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117TH CONGRESS
2D SESSION

S. 3463

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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. MEASURES IN RESPONSE TO FAILURE OF THE GOV-
6 ERNMENT OF THE PEOPLE’S REPUBLIC OF
7 CHINA TO ALLOW AN INVESTIGATION OF SUS-
8 PECT LABORATORIES IN WUHAN.**

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

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

19 (A) individuals who hold positions of lead-
20 ership in the state-run CAS, including its affili-
21 ated institutes and laboratories, local branches,
22 and universities; and

23 (B) individuals who—

24 (i) are officials of the Chinese Com-
25 munist Party, the People’s Liberation
26 Army, or the State Council of the People’s

1 Republic of China, including its subordi-
2 nate agencies, such as the Ministry of
3 Science and Technology, the National
4 Health Commission, the Chinese Center
5 for Disease Control and Prevention, the
6 Ministry of Foreign Affairs, the Ministry
7 of Emergency Management, and the Min-
8 istry of Public Security; and

9 (ii) were involved in concealing the
10 initial outbreak of COVID–19 in the Peo-
11 ple’s Republic of China from the inter-
12 national community, restricting the release
13 of information related to the outbreak, un-
14 derstating the severity of the outbreak, or
15 obstructing an international investigation
16 into the origin of the outbreak;

17 (2) prohibit Federal funding for any joint re-
18 search or other collaborative projects between United
19 States-based researchers and CAS researchers
20 across all academic fields, including those employed
21 by the affiliated institutes and laboratories of CAS,
22 its local branches or universities, or the science and
23 technology enterprises based in the People’s Repub-
24 lic of China that were created by CAS or founded
25 with CAS investment; and

1 (3) prohibit United States-based researchers
2 and institutions that receive Federal funding from
3 engaging in collaborative projects involving gain-of-
4 function research of concern on viruses with individ-
5 uals or institutions based in the People’s Republic of
6 China.

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

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

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

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

21 (1) ASSET BLOCKING.—

22 (A) IN GENERAL.—The President shall ex-
23 ercise all of the powers granted to the President
24 under the International Emergency Economic
25 Powers Act (50 U.S.C. 1701 et seq.) to the ex-

1 tent necessary to block and prohibit all trans-
2 actions in property and interests in property de-
3 scribed in subparagraph (B) if such property
4 and interests in property are in the United
5 States, come within the United States, or are or
6 come within the possession or control of a
7 United States person.

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

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

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

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

24 (A) VISAS, ADMISSION, OR PAROLE.—An
25 alien described in subsection (a)(1) is—

1 (i) inadmissible to the United States;

2 (ii) ineligible to receive a visa or other

3 documentation to enter the United States;

4 and

5 (iii) otherwise ineligible to be admitted

6 or paroled into the United States or to re-

7 ceive any other benefit under the Immigra-

8 tion and Nationality Act (8 U.S.C. 1101 et

9 seq.).

10 (B) CURRENT VISAS REVOKED.—

11 (i) IN GENERAL.—An alien described

12 in subsection (a)(1) is subject to revocation

13 of any visa or other entry documentation

14 regardless of when the visa or other entry

15 documentation is or was issued.

16 (ii) IMMEDIATE EFFECT.—A revoca-

17 tion under clause (i) shall—

18 (I) take effect immediately; and

19 (II) automatically cancel any

20 other valid visa or entry documenta-

21 tion that is in the alien's possession.

22 (d) IMPLEMENTATION; PENALTIES.—

23 (1) IMPLEMENTATION.—The President may ex-

24 ercise the authorities provided to the President

25 under sections 203 and 205 of the International

1 Emergency Economic Powers Act (50 U.S.C. 1702
2 and 1704) to the extent necessary to carry out this
3 section.

4 (2) PENALTIES.—A person that violates, at-
5 tempts to violate, conspires to violate, or causes a
6 violation of subsection (c)(1) or any regulation, li-
7 cense, or order issued to carry out that subsection
8 shall be subject to the penalties set forth in sub-
9 sections (b) and (c) of section 206 of the Inter-
10 national Emergency Economic Powers Act (50
11 U.S.C. 1705) to the same extent as a person that
12 commits an unlawful act described in subsection (a)
13 of that section.

14 (e) EXCEPTIONS.—

15 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
16 TIES.—Sanctions under this section shall not apply
17 to any activity subject to the reporting requirements
18 under title V of the National Security Act of 1947
19 (50 U.S.C. 3091 et seq.) or any authorized intel-
20 ligence activities of the United States.

21 (2) EXCEPTION TO COMPLY WITH INTER-
22 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
23 MENT ACTIVITIES.—Sanctions under subsection
24 (c)(2) shall not apply with respect to an alien if ad-

1 mitting or paroling the alien into the United States
2 is necessary—

3 (A) to permit the United States to comply
4 with the Agreement regarding the Head-
5 quarters of the United Nations, signed at Lake
6 Success June 26, 1947, and entered into force
7 November 21, 1947, between the United Na-
8 tions and the United States, or other applicable
9 international obligations; or

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

12 (3) EXCEPTION RELATING TO IMPORTATION OF
13 GOODS.—

14 (A) IN GENERAL.—The authorities and re-
15 quirements to impose sanctions authorized
16 under this section shall not include the author-
17 ity or a requirement to impose sanctions on the
18 importation of goods.

19 (B) GOOD DEFINED.—In this paragraph,
20 the term “good” means any article, natural or
21 manmade substance, material, supply, or manu-
22 factured product, including inspection and test
23 equipment, and excluding technical data.

24 (f) DEFINITIONS.—In this section:

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

5 (2) GAIN-OF-FUNCTION RESEARCH OF CON-
6 CERN.—The term “gain-of-function research of con-
7 cern” means, with respect to the study of viruses—

8 (A) the use of genetic engineering or nu-
9 cleic acid synthesis methods reasonably antici-
10 pated to increase a pathogen’s transmissibility,
11 or pathogenicity to humans, or to alter a patho-
12 gen’s host tropism to include humans;

13 (B) the use of serial passage methods in a
14 laboratory culture or in laboratory animals rea-
15 sonably anticipated to increase a pathogen’s
16 transmissibility, or pathogenicity to humans, or
17 to alter a pathogen’s host tropism to include
18 humans; or

19 (C) any research conducted in a laboratory
20 setting less than Biosafety Level Three that in-
21 volves pathogens or potential pathogens known
22 to be, or that can be reasonably anticipated to
23 be, infectious to humans through the inhalation
24 route of exposure, and known to cause, or that

1 can be reasonably anticipated to cause, serious
2 to fatal disease.

3 (3) TRANSPARENT INTERNATIONAL FORENSIC
4 INVESTIGATION.—The term “transparent inter-
5 national forensic investigation”, with respect to in-
6 vestigating the origin of SARS–CoV–2, means an in-
7 quiry that is objective, data-driven, inclusive of
8 broad expertise, subject to independent oversight,
9 and properly managed to exclude individuals with
10 conflicts of interest and under which the following
11 takes place:

12 (A) Relevant research funding agencies,
13 funding contractors, laboratories, and hospitals
14 open their records to examination by the inves-
15 tigative team and grant the investigative team
16 unfettered access to any and all facilities, per-
17 sonnel, and other sites of interest, and to any
18 and all forms of epidemiological or virological
19 data of interest, including serological records
20 pertaining to the earliest confirmed or sus-
21 pected cases of COVID–19, or cases of similar
22 illnesses that may have been misdiagnosed,
23 which appeared in and around Wuhan in the
24 fall and winter of 2019. Investigators document
25 the veracity and source of the data upon which

1 their analysis is based in a manner that allows
2 independent experts to reproduce their analysis
3 and validate any conclusions they may draw.

4 (B) The international team is allowed to
5 perform a full forensic investigation of the
6 Wuhan Institute of Virology, the Wuhan Center
7 for Disease Prevention and Control, and the
8 Wuhan Institute of Biological Products, and all
9 other laboratories in Wuhan that the team
10 might identify as warranting examination. The
11 team is allowed to review the biosafety level
12 under which bat coronavirus research was con-
13 ducted, and to interview any and all personnel
14 currently or previously employed at those lab-
15 oratories, or related experts who may have in-
16 formation pertinent to the investigation. All lab-
17 oratory logs and notebooks kept by Shi Zhengli
18 and other researchers at the Wuhan Institute of
19 Virology who have conducted gain-of-function
20 experiments between 2007 and the date of the
21 enactment of this Act, as well as their published
22 and unpublished work in Chinese and English,
23 are presented in a full and unaltered condition
24 for examination by the team. The team is given
25 unlimited access to the full range of virus cul-

1 tures, isolates, genetic sequences, databases,
2 and patient specimens stored at these facilities
3 as well as all chimeric synthetic viruses grown
4 in vitro by cell culture passaging or engineered
5 by genomic editing between 2007 and the date
6 of the enactment of this Act. Such access must
7 include the opportunity to examine the Wuhan
8 Institute of Virology’s database of approxi-
9 mately 22,000 samples and virus sequences, in-
10 cluding 15,000 taken from bats, which was pre-
11 viously available to the public but taken offline
12 in September 2019. The team is further allowed
13 to examine in full all training procedures in ef-
14 fect at the laboratory prior to the pandemic, in-
15 cluding those pertaining to record-keeping and
16 safety procedures and strategies to prevent the
17 accidental escape of potential pathogens.

18 (C) The investigative team analyzes in de-
19 tail all research related to the 293 bat
20 coronaviruses reportedly identified by Shi
21 Zhengli and her team at the Wuhan Institute of
22 Virology between 2012 and 2015, particularly
23 RaTG13, RaBtCoV/4991, and all other viruses
24 from the abandoned copper mine in Mojiang
25 Hani Autonomous County in Yunnan province,

1 where Wuhan Institute of Virology researchers
2 are known to have collected bat virus speci-
3 mens, including specimens of RaTG13, during
4 the decade preceding the date of the enactment
5 of this Act, including all virus isolates and cul-
6 tures. The Wuhan Institute of Virology dis-
7 closes the content of all classified and unpub-
8 lished studies that the Institute reportedly con-
9 ducted with the People’s Liberation Army if
10 such studies involved gain-of-function research.
11 The team is able to test all laboratory personnel
12 for antibodies and other serological indicators
13 of past infection of COVID–19. The team is
14 given access to all other records kept by the
15 Wuhan Institute of Virology, including security
16 logs, surveillance video footage, audio record-
17 ings, and electronic logs of employees entering
18 and leaving the facility. The investigative team
19 is permitted to take samples and conduct test-
20 ing of the physical facilities where gain-of-func-
21 tion research has been conducted, including, if
22 necessary, sewer samples. Unfettered access is
23 also granted to the copper mine in Mojiang
24 Hani Autonomous County in Yunnan province

1 referred to in the first sentence of this subpara-
2 graph.

3 (D) The international team is comprised of
4 members chosen by the governments of the
5 United States, Canada, the United Kingdom,
6 France, the Netherlands, Germany, Australia,
7 Japan, and India. The team includes molecular
8 biologists, virologists, epidemiologists, and ex-
9 perts in biosafety and biosecurity. Individuals
10 who have previously ruled out the possibility of
11 either zoonotic transmission or a laboratory
12 leak are disqualified from participation. The
13 Government of the People's Republic of China
14 may appoint Chinese experts to accompany and
15 advise the team as it conducts its work in the
16 People's Republic of China, but the Government
17 of the People's Republic of China has no au-
18 thority to dictate the selection of team members
19 and cannot obstruct the participation of any in-
20 dividual selected by the individual's government
21 for the team. The central, provincial, and mu-
22 nicipal authorities of the People's Republic of
23 China facilitate the work of the investigative
24 team and refrain from imposing any restrictions

1 on the scope, scale, and duration of the inves-
2 tigation.

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

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

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

12 (C) any person in the United States.

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