

Guidance:

BIOSECURE ACT - How proposed legislation may impact your work

Proposed legislation in the BioTech space may impact some of Northwestern's collaborations. Several Chinese biotech companies (**MGI, Complete Genomics, WuXi Apptec**) are on the radar of the federal government. If the BIOSECURE Act passes, it will likely disrupt collaborations and any work being performed with these companies. The legislation also names BGI, formerly known as **Beijing Genomics Institute**, and **BGI Tech Solutions (Hong Kong)** which are already on the Entity List – meaning we cannot export or ship anything to the companies without a license, which would likely be denied.

If the legislation passes it will impact our ability to continue to collaborate and work with these companies (e.g., use their equipment and services, etc.). Please see this link for additional information and contact the Export Controls & International Compliance team with any questions.

What is the BIOSECURE Act? The act would prohibit federal agencies from contracting or extending loans or grants to any entity, including Northwestern, using equipment or services of a biotechnology company of concern. A biotechnology company of concern is subject to the jurisdiction, direction, control, or operates on behalf of the government of a foreign entity of concern (i.e., China, Iran, North Korea, and Russia) and poses a potential threat to national security. The proposed legislation names certain companies based in China including BGI, MGI, Complete Genomics, WuXi Apptec, and their affiliates. **Link to draft legislation:** <https://www.congress.gov/bill/118th-congress/house-bill/7085/text>

What does this mean? We cannot currently collaborate or work with **BGI** or **BGI Tech Solutions** without prior federal authorization as they are on a restricted party list. There is a presumption of denial, so receiving an export control license or exemption is highly unlikely.

We can currently collaborate and work with MGI, Complete Genomics, WuXi Apptec, and other biotech companies that are not on restricted lists. However, the regulatory environment is fluid and can change at any time. The Export Controls & International Compliance team will communicate if any of these three companies or their subsidiaries are added to a restricted list. But you still need to conduct your own due diligence because we are not allowed to collaborate, including shipping items, to any company, university, or entity when the end purpose is for “military” use.

What can you do?

- Evaluate the impact if this legislation passes and plan for alternative options, if needed.
- If you work with companies in high-risk countries, request Restricted Party Screenings from the Export Controls team.
 - **Military end use (MEU) countries:** The MEU designated countries change over time and are currently Belarus, Burma, Cambodia, China, Russia and Venezuela.
 - **OFAC sanctioned countries:** The most highly sanctioned countries or areas change over time but currently include Cuba, Iran, North Korea, Russia, Syria, and Crimea, Donetsk and Luhansk.
- If you are shipping items or hand carrying them abroad, request an export control review from the Export Controls team.