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

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on __________________

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting U.S. Farmland and Sensitive Sites From Foreign Adversaries Act”.

SEC. 2. ADDITIONAL DEFINITIONS.

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

“(14) ELEVATED RISK REAL ESTATE TRANSACTION.—The term ‘elevated risk real estate transaction’ means a real estate transaction described under paragraph (4)(B)(ii), in which—

“(A) the transaction is a purchase or lease by, or a concession to, a foreign adversary entity; and

“(B) the real estate—

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

“(ii) is in close proximity to a sensitive site;

“(iii) could reasonably provide the foreign adversary entity the ability to collect intelligence on activities being conducted at a sensitive site; or

“(iv) could otherwise expose national security activities at a sensitive site.
“(15) FOREIGN ADVERSARY.—The term ‘foreign adversary’ means—

“(A) the People’s Republic of China, including all Special Administrative Regions;

“(B) the Republic of Cuba;

“(C) the Islamic Republic of Iran;

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

“(E) the Russian Federation; and

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

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

“(A) a foreign adversary;

“(B) a foreign person subject to the jurisdiction of, or organized under the laws of, a foreign adversary; and

“(C) a foreign person owned, directed, or controlled by an entity described in subparagraph (A) or (B).

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

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

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

“(D) a controlled firing area, as defined in section 1.1 of title 14, Code of Federal Regulations (or a successor regulation) under the jurisdiction of the Secretary of Defense;

“(E) a military operations area, as defined in section 1.1 of title 14, Code of Federal Regulations (or a successor regulation);

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

“(G) federally-funded research development centers;

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

“(I) science and technology reinvention laboratories, as designated by the Secretary of Defense under section 4121 of title 10, United States Code;
“(J) airports, as listed on the website of the Federal Aviation Administration;

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

“(L) any electronic or telecommunications facility used to process, store, or transmit information (including fiber optic nodes, data centers, cloud computing facilities, satellite ground stations, and wireless transmission equipment) if—

“(i) the facility is part of a backbone or core network that serves a significant portion of the United States telecommunications network;

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

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

“(iv) the facility is used to process or store a large volume of sensitive information (such as classified or encrypted communications) or other data critical to na-
tional security, public safety, or economic
security; or
“(v) the Chairman of the Federal
Communications Commission determines
the facility to be critical communications
infrastructure;
“(M) electric powerplants, as determined
by the Secretary of Homeland Security; and
“(N) any other site, as determined by the
Secretary of Defense or the Secretary of Home-
land Security.”.

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

(a) Authorizing the Committee on Foreign In-
vestment in the United States to Consider Food
Security in Reviews of Covered Transactions.—
Section 721(f) of the Defense Production Act of 1950 (50
U.S.C. 4565(f)) is amended—
(1) in paragraph (10), by striking “and” at the
end;
(2) by redesignating paragraph (11) as para-
graph (12); and
(3) by inserting after paragraph (10) the fol-
lowing:
“(11) the current and long-term projection of
the requirements for sources of food, water, and
other agricultural products in the United States in the aggregate, as well as locally and regionally, and the effects a covered transaction may have on United States food security, including through foreign adversary acquisition of biotechnology related to agriculture; and”.

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

(1) in subparagraph (B)(ii)—

(A) in subclause (II)—

(i) by striking “(II)(aa) is” and inserting the following: “(II) with respect to a purchase or lease by, or a concession to, a person who is not a foreign adversary entity—

“(aa) is”; and

(ii) by adjusting the margin of item (bb) accordingly; and

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

(B) by striking subclause (III); and
(2) in subparagraph (C), by adding at the end
the following:

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

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

“(hh) REQUIRED DECLAR-
ATIONS FOR ELEVATED RISK REAL
ESTATE TRANSACTION.—Not-
withstanding item (dd), the par-
ties to an elevated risk real estate
transaction shall submit a dec-
laration described in subclause
(I) with respect to the trans-
action.”.
SEC. 4. PRESUMPTION OF UNRESOLVABILITY OF ELEVATED RISK REAL ESTATE TRANSACTIONS.


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

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

(3) by adding at the end the following:

“(iii) a covered transaction is an elevated risk real estate transaction, unless the Committee—

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

“(II) submits a notification to the Committees on Agriculture and Financial Services of the House of Representatives, the Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party of the House of Representatives, and the Committees on Agriculture and Banking, Housing, and Urban Affairs of the Senate con-
taining such determination and the reasons therefore.”.

(b) Presumption at the Investigation Stage.—

Section 721(l)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(l)(3)) is amended by adding at the end the following:

“(E) Application to Elevated Risk Real Estate Transaction.—Notwithstanding subparagraph (A), an elevated risk real estate transaction shall be presumed to present a risk to national security that cannot be resolved through any agreement or condition, unless the Committee—

“(i) determines, by clear and convincing evidence, that the risk to national security of the transaction can be resolved in a manner other than by suspending or prohibiting the transaction; and

“(ii) submits a notification to the Committees on Agriculture and Financial Services of the House of Representatives, the Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party of the House of Representatives, and the Com-
mittees on Agriculture and Banking, Housing, and Urban Affairs of the Senate containing such determination and the reasons therefore.’’.

SEC. 5. AGRICULTURE REPRESENTATIVE.

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

(1) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively; and

(2) by inserting after subparagraph (G) the following:

“(H) The Secretary of Agriculture, on all transactions related to the purchase of agriculture land, agriculture biotechnology, and any other transaction related to the agriculture industry in the United States, as determined by the Secretary of Agriculture.”.

SEC. 6. RULEMAKING.

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