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S. 2551

To impose export controls and sanctions to address the security threat posed by the genetic mapping efforts of the Government of the People’s Republic of China and other countries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2023

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To impose export controls and sanctions to address the security threat posed by the genetic mapping efforts of the Government of the People’s Republic of China and other countries, 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 “Stopping Genetic Mon-
5 itoring by China Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMISSION; ADMITTED; ALIEN.—The terms
2 “admission”, “admitted”, and “alien” have the
3 meanings given those terms in section 101 of the
4 Immigration and Nationality Act (8 U.S.C. 1101).

5 (2) COMMERCE CONTROL LIST.—The term
6 “Commerce Control List” means the list maintained
7 by the Bureau of Industry and Security of the De-
8 partment of Commerce and set forth in Supplement
9 No. 1 to part 774 of the Export Administration
10 Regulations.

11 (3) COVERED COUNTRY.—The term “covered
12 country” means any of the following:

13 (A) The Islamic Republic of Iran.

14 (B) Democratic People’s Republic of North
15 Korea.

16 (C) The People’s Republic of China.

17 (D) The Russian Federation.

18 (E) The Republic of Cuba.

19 (F) The Maduro Regime of Venezuela.

20 (G) The Syrian Arab Republic.

21 (H) Any other country the government of
22 which is determined by the Secretary of State
23 to be a foreign adversary (as defined in section
24 8(e) of the Secure and Trusted Communica-

1 tions Networks Act of 2019 (47 U.S.C.
2 1607(c)).

3 (4) ENTITY LIST.—The term “Entity List”
4 means the list maintained by the Bureau of Industry
5 and Security and set forth in Supplement No. 4 to
6 part 744 of the Export Administration Regulations.

7 (5) EXPORT; EXPORT ADMINISTRATION REGU-
8 LATIONS; IN-COUNTRY TRANSFER; REEXPORT.—The
9 terms “export”, “Export Administration Regula-
10 tions”, “in-country transfer”, and “reexport” have
11 the meanings given those terms in section 1742 of
12 the Export Control Reform Act of 2018 (50 U.S.C.
13 4801).

14 **SEC. 3. CONTROL OF EXPORTS OF GENETIC COLLECTION**
15 **AND ANALYSIS TECHNOLOGY TO CERTAIN**
16 **COUNTRIES.**

17 (a) IN GENERAL.—Not later than 90 days after the
18 date of the enactment of this Act, the heads of the agen-
19 cies that are represented on the End-User Review Com-
20 mittee shall, in consultation with the Secretary of Health
21 and Human Services—

22 (1) add technology described in subsection (b)
23 to the Commerce Control List; and

24 (2) deny any license required for the export, re-
25 export, or in-country transfer to or in a covered

1 country of any such technology, unless the person
2 seeking the license submits to the Committee such
3 documentation as the Secretary of State may rea-
4 sonably require to demonstrate by clear and con-
5 vincing evidence that, if the license is approved, the
6 technology will not be used for human rights abuses
7 or by an entity that has engaged in human rights
8 abuses.

9 (b) TECHNOLOGY DESCRIBED.—Technology de-
10 scribed in this subsection is technology identified by the
11 Secretary of Defense or the Secretary of State, in con-
12 sultation with the Secretary of Health and Human Serv-
13 ices, or the Secretary of Energy as genetic instruments,
14 including—

15 (1) Next Generation and Sanger Generation ge-
16 netic sequencers;

17 (2) genetic sequencing kits and reagents;

18 (3) genetic testing and sampling kits (including
19 forensic DNA testing kits);

20 (4) related laboratory instruments;

21 (5) any instrument-specific software—

22 (A) relating to genetic testing, genetic
23 mapping, genetic sequencing, genetic analysis
24 and editing, or any technology described in any
25 of paragraphs (1) through (4); and

1 (B) included, on the day before the date of
2 the enactment of this Act, under the definition
3 of crime control and detection instruments
4 under section 742.7 of the Export Administra-
5 tion Regulations; or

6 (6) any other related genetic technology that
7 could enable human rights abuses, as identified by
8 the head of any agency represented on the End-User
9 Review Committee, in consultation with the Sec-
10 retary of Health and Human Services.

11 (c) END-USER REVIEW COMMITTEE DEFINED.—In
12 this section, the term “End-User Review Committee”
13 means—

14 (1) the End-User Review Committee established
15 under section 744.16(d) of title 15, Code of Federal
16 Regulations; or

17 (2) any successor committee.

18 **SEC. 4. IMPOSITION OF SANCTIONS WITH RESPECT TO PRO-**
19 **VISION OF GENETIC MONITORING TECH-**
20 **NOLOGY TO COVERED COUNTRIES.**

21 (a) IN GENERAL.—Not later than the date that is
22 90 days after the date of the enactment of this Act, and
23 as appropriate thereafter, the President shall—

24 (1) impose the sanctions described in subsection

25 (b) with respect to each foreign person that the Sec-

1 retary of the Treasury, in consultation with the Sec-
2 retary of State, determines—

3 (A) is responsible for or complicit in, or
4 has directly or indirectly engaged in, gross vio-
5 lations of internationally recognized human
6 rights;

7 (B) has provided, is providing, or poses a
8 significant risk of providing, to an entity in a
9 covered country genetic sampling and analysis
10 technology that could directly or indirectly en-
11 able gross violations of internationally recog-
12 nized human rights, as determined by the Sec-
13 retary of State or the Secretary of the Treas-
14 ury, in consultation with the Secretary of
15 Health and Human Services;

16 (C) conducts genetic sampling and analysis
17 and is located in, has headquarters in, or is or-
18 ganized under the laws of, a covered country,
19 including—

20 (i) any entity placed on the Entity
21 List for human rights abuses directly or
22 indirectly related to genetic monitoring ef-
23 forts, including—

24 (I) the Institute of Forensic
25 Science;

- 1 (II) CloudWalk Technology;
- 2 (III) FiberHome Technologies
- 3 Group;
- 4 (IV) Forensic Genomics Inter-
- 5 national;
- 6 (V) the Chinese Academy of Mili-
- 7 tary Medical Sciences;
- 8 (VI) the Chinese Academy of
- 9 Sciences; and
- 10 (VII) BGI Group;
- 11 (ii) national key labs and other state-
- 12 affiliated research institutes providing ge-
- 13 netic sampling and analysis technology for
- 14 public security purposes;
- 15 (iii) any college or university in the
- 16 People's Republic of China that is deter-
- 17 mined by the Secretary of Defense to be
- 18 involved in genetic monitoring and human
- 19 rights abuses, including—
- 20 (I) any college or university in
- 21 the People's Republic of China that
- 22 conducts genetic research or hosts
- 23 dedicated security and monitoring ini-
- 24 tiatives or laboratories, including such
- 25 a college or university designated

1 under the “double first-class univer-
2 sity plan”; and

3 (II) any college or university in
4 the People’s Republic of China that
5 conducts research or hosts dedicated
6 initiatives or laboratories for any se-
7 curity entity of the People’s Republic
8 of China, including the People’s Lib-
9 eration Army, the People’s Armed Po-
10 lice, the Ministry of Public Security,
11 and the Ministry of State Security;

12 (iv) any enterprise for which the ma-
13 jority shareholder or ultimate parent entity
14 is the Government of the People’s Republic
15 of China at any level of that government;

16 (v) any privately owned company in
17 the People’s Republic of China that has—

18 (I) a history of subcontracting
19 for the People’s Liberation Army, the
20 People’s Armed Police, the Ministry of
21 Public Security, the Ministry of State
22 Security, or any affiliate of any such
23 entity; or

24 (II) an owner, director, or senior
25 management official who has served

1 as a delegate to the National People's
2 Congress, a member of the Chinese
3 People's Political Consultative Con-
4 ference, or a member of the Central
5 Committee of the Chinese Communist
6 Party; and

7 (vi) any subsidiary, successor, or alias
8 of an entity described in any of clauses (i)
9 through (v); or

10 (D) owns or controls, is owned or con-
11 trolled by, or is under common ownership or
12 control with, an entity described in subpara-
13 graph (A), (B), or (C); and

14 (2) impose the sanctions described in subsection
15 (c) with respect to each alien the Secretary of State,
16 in consultation with the Secretary of the Treasury,
17 determines is a corporate officer of an entity de-
18 scribed in paragraph (1).

19 (b) PROPERTY BLOCKING.—The sanctions described
20 in this subsection are the exercise of all of the powers
21 granted to the President by the International Emergency
22 Economic Powers Act (50 U.S.C. 1701 et seq.) to the ex-
23 tent necessary to block and prohibit all transactions in
24 property and interests in property of a foreign person if
25 such property or interests in property are in the United

1 States, come within the United States, or are or come
2 within the possession or control of a United States person.

3 (c) INADMISSIBILITY OF CERTAIN SANCTIONED PER-
4 SONS.—

5 (1) VISAS, ADMISSION, OR PAROLE.—An alien
6 described in subsection (a)(2) shall be—

7 (A) inadmissible to the United States;

8 (B) ineligible to receive a visa or other docu-
9 mentation to enter the United States; and

10 (C) otherwise ineligible to be admitted or
11 paroled into the United States or to receive any
12 other benefit under the Immigration and Na-
13 tionality Act (8 U.S.C. 1101 et seq.).

14 (2) CURRENT VISAS REVOKED.—

15 (A) IN GENERAL.—The visa or other entry
16 documentation of any alien described in para-
17 graph (1) is subject to revocation regardless of
18 the date on which the visa or other entry docu-
19 mentation is or was issued.

20 (B) IMMEDIATE EFFECT.—A revocation
21 under subparagraph (A) shall—

22 (i) take effect immediately; and

23 (ii) cancel any other valid visa or
24 entry documentation that is in the posses-
25 sion of the alien.

1 (d) IMPLEMENTATION; PENALTIES.—

2 (1) IMPLEMENTATION.—The President shall ex-
3 ercise all authorities provided under sections 203
4 and 205 of the International Emergency Economic
5 Powers Act (50 U.S.C. 1702 and 1704) to carry out
6 this section.

7 (2) REGULATORY AUTHORITY.—Not later than
8 180 days after the date of the enactment of this Act,
9 the Secretary of the Treasury shall issue such regu-
10 lations, licenses, and orders as are necessary to
11 carry out this section.

12 (3) PENALTIES.—A person that violates, at-
13 tempts to violate, conspires to violate, or causes a
14 violation of subsection (b) or any regulation, license,
15 or order issued to carry out that subsection shall be
16 subject to the penalties set forth in subsections (b)
17 and (c) of section 206 of the International Emer-
18 gency Economic Powers Act (50 U.S.C. 1705) to the
19 same extent as a person that commits an unlawful
20 act described in subsection (a) of that section.

21 (e) EXCEPTIONS.—

22 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
23 TIES.—Sanctions under this section shall not apply
24 to any activity subject to the reporting requirements
25 under title V of the National Security Act of 1947

1 (50 U.S.C. 3091 et seq.) or any authorized intel-
2 ligence activities of the United States.

3 (2) COMPLIANCE WITH UNITED NATIONS HEAD-
4 QUARTERS AGREEMENT.—Subsection (c) shall not
5 apply with respect to the admission of an alien to
6 the United States if such admission is necessary to
7 permit the United States to comply with the Agree-
8 ment regarding the Headquarters of the United Na-
9 tions, signed at Lake Success, June 26, 1947, and
10 entered into force, November 21, 1947, between the
11 United Nations and the United States.

12 (3) EXCEPTION RELATING TO IMPORTATION OF
13 GOODS.—

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

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

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