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H. R. 4577

To protect U.S. food security, give the Committee on Foreign Investment in the United States greater jurisdiction over land purchases, to impose special guards against foreign adversary purchases of land in the United States near sensitive sites, to expand the definition of sensitive sites, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2023

Mr. GALLAGHER (for himself, Mr. THOMPSON of California, Mr. NEWHOUSE, Mr. GARAMENDI, Mr. JOHNSON of South Dakota, Mr. CASE, Ms. STEFANIK, Mr. COSTA, Mr. LUCAS, Mr. PANETTA, Mr. WITTMAN, Mr. CROW, Mr. FEENSTRA, Mr. CARBAJAL, Mr. BANKS, Mrs. PELTOLA, and Mrs. HINSON) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect U.S. food security, give the Committee on Foreign Investment in the United States greater jurisdiction over land purchases, to impose special guards against foreign adversary purchases of land in the United States near sensitive sites, to expand the definition of sensitive sites, 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. SHORT TITLE.**

2 This Act may be cited as the “Protecting U.S. Farm-
3 land and Sensitive Sites From Foreign Adversaries Act”.

4 **SEC. 2. ADDITIONAL DEFINITIONS.**

5 Section 721(a) of the Defense Production Act of
6 1950 (50 U.S.C. 4565(a)) is amended by adding at the
7 end the following:

8 “(14) **ELEVATED RISK REAL ESTATE TRANS-**
9 **ACTION.**—The term ‘elevated risk real estate trans-
10 action’ means a real estate transaction described
11 under paragraph (4)(B)(ii), in which—

12 “(A) the transaction is a purchase or lease
13 by, or a concession to, a foreign adversary enti-
14 ty; and

15 “(B) the real estate—

16 “(i) is located within, or function as a
17 part of, an air or maritime port;

18 “(ii) is in close proximity to a sen-
19 sitive site;

20 “(iii) could reasonably provide the for-
21 eign adversary entity the ability to collect
22 intelligence on activities being conducted at
23 a sensitive site; or

24 “(iv) could otherwise expose national
25 security activities at a sensitive site.

1 “(15) FOREIGN ADVERSARY.—The term ‘for-
2 eign adversary’ means—

3 “(A) the People’s Republic of China, in-
4 cluding all Special Administrative Regions;

5 “(B) the Republic of Cuba;

6 “(C) the Islamic Republic of Iran;

7 “(D) the Democratic People’s Republic of
8 Korea;

9 “(E) the Russian Federation; and

10 “(F) the Bolivarian Republic of Venezuela
11 during any period of time in which Nicolás
12 Maduro is President of the Republic.

13 “(16) FOREIGN ADVERSARY ENTITY.—The
14 term ‘foreign adversary entity’ means—

15 “(A) a foreign adversary;

16 “(B) a foreign person subject to the juris-
17 diction of, or organized under the laws of, a for-
18 eign adversary; and

19 “(C) a foreign person owned, directed, or
20 controlled by an entity described in subpara-
21 graph (A) or (B).

22 “(17) SENSITIVE SITE.—The term ‘sensitive
23 site’ means—

24 “(A) military installations;

1 “(B) a military training route, as defined
2 in section 183a(h) of title 10, United States
3 Code;

4 “(C) airspace designated as special use air-
5 space under part 73 of title 14, Code of Federal
6 Regulations (or a successor regulation) and
7 managed by the Department of Defense;

8 “(D) a controlled firing area, as defined in
9 section 1.1 of title 14, Code of Federal Regula-
10 tions (or a successor regulation) under the ju-
11 risdiction of the Secretary of Defense;

12 “(E) a military operations area, as defined
13 in section 1.1 of title 14, Code of Federal Regu-
14 lations (or a successor regulation);

15 “(F) facilities openly owned or operated by
16 the U.S. intelligence community;

17 “(G) federally-funded research develop-
18 ment centers;

19 “(H) university-affiliated research centers
20 of the Department of Defense;

21 “(I) science and technology reinvention
22 laboratories, as designated by the Secretary of
23 Defense under section 4121 of title 10, United
24 States Code;

1 “(J) airports, as listed on the website of
2 the Federal Aviation Administration;

3 “(K) maritime ports, as determined by the
4 Secretary of Transportation;

5 “(L) any electronic or telecommunications
6 facility used to process, store, or transmit infor-
7 mation (including fiber optic nodes, data cen-
8 ters, cloud computing facilities, satellite ground
9 stations, and wireless transmission equipment)
10 if—

11 “(i) the facility is part of a backbone
12 or core network that serves a significant
13 portion of the United States telecommuni-
14 cations network;

15 “(ii) the facility is located in close
16 proximity to another sensitive site;

17 “(iii) the facility is a submarine cable
18 landing station (as defined in section
19 60401(a) of the Infrastructure Investment
20 and Jobs Act (47 U.S.C. 1741(a)));

21 “(iv) the facility is used to process or
22 store a large volume of sensitive informa-
23 tion (such as classified or encrypted com-
24 munications) or other data critical to na-

1 tional security, public safety, or economic
2 security; or

3 “(v) the Chairman of the Federal
4 Communications Commission determines
5 the facility to be critical communications
6 infrastructure;

7 “(M) electric powerplants, as determined
8 by the Secretary of Homeland Security; and

9 “(N) any other site, as determined by the
10 Secretary of Defense or the Secretary of Home-
11 land Security.”.

12 **SEC. 3. PROTECTING U.S. FOOD SECURITY.**

13 (a) AUTHORIZING THE COMMITTEE ON FOREIGN IN-
14 VESTMENT IN THE UNITED STATES TO CONSIDER FOOD
15 SECURITY IN REVIEWS OF COVERED TRANSACTIONS.—
16 Section 721(f) of the Defense Production Act of 1950 (50
17 U.S.C. 4565(f)) is amended—

18 (1) in paragraph (10), by striking “and” at the
19 end;

20 (2) by redesignating paragraph (11) as para-
21 graph (12); and

22 (3) by inserting after paragraph (10) the fol-
23 lowing:

24 “(11) the current and long-term projection of
25 the requirements for sources of food, water, and

1 other agricultural products in the United States in
2 the aggregate, as well as locally and regionally, and
3 the effects a covered transaction may have on
4 United States food security, including through for-
5 eign adversary acquisition of biotechnology related to
6 agriculture; and”.

7 (b) EXPANDING THE JURISDICTION OF THE COM-
8 MITTEE ON FOREIGN INVESTMENT IN THE UNITED
9 STATES OVER REAL ESTATE TRANSACTIONS.—Section
10 721(a)(4) of the Defense Production Act of 1950 (50
11 U.S.C. 4565(a)(4)) is amended—

12 (1) in subparagraph (B)(ii)—

13 (A) in subclause (II)—

14 (i) by striking “(II)(aa) is” and in-
15 serting the following: “(II) with respect to
16 a purchase or lease by, or a concession to,
17 a person who is not a foreign adversary en-
18 tity—

19 “(aa) is”; and

20 (ii) by adjusting the margin of item

21 (bb) accordingly; and

22 (iii) in item (bb)(CC), by striking “;
23 and” and inserting a period; and

24 (B) by striking subclause (III); and

1 (2) in subparagraph (C), by adding at the end
2 the following:

3 “(iii) LIMITATION ON COMMITTEE AU-
4 THORITY.—The Committee may not, by
5 regulation or otherwise, specify additional
6 criteria that must be met for a transaction
7 to be described under subparagraph
8 (B)(ii).”.

9 (c) MANDATORY DECLARATIONS.—Section
10 721(b)(1)(C)(v)(IV) of the Defense Production Act of
11 1950 (50 U.S.C. 4565(b)(1)(C)(v)(IV)) is amended by
12 adding at the end the following:

13 “(hh) REQUIRED DECLARA-
14 TIONS FOR ELEVATED RISK REAL
15 ESTATE TRANSACTION.—Not-
16 withstanding item (dd), the par-
17 ties to an elevated risk real estate
18 transaction shall submit a dec-
19 laration described in subclause
20 (I) with respect to the trans-
21 action.”.

1 **SEC. 4. PRESUMPTION OF UNRESOLVABILITY OF ELE-**
2 **VATED RISK REAL ESTATE TRANSACTIONS.**

3 (a) PRESUMPTION AT THE REVIEW STAGE.—Section
4 721(b)(2)(B) of the Defense Production Act of 1950 (50
5 U.S.C. 4565(b)(2)(B)) is amended—

6 (1) in clause (i), by striking “or” at the end;

7 (2) in clause (ii), by striking the period at the
8 end and inserting “; or”; and

9 (3) by adding at the end the following:

10 “(iii) a covered transaction is an ele-
11 vated risk real estate transaction, unless
12 the Committee—

13 “(I) determines, by clear and
14 convincing evidence, that the covered
15 transaction is not a risk to national
16 security; and

17 “(II) submits a notification to
18 the Committees on Agriculture and
19 Financial Services of the House of
20 Representatives, the Select Committee
21 on the Strategic Competition Between
22 the United States and the Chinese
23 Communist Party of the House of
24 Representatives, and the Committees
25 on Agriculture and Banking, Housing,
26 and Urban Affairs of the Senate con-

1 taining such determination and the
2 reasons therefore.”.

3 (b) PRESUMPTION AT THE INVESTIGATION STAGE.—
4 Section 721(l)(3) of the Defense Production Act of 1950
5 (50 U.S.C. 4565(l)(3)) is amended by adding at the end
6 the following:

7 “(E) APPLICATION TO ELEVATED RISK
8 REAL ESTATE TRANSACTION.—Notwithstanding
9 subparagraph (A), an elevated risk real estate
10 transaction shall be presumed to present a risk
11 to national security that cannot be resolved
12 through any agreement or condition, unless the
13 Committee—

14 “(i) determines, by clear and con-
15 vincing evidence, that the risk to national
16 security of the transaction can be resolved
17 in a manner other than by suspending or
18 prohibiting the transaction; and

19 “(ii) submits a notification to the
20 Committees on Agriculture and Financial
21 Services of the House of Representatives,
22 the Select Committee on the Strategic
23 Competition Between the United States
24 and the Chinese Communist Party of the
25 House of Representatives, and the Com-

1 mittees on Agriculture and Banking, Hous-
2 ing, and Urban Affairs of the Senate con-
3 taining such determination and the reasons
4 therefore.”.

5 **SEC. 5. AGRICULTURE REPRESENTATIVE.**

6 Section 721(k)(2) of the Defense Production Act of
7 1950 (50 U.S.C. 4565(k)(2)) is amended—

8 (1) by redesignating subparagraphs (H), (I),
9 and (J) as subparagraphs (I), (J), and (K), respec-
10 tively; and

11 (2) by inserting after subparagraph (G) the fol-
12 lowing:

13 “(H) The Secretary of Agriculture, on all
14 transactions related to the purchase of agri-
15 culture land, agriculture biotechnology, and any
16 other transaction related to the agriculture in-
17 dustry in the United States, as determined by
18 the Secretary of Agriculture.”.

19 **SEC. 6. RULEMAKING.**

20 Not later than the end of the 120-day period begin-
21 ning on the date of enactment of this Act, the Committee
22 on Foreign Investment in the United States shall issue
23 rules to carry out the amendments made by this Act.

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