

116TH CONGRESS
2D SESSION

H. R. 8522

To amend the Agricultural Foreign Investment Disclosure Act of 1978 to increase oversight and enforcement with respect to foreign investment in agricultural lands within the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2020

Mr. POCAN (for himself and Mr. SAN NICOLAS) introduced the following bill;
which was referred to the Committee on Agriculture

A BILL

To amend the Agricultural Foreign Investment Disclosure Act of 1978 to increase oversight and enforcement with respect to foreign investment in agricultural lands within the United States, 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 “Agricultural Foreign
5 Investment Disclosure Reform Act”.

6 **SEC. 2. ANNUAL REPORTS TO THE SECRETARY.**

7 Section 2(b) of the Agricultural Foreign Investment
8 Disclosure Act of 1978 (7 U.S.C. 3501(b)) is amended,

1 in the matter preceding paragraph (1), by striking “agri-
2 cultural land” and all that follows through “effective
3 date.” and inserting the following: “agricultural land on
4 the day before the date of the enactment of the Agricul-
5 tural Foreign Investment Disclosure Reform Act shall, be-
6 ginning 180 days after such date of enactment, and annu-
7 ally thereafter, submit to the Secretary a report.”.

8 **SEC. 3. REPORTS TO CONGRESS.**

9 The Agricultural Foreign Investment Disclosure Act
10 of 1978 is amended by inserting after section 4 (7 U.S.C.
11 3503) the following:

12 **“SEC. 5. REPORTS TO CONGRESS.**

13 “(a) Beginning 180 days after the date of the enact-
14 ment of the Agricultural Foreign Investment Disclosure
15 Reform Act, and annually thereafter, the Secretary shall,
16 using information obtained under section 2, submit to the
17 Congress a report on foreign investment in agricultural
18 land in the United States.

19 “(b) Beginning 90 days after the date of the enact-
20 ment of the Agricultural Foreign Investment Disclosure
21 Reform Act, the Secretary shall, using information ob-
22 tained under section 2, publish on the internet website of
23 the Department of Agriculture, and update every 90 days
24 thereafter, a database listing the agricultural lands owned
25 by foreign persons. Such listing shall be limited to the in-

1 formation described in paragraphs (1), (3), (4), (5), and
2 (7) of section 2(b).

3 “(c)(1) Not later than 90 days after the end of each
4 covered period, the Secretary shall—

5 “(A) analyze information obtained by the
6 Secretary under section 2 and determine the ef-
7 fects of foreign persons acquiring, transferring,
8 and holding agricultural land, particularly the
9 effects of such acquisitions, transfers, and hold-
10 ings on family farms and rural communities;
11 and

12 “(B) transmit to the President and each
13 House of the Congress a report on the Sec-
14 retary’s findings and conclusions regarding—

15 “(i) each analysis and determination
16 made under paragraph (1); and

17 “(ii) the effectiveness and efficiency of
18 the reporting requirements contained in
19 section 2 in providing the information re-
20 quired to be reported by such section.

21 “(2) In this subsection, the term ‘covered period’
22 means each of the following periods:

23 “(A) The 10-year period beginning on the date
24 of the enactment of Agricultural Foreign Investment
25 Disclosure Reform Act.

1 “(B) Each 10-year period thereafter.”.

2 **SEC. 4. CIVIL PENALTY FOR FAILURE TO REPORT OR MIS-**
3 **REPORTING.**

4 Section 3(b) of the Agricultural Foreign Investment
5 Disclosure Act of 1978 (7 U.S.C. 3502(b)) is amended
6 by striking “, except that such amount shall not exceed
7 25 percent of the fair market value, on the date of the
8 assessment of such penalty, of the interest in agricultural
9 land with respect to which such violation occurred”.

10 **SEC. 5. CLARIFICATION OF FOREIGN PERSON DEFINITION.**

11 (a) **IN GENERAL.**—Section 9(3)(C)(ii) of the Agricul-
12 tural Foreign Investment Disclosure Act of 1978 (7
13 U.S.C. 3508(3)(C)(ii)) is amended, in the matter pre-
14 ceding subclause (I), by striking “a significant interest or
15 substantial control” and inserting “not less than 25-per-
16 cent interest or not less than 25-percent control”.

17 (b) **EFFECTIVE DATE.**—The amendment made by
18 subsection (a) shall apply beginning with the first report
19 submitted under section 2 of the Agricultural Foreign In-
20 vestment Disclosure Act of 1978 (7 U.S.C. 3501) after
21 the date of the enactment of this Act.

○