

117TH CONGRESS  
1ST SESSION

# H. R. 5490

To amend the Defense Production Act of 1950 to prevent harm and disruption to the United States agriculture industry by protecting against foreign influence over agriculture production and supply chains, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2021

Mr. JACKSON (for himself, Mr. VELA, Mr. BURGESS, Mr. BAIRD, Ms. SALAZAR, Mrs. MILLER of Illinois, Mr. WOMACK, Mr. BUDD, Mr. GUEST, Mr. TONY GONZALES of Texas, and Mrs. CAMMACK) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Agriculture, 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 amend the Defense Production Act of 1950 to prevent harm and disruption to the United States agriculture industry by protecting against foreign influence over agriculture production and supply chains, 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 “Foreign Adversary  
5 Risk Management Act” or the “FARM Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) United States agriculture and supply chains  
4 are critical to United States economic success and  
5 prosperity, and should each be classified as critical  
6 infrastructure and critical technologies.

7 (2) Agriculture is the lifeblood that helps to  
8 feed United States families nationwide. As such,  
9 food security is a matter of national security and  
10 should be a top priority of the United States.

11 (3) To prevent harm to the United States pub-  
12 lic health sector and to prevent disruption to the  
13 United States economy and food supply chains, the  
14 increasing influence foreign countries may have on  
15 the United States agriculture industry and agri-  
16 culture supply chains should be mitigated.

17 **SEC. 3. UNITED STATES AGRICULTURE INCLUDED IN COM-**  
18 **MITTEE ON FOREIGN INVESTMENT IN THE**  
19 **UNITED STATES.**

20 (a) AGRICULTURE REPRESENTATIVE.—Section  
21 721(k)(2) of the Defense Production Act of 1950 (50  
22 U.S.C. 4565(k)(2)) is amended—

23 (1) by redesignating subparagraphs (H), (I),  
24 and (J) as subparagraphs (I), (J), and (K), respec-  
25 tively; and

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

3                       “(H) The Secretary of Agriculture.”.

4       (b) REVIEW OF AGRICULTURE INVESTMENTS BY  
5 FOREIGN ENTITIES.—Section 721(a)(4) of the Defense  
6 Production Act of 1950 (50 U.S.C. 4565(a)(4)) is amend-  
7 ed—

8           (1) in subparagraph (A)—

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

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

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

14                               “(iii) any transaction described in  
15       subparagraph (B)(vi) that is proposed,  
16       pending, or completed on or after the date  
17       of the enactment of the Foreign Adversary  
18       Risk Management Act.”; and

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

21                               “(vi) Any transaction, merger, acqui-  
22       sition, transfer, agreement, takeover, or  
23       other arrangement that could result in for-  
24       eign control of any United States business  
25       that is engaged in agriculture and uses ag-

1                    ricultural products (as defined in the first  
2                    section of the Act of July 2, 1926 (44  
3                    Stat. 802, chapter 725; 7 U.S.C. 451)).”.

4            (c) AGRICULTURAL SUPPLY CHAINS INCLUDED IN  
5 CRITICAL INFRASTRUCTURE.—Section 721(a)(5) of the  
6 Defense Production Act of 1950 (50 U.S.C. 4565(a)(5))  
7 is amended—

8                    (1) by striking “‘critical infrastructure’ means”  
9                    and inserting the following: “‘critical infrastruc-  
10                    ture’—

11                                    “(i) means”;

12                    (2) by striking the period at the end and insert-  
13                    ing “; and”; and

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

15                                    “(ii) includes, subject to regulations  
16                                    prescribed by the Committee, agricultural  
17                                    systems and supply chains.”.

18            (d) AGRICULTURAL SUPPLY CHAINS INCLUDED AS  
19 CRITICAL TECHNOLOGIES.—Section 721(a)(6)(A) of the  
20 Defense Production Act of 1950 (50 U.S.C.  
21 4565(a)(6)(A)) is amended by adding at the end the fol-  
22 lowing:

23                                    “(vii) Agricultural supply chains used  
24                                    for agricultural products (as defined in the

1 first section of the Act of July 2, 1926 (44  
2 Stat. 802, chapter 725; 7 U.S.C. 451)).”.

3 **SEC. 4. REPORTS ON INVESTMENTS BY FOREIGN COUN-**  
4 **TRIES IN UNITED STATES AGRICULTURE IN-**  
5 **DUSTRY.**

6 Not later than one year after the date of the enact-  
7 ment of this Act, the Secretary of Agriculture and the  
8 Comptroller General of the United States shall each—

9 (1) conduct an analysis of foreign influence in  
10 the United States agriculture industry; and

11 (2) submit to Congress a report that includes a  
12 summary of—

13 (A) foreign investments in the United  
14 States agriculture industry;

15 (B) the potential for foreign investment to  
16 undermine United States agriculture production  
17 and agricultural supply chains;

18 (C) the largest international threats for in-  
19 creased foreign control of, and investment in,  
20 the United States agriculture sector; and

21 (D) agriculture-related espionage and theft  
22 techniques used by foreign governments, includ-  
23 ing any attempts to target United States agri-  
24 cultural intellectual property, innovation, re-

- 1 search and development, cost or pricing data, or
- 2 internal strategy documents.

