

118TH CONGRESS  
1ST SESSION

# H. R. 683

To amend the Defense Production Act of 1950 to include the Secretary of Agriculture on the Committee on Foreign Investment in the United States and require review of certain agricultural transactions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2023

Ms. STEFANIK (for herself, Mr. CRAWFORD, Mr. COSTA, Mr. FITZPATRICK, Mr. JOHNSON of Louisiana, Mr. VALADAO, Mr. AUSTIN SCOTT of Georgia, Mrs. MILLER-MEEKS, Mr. MOORE of Alabama, Mr. RUTHERFORD, Mr. BAIRD, Mr. JOHNSON of South Dakota, Mr. MOLINARO, Mr. NEWHOUSE, Mr. NORMAN, Mr. MILLER of Ohio, Mr. DESJARLAIS, Mr. LAMALFA, Mr. COLE, and Ms. TENNEY) 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

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## A BILL

To amend the Defense Production Act of 1950 to include the Secretary of Agriculture on the Committee on Foreign Investment in the United States and require review of certain agricultural transactions, 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 “Promoting Agriculture  
3 Safeguards and Security Act of 2023” or the “PASS Act  
4 of 2023”.

5 **SEC. 2. REVIEW OF AGRICULTURE-RELATED TRANS-**  
6 **ACTIONS BY CFIUS.**

7 (a) IN GENERAL.—Section 721 of the Defense Pro-  
8 duction Act of 1950 (50 U.S.C. 4565) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (4)—

11 (i) in subparagraph (A)—

12 (I) in clause (i), by striking “;  
13 and” and inserting a semicolon;

14 (II) in clause (ii), by striking the  
15 period at the end and inserting “;  
16 and”; and

17 (III) by adding at the end the  
18 following:

19 “(iii) any transaction described in  
20 clause (vi) or (vii) of subparagraph (B)  
21 proposed or pending on or after the date of  
22 the enactment of this clause.”;

23 (ii) in subparagraph (B), by adding at  
24 the end the following:

25 “(vi) Any other investment, subject to  
26 regulations prescribed under subpara-

1 graphs (D) and (E), by a foreign person in  
2 any unaffiliated United States business  
3 that is engaged in agriculture or bio-  
4 technology related to agriculture.

5 “(vii) Subject to subparagraphs (C)  
6 and (E), the purchase or lease by, or a  
7 concession to, a foreign person of private  
8 real estate that is—

9 “(I) located in the United States;

10 and

11 “(II) used in agriculture.”;

12 (iii) in subparagraph (C)(i), by strik-  
13 ing “subparagraph (B)(ii)” and inserting  
14 “clause (ii) or (vii) of subparagraph (B)”;

15 (iv) in subparagraph (D)—

16 (I) in clause (i), by striking “sub-  
17 paragraph (B)(iii)” and inserting  
18 “clauses (iii) and (vi) of subparagraph  
19 (B)”;

20 (II) in clause (iii)(I), by striking  
21 “subparagraph (B)(iii)” and inserting  
22 “clauses (iii) and (vi) of subparagraph  
23 (B)”;

24 (III) in clause (iv)(I), by striking  
25 “subparagraph (B)(iii)” each place it

1 appears and inserting “clauses (iii)  
2 and (vi) of subparagraph (B)”;  
3 (IV) in clause (v), by striking  
4 “subparagraph (B)(iii)” and inserting  
5 “clauses (iii) and (vi) of subparagraph  
6 (B)”;  
7 (v) in subparagraph (E), by striking  
8 “clauses (ii) and (iii)” and inserting  
9 “clauses (ii), (iii), (iv), and (vii)”;  
10 (B) by adding at the end the following:

11 “(14) AGRICULTURE.—The term ‘agriculture’  
12 has the meaning given such term in section 3 of the  
13 Fair Labor Standards Act of 1938 (29 U.S.C.  
14 203).”;

15 (2) in subsection (k)(2)—

16 (A) by redesignating subparagraphs (H),  
17 (I), and (J), as subparagraphs (I), (J), and  
18 (K), respectively; and

19 (B) by inserting after subparagraph (G)  
20 the following new subparagraph:

21 “(H) The Secretary of Agriculture.”; and

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

23 “(r) PROHIBITION WITH RESPECT TO AGRICUL-  
24 TURAL COMPANIES AND REAL ESTATE.—

1           “(1) IN GENERAL.—Notwithstanding any other  
2 provision of this section, if the Committee, in con-  
3 ducting a review and investigation under this sec-  
4 tion, determines that a transaction described in  
5 clause (i), (vi), or (vii) of subsection (a)(4)(B) would  
6 result in control by a covered foreign person of or  
7 investment by a covered foreign person in a United  
8 States business engaged in agriculture or private  
9 real estate used in agriculture, the President shall  
10 prohibit such transaction.

11           “(2) WAIVER.—The President may waive, on a  
12 case-by-case basis, the requirement to prohibit a  
13 transaction under paragraph (1), not less than 30  
14 days after the President determines and reports to  
15 the relevant committees of jurisdiction that it is vital  
16 to the national security interests of the United  
17 States to waive such prohibition.

18           “(3) DEFINED TERMS.—In this subsection:

19           “(A) COVERED FOREIGN PERSON.—The  
20 term ‘covered foreign person’ means a person  
21 that is—

22                   “(i) acting on behalf of or otherwise  
23 directed by the government of a prohibited  
24 country;

25                   “(ii) a citizen of a prohibited country;

1 “(iii) an entity that—

2 “(I) is registered or organized in  
3 a prohibited country; or

4 “(II) has a principal place of  
5 business in a prohibited country; or

6 “(iv) a subsidiary of an entity de-  
7 scribed in clause (iii).

8 “(B) PROHIBITED COUNTRY.—The term  
9 ‘prohibited country’ means any of the following:

10 “(i) The People’s Republic of China.

11 “(ii) The Russian Federation.

12 “(iii) The Islamic Republic of Iran.

13 “(iv) The Democratic People’s Repub-  
14 lic of Korea.”.

15 (b) REPORT REQUIRED.—Not later than 180 days  
16 after the date of the enactment of this Act, and every 180  
17 days thereafter, the Secretary of Agriculture shall submit  
18 to the Committee on Agriculture of the House of Rep-  
19 resentatives and the Committee on Agriculture, Nutrition,  
20 and Forestry of the Senate a report on the risks that for-  
21 eign purchases of United States businesses engaged in ag-  
22 riculture (as such term is defined in section 3 of the Fair  
23 Labor Standards Act of 1938 (29 U.S.C. 203)) pose to  
24 the agricultural sector of the United States.

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