

117TH CONGRESS
1ST SESSION

S. 3159

To restrict the use of Federal Funds for gain-of-function research in the
People's Republic of China.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2021

Ms. ERNST (for herself, Mr. RUBIO, Mr. BRAUN, and Mr. WICKER) introduced
the following bill; which was read twice and referred to the Committee
on Foreign Relations

A BILL

To restrict the use of Federal Funds for gain-of-function
research in the People's Republic of China.

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 “Fairness and Account-
5 ability in Underwriting Chinese Institutions Act” or the
6 “FAUCI Act”.

1 **SEC. 2. RESTRICTIONS ON FEDERAL FUNDING OF CERTAIN**
2 **GAIN-OF-FUNCTION RESEARCH.**

3 (a) GAIN-OF-FUNCTION RESEARCH DEFINITION.—In
4 this section, the term “gain-of-function research” means
5 any research that—

6 (1) may be reasonably anticipated to confer at-
7 tributes to influenza, MERS, or SARS viruses such
8 that the virus would have enhanced pathogenicity or
9 transmissibility in any organism; or

10 (2) involves the enhancement of potential pan-
11 demic pathogens or related risky research with po-
12 tentially dangerous pathogens.

13 (b) FUNDING LIMITATIONS.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, no Federal funding may be made
16 available for any purpose, including under any con-
17 tract, grant, subgrant, or other assistance, to labora-
18 tories or research institutions in the People’s Repub-
19 lic of China for the purposes of gain-of-function re-
20 search.

21 (2) CERTIFICATION.—Any recipient of Federal
22 funding for the purposes of scientific research shall
23 certify to the issuing authority that such recipient
24 will not distribute any such Federal funds, whether
25 directly or through subgrants, to any qualifying lab-
26 oratory or research institution that is in the People’s

1 Republic of China or that receives any funding from
2 the People's Republic of China, for the purposes of
3 gain-of-function research.

4 (c) PENALTY FOR LACK OF CANDOR.—With respect
5 to any official or employee of the National Institutes of
6 Health, or grantee or employee or contractor of a grantee
7 of the National Institutes of Health, who is determined
8 by the Inspector General of the Department of Health and
9 Human Services to have intentionally misled, or omitted
10 information in a disclosure to, Congress, the National In-
11 stitutes of Health, or any relevant Inspector General about
12 the direction, scope, or extent of Federal funding of inter-
13 national gain-of-function research, in addition to being
14 subject to all other applicable criminal penalties—

15 (1) such person shall not be eligible for any new
16 Federal grant or other funding;

17 (2) if such person previously received a Federal
18 grant or other funding, such grant or other funding
19 shall be immediately terminated and any unexpended
20 funds shall be rescinded; and

21 (3) such person shall not be eligible for Federal
22 employment.

23 (d) REPORT REQUIRED.—Not later than 30 months
24 after the date of enactment of this Act, the Office of
25 Science and Technology Policy, in consultation with the

1 Department of Health and Human Services, the Depart-
2 ment of Homeland Security, the Department of Justice,
3 the Director of National Intelligence, and the Department
4 of State, shall submit, in both classified and unclassified
5 forms, a report to the appropriate committees of Congress
6 providing an assessment of—

7 (1) the United States capacity to determine the
8 extent of gain-of-function research conducted by any
9 laboratories of research institutions in the People’s
10 Republic of China, including the Wuhan Institute of
11 Virology, and safety protocols followed by labora-
12 tories or research institutions in the People’s Repub-
13 lic of China, including the Wuhan Institute of Virol-
14 ogy, in conducting any gain-of-function research;

15 (2) the United States capacity to determine
16 whether cooperation or relationships between labora-
17 tories or research facilities in the People’s Republic
18 of China conducting gain-of-function research and
19 the People’s Liberation Army exist;

20 (3) costs and potential risks or benefits of any
21 United States cooperation or funding with labora-
22 tories or research facilities in the People’s Republic
23 of China conducting gain-of-function research;

24 (4) a recommendation of whether the United
25 States should resume or continue to suspend any co-

1 operation or funding of laboratories or research fa-
2 cilities in the People's Republic of China conducting
3 gain-of-function research;

4 (5) a list of all gain-of-function research cur-
5 rently being funded with financial support of any
6 agency of the Federal Government, including the
7 purpose, cost, pathogens, and location of research;

8 (6) a detailed list of all Federal funding for re-
9 search being conducted in or with the People's Re-
10 public of China; and

11 (7) a determination of whether the Chinese lab-
12 oratories identified in the report have had, or con-
13 tinue to have, a connection to the proliferation of
14 fentanyl and fentanyl-analogues in the United
15 States.

16 (e) NATIONAL SECURITY WAIVER.—The President
17 may waive the limitation under subsection (b) with respect
18 to particular research described in such subsection upon
19 a determination that such a waiver would be in the na-
20 tional security interest. Such waiver shall be made publicly
21 available at the time of its issuance.

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