

117TH CONGRESS
1ST SESSION

H. R. 2728

To require the Committee on Foreign Investment in the United States to review any purchase or lease of real estate near a military installation or military airspace in the United States by a foreign person connected to, or subsidized by, the Russian Federation, the People's Republic of China, the Islamic Republic of Iran, or the Democratic People's Republic of Korea, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2021

Mr. TONY GONZALES of Texas (for himself, Mr. JACKSON, and Mr. FALLON) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, Energy and Commerce, Armed Services, and Transportation and Infrastructure, 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

A BILL

To require the Committee on Foreign Investment in the United States to review any purchase or lease of real estate near a military installation or military airspace in the United States by a foreign person connected to, or subsidized by, the Russian Federation, the People's Republic of China, the Islamic Republic of Iran, or the Democratic People's Republic of Korea, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Military
5 Installations from Foreign Espionage Act”.

6 **SEC. 2. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT**
7 **IN THE UNITED STATES OF REAL ESTATE**
8 **PURCHASES OR LEASES NEAR MILITARY IN-**
9 **STALLATIONS OR MILITARY AIRSPACE.**

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

13 (1) in subparagraph (A)—

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

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

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

19 “(iii) any transaction described in
20 subparagraph (B)(vi) that is proposed,
21 pending, or completed on or after the date
22 of the enactment of the Protecting Military
23 Installations from Foreign Espionage
24 Act.”; and

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

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

7 “(I) that is located in the United
8 States and within—

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

13 “(bb) 50 miles of—

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

18 “(BB) airspace des-
19 igned as special use air-
20 space under part 73 of title
21 14, Code of Federal Regula-
22 tions (or a successor regula-
23 tion), and managed by the
24 Department of Defense;

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

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

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

17 “(aa) the Government of the
18 Russian Federation;

19 “(bb) the Government of the
20 People’s Republic of China;

21 “(cc) the Government of the
22 Islamic Republic of Iran; or

23 “(dd) the Government of the
24 Democratic People’s Republic of
25 Korea.”.

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

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

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

12 (3) by striking “Subject to” and inserting the
13 following:

14 “(i) IN GENERAL.—Subject to”; and

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

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

21 (c) CERTIFICATIONS TO CONGRESS.—Section
22 721(b)(3)(C)(iii) of the Defense Production Act of 1950
23 (50 U.S.C. 4565(b)(3)(C)(iii)) is amended—

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

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

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

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

15 **SEC. 3. LIMITATION ON APPROVAL OF ENERGY PROJECTS**
16 **RELATED TO REVIEWS CONDUCTED BY COM-**
17 **MITTEE ON FOREIGN INVESTMENT IN THE**
18 **UNITED STATES.**

19 (a) REVIEW BY SECRETARY OF DEFENSE.—Section
20 183a of title 10, United States Code, is amended—

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

23 (2) by inserting after subsection (e) the fol-
24 lowing new subsection (f):

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

12 “(A) may not complete review of the project
13 until the Committee concludes action under such
14 section 721 with respect to the purchase, lease, or
15 concession; and

16 “(B) shall notify the Secretary of Transpor-
17 tation of the delay.

18 “(2) If the Committee on Foreign Investment in the
19 United States determines that the purchase, lease, or con-
20 cession of real property on which an energy project de-
21 scribed in paragraph (1) is planned to be located threatens
22 to impair the national security of the United States and
23 refers the purchase, lease, or concession to the President
24 for further action under section 721(d) of the Defense

1 Production Act of 1950 (50 U.S.C. 4565(d)), the Sec-
2 retary of Defense shall—

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

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

9 (b) REVIEW BY SECRETARY OF TRANSPORTATION.—
10 Section 44718 of title 49, United States Code, is amend-
11 ed—

12 (1) by redesignating subsection (h) as sub-
13 section (i); and

14 (2) by inserting after subsection (g) the fol-
15 lowing new subsection:

16 “(h) SPECIAL RULE RELATING TO REVIEW BY COM-
17 MITTEE ON FOREIGN INVESTMENT OF THE UNITED
18 STATES.—The Secretary of Transportation may not issue
19 a determination pursuant to this section with respect to
20 a proposed structure to be located on real property the
21 purchase, lease, or concession of which is under review or
22 investigation by the Committee on Foreign Investment in
23 the United States under section 721 of the Defense Pro-
24 duction Act of 1950 (50 U.S.C. 4565) until—

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

4 “(2) the Secretary of Defense—

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

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

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