

AMENDMENT TO RULES COMM. PRINT 119-33

OFFERED BY MR. DAVIDSON OF OHIO

At the end of subtitle B of title XVII, insert the following:

1 **SEC. 17__ . BIOLOGICAL INTELLECTUAL PROPERTY PRO-**
2 **TECTION.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the People’s Republic of China is con-
6 ducting a campaign to access and exploit sensitive
7 United States data and intellectual property to mod-
8 ernize its military, intelligence, and other security
9 apparatuses, enable human rights abuses, and de-
10 velop dual-use strategic technologies;

11 (2) access by the People’s Republic of China to
12 sensitive United States data and intellectual prop-
13 erty poses grave and direct threats to the United
14 States;

15 (3) efforts to access such data and intellectual
16 property are especially problematic given the PRC’s
17 military-civil fusion strategy, through which the
18 PRC compels civilian Chinese companies and re-

1 search institutions to support its military and intel-
2 ligence activities;

3 (4) the law of the People’s Republic of China
4 requires that all citizens of the People’s Republic of
5 China cooperate with national security priorities, en-
6 abling the modernization of the People’s Liberation
7 Army, including through—

8 (A) the National Security Law of 2015,
9 which states that citizens of the People’s Re-
10 public of China “shall have duties and obliga-
11 tions to maintain national security”;

12 (B) the National Intelligence Law of 2017,
13 which states that “all organizations and citizens
14 shall support, assist, and cooperate with na-
15 tional intelligence work”;

16 (C) the Data Security Law of 2021, which
17 states that “where a public security organ or
18 national security organ needs to obtain data for
19 the sake of national security or for investigating
20 crimes in accordance with the law . . . the rel-
21 evant organizations and individuals shall co-
22 operate”; and

23 (D) the Counterespionage Law, revised in
24 2023, which states that citizens of the People’s
25 Republic of China “have the duty to maintain

1 the security, honor and interests of the state,
2 and shall not engage in any act that endangers
3 the security, honor or interests of the state”;

4 (5) the export of novel synthetic DNA and
5 RNA sequences provides insight into the designs and
6 research of biotechnology entities, leading to a high
7 potential for intellectual property theft by foreign
8 adversaries; and

9 (6) the United States should therefore review
10 and control the export of synthetic DNA and RNA
11 sequences to foreign adversaries.

12 (b) LICENSE REQUIREMENT TO PROTECT UNITED
13 STATES INTELLECTUAL PROPERTY AND SENSITIVE IN-
14 FORMATION RELATED TO SYNTHETIC BIOLOGY.—

15 (1) LICENSE REQUIREMENT.—Not later than 1
16 year after the date of the enactment of this Act, the
17 Secretary of Commerce shall, except as provided for
18 in paragraph (2), require a license for the export, re-
19 export, or in-country transfer to a foreign entity of
20 concern of a digital sequence of synthetic DNA or
21 RNA designed by humans or artificial intelligence
22 systems.

23 (2) EXCEPTIONS.—The requirement for a li-
24 cense under paragraph (1) shall not apply with re-
25 spect to the following:

1 (A) Information described in section
2 734.3(b) of the Export Administration Regula-
3 tions.

4 (B) Any export, reexport, or in-country
5 transfer conducted for the purpose of drug safe-
6 ty evaluations by recognized public health agen-
7 cies in a foreign country of concern, including
8 for the preparation and submission of applica-
9 tions to regulatory authorities to conduct clin-
10 ical trials or obtain and maintain marketing ap-
11 proval in a foreign country of concern.

12 (C) Any export, reexport, or in-country
13 transfer conducted for the purpose of trial ac-
14 tivity related to drug development or thera-
15 peutic use, such as the administration of
16 uniquely tailored drugs for individual use.

17 (D) A deemed export, or deemed reexport,
18 as such terms are defined under sections
19 734.13 and 734.14 of title 15, Code of Federal
20 Regulations.

21 (E) During the period beginning on the
22 date of the enactment of this Act and ending on
23 January 1, 2029, any activity carried out pur-
24 suant to a contract or other agreement which

1 was in effect on and after such date of enact-
2 ment.

3 (3) DEFINITIONS.—In this section:

4 (A) DIGITAL SEQUENCE.—The term “dig-
5 ital sequence” means a binary file or other dig-
6 ital representation containing symbols rep-
7 resenting the identity, order, and any chemical
8 modification for each position in a DNA or
9 RNA molecule.

10 (B) FOREIGN COUNTRY OF CONCERN.—
11 The term “foreign country of concern” has the
12 meaning given that term in section 10612(a) of
13 the Research and Development, Competition,
14 and Innovation Act (42 U.S.C. 19221(a)).

15 (C) FOREIGN ENTITY OF CONCERN.—The
16 term “foreign entity of concern” means—

17 (i) a government entity of a foreign
18 country of concern;

19 (ii) a foreign person subject to the ju-
20 risdiction of, or organized under the laws
21 of, a foreign country of concern; or

22 (iii) a foreign person owned, directed,
23 or controlled by an entity described in
24 clause (i) or (ii).

1 (D) SYNTHETIC DNA OR RNA.—The term
2 “synthetic DNA or RNA” means nucleic acid
3 molecules that are chemically or by other means
4 synthesized, including such molecules that are
5 chemically or otherwise modified but can base
6 pair with naturally occurring nucleic acid mol-
7 ecules, such as synthetic nucleic acids.

