

118TH CONGRESS  
1ST SESSION

# S. 1827

To strengthen the requirements for reviews by the Committee on Foreign Investment in the United States of covered transactions involving genetic information, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 6, 2023

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

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## A BILL

To strengthen the requirements for reviews by the Committee on Foreign Investment in the United States of covered transactions involving genetic information, 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 “Genomics Expendi-  
5 tures and National Security Enhancement Act of 2023”  
6 or the “GENE Act”.

1 **SEC. 2. REQUIREMENTS FOR REVIEWS OF COVERED**  
 2 **TRANSACTIONS INVOLVING GENETIC INFOR-**  
 3 **MATION.**

4 (a) **MANDATORY DECLARATIONS.**—Section  
 5 721(b)(1)(C)(v)(IV) of the Defense Production Act of  
 6 1950 (50 U.S.C. 4565(b)(1)(C)(v)(IV)) is amended—

7 (1) by redesignating items (cc) through (gg) as  
 8 items (dd) through (hh), respectively; and

9 (2) by inserting after item (bb) the following:

10 “(cc) **COVERED TRANS-**  
 11 **ACTIONS INVOLVING GENETIC IN-**  
 12 **FORMATION.**—The parties to a  
 13 covered transaction shall submit  
 14 a declaration described in sub-  
 15 clause (I) with respect to the  
 16 transaction if the transaction in-  
 17 volves an investment described in  
 18 subsection (a)(4)(B)(iii)(III) by a  
 19 foreign person in a United States  
 20 business that maintains or col-  
 21 lects information about genetic  
 22 tests of United States citizens,  
 23 including any such information  
 24 relating to genomic sequencing.”.

25 (b) **CONSULTATION WITH SECRETARY OF HEALTH**  
 26 **AND HUMAN SERVICES.**—Section 721(k)(6) of the De-

1 fense Production Act of 1950 (50 U.S.C. 4565(k)(6)) is  
2 amended—

3 (1) by striking “The chairperson” and inserting  
4 the following:

5 “(A) IN GENERAL.—The chairperson”; and

6 (2) by adding at the end the following:

7 “(B) COVERED TRANSACTIONS INVOLVING  
8 GENETIC INFORMATION.—The chairperson shall  
9 consult with the Secretary of Health and  
10 Human Services in any review or investigation  
11 under subsection (a) of a covered transaction  
12 that involves an investment described in sub-  
13 section (a)(4)(B)(iii)(III) by a foreign person in  
14 a United States business that maintains or col-  
15 lects information about genetic tests of United  
16 States citizens, including any such information  
17 relating to genomic sequencing.”.

18 (c) REGULATIONS.—Not later than 180 days after  
19 the date of the enactment of this Act, the Committee on  
20 Foreign Investment in the United States shall prescribe  
21 regulations to carry out the amendments made by this sec-  
22 tion.

1 **SEC. 3. EXPANSION OF COMMITTEES RECEIVING ANNUAL**  
2 **TESTIMONY FROM COMMITTEE ON FOREIGN**  
3 **INVESTMENT IN THE UNITED STATES.**

4 Section 721(o) of the Defense Production Act of  
5 1950 (50 U.S.C. 4565(o)) is amended—

6 (1) in paragraph (1), in the matter preceding  
7 subparagraph (A), by striking “the Committee on  
8 Financial Services of the House of Representatives  
9 and the Committee on Banking, Housing, and  
10 Urban Affairs of the Senate” and inserting “the  
11 committees specified in paragraph (2)”;

12 (2) by redesignating paragraph (2) as para-  
13 graph (3); and

14 (3) by inserting after paragraph (1) the fol-  
15 lowing:

16 “(2) COMMITTEES SPECIFIED.—The commit-  
17 tees specified in this paragraph are—

18 “(A) the Committee on Banking, Housing,  
19 and Urban Affairs, the Committee on Foreign  
20 Relations, and the Select Committee on Intel-  
21 ligence of the Senate; and

22 “(B) the Committee on Financial Services,  
23 the Committee on Foreign Affairs, and the Per-  
24 manent Select Committee on Intelligence of the  
25 House of Representatives.”.

1 **SEC. 4. EFFECTIVE DATE; APPLICABILITY.**

2 The amendments made by this Act shall—

3 (1) take effect on the date that is 90 days after  
4 the date of the enactment of this Act; and

5 (2) apply with respect to any covered trans-  
6 action the review or investigation of which is initi-  
7 ated under section 721 of the Defense Production  
8 Act of 1950 on or after the date described in para-  
9 graph (1).

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