

1 “(ii) is in close proximity to a sen-
2 sitive site;

3 “(iii) could reasonably provide the for-
4 eign adversary entity the ability to collect
5 intelligence on activities being conducted at
6 a sensitive site; or

7 “(iv) could otherwise expose national
8 security activities at a sensitive site.

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

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

13 “(B) the Republic of Cuba;

14 “(C) the Islamic Republic of Iran;

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

17 “(E) the Russian Federation; and

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

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

23 “(A) a foreign adversary;

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

4 “(C) a foreign person owned, directed, or
5 controlled by an entity described in subpara-
6 graph (A) or (B).

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

9 “(A) military installations;

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

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

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

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

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

1 “(G) federally-funded research develop-
2 ment centers;

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

5 “(I) science and technology reinvention
6 laboratories, as designated by the Secretary of
7 Defense under section 4121 of title 10, United
8 States Code;

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

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

13 “(L) any electronic or telecommunications
14 facility used to process, store, or transmit infor-
15 mation (including fiber optic nodes, data cen-
16 ters, cloud computing facilities, satellite ground
17 stations, and wireless transmission equipment)
18 if—

19 “(i) the facility is part of a backbone
20 or core network that serves a significant
21 portion of the United States telecommuni-
22 cations network;

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

1 “(iii) the facility is a submarine cable
2 landing station (as defined in section
3 60401(a) of the Infrastructure Investment
4 and Jobs Act (47 U.S.C. 1741(a));

5 “(iv) the facility is used to process or
6 store a large volume of sensitive informa-
7 tion (such as classified or encrypted com-
8 munications) or other data critical to na-
9 tional security, public safety, or economic
10 security; or

11 “(v) the Chairman of the Federal
12 Communications Commission determines
13 the facility to be critical communications
14 infrastructure;

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

17 “(N) any other site, as determined by the
18 Secretary of Defense or the Secretary of Home-
19 land Security.”.

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

21 (a) AUTHORIZING THE COMMITTEE ON FOREIGN IN-
22 VESTMENT IN THE UNITED STATES TO CONSIDER FOOD
23 SECURITY IN REVIEWS OF COVERED TRANSACTIONS.—
24 Section 721(f) of the Defense Production Act of 1950 (50
25 U.S.C. 4565(f)) is amended—

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

3 (2) by redesignating paragraph (11) as para-
4 graph (12); and

5 (3) by inserting after paragraph (10) the fol-
6 lowing:

7 “(11) the current and long-term projection of
8 the requirements for sources of food, water, and
9 other agricultural products in the United States in
10 the aggregate, as well as locally and regionally, and
11 the effects a covered transaction may have on
12 United States food security, including through for-
13 eign adversary acquisition of biotechnology related to
14 agriculture; and”.

15 (b) EXPANDING THE JURISDICTION OF THE COM-
16 MITTEE ON FOREIGN INVESTMENT IN THE UNITED
17 STATES OVER REAL ESTATE TRANSACTIONS.—Section
18 721(a)(4) of the Defense Production Act of 1950 (50
19 U.S.C. 4565(a)(4)) is amended—

20 (1) in subparagraph (B)(ii)—

21 (A) in subclause (II)—

22 (i) by striking “(II)(aa) is” and in-
23 serting the following: “(II) with respect to
24 a purchase or lease by, or a concession to,

1 a person who is not a foreign adversary en-
2 tity—

3 “(aa) is”; and

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

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

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

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

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

17 (c) MANDATORY DECLARATIONS.—Section
18 721(b)(1)(C)(v)(IV) of the Defense Production Act of
19 1950 (50 U.S.C. 4565(b)(1)(C)(v)(IV)) is amended by
20 adding at the end the following:

21 “(hh) REQUIRED DECLARA-
22 TIONS FOR ELEVATED RISK REAL
23 ESTATE TRANSACTION.—Not-
24 withstanding item (dd), the par-
25 ties to an elevated risk real estate

1 transaction shall submit a dec-
2 laration described in subclause
3 (I) with respect to the trans-
4 action.”.

5 **SEC. 4. PRESUMPTION OF UNRESOLVABILITY OF ELE-**
6 **VATED RISK REAL ESTATE TRANSACTIONS.**

7 (a) PRESUMPTION AT THE REVIEW STAGE.—Section
8 721(b)(2)(B) of the Defense Production Act of 1950 (50
9 U.S.C. 4565(b)(2)(B)) is amended—

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

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

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

14 “(iii) a covered transaction is an ele-
15 vated risk real estate transaction, unless
16 the Committee—

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

21 “(II) submits a notification to
22 the Committees on Agriculture and
23 Financial Services of the House of
24 Representatives, the Select Committee
25 on the Strategic Competition Between

1 the United States and the Chinese
2 Communist Party of the House of
3 Representatives, and the Committees
4 on Agriculture and Banking, Housing,
5 and Urban Affairs of the Senate con-
6 taining such determination and the
7 reasons therefore.”.

8 (b) PRESUMPTION AT THE INVESTIGATION STAGE.—
9 Section 721(l)(3) of the Defense Production Act of 1950
10 (50 U.S.C. 4565(l)(3)) is amended by adding at the end
11 the following:

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

19 “(i) determines, by clear and con-
20 vincing evidence, that the risk to national
21 security of the transaction can be resolved
22 in a manner other than by suspending or
23 prohibiting the transaction; and

24 “(ii) submits a notification to the
25 Committees on Agriculture and Financial

1 Services of the House of Representatives,
2 the Select Committee on the Strategic
3 Competition Between the United States
4 and the Chinese Communist Party of the
5 House of Representatives, and the Com-
6 mittees on Agriculture and Banking, Hous-
7 ing, and Urban Affairs of the Senate con-
8 taining such determination and the reasons
9 therefore.”.

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

11 Section 721(k)(2) of the Defense Production Act of
12 1950 (50 U.S.C. 4565(k)(2)) is amended—

13 (1) by redesignating subparagraphs (H), (I),
14 and (J) as subparagraphs (I), (J), and (K), respec-
15 tively; and

16 (2) by inserting after subparagraph (G) the fol-
17 lowing:

18 “(H) The Secretary of Agriculture, on all
19 transactions related to the purchase of agri-
20 culture land, agriculture biotechnology, and any
21 other transaction related to the agriculture in-
22 dustry in the United States, as determined by
23 the Secretary of Agriculture.”.

1 **SEC. 6. RULEMAKING.**

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

