

119TH CONGRESS
2D SESSION

H. R. 9102

To amend title VIII of the Defense Production Act of 1950 to alter the definitions of “prohibited technology” and “notifiable technology”, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2026

Mr. MOOLENAAR (for himself and Mrs. DINGELL) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend title VIII of the Defense Production Act of 1950 to alter the definitions of “prohibited technology” and “notifiable technology”, 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 at the “Biotech Investment
5 National Security Act of 2026” or the “BINSa Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) China has pursued a deliberate, state-di-
9 rected strategy to dominate global biotechnology, in-

1 including pharmaceutical development, biologics manu-
2 facturing, and clinical research and development ca-
3 pabilities.

4 (2) United States capital flowing to Chinese
5 biotechnology companies through licensing agree-
6 ments, joint ventures, and equity investments is ac-
7 celerating China's acquisition of pharmaceutical in-
8 tellectual property and clinical development capabili-
9 ties in a manner that creates strategic dependency
10 risks for the United States.

11 (3) Cross-border out-licensing transactions be-
12 tween United States and European pharmaceutical
13 companies and Chinese biotechnology firms totaled
14 approximately \$136,000,000,000 in 2025, rep-
15 resenting a rapid and accelerating transfer of phar-
16 maceutical innovation capacity to entities subject to
17 the direction and control of the People's Republic of
18 China.

19 (4) Biotechnology, including pharmaceutical de-
20 velopment and biologics manufacturing, has civil-
21 military dual-use applications and presents strategic
22 dependency risks for the United States comparable
23 to those presented by semiconductors, artificial intel-
24 ligence, and other technologies already covered under
25 title VIII of the Defense Production Act of 1950.

1 (5) The BIOSECURE Act, enacted as part of
2 the National Defense Authorization Act for Fiscal
3 Year 2026, recognized that biotechnology is both a
4 national security asset and a strategic vulnerability,
5 and that the People’s Republic of China seeks to
6 dominate biotechnology as an industry of the future.

7 (6) Consistent application of outbound invest-
8 ment screening to biotechnology is necessary to pre-
9 vent United States capital and intellectual property
10 from accelerating China’s dominance of the pharma-
11 ceutical innovation supply chain in a manner that
12 will create long-term strategic dependency risks
13 analogous to those the United States now faces in
14 rare earth elements and semiconductors.

15 **SEC. 3. AMENDMENTS.**

16 Section 809 of the Defense Production Act of 1950
17 (50 U.S.C. 4589) is amended—

18 (1) in paragraph (10)(A), by adding at the end
19 the following:

20 “(vi) Biotechnology, meaning the re-
21 search, development, manufacturing, or
22 commercialization of—

23 “(I) pharmaceutical products
24 (which has the meaning given the
25 term ‘drug’ in section 201(g)(1) of the

1 Federal Food, Drug, and Cosmetic
2 Act (21 U.S.C. 321(g)(1)));

3 “(II) biological products (as such
4 term is defined in section 351(i) of
5 the Public Health Service Act (42
6 U.S.C. 262(i))); and

7 “(III) therapeutic compounds, in-
8 cluding drug discovery platforms, clin-
9 ical research and development capa-
10 bilities, biologics manufacturing, and
11 intellectual property and know-how re-
12 lating to therapeutic compounds,”;

13 (2) in paragraph (7)(A), by adding at the end
14 the following:

15 “(vi) Biotechnology, meaning the re-
16 search, development, manufacturing, or
17 commercialization of—

18 “(I) pharmaceutical products
19 (which has the meaning given the
20 term ‘drug’ in section 201(g)(1) of the
21 Federal Food, Drug, and Cosmetic
22 Act (21 U.S.C. 321(g)(1)));

23 “(II) biological products (as such
24 term is defined in section 351(i) of

1 the Public Health Service Act (42
2 U.S.C. 262(i)); and

3 “(III) therapeutic compounds, in-
4 cluding drug discovery platforms, clin-
5 ical research and development capa-
6 bilities, biologics manufacturing, and
7 intellectual property and know-how re-
8 lating to therapeutic compounds,”;
9 and

10 (3) in paragraph (4)(A), by adding at the end
11 the following:

12 “(ix) licensing a prohibited technology
13 from a covered foreign person.”.

14 **SEC. 4. RULEMAKING.**

15 (a) IN GENERAL.—The Secretary of the Treasury
16 shall, not later than 1 year after the date of the enactment
17 of this Act, issue a rule to further define the parameters
18 of the area of “biotechnology” as it is used in paragraphs
19 (7)(A) and (10)(A) of the Defense Production Act of
20 1950, as amended by this Act.

21 (b) REQUIREMENTS.—When defining the parameters
22 of the area of “biotechnology” pursuant to subsection (a),
23 the Secretary of the Treasury shall—

1 (1) consult with the Secretary of Health and
2 Human Services, the Secretary of Defense, and the
3 Director of National Intelligence;

4 (2) give particular consideration to transactions
5 involving the licensing of intellectual property, drug
6 discovery platforms, clinical research and develop-
7 ment capabilities, and biologics manufacturing
8 know-how to covered foreign persons (as such term
9 is defined in section 809 of the Defense Production
10 Act of 1950);

11 (3) give particular consideration to licensing
12 transactions, joint ventures, and equity investments
13 involving drug discovery platforms, clinical develop-
14 ment capabilities, and biologics manufacturing as
15 priority categories for both the prohibited and
16 notifiable technology tiers within the biotechnology
17 sector;

18 (4) consider the degree to which a transaction
19 would transfer pharmaceutical innovation capacity,
20 clinical development capabilities, or manufacturing
21 know-how to entities subject to the direction or con-
22 trol of the People's Republic of China;

23 (5) define the biotechnology sector to include
24 the research, development, manufacturing, and com-
25 mercialization of pharmaceutical products, biological

1 products, and therapeutic compounds, including
2 drug discovery platforms, clinical research and devel-
3 opment capabilities, biologics manufacturing, and re-
4 lated intellectual property and know-how transfers;
5 and

6 (6) not define the biotechnology sector in a
7 manner that includes or could be construed to in-
8 clude agricultural biotechnology, industrial fermenta-
9 tion unrelated to pharmaceutical or therapeutic pro-
10 duction, or basic academic research with no direct
11 pharmaceutical or therapeutic application.

12 **SEC. 5. REPORT REQUIRED.**

13 (a) IN GENERAL.—Not later than 60 days after the
14 date of the enactment of this Act, the Secretary of Defense
15 shall submit a report to the appropriate congressional
16 committees assessing whether flows of United States cap-
17 ital into China’s biotechnology sector, including through
18 licensing transactions with Chinese biotechnology firms,
19 negatively affect United States national security and mili-
20 tary readiness.

21 (b) FORM.—The report described in subsection (a)
22 shall be submitted in unclassified form but may include
23 a classified annex.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—The term “appropriate congressional commit-
3 tees” means—

4 (1) the Committee on Armed Services of the
5 House of Representatives;

6 (2) the Committee on Financial Services of the
7 House of Representatives;

8 (3) the Permanent Select Committee on Intel-
9 ligence of the House of Representatives;

10 (4) the Select Committee on the Strategic Com-
11 petition between the United States and the Chinese
12 Communist Party of the House of Representatives;

13 (5) the Committee on Armed Services of the
14 Senate;

15 (6) the Committee on Banking, Housing, and
16 Urban Affairs of the Senate; and

17 (7) the Select Committee on Intelligence of the
18 Senate.

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