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Before the Select Subcommittee on the Coronavirus Crisis
United States House of Representatives

June 29, 2021

A Just Response To Communist China's COVID Cover Up

Thank you to Republican Whip Scalise, Ranking Member Comer, and to all the members of the Select Subcommittee on the Coronavirus Crisis for inviting me to speak today. I welcome this gathering of concerned Republican House members. I equally would welcome the opportunity to speak to a gathering of similarly concerned Democrats this week or anytime in the near future as well as testify before the relevant Congressional oversight committees. For the good of the nation, the Biden administration and the Congress must unite in a coordinated, long-term strategic response.

The investigation to determine the origins of COVID-19 is of utmost importance. It was my privilege to have led the State Department's arms control investigation into COVID-19's origins and whether China's conduct constituted a violation of the Biological Weapons Convention of 1972. I am now a Senior Fellow at the Hudson Institute where we are committed to developing bipartisan strategic policy solutions. In 1960, Hudson's founder Herman Kahn famously wrote the book *Thinking About the Unthinkable*, and "attempted to direct attention to the possibility of a thermonuclear war, to ways of reducing the likelihood of such a war, and to methods for coping with the consequences should war occur despite our efforts to avoid it." At Hudson we are still guided by the principle that we have to ask the most difficult questions to solve the most difficult problems.

Bottom line conclusion up front: It is past time to impose costs on Beijing for its systematic intransigence, indifference, inaction, cover-up, and blatant disregard for international treaty obligations. Whether one believes COVID-19 originated in a zoonotic host, a bat cave, a frozen food shipment, or a Wuhan lab's dangerous "dual-use" research program supporting China's undeclared bioweapons programs, the world needs answers from the Chinese Communist Party. These are answers China won't provide unless it faces a high price for continued obfuscation, disinformation, disregard, and subversion.



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Immediate steps by the Biden administration could include:

1. **Cease funding for dangerous research:** The Biden administration should completely reinstate the Obama administration's ban on dangerous gain-of-function research, which was never sufficiently enforced in the cases involving Chinese government labs.
2. **Enforce treaty compliance:** The secretary of state should confront China for its blatant violations of the International Health Regulations, especially for failing to respond to consultations and to share data among treaty members—a fundamental requirement. Beijing's now-disclosed military programs need to be verified as complying with the peaceful-purposes clause of the Biological Weapons Convention.
3. **Sanctions:** The secretary of the treasury and the secretary of state should begin investigating and developing formal sanctions against the Wuhan Institute of Virology, the Chinese Academy of Sciences, and their networks of commercial entities for engaging in undeclared, classified biological weapons research and development for the Chinese military in clear violation of US presidential Executive Order 13382 on WMD proliferation.
4. **Responsible pandemic preparedness:** Rather than continuing to waste funds on failed programs to try to predict the next pandemic, the administration should adopt a better strategy of bio-threat detection utilizing next-gen genetic sequencing of everything from water, air, soil, and sewage to blood banks, hospitals, and border crossings. This network would be global and China would be expected to be a founding plank holder of an epidemiological open skies initiative.

While the Biden White House may take immediate, temporary measures to respond, the ultimate responsibility for creating a long-term response to the COVID-19 pandemic disaster lays with the Congress:

1. **Independent nonpartisan expert commission:** Congress should establish a fully empowered and politically independent investigative commission to review the origin of the COVID-19 outbreak. The commission's mandate would be to decisively get to the bottom of what happened, why it occurred, and assign responsibility to foreign actors for criminal negligence and other malign actions in reaction to the pandemic, investigate why America's biodefenses failed leading up to the pandemic, and provide recommendations on how to prevent the reoccurrence of a catastrophic pandemic.

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2. **Curb dual-use biotech abuse:** Examine revamping statutory and administrative nonproliferation sanctions regimes and Export Controls—from EO 13383 to the Iran, North Korea, Syria Nonproliferation Act—to make them more effective in addressing and targeting the activities that support synthetic dual-use technologies that can be weaponized. Congress could also examine the criminal code, including the War Crimes Act, to enhance prohibitions on US persons engaging in such activities and protections for US citizens from being subject to the depredations of grey-zone biowarfare.
3. **Sanctions:** Amend the Chemical and Biological Weapons Control and Warfare Elimination Act to impose sanctions on individuals, entities, government entities, and parastatals that have engaged in gross or significant negligence with respect to the maintenance of their biological facilities and/or the deliberate withholding of information in response to a significant event, beginning with the Wuhan Institute of Virology and the Chinese Academy of Sciences.
4. **Civil litigation:** Support civil claims against the PRC if that government does not provide substantive cooperation, including direct access to physical evidence, within a specified timeframe. Congress could empower civil litigants to seek compensatory damages against PRC individuals, agencies or instrumentalities whose conduct in connection with the development and spread of COVID-19 was grossly negligent or intentional. Congress would likely have to create or expand a statutory exception within the Foreign Sovereign Immunities Act to ensure that US federal courts would have jurisdiction over both the substantive liability claims and any judgment enforcement proceedings against the assets in the US of PRC individuals, agencies or instrumentalities (and any person or entity owned or controlled by, or successors to them) that are directly or indirectly responsible.

In sum, there is an opportunity for a nonpartisan, bicameral initiative, not only to hold Beijing responsible for its gross negligence and noncooperation but to establish a 21st century framework for defending the United States and international partners against the prospect of another devastating pandemic. We cannot afford further impunity by Beijing and passivity from Washington as we enter what may be a century of synthetic biological adventurism and potential outright biowarfare.