

Calendar No. 521118TH CONGRESS
2D SESSION**S. 3558****[Report No. 118-229]**

To prohibit contracting with certain biotechnology providers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2023

Mr. PETERS (for himself, Mr. HAGERTY, Mr. ROMNEY, Mr. MARSHALL, Mr. LANKFORD, Mr. SCOTT of Florida, Mr. HAWLEY, Mr. WARNER, Mr. RUBIO, Mrs. BRITT, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 23, 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]**A BILL**

To prohibit contracting with certain biotechnology providers,
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,*

1 **SECTION 1. PROHIBITION ON CONTRACTING WITH CER-**
 2 **TAIN BIOTECHNOLOGY PROVIDERS.**

3 (a) ~~IN GENERAL.~~—The head of an executive agency
 4 may not—

5 (1) ~~procure or obtain any biotechnology equip-~~
 6 ~~ment or service produced or provided by a bio-~~
 7 ~~technology company of concern; or~~

8 (2) ~~enter into a contract or extend or renew a~~
 9 ~~contract with any entity that—~~

10 (A) ~~uses biotechnology equipment or serv-~~
 11 ~~ices produced or provided by a biotechnology~~
 12 ~~company of concern and acquired after the ap-~~
 13 ~~plicable effective date in subsection (c) in per-~~
 14 ~~formance of the contract; or~~

15 (B) ~~enters into any contract the perform-~~
 16 ~~ance of which will require the direct use of bio-~~
 17 ~~technology equipment or services produced or~~
 18 ~~provided by a biotechnology company of concern~~
 19 ~~and acquired after the applicable effective date~~
 20 ~~in subsection (c).~~

21 (b) ~~PROHIBITION ON LOAN AND GRANT FUNDS.~~—
 22 The head of an executive agency may not obligate or ex-
 23 pend loan or grant funds to—

24 (1) ~~procure or obtain any biotechnology equip-~~
 25 ~~ment or services produced or provided by a bio-~~
 26 ~~technology company of concern; or~~

1 (2) enter into a contract or extend or renew a
2 contract with an entity described in subsection
3 (a)(2).

4 (c) EFFECTIVE DATES.—

5 (1) CERTAIN ENTITIES.—With respect to the
6 biotechnology companies of concern covered by sub-
7 section (f)(2)(A), the prohibitions under subsections
8 (a) and (b) shall take effect 60 days after the
9 issuance of the implementing guidance in subsection
10 (f)(3) or the expiration of the deadline set forth in
11 subsection (f)(3), whichever occurs first.

12 (2) OTHER ENTITIES.—With respect to the bio-
13 technology companies of concern covered by sub-
14 section (f)(2)(B), the prohibitions under subsections
15 (a) and (b) shall take effect 180 days after the
16 issuance of the implementing guidance in subsection
17 (f)(3).

18 (d) WAIVER AUTHORITIES.—

19 (1) SPECIFIC BIOTECHNOLOGY EXCEPTION.—

20 (A) WAIVER.—The head of an executive
21 agency may waive the prohibition under sub-
22 section (a) and (b) on a case-by-case basis—

23 (i) with the approval of the Director
24 of the Office of Management and Budget,
25 in consultation with the Federal Acquisi-

1 tion Security Council and the Secretary of
2 Defense; and

3 (ii) if such head submits a notification
4 and justification to the appropriate con-
5 gressional committees not later than 30
6 days after granting such waiver.

7 ~~(B) DURATION.—~~

8 (i) ~~IN GENERAL.—~~Except as provided
9 in clause (ii), a waiver granted under sub-
10 paragraph (A) shall last for a period of not
11 more than 365 days.

12 (ii) ~~EXTENSION.—~~The Director of the
13 Office of Management and Budget, in con-
14 sultation with the Federal Acquisition Se-
15 curity Council and the Secretary of De-
16 fense, may extend a waiver granted under
17 subparagraph (A) one time, for a period
18 up to 180 days after the date on which the
19 waiver would otherwise expire, if such an
20 extension is in the national security inter-
21 ests of the United States and the Director
22 submits to the appropriate congressional
23 committees a notification of such waiver.

24 ~~(2) OVERSEAS HEALTH CARE SERVICES.—~~The
25 head of an executive agency may waive the prohibi-

1 tions under subsections (a) and (b) with respect to
2 a contract, subcontract, or transaction for the acqui-
3 sition or provision of health care services overseas on
4 a case-by-case basis—

5 (A) if the head of such executive agency
6 determines that the waiver is—

7 (i) necessary to support the mission or
8 activities of the employees of such execu-
9 tive agency described in subsection
10 (e)(2)(A); and

11 (ii) in the interest of the United
12 States;

13 (B) with the approval of the Director of
14 the Office of Management and Budget, in con-
15 sultation with the Federal Acquisition Security
16 Council and the Secretary of Defense; and

17 (C) if such head submits a notification and
18 justification to the appropriate congressional
19 committees not later than 30 days after grant-
20 ing such waiver.

21 (e) EXCEPTIONS.—The prohibitions under sub-
22 sections (a) and (b) shall not apply to—

23 (1) any activity subject to the reporting require-
24 ments under title V of the National Security Act of

1 1947 (50 U.S.C. 3091 et seq.) or any authorized in-
2 telligence activities of the United States;

3 ~~(2) the acquisition or provision of health care~~
4 ~~services overseas for—~~

5 ~~(A) employees of the United States, includ-~~
6 ~~ing members of the uniformed services (as de-~~
7 ~~fin ed in section 101(a) of title 10, United~~
8 ~~States Code), whose official duty stations are~~
9 ~~located overseas or are on permissive temporary~~
10 ~~duty travel overseas; or~~

11 ~~(B) employees of contractors or sub-~~
12 ~~contractors of the United States—~~

13 ~~(i) who are performing under a con-~~
14 ~~tract that directly supports the missions or~~
15 ~~activities of individuals described in sub-~~
16 ~~paragraph (A); and~~

17 ~~(ii) whose primary duty stations are~~
18 ~~located overseas or are on permissive tem-~~
19 ~~porary duty travel overseas; or~~

20 ~~(3) the acquisition, use, or distribution of~~
21 ~~human genomic data, however compiled, that is~~
22 ~~commercially or publicly available.~~

23 ~~(f) EVALUATION OF CERTAIN BIOTECHNOLOGY EN-~~
24 ~~TITIES.—~~

1 (1) ENTITY CONSIDERATION.—Not later than
2 120 days after the date of the enactment of this Act,
3 the Director of the Office of Management and Budget,
4 in consultation with the Secretary of Defense, the
5 Attorney General, the Secretary of Health and
6 Human Services, the Secretary of Commerce, the
7 Director of National Intelligence, the Secretary of
8 Homeland Security, and the Secretary of State, shall
9 develop a list of the entities that constitute bio-
10 technology companies of concern.

11 (2) BIOTECHNOLOGY COMPANIES OF CONCERN
12 DEFINED.—The term “biotechnology company of
13 concern” means—

14 (A) BGI, MGI, Complete Genomics, Wuxi
15 Apptec, and any subsidiary, parent affiliate, or
16 successor of such entities; and

17 (B) any entity that—

18 (i) is subject to the jurisdiction, direc-
19 tion, control, or operates on behalf of the
20 government of a foreign adversary;

21 (ii) is to any extent involved in the
22 manufacturing, distribution, provision, or
23 procurement of a biotechnology equipment
24 or service; and

1 (iii) poses a risk to the national secu-
2 rity of the United States based on—

3 (I) engaging in joint research
4 with, being supported by, or being af-
5 filiated with a foreign adversary's
6 military, internal security forces, or
7 intelligence agencies;

8 (II) providing multiomic data ob-
9 tained via biotechnology equipment or
10 services to the government of a for-
11 eign adversary; or

12 (III) obtaining human multiomic
13 data via the biotechnology equipment
14 or services without express and in-
15 formed consent.

16 (3) GUIDANCE.—Not later than 120 days after
17 the date of the enactment of this Act, the Director
18 of the Office of Management and Budget, in con-
19 sultation with the Secretary of Defense, the Attor-
20 ney General, the Secretary of Health and Human
21 Services, the Secretary of Commerce, the Director of
22 National Intelligence, the Secretary of Homeland Se-
23 curity, and the Secretary of State, shall establish
24 guidance necessary to implement the requirements of
25 this section.

1 (4) UPDATES.—The Director of the Office of
2 Management and Budget, in consultation with the
3 Secretary of Defense, the Attorney General, the Sec-
4 retary of Health and Human Services, the Secretary
5 of Commerce, the Director of National Intelligence,
6 the Secretary of Homeland Security, and the Sec-
7 retary of State, shall periodically, though not less
8 than annually, review and, as appropriate, make a
9 determination to modify the list of biotechnology
10 companies of concern.

11 (g) REGULATIONS.—Not later than one year after the
12 date of establishment of guidance required under sub-
13 section (f)(3), the Federal Acquisition Regulatory Council
14 shall revise the Federal Acquisition Regulation as nec-
15 essary to implement the requirements of this section.

16 (h) NO ADDITIONAL FUNDS.—No additional funds
17 are authorized to be appropriated for the purpose of ear-
18 rying out this section.

19 (i) DEFINITIONS.—In this section:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Armed Services and
24 the Committee on Homeland Security and Gov-
25 ernmental Affairs of the Senate; and

1 (B) the Committee on Armed Services, the
2 Committee on Foreign Affairs, the Committee
3 on Oversight and Accountability, the Committee
4 on Energy and Commerce, and the Select Com-
5 mittee on Strategic Competition between the
6 United States and the Chinese Communist
7 Party of the House of Representatives.

8 (2) BIOTECHNOLOGY EQUIPMENT OR SERV-
9 ICE.—The term “biotechnology equipment or serv-
10 ice” means—

11 (A) equipment, including genetic sequene-
12 ers, mass spectrometers, polymerase chain reac-
13 tion machines, or any other instrument, appa-
14 ratus, machine, or device, including components
15 and accessories thereof, that is designed for use
16 in the research, development, production, or
17 analysis of biological materials as well as any
18 software, firmware, or other digital components
19 that are specifically designed for use in, and
20 necessary for the operation of, such equipment;

21 (B) any service for the research, develop-
22 ment, production, analysis, detection, or provi-
23 sion of information, including data storage and
24 transmission related to biological materials, in-
25 cluding—

1 (i) advising, consulting, or support
2 services with respect to the use or imple-
3 mentation of a instrument, apparatus, ma-
4 chine, or device described in subparagraph
5 (A); and

6 (ii) disease detection, genealogical in-
7 formation, and related services; and

8 (C) any other service, instrument, appa-
9 ratus, machine, component, accessory, device,
10 software, or firmware that the Director of the
11 Office of Management and Budget, in consulta-
12 tion with the heads of Executive agencies, as
13 determined appropriate by the Director of the
14 Office of Management and Budget, determines
15 appropriate.

16 (3) CONTROL.—The term “control” has the
17 meaning given to that term in section 800.208 of
18 title 31, Code of Federal Regulations, or any suc-
19 cessor regulations.

20 (4) EXECUTIVE AGENCY.—The term “executive
21 agency” has the meaning given the term “Executive
22 agency” in section 105 of title 5, United States
23 Code.

24 (5) FOREIGN ADVERSARY.—The term “foreign
25 adversary” has the meaning given the term “covered

1 nation” in section 4872(d) of title 10, United States
2 Code.

3 (6) **MULTIOMIC.**—The term “multiomic” means
4 data types that include genomics, epigenomics,
5 transcriptomics, proteomics, and metabolomics.

6 (7) **OVERSEAS.**—The term “overseas” means
7 any area outside of the United States, the Common-
8 wealth of Puerto Rico, or a territory or possession
9 of the United States.

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Prohibiting Foreign Ac-
12 cess to American Genetic Information Act of 2024”.*

13 **SEC. 2. PROHIBITION ON CONTRACTING WITH CERTAIN
14 BIOTECHNOLOGY PROVIDERS.**

15 (a) *IN GENERAL.*—The head of an executive agency
16 may not—

17 (1) *procure or obtain any biotechnology equip-
18 ment or service produced or provided by a bio-
19 technology company of concern; or*

20 (2) *enter into a contract or extend or renew a
21 contract with any entity that—*

22 (A) *uses biotechnology equipment or services
23 produced or provided by a biotechnology com-
24 pany of concern and acquired after the applica-*

1 *ble effective date in subsection (c) in performance*
 2 *of the contract with the executive agency; or*

3 *(B) enters into any contract the perform-*
 4 *ance of which such entity knows or has reason*
 5 *to believe will require, in performance of the con-*
 6 *tract with the executive agency, the use of bio-*
 7 *technology equipment or services produced or*
 8 *provided by a biotechnology company of concern*
 9 *and acquired after the applicable effective date*
 10 *in subsection (c).*

11 *(b) PROHIBITION ON LOAN AND GRANT FUNDS.—The*
 12 *head of an executive agency may not obligate or expend loan*
 13 *or grant funds to, and a loan or grant recipient may not*
 14 *use loan or grant funds to—*

15 *(1) procure or obtain any biotechnology equip-*
 16 *ment or services produced or provided by a bio-*
 17 *technology company of concern; or*

18 *(2) enter into a contract or extend or renew a*
 19 *contract with an entity described in subsection (a)(2).*

20 *(c) EFFECTIVE DATES.—*

21 *(1) CERTAIN ENTITIES.—With respect to the bio-*
 22 *technology companies of concern covered by subsection*
 23 *(f)(2)(A), the prohibitions under subsections (a) and*
 24 *(b) shall take effect 60 days after the issuance of the*
 25 *implementing guidance in subsection (f)(3) or the ex-*

1 *piration of the deadline set forth in subsection (f)(3),*
2 *whichever occurs first.*

3 (2) *OTHER ENTITIES.—With respect to the bio-*
4 *technology companies of concern covered by subsection*
5 *(f)(2)(B), the prohibitions under subsections (a) and*
6 *(b) shall take effect 180 days after the issuance of the*
7 *implementing guidance in subsection (f)(3) or the ex-*
8 *piration of the deadline set forth in subsection (f)(3),*
9 *whichever occurs first.*

10 (3) *RULES OF CONSTRUCTION.—*

11 (A) *CERTAIN ENTITIES.—With respect to*
12 *biotechnology companies of concern covered by*
13 *subsection (f)(2)(A), subsections (a)(2) and (b)(2)*
14 *shall not apply to biotechnology equipment or*
15 *services produced or provided under a contract*
16 *or agreement entered into before the effective date*
17 *under subsection (c)(1).*

18 (B) *OTHER ENTITIES.—With respect to the*
19 *biotechnology companies of concern covered by*
20 *subsection (f)(2)(B), subsections (a)(2) and (b)(2)*
21 *shall not apply to biotechnology equipment or*
22 *services produced or provided under a contract*
23 *or agreement entered into before the effective date*
24 *under subsection (c)(2).*

25 (d) *WAIVER AUTHORITIES.—*

1 (1) *SPECIFIC BIOTECHNOLOGY EXCEPTION.*—

2 (A) *WAIVER.*—*The head of the applicable*
3 *executive agency may waive the prohibition*
4 *under subsection (a) and (b) on a case-by-case*
5 *basis—*

6 (i) *with the approval of the Director of*
7 *the Office of Management and Budget, in*
8 *consultation with the Federal Acquisition*
9 *Security Council and the Secretary of De-*
10 *fense; and*

11 (ii) *if such head submits a notification*
12 *and justification to the appropriate congres-*
13 *sional committees not later than 30 days*
14 *after granting such waiver.*

15 (B) *DURATION.*—

16 (i) *IN GENERAL.*—*Except as provided*
17 *in clause (ii), a waiver granted under sub-*
18 *paragraph (A) shall last for a period of not*
19 *more than 365 days.*

20 (ii) *EXTENSION.*—*The head of the ap-*
21 *plicable executive agency, with the approval*
22 *of the Director of the Office of Management*
23 *and Budget, and in consultation with the*
24 *Federal Acquisition Security Council and*
25 *the Secretary of Defense, may extend a*

1 *waiver granted under subparagraph (A) one*
2 *time, for a period up to 180 days after the*
3 *date on which the waiver would otherwise*
4 *expire, if such an extension is in the na-*
5 *tional security interests of the United States*
6 *and the Director submits to the appropriate*
7 *congressional committees a notification of*
8 *such waiver.*

9 (2) *OVERSEAS HEALTH CARE SERVICES.—The*
10 *head of an executive agency may waive the prohibi-*
11 *tions under subsections (a) and (b) with respect to a*
12 *contract, subcontract, or transaction for the acquisi-*
13 *tion or provision of health care services overseas on*
14 *a case-by-case basis—*

15 *(A) if the head of such executive agency de-*
16 *termines that the waiver is—*

17 *(i) necessary to support the mission or*
18 *activities of the employees of such executive*
19 *agency described in subsection (e)(2)(A);*
20 *and*

21 *(ii) in the interest of the United States;*

22 *(B) with the approval of the Director of the*
23 *Office of Management and Budget, in consulta-*
24 *tion with the Federal Acquisition Security Coun-*
25 *cil and the Secretary of Defense; and*

1 (C) if such head submits a notification and
2 justification to the appropriate congressional
3 committees not later than 30 days after granting
4 such waiver.

5 (e) *EXCEPTIONS.*—The prohibitions under subsections
6 (a) and (b) shall not apply to—

7 (1) any activity subject to the reporting require-
8 ments under title V of the National Security Act of
9 1947 (50 U.S.C. 3091 et seq.) or any authorized intel-
10 ligence activities of the United States;

11 (2) the acquisition or provision of health care
12 services overseas for—

13 (A) employees of the United States, includ-
14 ing members of the uniformed services (as de-
15 fined in section 101(a) of title 10, United States
16 Code), whose official duty stations are located
17 overseas or are on permissive temporary duty
18 travel overseas; or

19 (B) employees of contractors or subcontractors
20 of the United States—

21 (i) who are performing under a con-
22 tract that directly supports the missions or
23 activities of individuals described in sub-
24 paragraph (A); and

1 (ii) whose primary duty stations are
2 located overseas or are on permissive tem-
3 porary duty travel overseas; or

4 (3) the acquisition, use, or distribution of human
5 multiomic data, lawfully compiled, that is commer-
6 cially or publicly available.

7 (f) *EVALUATION OF CERTAIN BIOTECHNOLOGY ENTI-*
8 *TIES.*—

9 (1) *ENTITY CONSIDERATION.*—Not later than 120
10 days after the date of the enactment of this Act, the
11 Director of the Office of Management and Budget, in
12 consultation with the Secretary of Defense, the Attor-
13 ney General, the Secretary of Health and Human
14 Services, the Secretary of Commerce, the Director of
15 National Intelligence, the Secretary of Homeland Se-
16 curity, and the Secretary of State, shall develop a list
17 of the entities that constitute biotechnology companies
18 of concern.

19 (2) *BIOTECHNOLOGY COMPANIES OF CONCERN*
20 *DEFINED.*—The term “biotechnology company of con-
21 cern” means—

22 (A) *BGI, MGI, Complete Genomics, WuXi*
23 *AppTec, and any subsidiary, parent affiliate, or*
24 *successor of such entities; and*

25 (B) *any entity that—*

1 (i) is subject to the jurisdiction, direc-
2 tion, control, or operates on behalf of the
3 government of a foreign adversary;

4 (ii) is to any extent involved in the
5 manufacturing, distribution, provision, or
6 procurement of a biotechnology equipment
7 or service; and

8 (iii) poses a risk to the national secu-
9 rity of the United States based on—

10 (I) engaging in joint research
11 with, being supported by, or being af-
12 filiated with a foreign adversary's
13 military, internal security forces, or
14 intelligence agencies;

15 (II) providing multiomic data ob-
16 tained via biotechnology equipment or
17 services to the government of a foreign
18 adversary; or

19 (III) obtaining human multiomic
20 data via the biotechnology equipment
21 or services without express and in-
22 formed consent.

23 (3) *GUIDANCE.*—Not later than 120 days after
24 the date of the enactment of this Act for the bio-
25 technology companies of concern named in paragraph

1 (2)(A), and not later than 180 days after the develop-
2 ment of the list pursuant to paragraph (1) and any
3 update to the list pursuant to paragraph (4), the Di-
4 rector of the Office of Management and Budget, in
5 consultation with the Secretary of Defense, the Attor-
6 ney General, the Secretary of Health and Human
7 Services, the Secretary of Commerce, the Director of
8 National Intelligence, the Secretary of Homeland Se-
9 curity, and the Secretary of State, shall establish
10 guidance necessary to implement the requirements of
11 this section.

12 (4) *UPDATES.*—The Director of the Office of
13 Management and Budget, in consultation with the
14 Secretary of Defense, the Attorney General, the Sec-
15 retary of Health and Human Services, the Secretary
16 of Commerce, the Director of National Intelligence,
17 the Secretary of Homeland Security, and the Sec-
18 retary of State, shall periodically, though not less
19 than annually, review and, as appropriate, modify
20 the list of biotechnology companies of concern, and
21 notify the appropriate congressional committees of
22 any such modifications.

23 (5) *NOTICE OF A DESIGNATION AND REVIEW.*—

24 (A) *IN GENERAL.*—A notice of a designation
25 as a biotechnology company of concern under

1 subparagraph (B) of paragraph (2) shall be
2 issued to any source named in the designation—

3 (i) advising that a designation has
4 been made;

5 (ii) identifying the criteria relied upon
6 under such subparagraph and, to the extent
7 consistent with national security and law
8 enforcement interests, the information that
9 formed the basis for the designation;

10 (iii) advising that, within 90 days
11 after receipt of notice, the source may sub-
12 mit information and argument in opposi-
13 tion to the designation;

14 (iv) describing the procedures gov-
15 erning the review and possible issuance of a
16 designation pursuant to paragraph (1); and

17 (v) where practicable, identifying miti-
18 gation steps that could be taken by the
19 source that may result in the rescission of
20 the designation.

21 (B) CONGRESSIONAL NOTIFICATION RE-
22 QUIREMENTS.—

23 (i) NOTICE OF DESIGNATION.—The Di-
24 rector of the Office of Management and
25 Budget shall submit the notice required

1 *under subparagraph (A) to the Committee*
2 *on Homeland Security and Governmental*
3 *Affairs of the Senate and the Committee on*
4 *Oversight and Accountability of the House*
5 *of Representatives.*

6 (ii) *INFORMATION AND ARGUMENT IN*
7 *OPPOSITION TO DESIGNATIONS.—Not later*
8 *than 7 days after receiving any information*
9 *and argument in opposition to a designa-*
10 *tion pursuant to subparagraph (A)(iii), the*
11 *Director of the Office of Management and*
12 *Budget shall submit such information to the*
13 *Committee on Homeland Security and Gov-*
14 *ernmental Affairs of the Senate and the*
15 *Committee on Oversight and Accountability*
16 *of the House of Representatives.*

17 (C) *EXCEPTIONS.—The provisions under*
18 *subparagraph (A) and (B) shall not apply to an*
19 *entity listed under paragraph (2)(A).*

20 (6) *NO IMMEDIATE PUBLIC RELEASE.—Any des-*
21 *ignation made under paragraph (1) or paragraph (4)*
22 *shall not be made publicly available until the Direc-*
23 *tor of the Office of Management and Budget, in co-*
24 *ordination with appropriate agencies, reviews all in-*
25 *formation submitted under paragraph (5)(A)(iii) and*

1 *issues a final determination that a company shall re-*
2 *main listed as a biotechnology company of concern.*

3 *(g) EVALUATION OF NATIONAL SECURITY RISKS*
4 *POSED BY FOREIGN ADVERSARY ACQUISITION OF AMER-*
5 *ICAN MULTIOMIC DATA.—*

6 *(1) ASSESSMENT.—Not later than 270 days after*
7 *the enactment of this Act, the Director of National In-*
8 *telligence, in consultation with the Secretary of De-*
9 *fense, the Attorney General of the United States, the*
10 *Secretary of Health and Human Services, the Sec-*
11 *retary of Commerce, the Secretary of Homeland Secu-*
12 *rity, and the Secretary of State, shall complete an as-*
13 *essment of risks to national security posed by human*
14 *multiomic data from United States citizens that is*
15 *collected or stored by a foreign adversary from the*
16 *provision of biotechnology equipment or services.*

17 *(2) REPORT REQUIREMENT.—Not later than 30*
18 *days after the completion of the assessment developed*
19 *under paragraph (1), the Director of National Intel-*
20 *ligence shall submit a report with such assessment to*
21 *the appropriate congressional committees.*

22 *(3) FORM.—The report required under para-*
23 *graph (2) shall be in unclassified form accompanied*
24 *by a classified annex.*

1 (h) *REGULATIONS.*—Not later than one year after the
2 date of establishment of guidance required under subsection
3 (f)(3), the Federal Acquisition Regulatory Council shall re-
4 vise the Federal Acquisition Regulation as necessary to im-
5 plement the requirements of this section.

6 (i) *NO ADDITIONAL FUNDS.*—No additional funds are
7 authorized to be appropriated for the purpose of carrying
8 out this section.

9 (j) *REPORTING ON INTELLIGENCE ON NEFARIOUS AC-*
10 *TIVITIES OF BIOTECHNOLOGY COMPANIES WITH HUMAN*
11 *MULTIOMIC DATA.*—Not later than 180 days after the date
12 of the enactment of this Act, and annually thereafter, the
13 Director of National Intelligence, in consultation with the
14 heads of executive agencies, shall submit to the appropriate
15 congressional committees a report on any intelligence in
16 possession of such agencies related to nefarious activities
17 conducted by biotechnology companies with human
18 multiomic data. The report shall include information per-
19 taining to potential threats to national security or public
20 safety from the selling, reselling, licensing, trading, trans-
21 ferring, sharing, or otherwise providing or making avail-
22 able to any foreign country of any forms of multiomic data
23 of a United States citizen.

24 (k) *DEFINITIONS.*—In this section:

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.*—*The term “appropriate congressional commit-*
3 *tees” means—*

4 (A) *the Committee on Armed Services and*
5 *the Committee on Homeland Security and Gov-*
6 *ernmental Affairs of the Senate; and*

7 (B) *the Committee on Armed Services, the*
8 *Committee on Foreign Affairs, the Committee on*
9 *Oversight and Accountability, the Committee on*
10 *Energy and Commerce, and the Select Com-*
11 *mittee on Strategic Competition between the*
12 *United States and the Chinese Communist Party*
13 *of the House of Representatives.*

14 (2) *BIOTECHNOLOGY EQUIPMENT OR SERVICE.*—
15 *The term “biotechnology equipment or service”*
16 *means—*

17 (A) *equipment, including genetic sequencers,*
18 *mass spectrometers, polymerase chain reaction*
19 *machines, or any other instrument, apparatus,*
20 *machine, or device, including components and*
21 *accessories thereof, that is designed for use in the*
22 *research, development, production, or analysis of*
23 *biological materials as well as any software,*
24 *firmware, or other digital components that are*

1 *specifically designed for use in, and necessary for*
2 *the operation of, such equipment;*

3 *(B) any service for the research, develop-*
4 *ment, production, analysis, detection, or provi-*
5 *sion of information, including data storage and*
6 *transmission related to biological materials, in-*
7 *cluding—*

8 *(i) advising, consulting, or support*
9 *services with respect to the use or imple-*
10 *mentation of a instrument, apparatus, ma-*
11 *chine, or device described in subparagraph*
12 *(A); and*

13 *(ii) disease detection, genealogical in-*
14 *formation, and related services; and*

15 *(C) any other service, instrument, appa-*
16 *ratus, machine, component, accessory, device,*
17 *software, or firmware that the Director of the Of-*
18 *fice of Management and Budget, in consultation*
19 *with the heads of Executive agencies, as deter-*
20 *mined appropriate by the Director of the Office*
21 *of Management and Budget, determines appro-*
22 *priate.*

23 *(3) CONTROL.—The term “control” has the*
24 *meaning given to that term in section 800.208 of title*

1 31, Code of Federal Regulations, or any successor reg-
2 ulations.

3 (4) *EXECUTIVE AGENCY.*—The term “executive
4 agency” has the meaning given the term “Executive
5 agency” in section 105 of title 5, United States Code.

6 (5) *FOREIGN ADVERSARY.*—The term “foreign
7 adversary” has the meaning given the term “covered
8 nation” in section 4872(d) of title 10, United States
9 Code.

10 (6) *MULTIOMIC.*—The term “multiomic” means
11 data types that include genomics, epigenomics,
12 transcriptomics, proteomics, and metabolomics.

13 (7) *OVERSEAS.*—The term “overseas” means any
14 area outside of the United States, the Commonwealth
15 of Puerto Rico, or a territory or possession of the
16 United States.

Calendar No. 521

118TH CONGRESS
2^D SESSION

S. 3558

[Report No. 118-229]

A BILL

To prohibit contracting with certain biotechnology providers, and for other purposes.

SEPTEMBER 23, 2024

Reported with an amendment