

118TH CONGRESS
1ST SESSION

S. 926

To prohibit the purchase or lease of agricultural land in the United States by persons associated with certain foreign governments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2023

Mr. BRAUN (for himself, Mr. TESTER, Mr. TUBERVILLE, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To prohibit the purchase or lease of agricultural land in the United States by persons associated with certain foreign governments, 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 America’s
5 Agricultural Land from Foreign Harm Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) AGRICULTURAL LAND.—

1 (A) IN GENERAL.—The term “agricultural
2 land” has the meaning given the term in sec-
3 tion 9 of the Agricultural Foreign Investment
4 Disclosure Act of 1978 (7 U.S.C. 3508).

5 (B) INCLUSION.—The term “agricultural
6 land” includes land described in section 9(1) of
7 the Agricultural Foreign Investment Disclosure
8 Act of 1978 (7 U.S.C. 3508(1)) that is used for
9 ranching purposes.

10 (2) COVERED PERSON.—

11 (A) IN GENERAL.—The term “covered per-
12 son” has the meaning given the term “person
13 owned by, controlled by, or subject to the juris-
14 diction or direction of a foreign adversary” in
15 section 7.2 of title 15, Code of Federal Regula-
16 tions (as in effect on the date of enactment of
17 this Act), except that each reference to “foreign
18 adversary” in that definition shall be deemed to
19 be a reference to the government of—

- 20 (i) Iran;
21 (ii) North Korea;
22 (iii) the People’s Republic of China; or
23 (iv) the Russian Federation.

24 (B) EXCLUSIONS.—The term “covered per-
25 son” does not include a United States citizen or

1 an alien lawfully admitted for permanent resi-
2 dence to the United States.

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture.

5 (4) UNITED STATES.—The term “United
6 States” includes any State, territory, or possession
7 of the United States.

8 **SEC. 3. PROHIBITION ON PURCHASE OR LEASE OF AGRI-
9 CULTURAL LAND IN THE UNITED STATES BY
10 PERSONS ASSOCIATED WITH CERTAIN FOR-
11 EIGN GOVERNMENTS.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of law, the President shall take such actions as may
14 be necessary to prohibit the purchase or lease by covered
15 persons of—

16 (1) public agricultural land that is owned by the
17 United States and administered by the head of any
18 Federal department or agency, including the Sec-
19 retary, the Secretary of the Interior, and the Sec-
20 retary of Defense; or

21 (2) private agricultural land located in the
22 United States.

23 (b) IMPLEMENTATION.—The President may exercise
24 all authorities provided under sections 203 and 205 of the

1 International Emergency Economic Powers Act (50
2 U.S.C. 1702 and 1704) to carry out subsection (a).

3 (c) PENALTIES.—A person that knowingly violates,
4 attempts to violate, conspires to violate, or causes a viola-
5 tion of subsection (a) or any regulation, license, or order
6 issued to carry out that subsection shall be subject to the
7 penalties set forth in subsections (b) and (c) of section
8 206 of the International Emergency Economic Powers Act
9 (50 U.S.C. 1705) to the same extent as a person that com-
10 mits an unlawful act described in subsection (a) of that
11 section.

12 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion may be construed—

14 (1) to prohibit or otherwise affect the purchase
15 or lease of public or private agricultural land de-
16 scribed in subsection (a) by any person other than
17 a covered person;

18 (2) to prohibit or otherwise affect the use of
19 public or private agricultural land described in sub-
20 section (a) that is transferred to or acquired by a
21 person other than a covered person from a covered
22 person; or

23 (3) to require a covered person that owns or
24 leases public or private agricultural land described in

1 subsection (a) as of the date of enactment of this
2 Act to sell that land.

3 **SEC. 4. PROHIBITION ON PARTICIPATION IN DEPARTMENT**
4 **OF AGRICULTURE PROGRAMS BY PERSONS**
5 **ASSOCIATED WITH CERTAIN FOREIGN GOV-**
6 **ERNMENTS.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), notwithstanding any other provision of the law, the
9 President shall take such actions as may be necessary to
10 prohibit participation in Department of Agriculture pro-
11 grams by covered persons that have full or partial owner-
12 ship of agricultural land in the United States or lease agri-
13 cultural land in the United States.

14 (b) EXCLUSIONS.—Subsection (a) shall not apply to
15 participation in any program—

16 (1) relating to—

17 (A) food inspection or any other food safe-
18 ty regulatory requirements; or

19 (B) health and labor safety of individuals;

20 or

21 (2) administered by the Farm Service Agency,
22 with respect to the administration of this Act or the
23 Agricultural Foreign Investment Disclosure Act of
24 1978 (7 U.S.C. 3501 et seq.).

1 (c) PROOF OF CITIZENSHIP.—To participate in a De-
2 partment of Agriculture program described in subsection
3 (b) (except for a program under this Act or the Agricul-
4 tural Foreign Investment Disclosure Act of 1978 (7
5 U.S.C. 3501 et seq.)), a person described in subparagraph
6 (A) of section 2(2) that is a person described in subpara-
7 graph (B) of that section shall submit to the Secretary
8 proof that the person is described in subparagraph (B)
9 of that section.

10 **SEC. 5. AGRICULTURAL FOREIGN INVESTMENT DISCLO-**
11 **SURE.**

12 (a) INCLUSION OF SECURITY INTERESTS AND
13 LEASES IN REPORTING REQUIREMENTS.—

14 (1) IN GENERAL.—Section 9 of the Agricultural
15 Foreign Investment Disclosure Act of 1978 (7
16 U.S.C. 3508) is amended—

17 (A) by redesignating paragraphs (4)
18 through (6) as paragraphs (5) through (7), re-
19 spectively; and

20 (B) by inserting after paragraph (3) the
21 following:

22 “(4) the term ‘interest’ includes—

23 “(A) a security interest; and

24 “(B) a lease, without regard to the dura-
25 tion of the lease;”.

1 (2) CONFORMING AMENDMENT.—Section 2 of
2 the Agricultural Foreign Investment Disclosure Act
3 of 1978 (7 U.S.C. 3501) is amended by striking “,
4 other than a security interest,” each place it ap-
5 pears.

6 (b) CIVIL PENALTY.—Section 3 of the Agricultural
7 Foreign Investment Disclosure Act of 1978 (7 U.S.C.
8 3502) is amended—

9 (1) in subsection (b), by striking “exceed 25
10 percent” and inserting “be less than 15 percent, or
11 exceed 30 percent,”; and

12 (2) by adding at the end the following:

13 “(c) LIENS.—On imposing a penalty under sub-
14 section (a), the Secretary shall ensure that a lien is placed
15 on the agricultural land with respect to which the violation
16 occurred, which shall be released only on payment of the
17 penalty.”.

18 (c) TRANSPARENCY.—

19 (1) IN GENERAL.—Section 7 of the Agricultural
20 Foreign Investment Disclosure Act of 1978 (7
21 U.S.C. 3506) is amended to read as follows:

22 **“SEC. 7. PUBLIC DATA SETS.**

23 “(a) IN GENERAL.—Not later than 2 years after the
24 date of enactment of the Consolidated Appropriations Act,
25 2023 (Public Law 117–328), the Secretary shall publish

1 in the internet database established under section 773 of
2 division A of that Act human-readable and machine-read-
3 able data sets that—

4 “(1) contain all data that the Secretary pos-
5 sesses relating to reporting under this Act from each
6 report submitted to the Secretary under section 2;
7 and

8 “(2) as soon as practicable, but not later than
9 30 days, after the date of receipt of any report
10 under section 2, shall be updated with the data from
11 that report.

12 “(b) INCLUDED DATA.—The data sets established
13 under subsection (a) shall include—

14 “(1) a description of—

15 “(A) the purchase price paid for, or any
16 other consideration given for, each interest in
17 agricultural land for which a report is sub-
18 mitted under section 2; and

19 “(B) updated estimated values of each in-
20 terest in agricultural land described in subpara-
21 graph (A), as that information is made avail-
22 able to the Secretary, based on the most re-
23 cently assessed value of the agricultural land or
24 another comparable method determined by the
25 Secretary; and

1 “(2) with respect to any agricultural land for
2 which a report is submitted under section 2, updated
3 descriptions of each foreign person who holds an in-
4 terest in at least 1 percent of the agricultural land,
5 as that information is made available to the Sec-
6 retary, categorized as a majority owner or a minor-
7 ity owner that holds an interest in the agricultural
8 land.”.

9 (2) DEADLINE FOR DATABASE ESTABLISH-
10 MENT.—Section 773 of division A of the Consoli-
11 dated Appropriations Act, 2023 (Public Law 117–
12 328), is amended, in the first proviso, by striking “3
13 years” and inserting “2 years”.

14 (d) DEFINITION OF FOREIGN PERSON.—Section 9(3)
15 of the Agricultural Foreign Investment Disclosure Act of
16 1978 (7 U.S.C. 3508(3)) is amended—

17 (1) in subparagraph (C)(ii)(IV), by striking
18 “and” at the end;

19 (2) in subparagraph (D), by inserting “and”
20 after the semicolon; and

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

22 “(E) any person, other than an individual
23 or a government, that issues equity securities
24 that are primarily traded on a foreign securities
25 exchange within—

- 1 “(i) Iran;
2 “(ii) North Korea;
3 “(iii) the People’s Republic of China;
4 or
5 “(iv) the Russian Federation;”.

6 **SEC. 6. REPORTS.**

7 (a) REPORT FROM THE SECRETARY ON FOREIGN
8 OWNERSHIP OF AGRICULTURAL LAND IN THE UNITED
9 STATES.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, and once every 2
12 years thereafter, the Secretary shall submit to Con-
13 gress a report describing—

14 (A) the risks and benefits, as determined
15 by the Secretary, that are associated with for-
16 eign ownership or lease of agricultural land in
17 rural areas (as defined in section 520 of the
18 Housing Act of 1949 (42 U.S.C. 1490));

19 (B) the intended and unintended misrepre-
20 sentation of foreign land ownership in the an-
21 nual reports prepared by the Secretary describ-
22 ing foreign holdings of agricultural land due to
23 inaccurate reporting of foreign holdings of agri-
24 cultural land;

1 (C) the specific work that the Secretary
2 has undertaken to monitor erroneous reporting
3 required by the Agricultural Foreign Invest-
4 ment Disclosure Act of 1978 (7 U.S.C. 3501 et
5 seq.) that would result in a violation or civil
6 penalty; and

7 (D) the role of State and local government
8 authorities in tracking foreign ownership of ag-
9 ricultural land in the United States.

10 (2) PROTECTION OF INFORMATION.—In car-
11 rying out paragraph (1), the Secretary shall estab-
12 lish a plan to ensure the protection of personally
13 identifiable information.

14 (b) REPORT FROM THE DIRECTOR OF NATIONAL IN-
15 TELLIGENCE ON FOREIGN OWNERSHIP OF AGRICUL-
16 TURAL LAND IN THE UNITED STATES.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this Act, and once every 2
19 years thereafter, the Director of National Intel-
20 ligence shall submit to the congressional recipients
21 described in paragraph (2) a report describing—

22 (A) an analysis of foreign malign influence
23 (as defined in section 119C(e) of the National
24 Security Act of 1947 (50 U.S.C. 3059(e))) by

1 covered persons that have foreign ownership in
2 the United States agriculture industry; and

3 (B) the primary motives, as determined by
4 the Director of National Intelligence, of foreign
5 investors to acquire agricultural land.

6 (2) CONGRESSIONAL RECIPIENTS DESCRIBED.—

7 The report under paragraph (1) shall be submitted
8 to—

9 (A) the Committee on Banking, Housing,
10 and Urban Affairs of the Senate;

11 (B) the Committee on Agriculture, Nutri-
12 tion, and Forestry of the Senate;

13 (C) the Select Committee on Intelligence of
14 the Senate;

15 (D) the Committee on Foreign Relations of
16 the Senate;

17 (E) the Committee on Financial Services
18 of the House of Representatives;

19 (F) the Committee on Agriculture of the
20 House of Representatives;

21 (G) the Permanent Select Committee on
22 Intelligence of the House of Representatives;

23 (H) the Committee on Foreign Affairs of
24 the House of Representatives;

25 (I) the majority leader of the Senate;

1 (J) the minority leader of the Senate;

2 (K) the Speaker of the House of Rep-
3 resentatives; and

4 (L) the minority leader of the House of
5 Representatives.

6 (3) CLASSIFICATION.—The report under para-
7 graph (1) shall be submitted in an unclassified form,
8 but may include a classified annex.

9 (c) GOVERNMENT ACCOUNTABILITY OFFICE RE-
10 PORT.—Not later than 1 year after the date of enactment
11 of this Act, the Comptroller General of the United States
12 shall submit to Congress a report describing—

13 (1) a review of resources, staffing, and expertise
14 for carrying out the Agricultural Foreign Investment
15 Disclosure Act of 1978 (7 U.S.C. 3501 et seq.), and
16 enforcement issues limiting the effectiveness of that
17 Act; and

18 (2) any recommended necessary changes to that
19 Act.

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