

118TH CONGRESS
1ST SESSION

S. 68

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.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2023

Mr. TUBERVILLE (for himself, Mr. BRAUN, Mr. CRAMER, Mr. MARSHALL, Ms. LUMMIS, Mr. SCOTT of Florida, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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 “(A) 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 “(B) includes, subject to regulations pre-
 16 scribed by the Committee, agricultural systems
 17 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.

