

119TH CONGRESS  
2D SESSION

# H. R. 8700

To protect U.S. food security, provide the Committee on Foreign Investment in the United States greater jurisdiction over land purchases, impose special guards against foreign adversary purchases of land in the United States near sensitive sites, expand the definition of sensitive sites, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2026

Mr. MOOLENAAR (for himself, Mr. THOMPSON of California, Mrs. HINSON, Ms. BROWNLEY, Mr. DUNN of Florida, Mr. BILIRAKIS, Mr. JOHNSON of South Dakota, Mr. NUNN of Iowa, Mr. MORAN, Mr. NEWHOUSE, Mr. GOTTHEIMER, Mr. HARRIGAN, Mr. PANETTA, and Mr. FEENSTRA) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To protect U.S. food security, provide the Committee on Foreign Investment in the United States greater jurisdiction over land purchases, impose special guards against foreign adversary purchases of land in the United States near sensitive sites, expand the definition of sensitive sites, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Protecting U.S. Farm-  
3 land and Sensitive Sites From Foreign Adversaries Act”.

4 **SEC. 2. 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-  
19 ligence on activities being conducted at a sen-  
20 sitive site;

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

23               “(E) is agricultural land that is covered by  
24 the reporting requirements under the Agricul-  
25 tural Foreign Investment Disclosure Act of

1           1978, as implemented by part 781 of title 7,  
2           Code of Federal Regulations.

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

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

7                   “(B) the Republic of Cuba;

8                   “(C) the Islamic Republic of Iran;

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

11                   “(E) the Russian Federation; and

12                   “(F) the Bolivarian Republic of Venezuela.

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

15                   “(A) a foreign adversary;

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

19                   “(C) a foreign person owned, directed, or  
20                   controlled by an entity described in subpara-  
21                   graph (A) or (B).

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

24                   “(A) military installations;

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

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

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

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

15          “(F) facilities with respect to which the  
16          Secretary of Defense has granted a security  
17          clearance;

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

20          “(H) facilities owned or operated by the  
21          National Aeronautics and Space Administra-  
22          tion;

23          “(I) federally funded research and develop-  
24          ment centers;

1           “(J) university-affiliated research centers  
2 of the Department of Defense;

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

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

9           “(M) maritime ports, as determined by the  
10 Secretary of Transportation;

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

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

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

23           “(iii) the facility is a submarine cable  
24 landing station (as defined in section

1                   60401(a) of the Infrastructure Investment  
2                   and Jobs Act (47 U.S.C. 1741(a));

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

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

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

15                  “(P) any other site, as determined by the  
16                  Secretary of Defense or the Secretary of Home-  
17                  land Security.”.

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

19                  Section 721(f) of the Defense Production Act of 1950  
20                  (50 U.S.C. 4565(f)) is amended—

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

23                  (2) by redesignating paragraph (11) as para-  
24                  graph (12); and

1           (3) by inserting after paragraph (10) the fol-  
 2       lowing:

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

11 **SEC. 4. EXPANDING THE JURISDICTION OF THE COM-**  
 12 **MITTEE ON FOREIGN INVESTMENT IN THE**  
 13 **UNITED STATES OVER REAL ESTATE TRANS-**  
 14 **ACTIONS.**

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

18           (1) in subparagraph (A)(ii), by striking  
 19       “clauses (ii) through (v)” and inserting “clauses (ii)  
 20       through (vi)”;

21           (2) in subparagraph (B)—

22               (A) by redesignating clauses (ii) through  
 23               (v) as clauses (iii) through (vi), respectively;

24               (B) by inserting after clause (i) the fol-  
 25       lowing:

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

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

7 (i) by striking “foreign person of pri-  
8 vate or public real estate” and inserting  
9 “foreign person who is not a foreign adver-  
10 sary person of private or public real es-  
11 tate”; and

12 (ii) in subclause (II)—

13 (I) in item (aa), by inserting  
14 “that is a sensitive site” before the  
15 semicolon; and

16 (II) in item (bb)—

17 (aa) in subitem (AA), by  
18 striking “a United States mili-  
19 tary installation or another facil-  
20 ity or property of the United  
21 States Government that is sen-  
22 sitive for reasons relating to na-  
23 tional security” and inserting “a  
24 sensitive site”;



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

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

9 (D) in clause (v), as so redesignated, in  
 10 subclause (II), by striking “clause (iii)” and in-  
 11 serting “clause (iv)”;

12 (3) in subparagraph (C)—

13 (A) in clause (i), by striking “subpara-  
 14 graph (B)(ii)” and inserting “clause (ii) or (iii)  
 15 of subparagraph (B)”;

16 (B) in clause (ii)—

17 (i) by striking “subparagraph  
 18 (B)(ii)(II)(bb)(AA)” and inserting “sub-  
 19 paragraph (B)(iii)(II)(bb)(AA)”;

20 (ii) by striking “a United States mili-  
 21 tary installation or another facility or  
 22 property of the United States Government  
 23 described in that subparagraph” and in-  
 24 serting “a sensitive site”; and

25 (C) in clause (iii)—

1 (i) in subclause (I), by striking “sub-  
 2 paragraph (B)(ii)(II)(bb)” and inserting  
 3 “subparagraph (B)(iii)(II)(bb)”;

4 (ii) in subclause (II)(bb)(BB), by  
 5 striking “subparagraph (B)(ii)(II)(bb)”  
 6 and inserting “subparagraph  
 7 (B)(iii)(II)(bb)”;

8 (4) in subparagraph (D)—

9 (A) in clause (i), by striking “subpara-  
 10 graph (B)(iii)” and inserting “subparagraph  
 11 (B)(iv)”;

12 (B) in clause (iii)—

13 (i) in subclause (I), by striking “sub-  
 14 paragraph (B)(iii)” and inserting “sub-  
 15 paragraph (B)(iv)”;

16 (ii) in subclause (II), by striking  
 17 “subparagraph (B)(iii)(I)” and inserting  
 18 “subparagraph (B)(iv)(I)”;

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

22 (D) in clause (v), by striking “subpara-  
 23 graph (B)(iii)” and inserting “subparagraph  
 24 (B)(iv)”;

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

4 (b) MANDATORY DECLARATIONS.—Section  
 5 721(b)(1)(C)(v)(IV) of the Defense Production Act of  
 6 1950 (50 U.S.C. 4565(b)(1)(C)(v)(IV)) is amended by  
 7 adding at the end the following:

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

17 **SEC. 5. PRESUMPTION OF UNRESOLVABILITY OF ELE-**  
 18 **VATED RISK REAL ESTATE TRANSACTIONS.**

19 (a) REQUIREMENT FOR NATIONAL SECURITY INVE-  
 20 STIGATION.—Section 721(b)(2)(B) of the Defense Produc-  
 21 tion Act of 1950 (50 U.S.C. 4565(b)(2)(B)) is amended—

- 22 (1) in clause (i), by striking “or” at the end;  
 23 (2) in clause (ii), by striking the period at the  
 24 end and inserting “; or”; and  
 25 (3) by adding at the end the following:

1 “(iii) a covered transaction is an ele-  
2 vated risk real estate transaction, unless  
3 the Committee—

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

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

20 (b) CONSIDERATION OF ELEVATED RISK REAL ES-  
21 TATE TRANSACTIONS.—Section 721(b) of the Defense  
22 Production Act of 1950 (50 U.S.C. 4565(b)) is amended  
23 by adding at the end the following:

24 “(9) CONSIDERATION OF ELEVATED RISK REAL  
25 ESTATE TRANSACTIONS.—For purposes of a review

1 or investigation of an elevated risk real estate trans-  
 2 action under this subsection, the transaction is pre-  
 3 sumed to present an unresolvable risk to national se-  
 4 curity, unless the Committee—

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

10 “(B) submits a notification to the Commit-  
 11 tees on Agriculture and Financial Services of  
 12 the House of Representatives, the Permanent  
 13 Select Committee on Intelligence of the House  
 14 of Representatives, the Committees on Agri-  
 15 culture and Banking, Housing, and Urban Af-  
 16 fairs of the Senate, and the Select Committee  
 17 on Intelligence of the Senate containing such  
 18 determination and the reasons therefore.”.

19 (c) PRESUMPTION THAT THE RISKS OF ELEVATED  
 20 RISK REAL ESTATE TRANSACTIONS CANNOT BE MITI-  
 21 GATED OR RESOLVED.—Section 721(l)(3) of the Defense  
 22 Production Act of 1950 (50 U.S.C. 4565(l)(3)) is amend-  
 23 ed by adding at the end the following:

24 “(E) APPLICATION TO ELEVATED RISK  
 25 REAL ESTATE TRANSACTIONS.—Notwith-

1 standing subparagraph (A), an elevated risk  
2 real estate transaction shall be presumed to  
3 present a risk to national security that cannot  
4 be resolved through any agreement or condition,  
5 unless the Committee—

6 “(i) determines, by clear and con-  
7 vincing evidence, that the risk to national  
8 security of the transaction can be so re-  
9 solved through such an agreement or con-  
10 dition; and

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

21 **SEC. 6. AGRICULTURE REPRESENTATIVE.**

22 Section 721(k)(2) of the Defense Production Act of  
23 1950 (50 U.S.C. 4565(k)(2)) is amended—

1           (1) by redesignating subparagraphs (H), (I),  
 2           and (J) as subparagraphs (I), (J), and (K), respec-  
 3           tively; and

4           (2) by inserting after subparagraph (G) the fol-  
 5           lowing:

6                   “(H) The Secretary of Agriculture, on all  
 7                   transactions related to the purchase of agri-  
 8                   culture land, agriculture biotechnology, and any  
 9                   other transaction related to the agriculture in-  
 10                  dustry in the United States, as determined by  
 11                  the Secretary of Agriculture.”.

12 **SEC. 7. PRESERVATION OF STATE AUTHORITY.**

13           Section 721 of the Defense Production Act of 1950  
 14           (50 U.S.C. 4565) is amended by adding at the end the  
 15           following:

16                   “(r) PRESERVATION OF STATE AUTHORITY.—

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

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

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

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

5   **SEC. 8. RULEMAKING.**

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

○