

118TH CONGRESS
1ST SESSION

H. R. 4087

To prohibit the use of Federal funds to conduct or support certain gain-of-function research by a foreign adversary.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2023

Mr. WENSTRUP (for himself and Mrs. LESKO) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the use of Federal funds to conduct or support certain gain-of-function research by a foreign adversary.

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 “Foreign Adversary
5 Gain-of-Function Research Prevention Act of 2023”.

6 **SEC. 2. PROHIBITION ON FEDERAL FUNDING FOR CERTAIN**
7 **GAIN-OF-FUNCTION RESEARCH BY A FOR-**
8 **EIGN ADVERSARY.**

9 (a) IN GENERAL.—No Federal funds may be made
10 available, whether directly or indirectly, or used by an en-

1 tity, to conduct or support any gain-of-function research
2 involving a potential pandemic pathogen by a foreign ad-
3 versary, including—

4 (1) China, Russia, Iran, and North Korea; and

5 (2) any other country the Secretary of State, in
6 consultation with the Secretary of Defense, the Di-
7 rector of National Intelligence, or any other appro-
8 priate Federal official, determines to be a foreign
9 adversary for the purposes of this section.

10 (b) FUNDING FREEZE FOR VIOLATIONS.—If the Sec-
11 retary of State determines that an entity has violated sub-
12 section (a), such entity—

13 (1) for the 3-year period beginning on the date
14 of such determination, may not receive any award or
15 subaward of a grant, cooperative agreement, loan, or
16 contract from the Department of Health and
17 Human Services; and

18 (2) for the 3-year period beginning on the day
19 after the last day of the period described in para-
20 graph (1), may not receive any award of a grant, co-
21 operative agreement, loan, or contract from the De-
22 partment of Health and Human Services unless the
23 entity agrees, as a condition of receiving such award
24 to—

1 (A) give notice to the Congress before
2 using such award to make any subaward; and

3 (B) include in any such notice the intended
4 recipient and purpose of the subaward.

5 (c) DEFINITIONS.—In this section:

6 (1) GAIN-OF-FUNCTION RESEARCH.—The term
7 “gain-of-function research” means any research that
8 may be reasonably anticipated to confer an attribute
9 to a pathogen such that the pathogen would have
10 enhanced pathogenicity or transmissibility in mam-
11 mals, including the creation of a chimera.

12 (2) POTENTIAL PANDEMIC PATHOGEN.—The
13 term “potential pandemic pathogen” means a patho-
14 gen that, as a result of any gain-of-function re-
15 search—

16 (A) is likely more transmissible or likely
17 capable of wide and uncontrollable spread in
18 human populations;

19 (B) is likely more virulent or likely to
20 cause modest or greater morbidity or mortality
21 in humans; or

22 (C) is likely to pose a severe threat to pub-
23 lic health, the capacity of the public health sys-
24 tems to function, or national security.

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