

**AMENDMENT TO RULES COMMITTEE PRINT**  
**117-13**  
**OFFERED BY MR. TONY GONZALES OF TEXAS**

At the end of title LI, insert the following:

1 **SEC. 5106. REVIEW BY COMMITTEE ON FOREIGN INVEST-**  
2 **MENT IN THE UNITED STATES OF CERTAIN**  
3 **REAL ESTATE PURCHASES OR LEASES NEAR**  
4 **MILITARY INSTALLATIONS OR MILITARY AIR-**  
5 **SPACE.**

6 (a) INCLUSION IN DEFINITION OF COVERED TRANS-  
7 ACTION.—Section 721(a)(4) of the Defense Production  
8 Act of 1950 (50 U.S.C. 4565(a)(4)) is amended—

9 (1) in subparagraph (A)—

10 (A) in clause (i), by striking “; and” and  
11 inserting a semicolon;

12 (B) in clause (ii), by striking the period at  
13 the end and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(iii) any transaction described in  
16 subparagraph (B)(vi) that is proposed,  
17 pending, or completed on or after the date  
18 of the enactment of the National Defense

1 Authorization Act for Fiscal Year 2022.”;

2 and

3 (2) in subparagraph (B), by adding at the end  
4 the following:

5 “(vi) Notwithstanding clause (ii) or  
6 subparagraph (C), the purchase or lease  
7 by, or a concession to, a foreign person of  
8 private or public real estate—

9 “(I) that is located in the United  
10 States and within—

11 “(aa) 100 miles of a military  
12 installation (as defined in section  
13 2801(c)(4) of title 10, United  
14 States Code); or

15 “(bb) 50 miles of—

16 “(AA) a military train-  
17 ing route (as defined in sec-  
18 tion 183a(h) of title 10,  
19 United States Code);

20 “(BB) airspace des-  
21 ignated as special use air-  
22 space under part 73 of title  
23 14, Code of Federal Regula-  
24 tions (or a successor regula-

1                   tion), and managed by the  
2                   Department of Defense;

3                   “ (CC) a controlled fir-  
4                   ing area (as defined in sec-  
5                   tion 1.1 of title 14, Code of  
6                   Federal Regulations (or a  
7                   successor regulation)) used  
8                   by the Department of De-  
9                   fense; or

10                  “ (DD) a military oper-  
11                  ations area (as defined in  
12                  section 1.1 of title 14, Code  
13                  of Federal Regulations (or a  
14                  successor regulation)); and

15                  “ (II) if the foreign person is  
16                  owned or controlled by, is acting for  
17                  or on behalf of, or receives subsidies  
18                  from—

19                  “ (aa) the Government of the  
20                  Russian Federation;

21                  “ (bb) the Government of the  
22                  People’s Republic of China;

23                  “ (cc) the Government of the  
24                  Islamic Republic of Iran; or

1                                   “(dd) the Government of the  
2                                   Democratic People’s Republic of  
3                                   Korea.”.

4           (b) MANDATORY UNILATERAL INITIATION OF RE-  
5   VIEWS.—Section 721(b)(1)(D) of the Defense Production  
6   Act of 1950 (50 U.S.C. 4565(b)(1)(D)) is amended—

7           (1) in clause (iii), by redesignating subclauses  
8           (I), (II), and (III) as items (aa), (bb), and (cc), re-  
9           spectively, and by moving such items, as so redesign-  
10          nated, 2 ems to the right;

11          (2) by redesignating clauses (i), (ii), and (iii) as  
12          subclauses (I), (II), and (III), respectively, and by  
13          moving such subclauses, as so redesignated, 2 ems  
14          to the right;

15          (3) by striking “Subject to” and inserting the  
16          following:

17                                   “(i) IN GENERAL.—Subject to”; and

18          (4) by adding at the end the following:

19                                   “(ii) MANDATORY UNILATERAL INITI-  
20                                   ATION OF CERTAIN TRANSACTIONS.—The  
21                                   Committee shall initiate a review under  
22                                   subparagraph (A) of a covered transaction  
23                                   described in subsection (a)(4)(B)(vi).”.

1 (c) CERTIFICATIONS TO CONGRESS.—Section  
2 721(b)(3)(C)(iii) of the Defense Production Act of 1950  
3 (50 U.S.C. 4565(b)(3)(C)(iii)) is amended—

4 (1) in subclause (IV), by striking “; and” and  
5 inserting a semicolon;

6 (2) in subclause (V), by striking the period at  
7 the end and inserting “; and”; and

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

9 “(VI) with respect to covered  
10 transactions described in subsection  
11 (a)(4)(B)(vi), to the members of the  
12 Senate from the State in which the  
13 military installation, military training  
14 route, special use airspace, controlled  
15 firing area, or military operations  
16 area is located, and the member from  
17 the Congressional District in which  
18 such installation, route, airspace, or  
19 area is located.”.

20 **SEC. 5107. LIMITATION ON APPROVAL OF ENERGY**  
21 **PROJECTS RELATED TO REVIEWS CON-**  
22 **DUCTED BY COMMITTEE ON FOREIGN IN-**  
23 **VESTMENT IN THE UNITED STATES.**

24 (a) REVIEW BY SECRETARY OF DEFENSE.—Section  
25 183a of title 10, United States Code, is amended—

1 (1) by redesignating subsections (f), (g), and  
2 (h) as subsections (g), (h), and (i), respectively; and

3 (2) by inserting after subsection (e) the fol-  
4 lowing new subsection (f):

5 “(f) SPECIAL RULE RELATING TO REVIEW BY COM-  
6 MITTEE ON FOREIGN INVESTMENT OF THE UNITED  
7 STATES.—(1) If, during the period during which the De-  
8 partment of Defense is reviewing an application for an en-  
9 ergy project filed with the Secretary of Transportation  
10 under section 44718 of title 49, the purchase, lease, or  
11 concession of real property on which the project is planned  
12 to be located is under review or investigation by the Com-  
13 mittee on Foreign Investment in the United States under  
14 section 721 of the Defense Production Act of 1950 (50  
15 U.S.C. 4565), the Secretary of Defense—

16 “(A) may not complete review of the project  
17 until the Committee concludes action under such  
18 section 721 with respect to the purchase, lease, or  
19 concession; and

20 “(B) shall notify the Secretary of Transpor-  
21 tation of the delay.

22 “(2) If the Committee on Foreign Investment in the  
23 United States determines that the purchase, lease, or con-  
24 cession of real property on which an energy project de-  
25 scribed in paragraph (1) is planned to be located threatens

1 to impair the national security of the United States and  
2 refers the purchase, lease, or concession to the President  
3 for further action under section 721(d) of the Defense  
4 Production Act of 1950 (50 U.S.C. 4565(d)), the Sec-  
5 retary of Defense shall—

6 “(A) find under subsection (e)(1) that the  
7 project would result in an unacceptable risk to the  
8 national security of the United States; and

9 “(B) transmit that finding to the Secretary of  
10 Transportation for inclusion in the report required  
11 under section 44718(b)(2) of title 49.”.

12 (b) REVIEW BY SECRETARY OF TRANSPORTATION.—  
13 Section 44718 of title 49, United States Code, is amend-  
14 ed—

15 (1) by redesignating subsection (h) as sub-  
16 section (i); and

17 (2) by inserting after subsection (g) the fol-  
18 lowing new subsection:

19 “(h) SPECIAL RULE RELATING TO REVIEW BY COM-  
20 MITTEE ON FOREIGN INVESTMENT OF THE UNITED  
21 STATES.—The Secretary of Transportation may not issue  
22 a determination pursuant to this section with respect to  
23 a proposed structure to be located on real property the  
24 purchase, lease, or concession of which is under review or  
25 investigation by the Committee on Foreign Investment in

1 the United States under section 721 of the Defense Pro-  
2 duction Act of 1950 (50 U.S.C. 4565) until—

3 “(1) the Committee concludes action under  
4 such section 721 with respect to the purchase, lease,  
5 or concession; and

6 “(2) the Secretary of Defense—

7 “(A) issues a finding under section 183a(e)  
8 of title 10; or

9 “(B) advises the Secretary of Transpor-  
10 tation that no finding under section 183a(e) of  
11 title 10 will be forthcoming.”.

