

**AMENDMENT TO H.R. 4368, AS REPORTED
OFFERED BY MR. STRONG OF ALABAMA**

At the end of the bill (before the short title) insert
the following:

1 **SEC. ____ . PROTECTING AMERICA’S AGRICULTURAL LAND**
2 **FROM FOREIGN HARM.**

3 (a) DEFINITIONS.—In this section:

4 (1) AGRICULTURAL LAND.—

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

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

14 (2) COVERED PERSON.—

15 (A) IN GENERAL.—The term “covered per-
16 son” has the meaning given the term “person
17 owned by, controlled by, or subject to the juris-
18 diction or direction of a foreign adversary” in
19 section 7.2 of title 15, Code of Federal Regula-

1 tions (as in effect on the date of enactment of
2 this Act), except that each reference to “foreign
3 adversary” in that definition shall be deemed to
4 be a reference to the government of—

- 5 (i) Iran;
6 (ii) North Korea;
7 (iii) the People’s Republic of China; or
8 (iv) the Russian Federation.

9 (B) EXCLUSIONS.—The term “covered per-
10 son” does not include a United States citizen or
11 an alien lawfully admitted for permanent resi-
12 dence to the United States.

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

15 (4) UNITED STATES.—The term “United
16 States” includes any State, territory, or possession
17 of the United States.

18 (b) PROHIBITION ON PURCHASE OR LEASE OF AGRI-
19 CULTURAL LAND IN THE UNITED STATES BY PERSONS
20 ASSOCIATED WITH CERTAIN FOREIGN GOVERNMENTS.—

21 (1) IN GENERAL.—Notwithstanding any other
22 provision of law, the President shall take such ac-
23 tions as may be necessary to prohibit the purchase
24 or lease by covered persons of—

1 (A) public agricultural land that is owned
2 by the United States and administered by the
3 head of any Federal department or agency, in-
4 cluding the Secretary, the Secretary of the Inte-
5 rior, and the Secretary of Defense; or

6 (B) private agricultural land located in the
7 United States.

8 (2) IMPLEMENTATION.—The President may ex-
9 ercise all authorities provided under sections 203
10 and 205 of the International Emergency Economic
11 Powers Act (50 U.S.C. 1702 and 1704) to carry out
12 paragraph (1).

13 (3) PENALTIES.—A person that knowingly vio-
14 lates, attempts to violate, conspires to violate, or
15 causes a violation of paragraph (1) or any regula-
16 tion, license, or order issued to carry out that para-
17 graph shall be subject to the penalties set forth in
18 subsections (b) and (c) of section 206 of the Inter-
19 national Emergency Economic Powers Act (50
20 U.S.C. 1705) to the same extent as a person that
21 commits an unlawful act described in subsection (a)
22 of that section.

23 (4) RULE OF CONSTRUCTION.—Nothing in this
24 subsection may be construed—

1 (A) to prohibit or otherwise affect the pur-
2 chase or lease of public or private agricultural
3 land described in paragraph (1) by any person
4 other than a covered person;

5 (B) to prohibit or otherwise affect the use
6 of public or private agricultural land described
7 in paragraph (1) that is transferred to or ac-
8 quired by a person other than a covered person
9 from a covered person; or

10 (C) to require a covered person that owns
11 or leases public or private agricultural land de-
12 scribed in paragraph (1) as of the date of en-
13 actment of this Act to sell that land.

14 (c) PROHIBITION ON PARTICIPATION IN DEPART-
15 MENT OF AGRICULTURE PROGRAMS BY PERSONS ASSOCI-
16 ATED WITH CERTAIN FOREIGN GOVERNMENTS.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), notwithstanding any other provision of
19 the law, the President shall take such actions as
20 may be necessary to prohibit participation in De-
21 partment of Agriculture programs by covered per-
22 sons that have full or partial ownership of agricul-
23 tural land in the United States or lease agricultural
24 land in the United States.

1 (2) EXCLUSIONS.—Paragraph (1) shall not
2 apply to participation in any program—

3 (A) relating to—

4 (i) food inspection or any other food
5 safety regulatory requirements; or

6 (ii) health and labor safety of individ-
7 uals; or

8 (B) administered by the Farm Service
9 Agency, with respect to the administration of
10 this Act or the Agricultural Foreign Investment
11 Disclosure Act of 1978 (7 U.S.C. 3501 et seq.).

12 (3) PROOF OF CITIZENSHIP.—To participate in
13 a Department of Agriculture program described in
14 subsection (b) (except for a program under this Act
15 or the Agricultural Foreign Investment Disclosure
16 Act of 1978 (7 U.S.C. 3501 et seq.)), a person de-
17 scribed in subparagraph (A) of subsection (a)(2)
18 that is a person described in subparagraph (B) of
19 that subsection shall submit to the Secretary proof
20 that the person is described in subparagraph (B) of
21 that subsection.

22 (d) AGRICULTURAL FOREIGN INVESTMENT DISCLO-
23 SURE.—

24 (1) INCLUSION OF SECURITY INTERESTS AND
25 LEASES IN REPORTING REQUIREMENTS.—

1 (A) IN GENERAL.—Section 9 of the Agri-
2 cultural Foreign Investment Disclosure Act of
3 1978 (7 U.S.C. 3508) is amended—

4 (i) by redesignating paragraphs (4)
5 through (6) as paragraphs (5) through (7),
6 respectively; and

7 (ii) by inserting after paragraph (3)
8 the following:

9 “(4) the term ‘interest’ includes—

10 “(A) a security interest; and

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

13 (B) CONFORMING AMENDMENT.—Section
14 2 of the Agricultural Foreign Investment Dis-
15 closure Act of 1978 (7 U.S.C. 3501) is amend-
16 ed by striking “, other than a security inter-
17 est,” each place it appears.

18 (2) CIVIL PENALTY.—Section 3 of the Agricul-
19 tural Foreign Investment Disclosure Act of 1978 (7
20 U.S.C. 3502) is amended—

21 (A) in subsection (b), by striking “exceed
22 25 percent” and inserting “be less than 15 per-
23 cent, or exceed 30 percent,”; and

24 (B) by adding at the end the following:

1 “(c) LIENS.—On imposing a penalty under sub-
2 section (a), the Secretary shall ensure that a lien is placed
3 on the agricultural land with respect to which the violation
4 occurred, which shall be released only on payment of the
5 penalty.”.

6 (3) TRANSPARENCY.—

7 (A) IN GENERAL.—Section 7 of the Agri-
8 cultural Foreign Investment Disclosure Act of
9 1978 (7 U.S.C. 3506) is amended to read as
10 follows:

11 **“SEC. 7. PUBLIC DATA SETS.**

12 “(a) IN GENERAL.—Not later than 2 years after the
13 date of enactment of the Consolidated Appropriations Act,
14 2023 (Public Law 117–328), the Secretary shall publish
15 in the internet database established under section 773 of
16 division A of that Act human-readable and machine-read-
17 able data sets that—

18 “(1) contain all data that the Secretary pos-
19 sesses relating to reporting under this Act from each
20 report submitted to the Secretary under section 2;
21 and

22 “(2) as soon as practicable, but not later than
23 30 days, after the date of receipt of any report
24 under section 2, shall be updated with the data from
25 that report.

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

3 “(1) a description of—

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

8 “(B) updated estimated values of each in-
9 terest in agricultural land described in subpara-
10 graph (A), as that information is made avail-
11 able to the Secretary, based on the most re-
12 cently assessed value of the agricultural land or
13 another comparable method determined by the
14 Secretary; and

15 “(2) with respect to any agricultural land for
16 which a report is submitted under section 2, updated
17 descriptions of each foreign person who holds an in-
18 terest in at least 1 percent of the agricultural land,
19 as that information is made available to the Sec-
20 retary, categorized as a majority owner or a minor-
21 ity owner that holds an interest in the agricultural
22 land.”.

23 (B) DEADLINE FOR DATABASE ESTABLISH-
24 MENT.—Section 773 of division A of the Con-
25 solidated Appropriations Act, 2023 (Public Law

1 117–328), is amended, in the first proviso, by
2 striking “3 years” and inserting “2 years”.

3 (4) DEFINITION OF FOREIGN PERSON.—Section
4 9(3) of the Agricultural Foreign Investment Disclo-
5 sure Act of 1978 (7 U.S.C. 3508(3)) is amended—

6 (A) in subparagraph (C)(ii)(IV), by strik-
7 ing “and” at the end;

8 (B) in subparagraph (D), by inserting
9 “and” after the semicolon; and

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

11 “(E) any person, other than an individual
12 or a government, that issues equity securities
13 that are primarily traded on a foreign securities
14 exchange within—

15 “(i) Iran;

16 “(ii) North Korea;

17 “(iii) the People’s Republic of China;

18 or

19 “(iv) the Russian Federation;”.

20 (e) REPORTS.—

21 (1) REPORT FROM THE SECRETARY ON FOR-
22 EIGN OWNERSHIP OF AGRICULTURAL LAND IN THE
23 UNITED STATES.—

24 (A) IN GENERAL.—Not later than 1 year
25 after the date of enactment of this Act, and

1 once every 2 years thereafter, the Secretary
2 shall submit to Congress a report describing—

3 (i) the risks and benefits, as deter-
4 mined by the Secretary, that are associated
5 with foreign ownership or lease of agricul-
6 tural land in rural areas (as defined in sec-
7 tion 520 of the Housing Act of 1949 (42
8 U.S.C. 1490));

9 (ii) the intended and unintended mis-
10 representation of foreign land ownership in
11 the annual reports prepared by the Sec-
12 retary describing foreign holdings of agri-
13 cultural land due to inaccurate reporting of
14 foreign holdings of agricultural land;

15 (iii) the specific work that the Sec-
16 retary has undertaken to monitor erro-
17 neous reporting required by the Agricul-
18 tural Foreign Investment Disclosure Act of
19 1978 (7 U.S.C. 3501 et seq.) that would
20 result in a violation or civil penalty; and

21 (iv) the role of State and local govern-
22 ment authorities in tracking foreign owner-
23 ship of agricultural land in the United
24 States.

1 (B) PROTECTION OF INFORMATION.—In
2 carrying out subparagraph (A), the Secretary
3 shall establish a plan to ensure the protection
4 of personally identifiable information.

5 (2) REPORT FROM THE DIRECTOR OF NA-
6 TIONAL INTELLIGENCE ON FOREIGN OWNERSHIP OF
7 AGRICULTURAL LAND IN THE UNITED STATES.—

8 (A) IN GENERAL.—Not later than 1 year
9 after the date of enactment of this Act, and
10 once every 2 years thereafter, the Director of
11 National Intelligence shall submit to the con-
12 gressional recipients described in subparagraph
13 (B) a report describing—

14 (i) an analysis of foreign malign influ-
15 ence (as defined in section 119C(e) of the
16 National Security Act of 1947 (50 U.S.C.
17 3059(e))) by covered persons that have
18 foreign ownership in the United States ag-
19 riculture industry; and

20 (ii) the primary motives, as deter-
21 mined by the Director of National Intel-
22 ligence, of foreign investors to acquire ag-
23 ricultural land.

- 1 (B) CONGRESSIONAL RECIPIENTS DE-
2 SCRIBED.—The report under subparagraph (A)
3 shall be submitted to—
- 4 (i) the Committee on Banking, Hous-
5 ing, and Urban Affairs of the Senate;
- 6 (ii) the Committee on Agriculture,
7 Nutrition, and Forestry of the Senate;
- 8 (iii) the Select Committee on Intel-
9 ligence of the Senate;
- 10 (iv) the Committee on Foreign Rela-
11 tions of the Senate;
- 12 (v) the Committee on Financial Serv-
13 ices of the House of Representatives;
- 14 (vi) the Committee on Agriculture of
15 the House of Representatives;
- 16 (vii) the Permanent Select Committee
17 on Intelligence of the House of Represent-
18 atives;
- 19 (viii) the Committee on Foreign Af-
20 fairs of the House of Representatives;
- 21 (ix) the majority leader of the Senate;
- 22 (x) the minority leader of the Senate;
- 23 (xi) the Speaker of the House of Rep-
24 resentatives; and

1 (xii) the minority leader of the House
2 of Representatives.

3 (C) CLASSIFICATION.—The report under
4 subparagraph (A) shall be submitted in an un-
5 classified form, but may include a classified
6 annex.

7 (3) GOVERNMENT ACCOUNTABILITY OFFICE RE-
8 PORT.—Not later than 1 year after the date of en-
9 actment of this Act, the Comptroller General of the
10 United States shall submit to Congress a report de-
11 scribing—

12 (A) a review of resources, staffing, and ex-
13 pertise for carrying out the Agricultural For-
14 eign Investment Disclosure Act of 1978 (7
15 U.S.C. 3501 et seq.), and enforcement issues
16 limiting the effectiveness of that Act; and

17 (B) any recommended necessary changes
18 to that Act.

