

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.

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## 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

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## 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       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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