

118TH CONGRESS  
1ST SESSION

# S. 2754

To require the Secretary of Health and Human Services to publish all information in the possession of the Department of Health and Human Services relating to the origin of COVID–19, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2023

Mr. MARSHALL (for himself and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To require the Secretary of Health and Human Services to publish all information in the possession of the Department of Health and Human Services relating to the origin of COVID–19, and for other purposes.

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 “HHS COVID–19 Ori-  
5 gin Transparency Act of 2023”.

1 **SEC. 2. PUBLICATION OF HHS INFORMATION RELATED TO**  
2 **THE ORIGIN OF COVID-19.**

3 (a) IN GENERAL.—Not later than 90 days after the  
4 date of enactment of this Act, the Secretary of Health and  
5 Human Services (referred to in this section as the “Sec-  
6 retary”) shall—

7 (1) except as provided in subsection (d), publish  
8 all information described in subsection (b); and

9 (2) submit a report to Congress containing a  
10 summary of each item of information that is de-  
11 scribed in subsection (b) but withheld from such  
12 publication pursuant to subsection (d).

13 (b) INFORMATION DESCRIBED.—The information de-  
14 scribed in this subsection is any and all information in  
15 the possession of the Department of Health and Human  
16 Services (including any agency, office, operating or staff-  
17 ing division, and any other component of the Department,  
18 including the National Institutes of Health, the Centers  
19 for Disease Control and Prevention, the Food and Drug  
20 Administration, the Administration for Strategic Pre-  
21 paredness and Response, the Health Resources and Serv-  
22 ice Administration, the Office of National Security, the  
23 Office of Inspector General, and any person under con-  
24 tract to the Department) relating to the Coronavirus Dis-  
25 ease 2019 (COVID-19) outbreak, coronavirus research in-  
26 cluding vaccine development, or the concealment of infor-

1 mation about the COVID–19 outbreak, including any such  
2 information that consists of—

3 (1) unpublished and unreleased records includ-  
4 ing—

5 (A) the report titled “One Health Zoonotic  
6 Disease Prioritization workshop in China” (pre-  
7 pared by the Centers for Disease Control and  
8 Prevention in 2019) and related records;

9 (B) all records pending authorization or  
10 other approval from any organization of the  
11 People’s Republic of China;

12 (C) coronavirus research genetic sequence  
13 records in the Sequence Read Archive of the  
14 National Institutes of Health and all requests  
15 from higher educational institutions, research  
16 institutions, or other persons or entities in  
17 China to withdraw or delay sequence data pub-  
18 lication;

19 (D) all research applications submitted to  
20 an agency of the Public Health Service seeking  
21 funding to undertake coronavirus-related re-  
22 search that were not funded by the relevant  
23 agency;

24 (E) all coronavirus records;

1 (F) all coronavirus research records, in-  
2 cluding—

3 (i) grant applications, grant research  
4 project annual progress reports, and final  
5 reports; and

6 (ii) records of compensation for each  
7 researcher—

8 (I) who was an employee or con-  
9 tractor of the Government of the Peo-  
10 ple's Republic of China or any entity  
11 (including any public university) con-  
12 trolled by such Government; and

13 (II) whose compensation was  
14 funded in part, directly or indirectly,  
15 by the Department of Health and  
16 Human Services;

17 (G) all records related to the suspension,  
18 denial, termination, or other risk mitigation ac-  
19 tions related to coronavirus research projects;

20 (H) all records of the Office of Inspector  
21 General of the Department of Health and  
22 Human Services that include—

23 (i) hotline records, including all refer-  
24 rals from the operating divisions of the De-  
25 partment of Health and Human Services,

1 including the National Institutes of  
2 Health;

3 (ii) communications related to poten-  
4 tial misconduct by employees of the De-  
5 partment of Health and Human Services,  
6 including Anthony Fauci and Francis Col-  
7 lins;

8 (iii) communications related to poten-  
9 tial monetary fraud or research misconduct  
10 involving grants of the National Institutes  
11 of Health, including any such grants  
12 awarded to EcoHealth Alliance; and

13 (iv) all EcoHealth Alliance audit  
14 records;

15 (I) all records involving EcoHealth Alliance  
16 research projects and personnel including—

17 (i) all names, salaries, levels of effort,  
18 and Department of State clearances;

19 (ii) all peer review records; and

20 (iii) all financial records;

21 (J) all outbreak-related communication  
22 records including observations, reports, memo-  
23 randa, and requests, except individually identifi-  
24 able patient health information, from—

1 (i) all personnel of the Department of  
2 Health and Human Services stationed in  
3 China;

4 (ii) all foreign nationals from China  
5 on visas sponsored directly or indirectly by  
6 the Department of Health and Human  
7 Services, including—

8 (I) personnel located in the  
9 United States; and

10 (II) personnel teleworking from  
11 China;

12 (K) all memoranda of understanding, data  
13 sharing agreements, and intellectual property  
14 transfer commitments between the Department  
15 of Health and Human Services and academic or  
16 public health institutions in the People's Repub-  
17 lic of China, including—

18 (i) the Memorandum of Under-  
19 standing for the Collaborative Program on  
20 Emerging and Re-emerging Infectious Dis-  
21 eases;

22 (ii) all material transfer agreements  
23 and intellectual property transfer records  
24 related to coronavirus research and vaccine  
25 development; and

1 (iii) all agreements between Depart-  
2 ment of Health and Human Services-spon-  
3 sored principal investigators and any orga-  
4 nization involving the transfer of  
5 coronavirus research data to academic or  
6 public health institutions in the People's  
7 Republic of China; and

8 (L) analysis of the first 6,000 patients  
9 hospitalized in Wuhan, China of whom 1,100  
10 had severe COVID-19 disease;

11 (2) a record pertaining to sick researchers in  
12 Wuhan, China, during the Fall of 2019, including  
13 for any such researcher—

14 (A) the researcher's name, laboratory  
15 name, laboratory role, symptoms, and date of  
16 symptom onset;

17 (B) whether the researcher was involved  
18 with or exposed to coronavirus research in  
19 Wuhan research laboratories;

20 (C) whether the researcher visited a hos-  
21 pital or medical clinic while they were ill; and

22 (D) a description of any other actions  
23 taken by the researcher that may suggest they  
24 were experiencing a serious illness at the time;

1           (3) a record pertaining to coronavirus research  
2           conducted in cooperation with any Chinese national  
3           public research university affiliated with and funded  
4           by the Ministry of Industry and Information Tech-  
5           nology of China, including Beihang University, Bei-  
6           jing Institute of Technology, Harbin Engineering  
7           University, Harbin Institute of Technology, Nanjing  
8           University of Aeronautics and Astronautics, Nanjing  
9           University of Science and Technology, Northwestern  
10          Polytechnical University, PLA Naval University of  
11          Engineering, PLA National Defence University,  
12          PLA Information Engineering University, and the  
13          PLA Academy of Military Science; and

14          (4) a record pertaining to concerns of bio-  
15          weapon programs in China, including all records re-  
16          lated to the evaluation and analysis of the SARS-  
17          CoV-2 virus as a potential bioweapon, including  
18          records from the Integrated Research Facility at  
19          Fort Detrick.

20          (c) IDENTIFICATION OF INFORMATION SUPPLIED TO  
21          INTELLIGENCE COMMUNITY.—In publishing information  
22          pursuant to subsection (a), the Secretary shall identify  
23          any such information that was supplied by the Depart-  
24          ment of Health and Human Services to any agency of the  
25          intelligence community in support of the intelligence com-

1 munity’s COVID–19 origins assessments from the onset  
2 of the outbreak of COVID–19 through the date of enact-  
3 ment of this Act.

4 (d) WITHHOLDING OF CERTAIN INFORMATION.—Ex-  
5 cept as inconsistent with subsection (b), the Secretary  
6 may, in accordance with other applicable law, withhold or  
7 redact from publication under subsection (a)(1) any infor-  
8 mation that—

9 (1) is classified and for which the Department  
10 of Health and Human Services was not the original  
11 classification authority;

12 (2) is individually identifiable information; or

13 (3) is national security, confidential commercial,  
14 or proprietary information.

15 (e) DECLASSIFICATION.—The Secretary shall—

16 (1) to the extent necessary to publish pursuant  
17 to subsection (a)(1) all information described in sub-  
18 section (b), declassify any such information for  
19 which the Department of Health and Human Serv-  
20 ices was the original classification authority; or

21 (2) certify in the publication that no such clas-  
22 sified information exists.

23 (f) FAILURE TO PUBLISH.—Beginning on the day  
24 that is 91 calendar days after the date of enactment of  
25 this Act—

1           (1) of the unobligated amounts appropriated or  
2 otherwise made available to the immediate Office of  
3 the Secretary of Health and Human Services—

4           (A) there is rescinded an amount equal to  
5 \$1,000,000 for each calendar day on which the  
6 Secretary of Health and Human Services  
7 fails—

8           (i) to make the publication required  
9 by subsection (a)(1); or

10           (ii) to submit the report required by  
11 subsection (a)(2); and

12           (B) the amount so rescinded shall be de-  
13 posited into the general fund of the Treasury  
14 for the sole purpose of reducing the national  
15 debt; and

16           (2) the Secretary may not reprogram or use  
17 any other funds to replace any funds that are re-  
18 scinded under paragraph (1).

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