

**AMENDMENT TO THE RULES COMMITTEE PRINT**

**119-22**

**OFFERED BY MR. MOOLENAAR OF MICHIGAN**

In title XII, add at the end the following:

1 **Subtitle E—Protecting U.S. Farm-**  
2 **land and Sensitive Sites From**  
3 **Foreign Adversaries**

4 **SEC. 12501. 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 the real es-  
12 tate—

13 “(A) is, is located within, or will function  
14 as a part of, an air or maritime port;

15 “(B) is in close proximity to a sensitive  
16 site;

17 “(C) could reasonably provide the foreign  
18 adversary person the ability to collect intel-

1           ligence on activities being conducted at a sen-  
2           sitive site;

3           “(D) could otherwise expose national secu-  
4           rity activities at a sensitive site; or

5           “(E) is agricultural land that is covered by  
6           the reporting requirements under the Agricul-  
7           tural Foreign Investment Disclosure Act of  
8           1978, as implemented by part 781 of title 7,  
9           Code of Federal Regulations.

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

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

14                 “(B) the Republic of Cuba;

15                 “(C) the Islamic Republic of Iran;

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

18                 “(E) the Russian Federation; and

19                 “(F) the Bolivarian Republic of Venezuela.

20          “(16) FOREIGN ADVERSARY PERSON.—The  
21          term ‘foreign adversary person’ means—

22                 “(A) a foreign adversary;

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

1           “(C) a foreign person owned, directed, or  
2           controlled by an entity described in subpara-  
3           graph (A) or (B).

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

6           “(A) military installations;

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

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

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

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

21          “(F) facilities with respect to which the  
22          Secretary of Defense has granted a security  
23          clearance;

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

1           “(H) facilities owned or operated by the  
2 National Aeronautics and Space Administra-  
3 tion;

4           “(I) federally-funded research development  
5 centers;

6           “(J) university-affiliated research centers  
7 of the Department of Defense;

8           “(K) science and technology reinvention  
9 laboratories, as designated by the Secretary of  
10 Defense under section 4121 of title 10, United  
11 States Code;

12           “(L) airports, as listed on the website of  
13 the Federal Aviation Administration;

14           “(M) maritime ports, as determined by the  
15 Secretary of Transportation;

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

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

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

3 “(iii) the facility is a submarine cable  
4 landing station (as defined in section  
5 60401(a) of the Infrastructure Investment  
6 and Jobs Act (47 U.S.C. 1741(a));

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

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

17 “(O) electric powerplants, as determined  
18 by the Secretary of Homeland Security; and

19 “(P) any other site, as determined by the  
20 Secretary of Defense or the Secretary of Home-  
21 land Security.”.

22 **SEC. 12502. PROTECTING U.S. FOOD SECURITY.**

23 Section 721(f) of the Defense Production Act of 1950  
24 (50 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 **SEC. 12503. EXPANDING THE JURISDICTION OF THE COM-**  
16 **MITTEE ON FOREIGN INVESTMENT IN THE**  
17 **UNITED STATES OVER REAL ESTATE TRANS-**  
18 **ACTIONS.**

19 (a) IN GENERAL.—Section 721(a)(4) of the Defense  
20 Production Act of 1950 (50 U.S.C. 4565(a)(4)) is amend-  
21 ed—

22 (1) in subparagraph (A)(ii), by striking  
23 “clauses (ii) through (v)” and inserting “clauses (ii)  
24 through (vi)”;

25 (2) in subparagraph (B)—

1 (A) by redesignating clauses (ii) through  
2 (v) as clauses (iii) through (vi), respectively;

3 (B) by inserting after clause (i) the fol-  
4 lowing:

5 “(ii) Subject to subparagraphs (C)  
6 and (E), the purchase or lease by, or a  
7 concession to, a person who is a foreign  
8 adversary person of private or public real  
9 estate located in the United States.”;

10 (C) in clause (iii), as so redesignated—

11 (i) by striking “foreign person of pri-  
12 vate or public real estate” and inserting  
13 “foreign person who is not a foreign adver-  
14 sary person of private or public real es-  
15 tate”; and

16 (ii) in subclause (II)—

17 (I) in item (aa), by inserting  
18 “that is a sensitive site” before the  
19 semicolon; and

20 (II) in item (bb)—

21 (aa) in subitem (AA), by  
22 striking “a United States mili-  
23 tary installation or another facil-  
24 ity or property of the United  
25 States Government that is sen-

1 sensitive for reasons relating to na-  
2 tional security” and inserting “a  
3 sensitive site”;

4 (bb) in subitem (BB), by  
5 striking “such an installation, fa-  
6 cility, or property” and inserting  
7 “a sensitive site”; and

8 (cc) in subitem (CC), by  
9 striking “such an installation, fa-  
10 cility, or property” and inserting  
11 “a sensitive site”; and

12 (D) in clause (v), as so redesignated, in  
13 subclause (II), by striking “clause (iii)” and in-  
14 serting “clause (iv)”;

15 (3) in subparagraph (C)—

16 (A) in clause (i), by striking “subpara-  
17 graph (B)(ii)” and inserting “clause (ii) or (iii)  
18 of subparagraph (B)”;

19 (B) in clause (ii)—

20 (i) by striking “subparagraph  
21 (B)(ii)(II)(bb)(AA)” and inserting “sub-  
22 paragraph (B)(iii)(II)(bb)(AA)”;

23 (ii) by striking “a United States mili-  
24 tary installation or another facility or  
25 property of the United States Government

1 described in that subparagraph” and in-  
2 serting “a sensitive site”; and

3 (C) in clause (iii)—

4 (i) in subclause (I), by striking “sub-  
5 paragraph (B)(ii)(II)(bb)” and inserting  
6 “subparagraph (B)(iii)(II)(bb)”; and

7 (ii) in subclause (II)(bb)(BB), by  
8 striking “subparagraph (B)(ii)(II)(bb)”  
9 and inserting “subparagraph  
10 (B)(iii)(II)(bb)”;

11 (4) in subparagraph (D)—

12 (A) in clause (i), by striking “subpara-  
13 graph (B)(iii)” and inserting “subparagraph  
14 (B)(iv)”;

15 (B) in clause (iii)—

16 (i) in subclause (I), by striking “sub-  
17 paragraph (B)(iii)” and inserting “sub-  
18 paragraph (B)(iv)”; and

19 (ii) in subclause (II), by striking  
20 “subparagraph (B)(iii)(I)” and inserting  
21 “subparagraph (B)(iv)(I)”;

22 (C) in clause (iv), by striking “subpara-  
23 graph (B)(iii)” each place such term appears  
24 and inserting “subparagraph (B)(iv)”; and

1 (D) in clause (v), by striking “subpara-  
2 graph (B)(iii)” and inserting “subparagraph  
3 (B)(iv)”; and

4 (5) in subparagraph (E), by striking “clauses  
5 (ii) and (iii) of subparagraph (B)” and inserting  
6 “clauses (iii) and (iv) of subparagraph (B)”.

7 (b) MANDATORY DECLARATIONS.—Section  
8 721(b)(1)(C)(v)(IV) of the Defense Production Act of  
9 1950 (50 U.S.C. 4565(b)(1)(C)(v)(IV)) is amended by  
10 adding at the end the following:

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

20 **SEC. 12504. PRESUMPTION OF UNRESOLVABILITY OF ELE-**  
21 **VATED RISK REAL ESTATE TRANSACTIONS.**

22 (a) PRESUMPTION AT THE REVIEW STAGE.—Section  
23 721(b)(2)(B) of the Defense Production Act of 1950 (50  
24 U.S.C. 4565(b)(2)(B)) is amended—

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

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

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

4                   “(iii) a covered transaction is an ele-  
5                   vated risk real estate transaction, unless  
6                   the Committee—

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

11                           “(II) submits a notification to  
12                          the Committees on Agriculture and  
13                          Financial Services of the House of  
14                          Representatives, the Permanent Select  
15                          Committee on Intelligence of the  
16                          House of Representatives, the Com-  
17                          mittees on Agriculture and Banking,  
18                          Housing, and Urban Affairs of the  
19                          Senate, and the Select Committee on  
20                          Intelligence of the Senate containing  
21                          such determination and the reasons  
22                          therefore.”.

23           (b) PRESUMPTION AT THE INVESTIGATION STAGE.—  
24           Section 721(l)(3) of the Defense Production Act of 1950

1 (50 U.S.C. 4565(l)(3)) is amended by adding at the end  
2 the following:

3           “(E) APPLICATION TO ELEVATED RISK  
4 REAL ESTATE TRANSACTION.—Notwithstanding  
5 subparagraph (A), an elevated risk real estate  
6 transaction shall be presumed to present a risk  
7 to national security that, for purposes of sub-  
8 section (b)(3)(C)(ii), cannot be resolved, includ-  
9 ing through any agreement or condition, unless  
10 the Committee—

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

16           “(ii) submits a notification to the  
17 Committees on Agriculture and Financial  
18 Services of the House of Representatives,  
19 the Permanent Select Committee on Intel-  
20 ligence of the House of Representatives,  
21 the Committees on Agriculture and Bank-  
22 ing, Housing, and Urban Affairs of the  
23 Senate, and the Select Committee on Intel-  
24 ligence of the Senate containing such de-  
25 termination and the reasons therefore.”.

1 **SEC. 12505. PRESERVATION OF STATE AUTHORITY.**

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

5 “(r) PRESERVATION OF STATE AUTHORITY.—

6 “(1) IN GENERAL.—Nothing in this section  
7 may be construed to preempt or supersede any law  
8 of a State that—

9 “(A) restricts or prohibits the purchase,  
10 lease, or acquisition of real estate or agricul-  
11 tural land by a foreign adversary person; and

12 “(B) is of general applicability within that  
13 State and does not purport to apply to any spe-  
14 cific transaction or party.

15 “(2) STATE DEFINED.—In this subsection, the  
16 term ‘State’ means each of the several States, the  
17 District of Columbia, and each territory of the  
18 United States.”.

19 **SEC. 12506. 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 subtitle.

