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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

MARCH 1, 2023

Mr. RUBIO (for himself, Mr. GRASSLEY, Mr. MARSHALL, Mr. LANKFORD, Mr. CRAMER, Mr. WICKER, Ms. LUMMIS, Mrs. BLACKBURN, Mr. TILLIS, Mr. HOEVEN, Mr. DAINES, Mr. BRAUN, Mrs. HYDE-SMITH, Mr. SCOTT of South Carolina, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coronavirus Origin
5 Validation, Investigation, and Determination Act of 2023”
6 or the “COVID Act of 2023”.

1 **SEC. 2. MEASURES IN RESPONSE TO FAILURE OF THE GOV-**
2 **ERNMENT OF THE PEOPLE’S REPUBLIC OF**
3 **CHINA TO ALLOW AN INVESTIGATION OF SUS-**
4 **PECT LABORATORIES IN WUHAN.**

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

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

15 (A) individuals who hold positions of lead-
16 ership in the state-run CAS, including its affili-
17 ated institutes and laboratories, local branches,
18 and universities; and

19 (B) individuals who—

20 (i) are officials of the Chinese Com-
21 munist Party, the People’s Liberation
22 Army, or the State Council of the People’s
23 Republic of China, including its subordi-
24 nate agencies, such as the Ministry of
25 Science and Technology, the National
26 Health Commission, the Chinese Center

1 for Disease Control and Prevention, the
2 Ministry of Foreign Affairs, the Ministry
3 of Emergency Management, and the Min-
4 istry of Public Security; and

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

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

22 (3) prohibit United States-based researchers
23 and institutions that receive Federal funding from
24 engaging in collaborative projects involving gain-of-
25 function research of concern on viruses with individ-

1 uals or institutions based in the People’s Republic of
2 China.

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

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

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

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

17 (1) ASSET BLOCKING.—

18 (A) IN GENERAL.—The President shall ex-
19 ercise all of the powers granted to the President
20 under the International Emergency Economic
21 Powers Act (50 U.S.C. 1701 et seq.) to the ex-
22 tent necessary to block and prohibit all trans-
23 actions in property and interests in property de-
24 scribed in subparagraph (B) if such property
25 and interests in property are in the United

1 States, come within the United States, or are or
2 come within the possession or control of a
3 United States person.

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

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

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

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

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

22 (i) inadmissible to the United States;

23 (ii) ineligible to receive a visa or other
24 documentation to enter the United States;
25 and

1 (iii) otherwise ineligible to be admitted
2 or paroled into the United States or to re-
3 ceive any other benefit under the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101 et
5 seq.).

6 (B) CURRENT VISAS REVOKED.—

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

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

14 (I) take effect immediately; and

15 (II) automatically cancel any
16 other valid visa or entry documenta-
17 tion that is in the alien's possession.

18 (d) IMPLEMENTATION; PENALTIES.—

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

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

11 (e) EXCEPTIONS.—

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

18 (2) EXCEPTION TO COMPLY WITH INTER-
19 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
20 MENT ACTIVITIES.—Sanctions under subsection
21 (c)(2) shall not apply with respect to an alien if ad-
22 mitting or paroling the alien into the United States
23 is necessary—

24 (A) to permit the United States to comply
25 with the Agreement regarding the Head-

1 quarters of the United Nations, signed at Lake
2 Success June 26, 1947, and entered into force
3 November 21, 1947, between the United Na-
4 tions and the United States, or other applicable
5 international obligations; or

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

8 (3) EXCEPTION RELATING TO IMPORTATION OF
9 GOODS.—

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

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

20 (f) DEFINITIONS.—In this section:

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

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

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

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

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

23 (3) TRANSPARENT INTERNATIONAL FORENSIC
24 INVESTIGATION.—The term “transparent inter-
25 national forensic investigation”, with respect to in-

1 vestigating the origin of SARS–CoV–2, means an in-
2 quiry that is objective, data-driven, inclusive of
3 broad expertise, subject to independent oversight,
4 and properly managed to exclude individuals with
5 conflicts of interest and under which the following
6 takes place:

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

24 (B) The international team is allowed to
25 perform a full forensic investigation of the

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

1 of the enactment of this Act. Such access must
2 include the opportunity to examine the Wuhan
3 Institute of Virology's database of approxi-
4 mately 22,000 samples and virus sequences, in-
5 cluding 15,000 taken from bats, which was pre-
6 viously available to the public but taken offline
7 in September 2019. The team is further allowed
8 to examine in full all training procedures in ef-
9 fect at the laboratory prior to the pandemic, in-
10 cluding those pertaining to record-keeping and
11 safety procedures and strategies to prevent the
12 accidental escape of potential pathogens.

13 (C) The investigative team analyzes in de-
14 tail all research related to the 293 bat
15 coronaviruses reportedly identified by Shi
16 Zhengli and her team at the Wuhan Institute of
17 Virology between 2012 and 2015, particularly
18 RaTG13, RaBtCoV/4991, and all other viruses
19 from the abandoned copper mine in Mojiang
20 Hani Autonomous County in Yunnan province,
21 where Wuhan Institute of Virology researchers
22 are known to have collected bat virus speci-
23 mens, including specimens of RaTG13, during
24 the decade preceding the date of the enactment
25 of this Act, including all virus isolates and cul-

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

22 (D) The international team is comprised of
23 members chosen by the governments of the
24 United States, Canada, the United Kingdom,
25 France, the Netherlands, Germany, Australia,

1 Japan, and India. The team includes molecular
2 biologists, virologists, epidemiologists, and ex-
3 perts in biosafety and biosecurity. Individuals
4 who have previously ruled out the possibility of
5 either zoonotic transmission or a laboratory
6 leak are disqualified from participation. The
7 Government of the People’s Republic of China
8 may appoint Chinese experts to accompany and
9 advise the team as it conducts its work in the
10 People’s Republic of China, but the Government
11 of the People’s Republic of China has no au-
12 thority to dictate the selection of team members
13 and cannot obstruct the participation of any in-
14 dividual selected by the individual’s government
15 for the team. The central, provincial, and mu-
16 nicipal authorities of the People’s Republic of
17 China facilitate the work of the investigative
18 team and refrain from imposing any restrictions
19 on the scope, scale, and duration of the inves-
20 tigation.

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

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

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

5 (C) any person in the United States.

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