

116TH CONGRESS
2D SESSION

S. 3588

To secure justice for victims of novel coronavirus in the United States and abroad.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2020

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To secure justice for victims of novel coronavirus in the United States and abroad.

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 “Justice for Victims
5 of Coronavirus Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) beginning in December 2019, if not earlier,
9 the Government of the People’s Republic of China
10 concealed the emergence and spread of the novel

1 coronavirus (referred to in this Act as “COVID–
2 19”) by, among other things—

3 (A) silencing medical professionals, jour-
4 nalists, and academic researchers;

5 (B) halting research and destroying or oth-
6 erwise denying access by Chinese and inter-
7 national public health authorities to COVID–19
8 viral samples and relevant medical information
9 and research;

10 (C) obstructing access by international
11 public health authorities to parts of the
12 COVID–19 outbreak epicenter;

13 (D) releasing partial or incorrect data
14 about the number of COVID–19 cases and
15 deaths in the People’s Republic of China and
16 COVID–19 modes of transmission;

17 (E) using the World Health Organization
18 to amplify its false messaging; and

19 (F) waging a global propaganda offensive
20 to deflect attention away from its mishandling
21 of the COVID–19 outbreak and create un-
22 founded accounts of the origins of the virus;

23 (2) since December 2019, COVID–19 has
24 transformed from a local disease outbreak in
25 Wuhan, China, into a global pandemic, as declared

1 by the World Health Organization on March 11,
2 2020, that is infecting millions, killing hundreds of
3 thousands, and imposing severe economic hardship
4 on billions of people worldwide;

5 (3) initial actions or omissions by the Govern-
6 ment of the People's Republic of China to conceal
7 the emergence and spread of COVID-19 facilitated
8 the transformation of COVID-19 from a local dis-
9 ease outbreak into a global pandemic by obstructing
10 the timely and effective containment of the virus
11 within the Chinese mainland and limiting the avail-
12 ability of information that other nations needed to
13 prevent or control the spread of the virus into their
14 territories;

15 (4) the failure by the Government of the Peo-
16 ple's Republic of China to fully disclose information
17 on the COVID-19 outbreak in a timely manner to
18 the World Health Organization and other nations
19 appears to constitute a violation of the International
20 Health Regulations (2005), a legally binding agree-
21 ment among 196 countries, including the People's
22 Republic of China;

23 (5) the Government of the People's Republic of
24 China should be held accountable for the harm in-
25 flicted upon the lives and livelihoods of the people of

1 the United States and other nations due to its ef-
2 forts to conceal the emergence and spread of
3 COVID-19;

4 (6) although nation states are ordinarily enti-
5 tled to sovereign immunity in the courts of other na-
6 tions, the extraordinary harm caused by the
7 COVID-19 global pandemic, and the evidence
8 strongly indicating that this pandemic was caused by
9 deliberate decisions by the Government of the Peo-
10 ple's Republic of China to conceal the emergence
11 and spread of COVID-19, justify removing the
12 privilege of foreign sovereign immunity from that
13 Government to facilitate the payment of damages to
14 individuals harmed by this pandemic;

15 (7) the United States Government should also
16 establish and lead an international commission to
17 determine fully how actions or omissions by the Gov-
18 ernment of the People's Republic of China to conceal
19 the emergence and spread of COVID-19 contributed
20 to the transformation of COVID-19 from a local
21 disease outbreak into a global pandemic; and

22 (8) if the international investigation establishes
23 that actions or omissions by the Government of the
24 People's Republic of China to conceal the emergence
25 and spread of COVID-19 caused or substantially

1 aggravated the transformation of COVID–19 from a
2 local disease outbreak into a global pandemic, or if
3 the Government of the People’s Republic of China
4 refuses to cooperate fully with the international in-
5 vestigation, then the United States Government
6 should lead international efforts—

7 (A) to quantify the harm caused or sub-
8 stantially aggravated by actions or omissions by
9 the Government of the People’s Republic of
10 China to conceal the emergence and spread of
11 COVID–19 to the health and economic well-
12 being of the people of the United States and
13 other nations; and

14 (B) to secure damages from the Govern-
15 ment of the People’s Republic of China, espe-
16 cially by identifying ways to compel the Govern-
17 ment of the People’s Republic of China to pay
18 damages.

19 **SEC. 3. RESPONSIBILITY OF FOREIGN STATES FOR RECK-**
20 **LESS ACTIONS OR OMISSIONS CAUSING THE**
21 **COVID–19 GLOBAL PANDEMIC IN THE UNITED**
22 **STATES.**

23 (a) RESPONSIBILITY.—Chapter 97 of title 28, United
24 States Code, is amended by inserting after section 1605B
25 the following:

1 **“§ 1605C. Responsibility of foreign states for reckless**
 2 **actions or omissions causing the COVID–**
 3 **19 global pandemic in the United States**

4 “(a) RESPONSIBILITY OF FOREIGN STATES.—A for-
 5 eign state shall not be immune from the jurisdiction of
 6 the courts of the United States in any case in which money
 7 damages are sought against a foreign state for physical
 8 or economic injury to person, property, or business occur-
 9 ring in the United States following any reckless action or
 10 omission (including a conscious disregard of the need to
 11 report information promptly or deliberately hiding rel-
 12 evant information) of a foreign state, or of any official,
 13 employee, or agent of that foreign state while acting with-
 14 in the scope of his or her office, employment, or agency,
 15 that caused or substantially aggravated the COVID–19
 16 global pandemic in the United States, regardless of where
 17 the action or omission occurred.

18 “(b) RULE OF CONSTRUCTION.—A foreign state shall
 19 not be subject to the jurisdiction of the courts of the
 20 United States under subsection (a) on the basis of an
 21 omission or act that constitutes mere negligence.

22 “(c) JURISDICTION.—

23 “(1) EXCLUSIVE JURISDICTION.—The courts of
 24 the United States shall have exclusive jurisdiction in
 25 any action in which a foreign state is subject to the

1 jurisdiction of a court of the United States under
2 subsection (a).

3 “(2) PERSONAL JURISDICTION.—The courts of
4 the United States shall have personal jurisdiction, to
5 the maximum extent permissible under the Constitu-
6 tion of the United States, over any defendant in an
7 action described in subsection (a).

8 “(3) ADDITIONAL AUTHORITY TO ISSUE OR-
9 DERS.—In addition to authority already granted by
10 other laws, the courts of the United States shall
11 have jurisdiction to make and issue any writ or
12 order of injunction necessary or appropriate for the
13 enforcement of this section, including pre-judgment
14 injunctions related to transfer or disposal of assets.

15 “(d) INTERVENTION.—The Attorney General may in-
16 tervene in any action in which a foreign state is subject
17 to the jurisdiction of a court of the United States under
18 subsection (a) for the purpose of seeking a stay of the
19 civil action, in whole or in part if the Secretary of State
20 certifies that the United States is engaged in good faith
21 discussions with the foreign state defendant concerning
22 the resolution of the claims against the foreign state, or
23 any other parties as to whom a stay of claims is sought.

24 “(e) DURATION OF STAY.—

1 “(1) IN GENERAL.—A stay under this section
2 may be granted for not more than 180 days.

3 “(2) EXTENSION.—

4 “(A) IN GENERAL.—The Attorney General
5 may petition the court for an extension of the
6 stay for additional periods not to exceed 180
7 days.

8 “(B) RECERTIFICATION.—A court shall
9 grant an extension under subparagraph (A) if
10 the Secretary of State recertifies that the
11 United States remains engaged in good faith
12 discussions with the foreign state defendant
13 concerning the resolution of the claims against
14 the foreign state, or any other parties as to
15 whom a stay of claims is sought.

16 “(f) DISMISSAL OF ACTIONS FOLLOWING FOREIGN
17 STATE AGREEMENT.—

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

23 “(2) DISMISSAL WITH PREJUDICE.—Prior to
24 the entry of judgment, a court of the United States
25 may dismiss with prejudice a proceeding under this

1 section against a foreign state or any official, em-
2 ployee, or agent of the foreign state if the Secretary
3 of State certifies that the United States and the for-
4 eign state have entered into an agreement with re-
5 spect to the resolution of a claim against such a de-
6 fendant, regardless of whether the plaintiff is a
7 party to such agreement or consents to the dis-
8 missal.”.

9 (b) APPLICABILITY.—The amendment made by sub-
10 section (a) shall apply to any action or omission described
11 in section 1605C of title 28, United States Code, as added
12 by that subsection, that occurred before, on, or after the
13 date of enactment of this Act.

14 (c) REMOVAL OF IMMUNITY FROM ATTACHMENT OR
15 EXECUTION.—Section 1610 of title 28, United States
16 Code, is amended—

17 (1) in subsection (a)(7), by striking “section
18 1605A or section 1605(a)(7) (as such section was in
19 effect on January 27, 2008)” and inserting “section
20 1605A, section 1605(a)(7) (as such section was in
21 effect on January 27, 2008), or section 1605C”;

22 (2) in subsection (b)(2), by striking “or
23 1605(b)” and inserting “, 1605(b), or 1605C”;

24 (3) by striking subsection (d) and inserting the
25 following:

1 “(d) The property of a foreign state, as defined in
 2 section 1603(a) of this chapter, used for a commercial ac-
 3 tivity in the United States, shall not be immune from at-
 4 tachment prior to the entry of judgment in any action
 5 brought in a court of the United States or of a State,
 6 or prior to the elapse of the period of time provided in
 7 subsection (e) of this section, if—

8 “(1) the foreign state has explicitly waived its
 9 immunity from attachment prior to judgment, not-
 10 withstanding any withdrawal of the waiver the for-
 11 eign state may purport to effect except in accord-
 12 ance with the terms of the waiver;

13 “(2) the purpose of the attachment is to secure
 14 satisfaction of a judgment that has been or may ulti-
 15 mately be entered against the foreign state, and not
 16 to obtain jurisdiction; or

17 “(3) the attachment relates to a claim for which
 18 the foreign state is not immune under section
 19 1605C.”; and

20 (4) in subsection (g)(1), in the matter pre-
 21 ceding subparagraph (A), by striking “1605A” and
 22 inserting “1605A or 1605C”.

23 (d) CAUSE OF ACTION.—Any citizen or resident of
 24 the United States injured in his or her person, property,
 25 or business by reason of any reckless action or omission

1 (including a conscious disregard of the need to report in-
 2 formation promptly or deliberately hiding relevant infor-
 3 mation) of a foreign state, or of any official, employee,
 4 or agent of that foreign state while acting within the scope
 5 of his or her office, employment, or agency, that caused
 6 or substantially aggravated the COVID–19 global pan-
 7 demic in the United States, regardless of where the action
 8 or omission occurred, may sue therefor in any appropriate
 9 district court of the United States and shall recover three-
 10 fold the damages he or she sustains and the cost of the
 11 suit, including attorney’s fees.

12 (e) ENFORCEMENT BY STATE ATTORNEYS GEN-
 13 ERAL.—Any State, on its own behalf or on behalf of the
 14 citizens or residents of the State, may bring a civil action
 15 under subsection (d) in a district court of the United
 16 States. Nothing in this Act may be construed to prevent
 17 a State from exercising its powers under State law.

18 (f) TIME LIMITATION ON THE COMMENCEMENT OF
 19 CIVIL ACTION.—Notwithstanding any other provision of
 20 law, a civil action arising under subsection (d) may be
 21 commenced up to 20 years after the cause of action ac-
 22 crues.

23 (g) TECHNICAL AND CONFORMING AMENDMENT.—
 24 The table of sections for chapter 97 of title 28, United

1 States Code, is amended by inserting after the item relat-
 2 ing to section 1605B the following:

“1605C. Responsibility of foreign states for reckless actions or omissions caus-
 ing the COVID–19 global pandemic in the United States.”.

3 **SEC. 4. JUSTICE FOR VICTIMS OF CORONAVIRUS TASK**
 4 **FORCE.**

5 (a) ESTABLISHMENT.—The President shall establish
 6 the Justice for Victims of Coronavirus Task Force (re-
 7 ferred to in this Act as the “Task Force”) to investigate
 8 and secure damages from the Government of the People’s
 9 Republic of China.

10 (b) LEADERSHIP.—The President shall appoint the
 11 Assistant to the President for National Security Affairs,
 12 or a designee serving at the level of Deputy Assistant to
 13 the President or higher, to oversee and coordinate activi-
 14 ties by Task Force members.

15 (c) MEMBERSHIP.—The Task Force shall consist of
 16 the heads of the following Federal agencies, who may act
 17 through their respective designees at or above the level of
 18 Under Secretary or equivalent rank:

19 (1) The Department of State.

20 (2) The Department of Health and Human
 21 Services.

22 (3) The Department of Justice.

23 (4) The Department of Commerce.

24 (5) The Department of the Treasury.

1 (6) The Department of Agriculture.

2 (7) The Office of the United States Trade Rep-
3 resentative.

4 (8) The Office of Science and Technology Pol-
5 icy.

6 (9) The Office of the Director of National Intel-
7 ligence.

8 (10) Any other Federal agency that the Assist-
9 ant to the President for National Security Affairs,
10 or his or her designee, determines to be appropriate.

11 (d) RESPONSIBILITIES.—Task Force members shall
12 ensure relevant offices in their respective Federal agencies
13 take all appropriate measures to support—

14 (1) the Delegation established under section
15 5(a);

16 (2) the Working Group to Quantify Harm es-
17 tablished under section 6(a); and

18 (3) the Working Group to Secure Damages es-
19 tablished under section 7(a).

20 (e) MEETINGS.—Task Force members shall meet at
21 least quarterly—

22 (1) to update the Assistant to the President for
23 National Security Affairs, or his or her designee, on
24 contributions by their respective Federal agencies to

1 the activities of the organizations listed under para-
2 graphs (1) through (3) of subsection (d);

3 (2) to notify the Assistant to the President for
4 National Security Affairs, or his or her designee, of
5 any disputes requiring resolution to ensure the abil-
6 ity of the organizations listed under paragraphs (1)
7 through (3) of subsection (d) to perform the duties
8 assigned to them under this Act; and

9 (3) to provide the Assistant to the President for
10 National Security Affairs, or his or her designee,
11 and other Task Force members with recommenda-
12 tions to strengthen coordination between or other-
13 wise improve the effectiveness of the organizations
14 listed under paragraphs (1) through (3) of sub-
15 section (d).

16 (f) TERMINATION.—The Assistant to the President
17 for National Security Affairs, or his or her designee, shall
18 terminate and disband the Task Force following the termi-
19 nation and disbandment of—

20 (1) the Delegation established under section
21 5(a);

22 (2) the Working Group to Quantify Harm es-
23 tablished under section 6(a); and

24 (3) the Working Group to Secure Damages es-
25 tablished under section 7(a).

1 **SEC. 5. UNITED STATES DELEGATION TO THE INTER-**
2 **NATIONAL COMMISSION TO INVESTIGATE**
3 **THE ROLE OF THE GOVERNMENT OF THE**
4 **PEOPLE’S REPUBLIC OF CHINA IN THE**
5 **COVID-19 GLOBAL PANDEMIC.**

6 (a) IN GENERAL.—Not later than 30 days after the
7 establishment of the Task Force, the Secretary of State
8 shall form the United States Delegation to the Inter-
9 national Commission to Investigate the Role of the Gov-
10 ernment of the People’s Republic of China in the COVID-
11 19 Global Pandemic (referred to in this Act as the “Dele-
12 gation”).

13 (b) LEADERSHIP.—The Secretary of State, acting
14 through the United States Special Representative for
15 Global Health Diplomacy, shall direct and coordinate the
16 activities of the Delegation.

17 (c) MEMBERSHIP.—The Delegation shall include rep-
18 resentatives, at the level of Deputy Assistant Secretary or
19 equivalent rank, from the following Task Force member
20 agencies:

21 (1) The Department of State.

22 (2) The Department of Health and Human
23 Services.

24 (3) The Department of Justice.

25 (4) The Department of Agriculture.

1 (5) The Office of Science and Technology Pol-
2 icy.

3 (6) Any other Task Force member agency that
4 the Assistant to the President for National Security
5 Affairs, or his or her designee, determines to be ap-
6 propriate.

7 (d) DUTIES.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the formation of the Delegation, the Delegation shall
10 undertake to establish and lead the International
11 Commission to Investigate the Role of the Govern-
12 ment of the People’s Republic of China in the
13 COVID–19 Global Pandemic (referred to in this Act
14 as the “International Commission” in accordance
15 with this subsection).

16 (2) MEMBERSHIP.—The Delegation shall estab-
17 lish the International Commission in cooperation
18 with—

19 (A) allies and partners of the United
20 States; and

21 (B) other similar nations, if their member-
22 ship in the International Commission would not
23 adversely affect the ability of the International
24 Commission to fulfill the purpose described in
25 paragraph (3).

1 (3) PURPOSE.—The International Commission
2 shall allow the United States Government and other
3 members of the International Commission (referred
4 to in this Act as “International Commission Mem-
5 bers”) to work together—

6 (A) to gather, share, and analyze data in
7 order to understand how COVID–19 grew from
8 a local disease outbreak into a global pandemic;
9 and

10 (B) to prevent similar tragedies in the fu-
11 ture.

12 (4) FUNCTIONS.—The International Commis-
13 sion shall enable the United States Government and
14 other International Commission Members—

15 (A) to share and coordinate the collection
16 of information related to the emergence and
17 spread of COVID–19;

18 (B) to leverage unique expertise or other
19 capabilities resident in individual International
20 Commission Members to advance the under-
21 standing of all International Commission Mem-
22 bers of the emergence and spread of COVID–
23 19;

24 (C) to apply multilateral pressure to the
25 Government of the People’s Republic of China

1 or other parties, as necessary, in order to en-
2 courage their cooperation with the international
3 investigation; and

4 (D) to develop ways to generate actionable
5 findings irrespective of the cooperation of the
6 Government of the People's Republic of China.

7 (5) ADMINISTRATION.—The Delegation, in ne-
8 gotiation with other International Commission Mem-
9 bers, shall determine—

10 (A) the organizational structure of the
11 International Commission;

12 (B) the rules and procedures governing ac-
13 tivities by the International Commission;

14 (C) whether the International Commission
15 will issue reports on findings and recommenda-
16 tions or defer to International Commission
17 Members to issue their own reports on findings
18 and recommendations; and

19 (D) other items related to the administra-
20 tion of the International Commission, as the
21 Delegation determines to be appropriate.

22 (e) TRIANNUAL REPORT.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the formation of the Delegation, and every 4
25 months thereafter until the Delegation is disbanded,

1 the Delegation shall submit a report to the appro-
2 priate congressional committees and to the public
3 that describes the activities undertaken and the in-
4 formation produced by the International Commis-
5 sion.

6 (2) MATTERS TO BE INCLUDED.—Each report
7 under paragraph (1) shall include—

8 (A) procedural updates regarding—

9 (i) changes in International Commis-
10 sion membership;

11 (ii) changes related to the administra-
12 tion of the International Commission;

13 (iii) investigative or other official ac-
14 tions taken by the International Commis-
15 sion; and

16 (iv) responses by the Government of
17 the People's Republic of China to actions
18 taken by the International Commission;
19 and

20 (B) the latest information available relat-
21 ing to—

22 (i) the emergence and spread of
23 COVID-19 in the People's Republic of
24 China, including—

25 (I) the source of COVID-19;

1 (II) the date and circumstances
2 of initial transmission of COVID-19
3 to a human;

4 (III) the number of COVID-19
5 cases, by date and location, before
6 January 23, 2020 (the date on which
7 the Government of the People's Re-
8 public of China began implementing
9 quarantine measures in Wuhan,
10 China, and other locations);

11 (IV) the number of deaths as a
12 result of COVID-19 infection, by date
13 and location, before January 23,
14 2020; and

15 (V) evidence of human-to-human
16 transmission of COVID-19 before
17 January 20, 2020 (the date on which
18 the Government of the People's Re-
19 public of China first publicly acknowl-
20 edged that COVID-19 was capable of
21 human-to-human transmission);

22 (ii) knowledge by the Government of
23 the People's Republic of China of the in-
24 formation referenced under clause (i), in-
25 cluding details about when the Government

1 of the People's Republic of China first be-
2 came aware of said information;

3 (iii) methods used by the Government
4 of the People's Republic of China to con-
5 ceal information listed under clause (i), in-
6 cluding—

7 (I) silencing medical profes-
8 sionals, journalists, and academic re-
9 searchers;

10 (II) halting, destroying, or other-
11 wise denying access by Chinese and
12 international public health authorities
13 to COVID-19 viral samples and rel-
14 evant medical information and re-
15 search;

16 (III) obstructing access by inter-
17 national public health experts to parts
18 of the COVID-19 outbreak epicenter;
19 and

20 (IV) releasing partial or incorrect
21 data about the number of COVID-19
22 cases and deaths in the People's Re-
23 public of China and COVID-19
24 modes of transmission;

(iv) methods used by the Government of the People's Republic of China to gain influence in the World Health Organization and use that influence to persuade, compel, or otherwise cause leaders of the World Health Organization—

(I) to spread false, incomplete, or misleading information provided by the Government of the People's Republic of China; and

(II) to praise the Government of the People's Republic of China for its handling of the COVID-19 outbreak, despite ample reporting to show that the Government of the People's Republic of China was suppressing or distorting information about the COVID-19 outbreak by December 2019, if not earlier, in order to protect its own political fortunes;

(v) the impact of actions or omissions by the Government of the People's Republic of China to conceal the emergence and spread of COVID-19 on the trans-

1 formation of COVID–19 from a local dis-
 2 ease outbreak into a global pandemic;

3 (vi) actions or omissions by the Gov-
 4 ernment of the People’s Republic of China
 5 that contravened the legal obligations set
 6 forth in the International Health Regula-
 7 tions;

8 (vii) actions the Government of the
 9 People’s Republic of China could have
 10 taken—

11 (I) to control the outbreak of
 12 COVID–19;

13 (II) to prevent the spread of
 14 COVID–19 outside of Wuhan, China,
 15 and into other parts of the People’s
 16 Republic of China; and

17 (III) to prevent the spread of
 18 COVID–19 outside the People’s Re-
 19 public of China; and

20 (viii) any other information that the
 21 Delegation determines to be appropriate.

22 (3) FORM.—Each report under paragraph

23 (1)—

1 (A) shall be submitted to the appropriate
 2 congressional committees in unclassified form,
 3 but may include a classified annex; and

4 (B) shall be posted on a publicly available
 5 website of the Department of State, with the
 6 exception of any classified annex.

7 (4) APPROPRIATE CONGRESSIONAL COMMIT-
 8 TEES DEFINED.—In this section, the term “appro-
 9 priate congressional committees” means—

10 (A) the Committee on Agriculture, Nutri-
 11 tion, and Forestry of the Senate;

12 (B) the Committee on Health, Education,
 13 Labor, and Pensions of the Senate;

14 (C) the Committee on the Judiciary of the
 15 Senate;

16 (D) the Committee on Foreign Relations of
 17 the Senate;

18 (E) the Select Committee on Intelligence
 19 of the Senate;

20 (F) the Committee on Agriculture of the
 21 House of Representatives;

22 (G) the Committee on Education and
 23 Labor of the House of Representatives;

24 (H) the Committee on the Judiciary of the
 25 House of Representatives;

1 (I) the Committee on Foreign Affairs of
2 the House of Representatives;

3 (J) the Permanent Select Committee on
4 Intelligence of the House of Representatives;
5 and

6 (K) any congressional committee not listed
7 in subparagraphs (A) through (J) that provides
8 oversight for any of the Federal agencies as-
9 signed to the Delegation by the Assistant to the
10 President for National Security Affairs, or his
11 or her designee, pursuant to subsection (c)(6).

12 (f) TERMINATION.—The Assistant to the President
13 for National Security Affairs, or his or her designee, shall
14 terminate and disband the Delegation at such time as the
15 United States Special Representative for Global Health
16 Diplomacy, with the concurrence of the Secretary of State,
17 certifies that—

18 (1) the International Commission has fulfilled
19 its purpose by rendering a full and impartial account
20 of the facts associated with actions or omissions by
21 the Government of the People’s Republic of China to
22 conceal the emergence and spread of COVID–19 and
23 the impact thereof on the transformation of
24 COVID–19 from a local disease outbreak to a global
25 pandemic; or

1 (2) the International Commission is unable to
2 fulfill its purpose due to obstruction by the Govern-
3 ment of the People’s Republic of China.

4 **SEC. 6. INTERAGENCY WORKING GROUP TO QUANTIFY**
5 **HARM CAUSED BY THE GOVERNMENT OF THE**
6 **PEOPLE’S REPUBLIC OF CHINA.**

7 (a) IN GENERAL.—The Assistant to the President for
8 National Security Affairs, or his or her designee, shall es-
9 tablish the Interagency Working Group to Quantify Harm
10 Caused by the Government of the People’s Republic of
11 China (referred to in this Act as “Working Group to
12 Quantify Harm”) not later than 30 days after either of
13 the following conditions is met:

14 (1) The international investigation establishes
15 that actions or omissions by the Government of the
16 People’s Republic of China to conceal the emergence
17 and spread of COVID–19 caused or substantially
18 aggravated the transformation of COVID–19 from a
19 local disease outbreak into a global pandemic.

20 (2) The United States Special Representative
21 for Global Health Diplomacy, with the concurrence
22 of the Secretary of State, certifies that the Inter-
23 national Commission is unable to fulfill its purpose.

24 (b) DUTIES.—The Working Group to Quantify Harm
25 shall—

1 (1) encourage other International Commission
 2 Members to form their own interagency working
 3 groups or equivalent bodies; and

4 (2) use information or findings produced by the
 5 International Commission and data from other
 6 sources—

7 (A) to quantify the harm caused or sub-
 8 stantially aggravated by actions or omissions by
 9 the Government of the People’s Republic of
 10 China to conceal the emergence and spread of
 11 COVID–19 to the health and economic well-
 12 being of the people of the United States and
 13 other nations; and

14 (B) to provide data, technical support, and
 15 other support to International Commission
 16 Members and other similar nations seeking to
 17 quantify the harm caused or substantially ag-
 18 gravated by actions or omissions by the Govern-
 19 ment of the People’s Republic of China to the
 20 health and economic well-being of their respec-
 21 tive nations.

22 (c) LEADERSHIP.—

23 (1) QUANTIFYING HARM TO HUMAN HEALTH.—

24 The Secretary of Health and Human Services, act-
 25 ing through a designee at the level of Assistant Sec-

1 retary or above, shall direct and coordinate efforts
2 by the Working Group to Quantify Harm to quan-
3 tify the harm caused or substantially aggravated by
4 actions or omissions by the Government of the Peo-
5 ple's Republic of China to the health of the people
6 of the United States and other nations.

7 (2) QUANTIFYING ECONOMIC HARM.—The Sec-
8 retary of Commerce, acting through a designee at
9 the level of Assistant Secretary or above, shall direct
10 and coordinate efforts by the Working Group to
11 Quantify Harm to quantify the harm caused or sub-
12 stantially aggravated by actions or omissions by the
13 Government of the People's Republic of China to the
14 economic well-being of the people of the United
15 States and other nations.

16 (d) MEMBERSHIP.—The Working Group to Quantify
17 Harm shall include representatives, at the level of Deputy
18 Assistant Secretary or equivalent rank, from the following
19 Task Force Member agencies:

20 (1) The Department of Health and Human
21 Services.

22 (2) The Department of Commerce.

23 (3) The Department of State.

24 (4) The Department of the Treasury.

1 (5) The Office of the Director of National Intel-
2 ligence.

3 (6) The Office of Science and Technology Pol-
4 icy.

5 (7) Any other Task Force Member agency that
6 the Assistant to the President for National Security
7 Affairs, or his or her designee, determines to be ap-
8 propriate.

9 (e) FOREIGN ENGAGEMENT.—The Secretary of
10 Health and Human Services and Secretary of Commerce,
11 acting through their respective designees, shall coordinate
12 with the United States Special Representative for Global
13 Health Diplomacy when providing support to other na-
14 tions seeking to quantify the harm caused by the Govern-
15 ment of the People’s Republic of China.

16 (f) REPORT.—

17 (1) IN GENERAL.—Not later than 90 days after
18 the establishment of the Working Group, and every
19 6 months thereafter until the Working Group to
20 Quantify Harm is disbanded, the Working Group to
21 Quantify Harm shall submit a report to the appro-
22 priate congressional committees and to the public
23 that describes the activities undertaken and the in-
24 formation produced by the Working Group to Quan-
25 tify Harm.

1 (2) MATTERS TO BE INCLUDED.—Each report
2 under paragraph (1) shall include—

3 (A) the latest assessments of the harm
4 caused or substantially aggravated by actions or
5 omissions by the Government of the People’s
6 Republic of China to conceal the emergence and
7 spread of COVID–19 to the health and eco-
8 nomic well-being of the people of the United
9 States;

10 (B) the latest assessments of the harm
11 caused or substantially aggravated by actions or
12 omissions by the Government of the People’s
13 Republic of China to conceal the emergence and
14 spread of COVID–19 to the health and eco-
15 nomic well-being of other nations; and

16 (C) an update on support provided by the
17 Working Group to Quantify Harm to other na-
18 tions seeking to quantify the harm suffered by
19 their respective nations on account of actions or
20 omissions by the Government of the People’s
21 Republic of China to conceal the emergence and
22 spread of COVID–19.

23 (3) FORM.—Each report under paragraph
24 (1)—

1 (A) shall be submitted to the appropriate
2 congressional committees in unclassified form,
3 but may include a classified annex; and

4 (B) shall be posted on a publicly available
5 website of the Department of State, with the
6 exception of any classified annex.

7 (4) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES DEFINED.—In this section, the term “appro-
9 priate congressional committees” means—

10 (A) the Committee on Banking, Housing,
11 and Urban Affairs of the Senate;

12 (B) the Committee on Finance of the Sen-
13 ate;

14 (C) the Committee on Health, Education,
15 Labor, and Pensions of the Senate;

16 (D) the Committee on Foreign Relations of
17 the Senate;

18 (E) the Select Committee on Intelligence
19 of the Senate;

20 (F) the Committee on Financial Services
21 of the House of Representatives;

22 (G) the Committee on Ways and Means of
23 the House of Representatives;

24 (H) the Committee on Education and
25 Labor of the House of Representatives;

1 (I) the Committee on Foreign Affairs of
2 the House of Representatives;

3 (J) the Permanent Select Committee on
4 Intelligence of the House of Representatives;
5 and

6 (K) any congressional committee not listed
7 in subparagraphs (A) through (J) that provides
8 oversight for any of the Federal agencies as-
9 signed to the Working Group by the Assistant
10 to the President for National Security Affairs,
11 or his or her designee, pursuant to subsection
12 (d)(7).

13 (g) TERMINATION.—The Assistant to the President
14 for National Security Affairs, or his or her designee, shall
15 terminate and disband the Working Group to Quantify
16 Harm on the later of the date—

17 (1) on which the Task Force determines, by
18 consensus, that the Working Group to Quantify
19 Harm has completed its duties; or

20 (2) that is 2 years after the establishment of
21 the Working Group to Quantify Harm.

1 **SEC. 7. INTERAGENCY WORKING GROUP TO SECURE DAM-**
2 **AGES FROM THE GOVERNMENT OF THE PEO-**
3 **PLE’S REPUBLIC OF CHINA.**

4 (a) IN GENERAL.—The Assistant to the President for
5 National Security Affairs, or his or her designee, shall es-
6 tablish the Interagency Working Group to Secure Dam-
7 ages from the Government of the People’s Republic of
8 China (referred to in this Act as “Working Group to Se-
9 cure Damages”) not later than 30 days after either of the
10 following conditions is met:

11 (1) The international investigation establishes
12 that actions or omissions by the Government of the
13 People’s Republic of China to conceal the emergence
14 and spread of COVID–19 caused or substantially
15 aggravated the transformation of COVID–19 from a
16 local disease outbreak into a global pandemic.

17 (2) The United States Special Representative
18 for Global Health Diplomacy, with the concurrence
19 of the Secretary of State, certifies that the Inter-
20 national Commission is unable to fulfill its purpose.

21 (b) DUTIES.—The Working Group to Secure Dam-
22 ages, in consultation with the Working Group to Quantify
23 Harm, shall—

24 (1) identify ways for the United States Govern-
25 ment to compel the Government of the People’s Re-
26 public of China to pay damages—

1 (A) to ease the pain suffered by individual
2 citizens and residents of the United States for
3 actions or omissions by the Government of the
4 People's Republic of China to conceal the emer-
5 gence and spread of COVID-19; and

6 (B) to reimburse expenses incurred by the
7 United States Government to provide relief and
8 economic recovery to the people of the United
9 States for actions or omissions by the Govern-
10 ment of the People's Republic of China; and

11 (2) encourage other International Commission
12 Members to form their own interagency working
13 groups or equivalent bodies to secure damages from
14 the Government of the People's Republic of China
15 and provide technical and other support to such
16 working groups.

17 (c) LEADERSHIP.—The Secretary of State, acting
18 through a designee at or above the level of Assistant Sec-
19 retary, shall direct and coordinate activities by the Work-
20 ing Group to Secure Damages.

21 (d) MEMBERSHIP.—The Working Group to Secure
22 Damages shall include representatives, at the level of Dep-
23 uty Assistant Secretary or equivalent rank, from the fol-
24 lowing Task Force Member agencies:

25 (1) The Department of State.

1 (2) The Department of Justice.

2 (3) The Department of Commerce.

3 (4) The Department of the Treasury.

4 (5) The Office of the United States Trade Rep-
5 representative.

6 (6) The Department of Health and Human
7 Services.

8 (7) The Office of the Director of National Intel-
9 ligence.

10 (8) Any other Task Force Member agency that
11 the Assistant to the President for National Security
12 Affairs, or his or her designee, determines to be ap-
13 propriate.

14 (e) REPORT.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the establishment of the Working Group to Secure
17 Damages, and every 6 months thereafter until the
18 Working Group to Secure Damages is disbanded,
19 the Working Group to Secure Damages shall submit
20 a report to the appropriate congressional committees
21 that describes the activities undertaken and the in-
22 formation produced by the Working Group to Secure
23 Damages.

24 (2) MATTERS TO BE INCLUDED.—Each report
25 under paragraph (1) shall include—

1 (A) descriptions of unilateral measures
2 that may be taken by the United States Gov-
3 ernment to compel the Government of the Peo-
4 ple's Republic of China to pay damages, such
5 as—

6 (i) seizure of assets owned by the
7 Government of the People's Republic of
8 China in the United States and its terri-
9 tories, including assets owned by Chinese
10 state-owned enterprises or otherwise tied
11 to the Government of the People's Repub-
12 lic of China;

13 (ii) suspension by the United States
14 Government of legal obligations owed by
15 the United States Government to the Gov-
16 ernment of the People's Republic of China;
17 or

18 (iii) employment of other counter-
19 measures as deemed necessary by the
20 United States Government to secure dam-
21 ages from the Government of the People's
22 Republic of China;

23 (B) descriptions of multilateral action that
24 may be taken by the United States Government

1 to compel the Government of the People's Re-
2 public of China to pay damages, such as—

3 (i) using the vote and influence of the
4 United States, in cooperation with Inter-
5 national Commission Members and other
6 allies and partners, to seek—

7 (I) the expulsion or temporary
8 suspension of the Government of the
9 People's Republic of China from inter-
10 national institutions whose mandates,
11 rules, or guiding principles the Gov-
12 ernment of People's Republic of China
13 undermined in its attempt to conceal
14 the emergence and spread of COVID-
15 19;

16 (II) to downgrade the status of
17 the Government of the People's Re-
18 public of China, such as through the
19 suspension of voting rights or dis-
20 qualification from serving in certain
21 roles, in international institutions
22 whose mandates, rules, or guiding
23 principles the Government of People's
24 Republic of China undermined in its

1 attempt to conceal the emergence and
 2 spread of COVID–19; or

3 (III) the removal of representa-
 4 tives of the Government of the Peo-
 5 ple’s Republic of China from leader-
 6 ship, senior, and other influential po-
 7 sitions in international institutions
 8 whose mandates, rules, or guiding
 9 principles the Government of People’s
 10 Republic of China undermined in its
 11 attempt to conceal the emergence and
 12 spread of COVID–19; or

13 (ii) collaborating with International
 14 Commission Members and other allies and
 15 partners to compel the Government of the
 16 People’s Republic of China—

17 (I) to cease operations at its Bio-
 18 safety Level-4 laboratory at the
 19 Wuhan Institute of Virology and halt
 20 research related to bat coronavirus at
 21 other biosafety laboratories, including
 22 by restricting or terminating inter-
 23 national assistance to these or other
 24 Chinese institutions; or

- 1 (II) to provide timely and suffi-
2 cient access for international mon-
3 itors, including representatives from
4 the United States Government, to en-
5 sure the Government of the People's
6 Republic of China has taken all meas-
7 ures necessary to prevent other out-
8 breaks within the territory of the Peo-
9 ple's Republic of China that may
10 cause another global pandemic;
- 11 (C) recommendations for—
- 12 (i) the establishment of a victim's
13 fund or another vehicle to deliver damages
14 secured by the United States Government
15 from the Government of the People's Re-
16 public of China to the people of the United
17 States; and
- 18 (ii) any additional authorities required
19 to enable the United States Government to
20 secure damages from the Government of
21 the People's Republic of China; and
- 22 (D) an update on support provided by the
23 Working Group to Secure Damages to other na-
24 tions seeking—

1 (i) to compel the Government of the
2 People's Republic of China to pay dam-
3 ages, including through unilateral and mul-
4 tilateral actions such as the actions de-
5 scribed in subparagraphs (A) through (C);
6 and

7 (ii) to design vehicles by which to de-
8 liver such damages to their respective pop-
9 ulations or governments.

10 (3) FORM.—Each report under paragraph (1)
11 shall be submitted to the appropriate congressional
12 committees in unclassified form, but may include a
13 classified annex.

14 (4) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES DEFINED.—The term “appropriate congres-
16 sional committees” means—

17 (A) the Committee on Banking, Housing,
18 and Urban Affairs of the Senate;

19 (B) the Committee on Finance of the Sen-
20 ate;

21 (C) the Committee on Health, Education,
22 Labor, and Pensions of the Senate;

23 (D) the Committee on the Judiciary of the
24 Senate;

1 (E) the Committee on Foreign Relations of
2 the Senate;

3 (F) the Select Committee on Intelligence of
4 the Senate;

5 (G) the Committee on Financial Services
6 of the House of Representatives;

7 (H) the Committee on Ways and Means of
8 the House of Representatives;

9 (I) the Committee on Education and Labor
10 of the House of Representatives;

11 (J) the Committee on the Judiciary of the
12 House of Representatives;

13 (K) the Committee on Foreign Affairs of
14 the House of Representatives;

15 (L) the Permanent Select Committee on
16 Intelligence of the House of Representatives;
17 and

18 (M) any congressional committee not listed
19 in subparagraphs (A) through (L) that provides
20 oversight for any of the Federal agencies as-
21 signed to the Working Group to Secure Dam-
22 ages by the Assistant to the President for Na-
23 tional Security Affairs, or his or her designee,
24 pursuant to subsection (d)(8).

1 (f) TERMINATION.—The Assistant to the President
 2 for National Security Affairs, or his or her designee, shall
 3 terminate and disband the Working Group to Secure
 4 Damages on the later of the date—

5 (1) on which the Task Force determines, by
 6 consensus, that the Working Group to Secure Dam-
 7 ages has completed its duties; or

8 (2) that is 2 years after the establishment of
 9 the Working Group to Secure Damages.

10 **SEC. 8. AUTHORITIES AND APPROPRIATIONS.**

11 (a) AUTHORITIES.—Task Force members shall—

12 (1) coordinate use of the programs and authori-
 13 ties resident in their respective Federal agencies to
 14 perform the duties assigned to them under this Act;
 15 and

16 (2) notify Congress upon the discovery of any
 17 lack of authority that might impede the ability of
 18 their respective Federal agencies to perform the du-
 19 ties assigned to them under this Act.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 21 are authorized to be appropriated such sums as may be
 22 necessary for Task Force members to perform the duties
 23 assigned to them under this Act.

