22 cases.

23 (22) On February 28, 2020, the joint team
24 praised China for the “remarkable speed” of their
25 response in isolating the virus.

1 (23) Dr. Tedros Adhanom Ghebreyesus, the
2 WHO’s director-general, visited China and praised
3 the country’s leadership for “setting a new standard
4 for outbreak response”. Another month and a half
5 went by before the WHO called COVID–19 a pan-
6 demic, at which point the virus had killed more than
7 4,000 people and had infected 118,000 people across
8 nearly every continent.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the People’s Republic of China and the CCP
11 are fully responsible and liable for all deaths, injuries, and
12 financial losses suffered in the United States by reason
13 of the spread of COVID–19.

14 **SEC. 3. IMPOSITION OF ADDITIONAL DUTIES ON IMPORTS**
15 **OF GOODS AND COMPONENTS FROM THE**
16 **PEOPLE’S REPUBLIC OF CHINA.**

17 (a) IN GENERAL.—Subject to subsection (c), the
18 President shall—

19 (1) impose a duty on imports of any good from
20 the People’s Republic of China, and any component
21 manufactured in the People’s Republic of China that
22 is incorporated in any good imported from any other
23 country, in an amount equal to 10 percent ad valo-
24 rem of the good or component for the period begin-

1 ning on the date of the enactment of this Act and
2 ending on December 31, 2021; and

3 (2) increase the duty imposed under subsection
4 (a) on such good or component by an additional
5 amount equal to 10 percent ad valorem of the good
6 or component for each calendar year beginning after
7 calendar year 2021.

8 (b) DUTIES TO BE CONSIDERED ADDITIONAL DU-
9 TIES.—The duty required by subsection (a) with respect
10 to a good or component is in addition to any other duty
11 imposed by law with respect to the good or component.

12 (c) SUNSET.—The requirement to impose a duty with
13 respect to a good or component under subsection (a) shall
14 cease to be effective beginning on the date on which the
15 President submits to Congress a certification that the
16 total amount deposited in the COVID–19 Restitution
17 Trust Fund established under section 4 equals or exceeds
18 the total amount necessary to provide full compensation
19 and reimbursement relating to COVID–19 for purposes of
20 the program established under section 5.

21 **SEC. 4. TRUST FUND.**

22 (a) ESTABLISHMENT.—Not later than 30 days after
23 the date of enactment of this Act, the Secretary of the
24 Treasury shall establish an account, to be known as the

1 “COVID–19 Restitution Trust Fund” (in this section re-
2 ferred to as the “Trust Fund”).

3 (b) DEPOSIT OF AMOUNTS.—The Trust Fund shall
4 consist of the following:

5 (1) Amounts equal to the amounts of duties im-
6 posed on imports of any good from the People’s Re-
7 public of China, and any component manufactured
8 in the People’s Republic of China that is incor-
9 porated in any good imported from any other coun-
10 try, under section 3.

11 (2) Amounts provided by the People’s Republic
12 of China to provide full compensation and reim-
13 bursement relating to COVID–19, if any.

14 (c) APPROPRIATION.—The amount of funds depos-
15 ited in the Trust Fund is appropriated to the President
16 and may be expended to provide full compensation and
17 reimbursement relating to COVID–19 in accordance with
18 the compensation program established under section 5.
19 Such funds may not be used for any other purpose.

20 **SEC. 5. COMPENSATION AND REIMBURSEMENT PROGRAM.**

21 (a) IN GENERAL.—The Attorney General, acting
22 through a Special Master appointed by the Attorney Gen-
23 eral, shall—

1 (1) establish and administer a program to pro-
2 vide compensation and reimbursement with respect
3 to—

4 (A) economic losses incurred in the United
5 States resulting from COVID–19;

6 (B) financial losses of each business in the
7 United States resulting from COVID–19;

8 (C) funds and other forms of assistance
9 made available by the Federal government to
10 address COVID–19; and

11 (D) financial losses of each State and local
12 government resulting from COVID–19;

13 (2) promulgate all procedural and substantive
14 rules for the administration of the program; and

15 (3) employ and supervise hearing officers and
16 other administrative personnel to perform the duties
17 of the Special Master under the program.

18 (b) ECONOMIC LOSS DEFINED.—In this section, the
19 term “economic loss” means any pecuniary loss resulting
20 from harm, including the loss of earnings or other benefits
21 related to employment, medical expense loss, replacement
22 services loss, loss due to death, burial costs, and loss of
23 business or employment opportunities.

1 **SEC. 6. REPORT.**

2 Not later than 90 days after the date of the enact-
3 ment of this Act, the Secretary of State shall submit to
4 Congress a report—

5 (1) identifying countries the Secretary deter-
6 mines have been adversely impacted by the Chinese
7 Communist Party, specifically related to the coverup,
8 misstatements, and obfuscation on the origin of
9 COVID–19; and

10 (2) describing measures the Secretary plans to
11 take to encourage other countries to adopt similar
12 tariffs or other retaliatory measures to collect dam-
13 ages from the People’s Republic of China.

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