

119TH CONGRESS
1ST SESSION

S. _____

To amend the Defense Production Act of 1950 to require the Committee on Foreign Investment in the United States to review and prohibit certain transactions relating to agriculture.

IN THE SENATE OF THE UNITED STATES

Mr. ROUNDS introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Defense Production Act of 1950 to require the Committee on Foreign Investment in the United States to review and prohibit certain transactions relating to agriculture.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Promoting Agriculture
5 Safeguards and Security Act” or the “PASS Act”.

1 **SEC. 2. REVIEW AND PROHIBITIONS BY COMMITTEE ON**
2 **FOREIGN INVESTMENT IN THE UNITED**
3 **STATES OF CERTAIN TRANSACTIONS RELAT-**
4 **ING TO AGRICULTURE.**

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

7 (1) in subsection (a), by adding at the end the
8 following:

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

13 (2) in subsection (b)(1), by adding at the end
14 the following:

15 “(I) CONSIDERATION OF CERTAIN AGRI-
16 CULTURAL LAND TRANSACTIONS.—

17 “(i) IN GENERAL.—Not later than 30
18 days after receiving notification from the
19 Secretary of Agriculture of a reportable
20 agricultural land transaction, the Com-
21 mittee shall determine—

22 “(I) whether the transaction is a
23 covered transaction; and

24 “(II) if the Committee deter-
25 mines that the transaction is a cov-
26 ered transaction, whether to—

1 “(aa) request the submission
2 of a notice under clause (i) of
3 subparagraph (C) or a declara-
4 tion under clause (v) of such sub-
5 paragraph pursuant to the proc-
6 ess established under subpara-
7 graph (H); or

8 “(bb) initiate a review pur-
9 suant to subparagraph (D).

10 “(ii) REPORTABLE AGRICULTURAL
11 LAND TRANSACTION DEFINED.—In this
12 subparagraph, the term ‘reportable agricul-
13 tural land transaction’ means a trans-
14 action—

15 “(I) that the Secretary of Agri-
16 culture has reason to believe is a cov-
17 ered transaction;

18 “(II) that involves the acquisition
19 of an interest in agricultural land by
20 a foreign person, other than an ex-
21 cepted investor or an excepted real es-
22 tate investor, as such terms are de-
23 fined in regulations prescribed by the
24 Committee; and

1 “(III) with respect to which a
2 person is required to submit a report
3 to the Secretary of Agriculture under
4 section 2(a) of the Agricultural For-
5 eign Investment Disclosure Act of
6 1978 (7 U.S.C. 3501(a)).”;

7 (3) in subsection (k)(2)—

8 (A) by redesignating subparagraphs (H),
9 (I), and (J) as subparagraphs (I), (J), and (K),
10 respectively; and

11 (B) by inserting after subparagraph (G)
12 the following:

13 “(H) The Secretary of Agriculture, with
14 respect to any covered transaction related to
15 the purchase of agricultural land or agricultural
16 biotechnology or otherwise related to the agri-
17 culture industry in the United States.”; and

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

19 “(r) PROHIBITIONS RELATING TO PURCHASES OF
20 AGRICULTURAL LAND AND AGRICULTURAL BUSI-
21 NESSES.—

22 “(1) IN GENERAL.—If the Committee, in con-
23 ducting a review under this section, determines that
24 a transaction described in clause (i), (ii), or (iv) of
25 subsection (a)(4)(B) would result in the purchase or

1 lease by a covered foreign person of real estate de-
2 scribed in paragraph (2) or would result in control
3 by a covered foreign person of a United States busi-
4 ness engaged in agriculture, the President shall pro-
5 hibit the transaction unless a party to the trans-
6 action voluntarily chooses to abandon the trans-
7 action.

8 “(2) REAL ESTATE DESCRIBED.—Subject to
9 regulations prescribed by the Committee, real estate
10 described in this paragraph is agricultural land (as
11 defined in section 9 of the Agricultural Foreign In-
12 vestment Disclosure Act of 1978 (7 U.S.C. 3508))
13 in the United States that is in close proximity (sub-
14 ject to subsection (a)(4)(C)(ii)) to a United States
15 military installation or another facility or property of
16 the United States Government that is—

17 “(A) sensitive for reasons relating to na-
18 tional security for purposes of subsection
19 (a)(4)(B)(ii)(II)(bb); and

20 “(B) identified in regulations prescribed by
21 the Committee.

22 “(3) WAIVER.—The President may waive, on a
23 case-by-case basis, the requirement to prohibit a
24 transaction under paragraph (1) after the President
25 determines and reports to the Committee on Bank-

1 ing, Housing, and Urban Affairs of the Senate and
2 the Committee on Financial Services of the House of
3 Representatives that the waiver is in the national in-
4 terest of the United States.

5 “(4) COVERED FOREIGN PERSON DEFINED.—

6 “(A) IN GENERAL.—In this subsection,
7 subject to regulations prescribed by the Com-
8 mittee, the term ‘covered foreign person’—

9 “(i) means any foreign person (includ-
10 ing a foreign entity) that acts as an agent,
11 representative, or employee of, or acts at
12 the direction or control of, the government
13 of a covered country; and

14 “(ii) does not include a United States
15 citizen or an alien lawfully admitted for
16 permanent residence to the United States.

17 “(B) COVERED COUNTRY DEFINED.—For
18 purposes of subparagraph (A), the term ‘cov-
19 ered country’ means any of the following coun-
20 tries, if the country is determined to be a for-
21 eign adversary pursuant to section 791.4 of
22 title 15, Code of Federal Regulations (or a suc-
23 cessor regulation):

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

25 “(ii) The Russian Federation.

1 “(iii) The Islamic Republic of Iran.

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

4 (b) SPENDING PLANS.—Not later than 60 days after
5 the date of the enactment of this Act, each department
6 or agency represented on the Committee on Foreign In-
7 vestment in the United States shall submit to the chair-
8 person of the Committee a copy of the most recent spend-
9 ing plan required under section 1721(b) of the Foreign
10 Investment Risk Review Modernization Act of 2018 (50
11 U.S.C. 4565 note).

12 (c) REGULATIONS.—

13 (1) IN GENERAL.—The President shall direct,
14 subject to section 553 of title 5, United States Code,
15 the issuance of regulations to carry out the amend-
16 ments made by this section.

17 (2) EFFECTIVE DATE.—The regulations pre-
18 scribed under paragraph (1) shall take effect not
19 later than one year after the date of the enactment
20 of this Act.

21 (d) EFFECTIVE DATE; APPLICABILITY.—The amend-
22 ments made by this section shall—

23 (1) take effect on the date that is 30 days after
24 the effective date of the regulations under subsection
25 (c)(2); and

1 (2) apply with respect to a covered transaction
2 (as defined in section 721 of the Defense Production
3 Act of 1950 (50 U.S.C. 4565)) that is proposed,
4 pending, or completed on or after the date described
5 in paragraph (1).