

117TH CONGRESS  
1ST SESSION

# S. 2148

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.

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IN THE SENATE OF THE UNITED STATES

JUNE 21, 2021

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## 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 2021”  
6 or the “COVID Act of 2021”.

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 the Wuhan Institute of  
11 Virology of the Chinese Academy of Sciences (in this sec-  
12 tion referred to as “CAS”), the President shall—

13 (1) impose the sanctions described in subsection  
14 (c) with respect to individuals who hold positions of  
15 leadership in the state-run CAS, including its more  
16 than 100 affiliated institutes and laboratories, 13  
17 local branches, and 2 universities;

18 (2) prohibit Federal funding for any joint re-  
19 search or other collaborative projects between United  
20 States-based researchers and CAS researchers  
21 across all academic fields, including those employed  
22 by any of the more than 100 affiliated institutes and  
23 laboratories of CAS, its 13 local branches or 2 uni-  
24 versities, or the more than 430 science and tech-  
25 nology enterprises based in the People’s Republic of

1 China across 11 industries that were created by  
2 CAS or founded with CAS investment; and

3 (3) prohibit United States-based researchers  
4 and institutions that receive Federal funding from  
5 engaging in collaborative projects involving gain-of-  
6 function research on viruses with individuals or in-  
7 stitutions based in the People's Republic of China.

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

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

15 (2) limitations on the access of investigators to  
16 physical sites, persons of interest, or relevant epide-  
17 miological, serological, and virological data.

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

20 (1) ASSET BLOCKING.—

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

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

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

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

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

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

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

25 (i) inadmissible to the United States;

1 (ii) ineligible to receive a visa or other  
2 documentation to enter the United States;  
3 and

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

9 (B) CURRENT VISAS REVOKED.—

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

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

17 (I) take effect immediately; and

18 (II) automatically cancel any  
19 other valid visa or entry documenta-  
20 tion that is in the alien's possession.

21 (d) IMPLEMENTATION; PENALTIES.—

22 (1) IMPLEMENTATION.—The President may ex-  
23 ercise the authorities provided to the President  
24 under sections 203 and 205 of the International  
25 Emergency Economic Powers Act (50 U.S.C. 1702

1 and 1704) to the extent necessary to carry out this  
2 section.

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

13 (e) EXCEPTIONS.—

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

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

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

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

10 (3) EXCEPTION RELATING TO IMPORTATION OF  
11 GOODS.—

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

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

22 (f) DEFINITIONS.—In this section:

23 (1) ADMISSION; ADMITTED; ALIEN.—The terms  
24 “admission”, “admitted”, and “alien” have the

1 meanings given those terms in section 101 of the  
2 Immigration and Nationality Act (8 U.S.C. 1101).

3 (2) GAIN-OF-FUNCTION.—The term “gain-of-  
4 function”, with respect to the study of viruses,  
5 means—

6 (A) the use of gene editing to increase the  
7 transmissibility, virulence, immunogenicity, or  
8 host tropism of a virus by artificially inserting  
9 genomic components from one virus into the  
10 backbone of another virus, which results in the  
11 creation of a new chimeric virus, particularly  
12 when the resultant chimeric virus is pathogenic  
13 to humans; or

14 (B) serial passaging in a cell culture to in-  
15 crease the transmissibility, virulence, immuno-  
16 genicity, or host tropism of a virus by selec-  
17 tively applying pressure to a culture to artifi-  
18 cially induce its mutation or RNA recombina-  
19 tion with one or more viruses.

20 (3) TRANSPARENT INTERNATIONAL FORENSIC  
21 INVESTIGATION.—The term “transparent inter-  
22 national forensic investigation”, with respect to in-  
23 vestigating the origin of SARS-CoV-2, means an in-  
24 quiry that is objective, data-driven, inclusive of  
25 broad expertise, subject to independent oversight,



1 and properly managed to exclude individuals with  
2 conflicts of interest and under which the following  
3 takes place:

4 (A) Relevant research laboratories and  
5 hospitals open their records to examination by  
6 the investigative team and grant the investiga-  
7 tive team unfettered access to any and all facili-  
8 ties and other sites of interest, and to any and  
9 all forms of epidemiological or virological data  
10 of interest, including serological records per-  
11 taining to the earliest confirmed or suspected  
12 cases of COVID–19, or cases of similar illnesses  
13 that may have been misdiagnosed, which ap-  
14 peared in and around Wuhan in the fall and  
15 winter of 2019. Investigators document the ve-  
16 racity and source of the data upon which their  
17 analysis is based in a manner that allows inde-  
18 pendent experts to reproduce their analysis and  
19 validate any conclusions they may draw.

20 (B) The international team is allowed to  
21 perform a full forensic investigation of the  
22 Wuhan Institute of Virology, and if necessary,  
23 the Wuhan Center for Disease Prevention and  
24 Control and the Wuhan Institute of Biological  
25 Products, and all other laboratories in Wuhan

1 that the team might identify as warranting ex-  
2 amination. The team is allowed to review the  
3 biosafety level under which bat coronavirus re-  
4 search was conducted, and to interview any and  
5 all personnel currently or previously employed  
6 at those laboratories, or related experts who  
7 may have information pertinent to the inves-  
8 tigation. All laboratory logs and notebooks kept  
9 by Shi Zhengli and other researchers at the  
10 Wuhan Institute of Virology who have con-  
11 ducted gain-of-function experiments between  
12 2007 and the date of the enactment of this Act,  
13 as well as their published and unpublished work  
14 in Chinese and English, are presented in a full  
15 and unaltered condition for examination by the  
16 team. The team is given unlimited access to the  
17 full range of virus cultures, isolates, genetic se-  
18 quences, databases, and patient specimens  
19 stored at these facilities as well as all chimeric  
20 synthetic viruses grown in vitro by cell culture  
21 passaging or engineered by genomic editing be-  
22 tween 2007 and the date of the enactment of  
23 this Act. Such access must include the oppor-  
24 tunity to examine the Wuhan Institute of  
25 Virology's database of approximately 22,000

1 samples and virus sequences, including 15,000  
2 taken from bats, which was previously available  
3 to the public but taken offline in September  
4 2019. The team is further allowed to examine  
5 in full all training procedures in effect at the  
6 laboratory prior to the pandemic, including  
7 those pertaining to recordkeeping and safety  
8 procedures and strategies to prevent the acci-  
9 dental escape of potential pathogens.

10 (C) The investigative team analyzes in de-  
11 tail all research related to the 293 bat  
12 coronaviruses reportedly isolated by Shi Zhengli  
13 and her team at the Wuhan Institute of Virol-  
14 ogy between 2012 and 2015, particularly  
15 RaTG13 and RaBtCoV/4991, including all  
16 virus isolates and cultures. The Wuhan Insti-  
17 tute of Virology discloses the content of all clas-  
18 sified and unpublished studies that the Institute  
19 reportedly conducted with the People’s Libera-  
20 tion Army if such studies involved gain-of-func-  
21 tion research. The team is able to test all lab-  
22 oratory personnel for antibodies and other sero-  
23 logical indicators of past infection of COVID-  
24 19. The team is given access to all other  
25 records kept by the Wuhan Institute of Virol-

1           ogy, including security logs, surveillance video  
2           footage, audio recordings, and electronic logs of  
3           employees entering and leaving the facility. The  
4           investigative team is permitted to take samples  
5           and conduct testing of the physical facilities  
6           where gain-of-function research has been con-  
7           ducted, including, if necessary, sewer samples.  
8           Unfettered access is also granted to the aban-  
9           doned copper mine in Mojiang Hani Autono-  
10          mous County in Yunnan province, where  
11          Wuhan Institute of Virology researchers are  
12          known to have collected bat virus specimens, in-  
13          cluding of RaTG13, during the decade pre-  
14          ceding the date of the enactment of this Act.

15                 (D) The international team is comprised of  
16          members chosen by the governments of the  
17          United States, Canada, the United Kingdom,  
18          France, the Netherlands, Germany, Australia,  
19          Japan, and India. The team includes molecular  
20          biologists, virologists, epidemiologists, and ex-  
21          perts in biosafety and biosecurity. Individuals  
22          who have previously ruled out the possibility of  
23          either zoonotic transmission or a laboratory  
24          leak are disqualified from participation. The  
25          Government of the People’s Republic of China

1           may appoint Chinese experts to accompany and  
2           advise the team as it conducts its work in the  
3           People’s Republic of China, but the Government  
4           of the People’s Republic of China has no au-  
5           thority to dictate the selection of team members  
6           and cannot obstruct the participation of any in-  
7           dividual selected by the individual’s government  
8           for the team. The central, provincial, and mu-  
9           nicipal authorities of the People’s Republic of  
10          China facilitate the work of the investigative  
11          team and refrain from imposing any restrictions  
12          on the scope, scale, and duration of the inves-  
13          tigation.

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

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

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

23                 (C) any person in the United States.

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