AMENDMENT TO
RULES COMMITTEE PRINT 117–31
OFFERED BY MR. MAST OF FLORIDA

Page 1714, after line 6, insert the following:

TITLE IV—LIABILITY OF FOREIGN STATES

SEC. 80401. RESPONSIBILITY OF THE PEOPLE’S REPUBLIC OF CHINA FOR DAMAGES AGAINST THE UNITED STATES AND THE AMERICAN PEOPLE.

(a) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by adding at the end the following:

“§ 1605C. Liability of People’s Republic of China

“(a) LIABILITY.—The People’s Republic of China shall not be immune from the jurisdiction of the courts of the United States in any case in which money damages are sought against the People’s Republic of China, or of any official, employee, or agent of the People’s Republic of China, for physical injury to a person or death, or economic loss occurring in the United States and caused by the COVID–19 pandemic.
“(b) EXCLUSIVE JURISDICTION.—The courts of the United States shall have exclusive jurisdiction in any action in which the People’s Republic of China is subject to the jurisdiction of a court of the United States under this section.

“(c) INTERVENTION.—

“(1) IN GENERAL.—The Attorney General may intervene in any action in which the People’s Republic of China is subject to the jurisdiction of a court of the United States under this section, for the purpose of seeking a stay of the civil action, in whole or in part.

“(2) STAY PROCEEDINGS.—A court of the United States may stay a proceeding against the People’s Republic of China if the Secretary of State certifies that the United States is engaged in good faith discussions with the People’s Republic of China concerning the resolution of the claims against the People’s Republic of China, or any other parties as to whom a stay of claims is sought. A stay under this section may be granted for not more than 180 days.

“(3) EXTENSION.—The Attorney General may petition the court for an extension of the stay for additional 180-day periods.
“(4) RECERTIFICATION.—A court shall grant an extension under clause (i) if the Secretary of State recertifies that the United States remains engaged in good faith discussions with the People’s Republic of China concerning the resolution of the claims against the People’s Republic of China, or any other parties as to whom a stay of claims is sought.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 97 of title 28, United States Code, is amended by adding at the end the following:

“1605C. Liability of People’s Republic of China.”.