To impose sanctions and other measures in response to the failure of the Government of the People's Republic of China to allow an investigation into the origins of COVID–19 at suspect laboratories in Wuhan.

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2022

Mr. Rubio (for himself, Mr. Scott of South Carolina, Mr. Cornyn, Mr. Scott of Florida, Mr. Cramer, Mr. Marshall, Mr. Daines, Mr. Grassley, Mr. Lankford, Mr. Sasse, Mr. Tuberville, Mrs. Hyde-Smith, Mr. Braun, Mrs. Blackburn, Mr. Hagerty, Mr. Kennedy, Mr. Tillis, Ms. Lummis, Mr. Hoeven, and Mr. Wicker) introduced the following bill; which was read the first time

JANUARY 18, 2022

Read the second time and placed on the calendar

A BILL

To impose sanctions and other measures in response to the failure of the Government of the People’s Republic of China to allow an investigation into the origins of COVID–19 at suspect laboratories in Wuhan.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Coronavirus Origin Validation, Investigation, and Determination Act of 2022” or the “COVID Act of 2022”.

SEC. 2. MEASURES IN RESPONSE TO FAILURE OF THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA TO ALLOW AN INVESTIGATION OF SUSPECT LABORATORIES IN WUHAN.

(a) IN GENERAL.—If, by not later than the date that is 90 days after the date of the enactment of this Act, the President is unable to certify that the Government of the People’s Republic of China has allowed a transparent international forensic investigation of suspect laboratories in Wuhan to commence, including of the Wuhan Institute of Virology of the Chinese Academy of Sciences (in this section referred to as “CAS”), the President shall—

(1) impose the sanctions described in subsection (c) with respect to—

(A) individuals who hold positions of leadership in the state-run CAS, including its affiliated institutes and laboratories, local branches, and universities; and

(B) individuals who—

(i) are officials of the Chinese Communist Party, the People’s Liberation Army, or the State Council of the People’s
Republic of China, including its subordinate agencies, such as the Ministry of Science and Technology, the National Health Commission, the Chinese Center for Disease Control and Prevention, the Ministry of Foreign Affairs, the Ministry of Emergency Management, and the Ministry of Public Security; and

(ii) were involved in concealing the initial outbreak of COVID–19 in the People’s Republic of China from the international community, restricting the release of information related to the outbreak, understating the severity of the outbreak, or obstructing an international investigation into the origin of the outbreak;

(2) prohibit Federal funding for any joint research or other collaborative projects between United States-based researchers and CAS researchers across all academic fields, including those employed by the affiliated institutes and laboratories of CAS, its local branches or universities, or the science and technology enterprises based in the People’s Republic of China that were created by CAS or founded with CAS investment; and
(3) prohibit United States-based researchers and institutions that receive Federal funding from engaging in collaborative projects involving gain-of-function research of concern on viruses with individuals or institutions based in the People’s Republic of China.

(b) TERMINATION.—The requirements of subsection (a) shall terminate on the date on which the Government of the People’s Republic of China allows the transparent international forensic investigation described in that subsection to be conducted and concluded without—

(1) imposition of restrictions on the scope or subject matter of the investigation; or

(2) limitations on the access of investigators to physical sites, persons of interest, information on laboratory biosafety incidents, or relevant molecular, genetic, epidemiological, serological, and virological data.

(c) SANCTIONS DESCRIBED.—The sanctions to be imposed under subsection (a)(1) are the following:

(1) ASSET BLOCKING.—

(A) IN GENERAL.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the ex-
tent necessary to block and prohibit all trans-
actions in property and interests in property de-
scribed in subparagraph (B) if such property
and interests in property are in the United
States, come within the United States, or are or
come within the possession or control of a
United States person.

(B) PROPERTY AND INTERESTS IN PROP-
ERTY DESCRIBED.—The property and interests
in property described in this subparagraph are
property or interests in property of—

(i) an individual described in sub-
section (a)(1); or

(ii) any family member or associate
acting for or on behalf of an individual de-
scribed in subsection (a)(1) and to whom
that individual transfers such property or
interests in property after the date on
which the President designates the indi-
vidual for the imposition of sanctions
under that subsection.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR
PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An
alien described in subsection (a)(1) is—
(i) inadmissible to the United States;
(ii) ineligible to receive a visa or other
documentation to enter the United States;
and
(iii) otherwise ineligible to be admitted
or paroled into the United States or to re-
ceive any other benefit under the Immigra-
tion and Nationality Act (8 U.S.C. 1101 et
seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described
in subsection (a)(1) is subject to revocation
of any visa or other entry documentation
regardless of when the visa or other entry
documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revoca-
tion under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any
other valid visa or entry documen-
tation that is in the alien’s possession.

(d) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may ex-
ercise the authorities provided to the President
under sections 203 and 205 of the International
Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to the extent necessary to carry out this section.

(2) Penalties.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (c)(1) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (e) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(e) Exceptions.—

(1) Exception for intelligence activities.—Sanctions under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) Exception to comply with international obligations and for law enforcement activities.—Sanctions under subsection (c)(2) shall not apply with respect to an alien if ad-
mitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term “good” means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(f) DEFINITIONS.—In this section:
(1) ADMISSION; ADMITTED; ALIEN.—The terms “admission”, “admitted”, and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) GAIN-OF-FUNCTION RESEARCH OF CONCERN.—The term “gain-of-function research of concern” means, with respect to the study of viruses—

(A) the use of genetic engineering or nucleic acid synthesis methods reasonably anticipated to increase a pathogen’s transmissibility, or pathogenicity to humans, or to alter a pathogen’s host tropism to include humans;

(B) the use of serial passage methods in a laboratory culture or in laboratory animals reasonably anticipated to increase a pathogen’s transmissibility, or pathogenicity to humans, or to alter a pathogen’s host tropism to include humans; or

(C) any research conducted in a laboratory setting less than Biosafety Level Three that involves pathogens or potential pathogens known to be, or that can be reasonably anticipated to be, infectious to humans through the inhalation route of exposure, and known to cause, or that
can be reasonably anticipated to cause, serious
to fatal disease.

(3) **Transparent international forensic investigation.**—The term “transparent international forensic investigation”, with respect to investigating the origin of SARS–CoV–2, means an inquiry that is objective, data-driven, inclusive of broad expertise, subject to independent oversight, and properly managed to exclude individuals with conflicts of interest and under which the following takes place:

(A) Relevant research funding agencies, funding contractors, laboratories, and hospitals open their records to examination by the investigative team and grant the investigative team unfettered access to any and all facilities, personnel, and other sites of interest, and to any and all forms of epidemiological or virological data of interest, including serological records pertaining to the earliest confirmed or suspected cases of COVID–19, or cases of similar illnesses that may have been misdiagnosed, which appeared in and around Wuhan in the fall and winter of 2019. Investigators document the veracity and source of the data upon which
their analysis is based in a manner that allows

independent experts to reproduce their analysis

and validate any conclusions they may draw.

(B) The international team is allowed to

perform a full forensic investigation of the

Wuhan Institute of Virology, the Wuhan Center

for Disease Prevention and Control, and the

Wuhan Institute of Biological Products, and all

other laboratories in Wuhan that the team

might identify as warranting examination. The

team is allowed to review the biosafety level

under which bat coronavirus research was con-
ducted, and to interview any and all personnel

currently or previously employed at those lab-
oratories, or related experts who may have in-
formation pertinent to the investigation. All lab-

oratory logs and notebooks kept by Shi Zhengli

and other researchers at the Wuhan Institute of

Virology who have conducted gain-of-function

experiments between 2007 and the date of the

enactment of this Act, as well as their published

and unpublished work in Chinese and English,

are presented in a full and unaltered condition

for examination by the team. The team is given

unlimited access to the full range of virus cul-
tures, isolates, genetic sequences, databases, and patient specimens stored at these facilities as well as all chimeric synthetic viruses grown in vitro by cell culture passaging or engineered by genomic editing between 2007 and the date of the enactment of this Act. Such access must include the opportunity to examine the Wuhan Institute of Virology’s database of approximately 22,000 samples and virus sequences, including 15,000 taken from bats, which was previously available to the public but taken offline in September 2019. The team is further allowed to examine in full all training procedures in effect at the laboratory prior to the pandemic, including those pertaining to record-keeping and safety procedures and strategies to prevent the accidental escape of potential pathogens.

(C) The investigative team analyzes in detail all research related to the 293 bat coronaviruses reportedly identified by Shi Zhengli and her team at the Wuhan Institute of Virology between 2012 and 2015, particularly RaTG13, RaBtCoV/4991, and all other viruses from the abandoned copper mine in Mojiang Hani Autonomous County in Yunnan province,
where Wuhan Institute of Virology researchers
are known to have collected bat virus speci-
mens, including specimens of RaTG13, during
the decade preceding the date of the enactment
of this Act, including all virus isolates and cul-
tures. The Wuhan Institute of Virology dis-
closes the content of all classified and unpub-
lished studies that the Institute reportedly con-
ducted with the People’s Liberation Army if
such studies involved gain-of-function research.

The team is able to test all laboratory personnel
for antibodies and other serological indicators
of past infection of COVID–19. The team is
given access to all other records kept by the
Wuhan Institute of Virology, including security
logs, surveillance video footage, audio record-
ings, and electronic logs of employees entering
and leaving the facility. The investigative team
is permitted to take samples and conduct test-
ing of the physical facilities where gain-of-func-
tion research has been conducted, including, if
necessary, sewer samples. Unfettered access is
also granted to the copper mine in Mojiang
Hani Autonomous County in Yunnan province
referred to in the first sentence of this subpara-
graph.

(D) The international team is comprised of
members chosen by the governments of the
United States, Canada, the United Kingdom,
France, the Netherlands, Germany, Australia,
Japan, and India. The team includes molecular
biologists, virologists, epidemiologists, and ex-
erts in biosafety and biosecurity. Individuals
who have previously ruled out the possibility of
either zoonotic transmission or a laboratory
leak are disqualified from participation. The
Government of the People’s Republic of China
may appoint Chinese experts to accompany and
advise the team as it conducts its work in the
People’s Republic of China, but the Government
of the People’s Republic of China has no au-

tority to dictate the selection of team members
and cannot obstruct the participation of any in-
dividual selected by the individual’s government
for the team. The central, provincial, and mu-
nicipal authorities of the People’s Republic of
China facilitate the work of the investigative
team and refrain from imposing any restrictions
on the scope, scale, and duration of the inves-
tigation.

(4) UNITED STATES PERSON.—The term
“United States person” means—

(A) an individual who is a United States
citizen or an alien lawfully admitted for perma-
nent residence to the United States;

(B) an entity organized under the laws of
the United States or any jurisdiction within the
United States, including a foreign branch of
such an entity; or

(C) any person in the United States.
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A BILL

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