

118TH CONGRESS
1ST SESSION

H. R. 6222

To establish a COVID–19 Victims Compensation Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2023

Mr. MOONEY introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, 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 establish a COVID–19 Victims Compensation Program,
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 “Justice for Victims
5 of COVID Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1 (1) According to the Centers for Disease Con-
2 trol and Prevention, the COVID–19 pandemic has
3 killed more than 1 million Americans.

4 (2) The People’s Republic of China showed will-
5 ful disregard and indifference toward the life, wel-
6 fare, safety, and rights of Americans by—

7 (A) concealing vital medical and scientific
8 data from the World Health Organization;

9 (B) suppressing crucial information that
10 should have been shared with international
11 health authorities;

12 (C) arresting and silencing whistleblowers;

13 (D) denying human-to-human transmission
14 in the face of mounting evidence;

15 (E) destroying evidence; and

16 (F) continuing international air traffic out
17 of Wuhan, the virus’s epicenter, despite a do-
18 mestic travel lockdown.

19 **SEC. 3. COVID–19 VICTIMS COMPENSATION FUND.**

20 (a) ESTABLISHMENT OF FUND.—There is hereby es-
21 tablished in the Treasury of the United States a fund to
22 be known as the COVID–19 Victims Compensation Fund
23 (in this Act referred to as the “Fund”), consisting of such
24 amounts as may be appropriated to the Fund as provided
25 in subsection (b).

1 (b) TRANSFER TO FUND OF AMOUNTS EQUIVALENT
2 TO SPECIAL TARIFF.—There is hereby appropriated to
3 the Fund for fiscal year 2024 and each subsequent fiscal
4 year an amount equal to the total amount of duties col-
5 lected for each fiscal year under section 5.

6 (c) AVAILABILITY OF FUNDING.—Amounts in the
7 Fund shall be available, without further appropriation and
8 until expended, for carrying out section 4.

9 **SEC. 4. COVID-19 VICTIMS COMPENSATION PROGRAM.**

10 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
11 of Health and Human Services (in this section referred
12 to as the “Secretary”) shall establish a program to be
13 known as the COVID-19 Victims Compensation Program
14 (in this section referred to as the “Program”) for the pur-
15 pose of providing compensation to eligible survivors of eli-
16 gible deceased individuals whose primary cause of death
17 was COVID-19.

18 (b) PETITIONS.—

19 (1) IN GENERAL.—To receive compensation
20 under the Program, an eligible survivor may submit
21 to the Secretary a petition at such time, in such
22 manner, and containing such information as the Sec-
23 retary may require, which shall include—

24 (A) evidence (of a type determined admis-
25 sible by the Secretary) that COVID-19 was the

1 primary cause of death of the eligible deceased
2 individual in relation to whom the eligible sur-
3 vivor seeks compensation; and

4 (B) the name and contact information of
5 each eligible survivor of such eligible deceased
6 individual.

7 (2) NOT MORE THAN 1 PETITION PER ELIGIBLE
8 DECEASED INDIVIDUAL.—Not more than 1 petition
9 may be submitted in relation to any given eligible
10 deceased individual.

11 (c) PAYMENT OF COMPENSATION.—

12 (1) IN GENERAL.—Subject to paragraph (3),
13 for any petition for which the Secretary determines
14 by a preponderance of the evidence that COVID–19
15 was the primary cause of death of the eligible de-
16 ceased individual, the Secretary shall, from amounts
17 in the Fund, pay the eligible survivors of the eligible
18 deceased individual—

19 (A) in the case of 1 eligible survivor, the
20 amount described in paragraph (2) to such eli-
21 gible survivor; or

22 (B) in the case of multiple eligible sur-
23 vivors, the amount described in paragraph (2)
24 divided equally among such eligible survivors.

1 (2) AMOUNT.—The amount described in this
2 paragraph is the total of—

3 (A) the amount of out-of-pocket health
4 care costs incurred by the eligible deceased indi-
5 vidual for the treatment of such eligible de-
6 ceased individual’s case of COVID–19 and any
7 associated symptoms and complications; and

8 (B) the amount, not to exceed \$50,000, of
9 wages lost by the eligible deceased individual as
10 the result of the death of such eligible deceased
11 individual.

12 (3) INSUFFICIENT FUNDS.—In the case of in-
13 sufficient amounts in the Fund to pay the full
14 amount described in paragraph (2) to all eligible
15 survivors in relation to whom the Secretary has
16 made the determination described in paragraph (1),
17 the Secretary may prioritize payments, on a rolling
18 basis, in the order in which such determinations are
19 made.

20 (d) JUDICIAL REVIEW.—

21 (1) APPEAL OF DENIAL.—An individual, if ag-
22 grieved by a denial of a petition submitted under the
23 Program for an eligible deceased individual in rela-
24 tion to whom such individual is an eligible survivor,

1 may appeal such denial in the United States Court
2 of Federal Claims.

3 (2) CAUSE OF ACTION FOR IMPROPER EXCLU-
4 SION.—

5 (A) IN GENERAL.—For any petition for
6 which compensation is awarded to 1 or more el-
7 igible survivors under subsection (c), an eligible
8 survivor who was not awarded such compensa-
9 tion may, not later than 3 years after the date
10 on which such compensation is awarded, bring
11 an action in a Federal court of competent juris-
12 diction against the eligible survivors to whom
13 such compensation was awarded, for the
14 amount described in subparagraph (B).

15 (B) AMOUNT.—The amount described in
16 this subparagraph is—

17 (i) in the case of a defendant whom
18 the court determines, by a preponderance
19 of the evidence, intentionally excluded the
20 name and contact information of the plain-
21 tiff from the petition submitted under sub-
22 section (b)(1), the total of—

23 (I) the equal share of compensa-
24 tion that the plaintiff would have re-

1 ceived under subsection (e)(1), if in-
2 cluded on the petition; and

3 (II) any applicable attorney’s fees
4 and reasonable court costs; or

5 (ii) in any other case, such equal
6 share of compensation.

7 (e) DEFINITIONS.—In this section:

8 (1) ELIGIBLE DECEASED INDIVIDUAL.—The
9 term “eligible deceased individual” means an indi-
10 vidual who—

11 (A) is deceased; and

12 (B) at the time of death, was a citizen of
13 the United States.

14 (2) ELIGIBLE SURVIVOR.—The term “eligible
15 survivor” means, as of the time of submitting a peti-
16 tion under subsection (b)—

17 (A) the surviving spouse of the eligible de-
18 ceased individual;

19 (B) if there is no surviving spouse, the sur-
20 viving children of the eligible deceased indi-
21 vidual; and

22 (C) if there is no surviving spouse or chil-
23 dren, the surviving parents or legal guardians
24 of the eligible deceased individual.

1 **SEC. 5. SPECIAL TARIFF.**

2 Notwithstanding any other provision of law, there is
3 hereby imposed, in addition to any other duty in effect
4 as of the date of the enactment of this Act, a duty of 10
5 percent ad valorem on all products of the People’s Repub-
6 lic of China imported into the United States.

7 **SEC. 6. EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law (including chapter 85 of title 28, United States
10 Code, commonly referred to as the “Foreign Sovereign Im-
11 munities Act”) a person may bring an action for damages
12 (including economic damages, and damages for pain and
13 suffering) before an appropriate district court of the
14 United States against the Government of the People’s Re-
15 public of China for personal injury, death, or harm result-
16 ing from any misrepresentation pertaining to COVID–19
17 made by the Government of the People’s Republic of
18 China.

19 (b) PRESUMPTION OF LIABILITY.—For purposes of
20 a civil action under this section, there shall be a rebuttable
21 presumption that a misrepresentation described in sub-
22 section (a) was a proximate cause of any harm suffered
23 as a result of COVID–19.

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