

118TH CONGRESS
1ST SESSION

S. 2060

To amend the Agricultural Foreign Investment Disclosure Act of 1978 to strengthen oversight over foreign investment in the United States agricultural industry, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2023

Ms. ERNST (for herself and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Agricultural Foreign Investment Disclosure Act of 1978 to strengthen oversight over foreign investment in the United States agricultural industry, 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 Agricultural
5 Restrictions to Maintain Local Agriculture and National
6 Defense Act of 2023” or the “FARMLAND Act of 2023”.

7 **SEC. 2. AGRICULTURAL FOREIGN INVESTMENT.**

8 (a) FINDINGS.—Congress finds that—

1 (1) agriculture is vital for the national security
2 and economic prosperity of the United States and is
3 a key element of United States national power;

4 (2) agriculture of the United States feeds the
5 people of the United States and the world, and has
6 been a key contributor to advancements in tech-
7 nology and medicine;

8 (3) strategic competitors of the United States
9 have hegemonic goals to dominate the global agri-
10 culture industry and undermine the United States
11 agriculture sector through intellectual property theft
12 of seeds and other patented agriculture-related tech-
13 nologies;

14 (4) China in particular has increased agricul-
15 tural investments tenfold over the past decade and
16 continues to make investments in United States ag-
17 riculture, agribusiness, and animal processing indus-
18 tries, including by acquiring ownership of farmland
19 in the United States;

20 (5) the United States must prevent agricultural
21 espionage and theft of intellectual property con-
22 ducted by China and other foreign entities of con-
23 cern (as defined in section 9 of the Agricultural For-
24 eign Investment Disclosure Act of 1978 (7 U.S.C.
25 3508));

1 (6) agricultural intellectual property theft may
2 enable global competitors to undercut United States
3 producers in international seed markets;

4 (7) the Federal Government does not fully exer-
5 cise its authorized oversight over investment trans-
6 actions within the agricultural industry, causing—

7 (A) United States farmland to be under
8 foreign acquisition; and

9 (B) the influence of foreign adversaries on
10 agriculture in the United States to be an un-
11 known risk factor; and

12 (8) the Federal Government must enforce and
13 modernize existing laws to monitor and prevent ma-
14 align actions of foreign entities of concern (as defined
15 in section 9 of the Agricultural Foreign Investment
16 Disclosure Act of 1978 (7 U.S.C. 3508)) on the
17 farms and land of the United States.

18 (b) CIVIL PENALTIES.—Section 3 of the Agricultural
19 Foreign Investment Disclosure Act of 1978 (7 U.S.C.
20 3502) is amended—

21 (1) by redesignating subsection (b) as sub-
22 section (d);

23 (2) in subsection (a), in the matter preceding
24 paragraph (1), by striking “(a) If the” and all that

1 follows through “Any such civil penalty” in the third
 2 sentence and inserting the following:

3 “(a) IN GENERAL.—A person shall be subject to a
 4 civil penalty imposed by the Secretary if the Secretary de-
 5 termines that the person—

6 “(1) has failed to submit a report in accordance
 7 with the provisions of section 2; or

8 “(2) has knowingly submitted a report under
 9 section 2 that—

10 “(A) does not contain all the information
 11 required to be in such report; or

12 “(B) contains information that is mis-
 13 leading or false.

14 “(b) AVAILABILITY OF FUNDS FROM CIVIL PEN-
 15 ALTIES.—A civil penalty collected under subsection (a)
 16 shall be available to the Secretary without appropriation
 17 and remain available until expended for the purpose of en-
 18 forcing this Act.

19 “(c) CIVIL ACTION.—Any civil penalty imposed by
 20 the Secretary under subsection (a)”; and

21 (3) in subsection (d) (as so redesignated)—

22 (A) by striking the subsection designation
 23 and all that follows through “The amount” and
 24 inserting the following:

25 “(d) AMOUNT OF PENALTY.—The amount”;

1 (B) by striking “of this section”; and

2 (C) by striking “shall not exceed 25 per-
3 cent” and inserting “shall be not less than 5
4 percent, but not more than 25 percent.”.

5 (c) PUBLIC DISCLOSURE OF NONCOMPLIANT PER-
6 SONS.—Section 3 of the Agricultural Foreign Investment
7 Disclosure Act of 1978 (7 U.S.C. 3502) (as amended by
8 subsection (b)) is amended by adding at the end the fol-
9 lowing:

10 “(e) PUBLIC DISCLOSURE OF NONCOMPLIANT PER-
11 SONS.—The Secretary shall publicly disclose the name of
12 each person who paid to the Secretary a civil penalty im-
13 posed under subsection (a), including, if applicable, after
14 the completion of an appeal of a civil penalty.”.

15 (d) PUBLICATION OF REPORTING REQUIREMENTS.—
16 Section 3 of the Agricultural Foreign Investment Disclo-
17 sure Act of 1978 (7 U.S.C. 3502) (as amended by sub-
18 section (c)) is amended by adding at the end the following:

19 “(f) OUTREACH.—Using existing resources and ef-
20 forts to the maximum extent practicable, the Secretary
21 shall carry out a nationwide outreach program directed
22 primarily towards landlords, owners, operators, persons,
23 producers, and tenants (as those terms are defined in sec-
24 tion 718.2 of title 7, Code of Federal Regulations (as in
25 effect on the date of enactment of the Foreign Agricul-

1 tural Restrictions to Maintain Local Agriculture and Na-
2 tional Defense Act of 2023)) of agricultural land and
3 county property appraiser offices, land appraisal compa-
4 nies, and real estate auction companies to increase public
5 awareness and provide education regarding the reporting
6 requirements under this section.”.

7 (e) DUE DILIGENCE REQUIREMENTS.—The Agricul-
8 tural Foreign Investment Disclosure Act of 1978 is
9 amended by inserting after section 4 (7 U.S.C. 3503) the
10 following:

11 **“SEC. 5. DUE DILIGENCE REQUIREMENTS.**

12 “Any entity (including a buyer, seller, real estate
13 agent, broker, and title company) involved in the purchase
14 or transfer of agricultural land in the United States
15 shall—

16 “(1) conduct due diligence relating to the agri-
17 culture land being purchased or transferred; and

18 “(2) certify to the Secretary that, to the best of
19 the knowledge and belief of the entity, the entity is
20 in compliance with all applicable provisions of this
21 Act.”.

1 **SEC. 3. REPORT ON AGRICULTURAL LAND PURCHASING**
2 **ACTIVITIES IN THE UNITED STATES BY COUN-**
3 **TRIES DESIGNATED AS STATE SPONSORS OF**
4 **TERRORISM AND CERTAIN OTHER COUN-**
5 **TRIES.**

6 (a) DEFINITIONS.—In this section:

7 (1) AGRICULTURAL LAND.—The term “agricul-
8 tural land” has the meaning given the term in sec-
9 tion 9 of the Agricultural Foreign Investment Dis-
10 closure Act of 1978 (7 U.S.C. 3508).

11 (2) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Agriculture, Nutri-
15 tion, and Forestry of the Senate;

16 (B) the Committee on Homeland Security
17 and Governmental Affairs of the Senate;

18 (C) the Committee on Intelligence of the
19 Senate;

20 (D) the Committee on Homeland Security
21 of the House of Representatives;

22 (E) the Committee on Agriculture of the
23 House of Representatives; and

24 (F) the Permanent Select Committee on
25 Intelligence of the House of Representatives.

1 (3) COVERED FOREIGN COUNTRY.—The term
2 “covered foreign country” means—

- 3 (A) the People’s Republic of China;
4 (B) the Russian Federation;
5 (C) a state sponsor of terrorism; and
6 (D) any other country identified by the
7 Secretary of Homeland Security or the Sec-
8 retary of Agriculture.

9 (4) COVERED FOREIGN PERSON.—The term
10 “covered foreign person” means a foreign person (as
11 defined in section 9 of the Agricultural Foreign In-
12 vestment Disclosure Act of 1978 (7 U.S.C. 3508))
13 that is a citizen of, or headquartered in, as applica-
14 ble, a covered foreign country.

15 (5) STATE.—The term “State” has the mean-
16 ing given the term in section 9 of the Agricultural
17 Foreign Investment Disclosure Act of 1978 (7
18 U.S.C. 3508).

19 (6) STATE SPONSOR OF TERRORISM.—The term
20 “state sponsor of terrorism” means a country the
21 government of which the Secretary of State has de-
22 termined has repeatedly provided support for acts of
23 international terrorism, for purposes of—

1 (A) section 1754(c)(1)(A)(i) of the Export
2 Control Reform Act of 2018 (50 U.S.C.
3 4813(c)(1)(A)(i));

4 (B) section 620A of the Foreign Assistance
5 Act of 1961 (22 U.S.C. 2371);

6 (C) section 40(d) of the Arms Export Con-
7 trol Act (22 U.S.C. 2780(d)); or

8 (D) any other provision of law.

9 (b) REPORT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of enactment of this Act, and annually
12 thereafter, the Secretary of Agriculture, with sup-
13 port from the Secretary of Homeland Security and
14 the head of any other appropriate Federal agency,
15 shall submit to the appropriate committees of Con-
16 gress a report describing the national security risks
17 of the purchase and management of agricultural
18 land by covered foreign persons.

19 (2) CONTENTS.—A report submitted under
20 paragraph (1) shall include the following with re-
21 spect to the year covered by the report:

22 (A) A description of—

23 (i) the number of acres of agricultural
24 land owned or managed by covered foreign
25 persons, organized by State; and

1 (ii) for each State, the percentage of
2 land owned or managed by covered foreign
3 persons compared to the total acreage of
4 the State.

5 (B) An analysis of the possible threat to
6 food security, food safety, biosecurity, or envi-
7 ronmental protection due to the ownership of
8 agricultural land by each covered foreign coun-
9 try through covered foreign persons.

10 (C) An analysis of the annual and total
11 cost of support for agricultural land owned by
12 covered foreign persons through farm programs
13 administered by the Farm Service Agency.

14 (D) An analysis of the use of agricultural
15 land for industrial espionage or intellectual
16 property transfer by covered foreign persons.

17 (E) An analysis of the potential use by
18 covered foreign persons of agricultural land in
19 close proximity to manufacturing facilities,
20 water sources, and other critical infrastructure
21 to monitor, interrupt, or disrupt activities crit-
22 ical to the national and economic security of the
23 United States.

24 (F) An analysis of other threats to the ag-
25 ricultural industry or national security of the

1 United States due to the ownership of agricul-
2 tural land by covered foreign persons.

3 (3) UNCLASSIFIED FORM.—A report submitted
4 under this subsection shall—

5 (A) be submitted in unclassified form, but
6 may include a classified annex; and

7 (B) be consistent with the protection of in-
8 telligence sources and methods.

9 **SEC. 4. INVESTIGATIVE ACTIONS.**

10 (a) INVESTIGATIVE ACTIONS.—Section 4 of the Agri-
11 cultural Foreign Investment Disclosure Act of 1978 (7
12 U.S.C. 3503) is amended to read as follows:

13 **“SEC. 4. INVESTIGATIVE ACTIONS.**

14 “(a) IN GENERAL.—The Secretary shall appoint an
15 employee in the Senior Executive Service (as described in
16 section 3131 of title 5, United States Code) of the Depart-
17 ment of Agriculture to serve as Chief of Operations of In-
18 vestigative Actions (referred to in this section as the ‘Chief
19 of Operations’), who shall hire, appoint, and maintain ad-
20 ditional employees to monitor compliance with the provi-
21 sions of this Act.

22 “(b) CHIEF OF OPERATIONS.—The Chief of Oper-
23 ations may serve in such position simultaneously with a
24 concurrent position within the Department of Agriculture.

25 “(c) SECURITY.—The Secretary shall—

1 “(1) provide classified storage, meeting, and
2 other spaces, as necessary, for personnel; and

3 “(2) assist personnel in obtaining security clear-
4 ances.

5 “(d) DUTIES.—The Chief of Operations shall—

6 “(1) monitor compliance with this Act;

7 “(2) refer noncompliance with this Act to the
8 Secretary, the Farm Service Agency, and any other
9 appropriate authority;

10 “(3) conduct investigations, in coordination
11 with the Department of Justice, the Federal Bureau
12 of Investigation, the Department of Homeland Secu-
13 rity, the Department of the Treasury, the National
14 Security Council, and State and local law enforce-
15 ment agencies, on malign efforts—

16 “(A) to steal agricultural knowledge and
17 technology; and

18 “(B) to disrupt the United States agricul-
19 tural base;

20 “(4) conduct an annual audit of the database
21 developed under section 6(b) of the Foreign Agricul-
22 tural Restrictions to Maintain Local Agriculture and
23 National Defense Act of 2023;

1 “(5) seek to enter into memoranda of agree-
2 ment and memoranda of understanding with the
3 Federal agencies described in paragraph (3)—

4 “(A) to ensure compliance with this Act;
5 and

6 “(B) to prevent the malign efforts de-
7 scribed in that paragraph;

8 “(6) refer to the Committee on Foreign Invest-
9 ment in the United States transactions that—

10 “(A) raise potential national security con-
11 cerns; and

12 “(B) result in agricultural land acquisition
13 by a foreign person that is a citizen of, or
14 headquartered in, as applicable, a foreign entity
15 of concern; and

16 “(7) publish annual reports that summarize the
17 information contained in every report received by the
18 Secretary under section 2 during the period covered
19 by the report.

20 “(e) ADMINISTRATION.—The Chief of Operations
21 shall report to—

22 “(1) the Secretary; or

23 “(2) if delegated by the Secretary, to—

24 “(A) the Administrator of the Farm Serv-
25 ice Agency; or

1 “(B) the Director of the Department of
2 Agriculture Office of Homeland Security.”.

3 (b) DEFINITION OF FOREIGN ENTITY OF CON-
4 CERN.—Section 9 of the Agricultural Foreign Investment
5 Disclosure Act of 1978 (7 U.S.C. 3508) is amended—

6 (1) in the matter preceding paragraph (1), by
7 striking “For purposes of this Act—” and inserting
8 “‘In this Act:’”;

9 (2) in each of paragraphs (1) through (6)—

10 (A) by striking “the term” and inserting
11 “‘The term’”; and

12 (B) by inserting a paragraph heading, the
13 text of which comprises the term defined in that
14 paragraph;

15 (3) by redesignating paragraphs (2) through
16 (6) as paragraphs (3), (4), (6), (7), and (8), respec-
17 tively;

18 (4) by inserting after paragraph (1) the fol-
19 lowing:

20 “(2) FOREIGN ENTITY OF CONCERN.—The
21 term ‘foreign entity of concern’ has the meaning
22 given the term in section 9901 of the William M.
23 (Mac) Thornberry National Defense Authorization
24 Act for Fiscal Year 2021 (15 U.S.C. 4651).”;

1 (5) by inserting after paragraph (4) (as so re-
2 designated) the following:

3 “(5) **MALIGN EFFORT.**—The term ‘malign ef-
4 fort’ means any hostile effort undertaken by, at the
5 direction of, on behalf of, or with the substantial
6 support of the government of a foreign entity of con-
7 cern.”.

8 (c) **REPORTS.**—The Agricultural Foreign Investment
9 Disclosure Act of 1978 (7 U.S.C. 3501 et seq.) is amended
10 by adding at the end the following:

11 **“SEC. 11. REPORTS.**

12 “(a) **INITIAL REPORT.**—Not later than 180 days
13 after the date of enactment of this section, the Secretary
14 shall submit to Congress a report that describes the
15 progress of the Secretary in implementing the amend-
16 ments made by the Foreign Agricultural Restrictions to
17 Maintain Local Agriculture and National Defense Act of
18 2023.

19 “(b) **REPORT ON TRACKING COVERED TRANS-**
20 **ACTIONS.**—Not later than 180 days after the date of en-
21 actment of this section, the Secretary shall submit to Con-
22 gress a report on the feasibility of—

23 “(1) establishing a mechanism for quantifying
24 the threats posed by foreign entities of concern to

1 United States food security, biosecurity, food safety,
2 environmental protection, and national defense; and

3 “(2) building, and submitting to the Committee
4 on Foreign Investment in the United States for fur-
5 ther review, a rigorous discovery and review process
6 to review transactions described in section
7 721(a)(4)(B)(vi) of the Defense Production Act of
8 1950 (50 U.S.C. 4565(a)(4)(B)(vi)).

9 “(c) YEARLY REPORT.—Not later than 1 year after
10 the date of enactment of this section, and annually there-
11 after for the following 10 years, the Secretary shall submit
12 to Congress a report on the activities of the Secretary pur-
13 suant to this Act during the year covered by the report.”.

14 **SEC. 5. AUTHORITY OF COMMITTEE ON FOREIGN INVEST-**
15 **MENT IN THE UNITED STATES TO REVIEW**
16 **CERTAIN REAL ESTATE PURCHASES BY FOR-**
17 **EIGN ENTITIES OF CONCERN.**

18 (a) IN GENERAL.—Section 721(a)(4) of the Defense
19 Production Act of 1950 (50 U.S.C. 4565(a)(4)) is amend-
20 ed—

21 (1) in subparagraph (A)—

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

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

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

2 “(iii) any transaction described in
3 subparagraph (B)(vi) proposed or pending
4 on or after the date of enactment of this
5 clause.”; and

6 (2) in subparagraph (B), by adding at the end
7 the following:

8 “(vi) Subject to subparagraph (C), the
9 purchase or lease by, or a concession to, a
10 foreign entity of concern of private or pub-
11 lic real estate in the United States if—

12 “(I)(aa) the value of the pur-
13 chase, lease, or concession—

14 “(AA) exceeds \$5,000,000;

15 or

16 “(BB) in combination with
17 the value of other such purchases
18 or leases by, or concessions to,
19 the same entity during the pre-
20 ceeding 3 years, exceeds
21 \$5,000,000; or

22 “(bb) the real estate—

23 “(AA) exceeds 320 acres; or

24 “(BB) in combination with
25 other private or public real estate

1 in the United States purchased
2 or leased by, or for which a con-
3 cession is provided to, the same
4 entity during the preceding 3
5 years, exceeds 320 acres; and

6 “(II) the real estate is primarily
7 used for—

8 “(aa) agriculture, including
9 raising of livestock and forestry;

10 “(bb) extraction of fossil
11 fuels, natural gas, purchases or
12 leases of renewable energy
13 sources; or

14 “(cc) extraction of critical
15 precursor materials for biological
16 technology industries, informa-
17 tion technology components, or
18 national defense technologies.”.

19 (b) FOREIGN ENTITIES OF CONCERN.—Section
20 721(a) of the Defense Production Act of 1950 (50 U.S.C.
21 4565(a)) is amended—

22 (1) by redesignating paragraphs (7) through
23 (13) as paragraphs (8) through (14), respectively;
24 and

1 (2) by inserting after paragraph (6) the fol-
2 lowing:

3 “(7) FOREIGN ENTITY OF CONCERN.—The
4 term ‘foreign entity of concern’ has the meaning
5 given that term in section 9901 of the William M.
6 (Mac) Thornberry National Defense Authorization
7 Act for Fiscal Year 2021 (15 U.S.C. 4651).”.

8 (c) FACTORS TO BE CONSIDERED.—Section 721(f)
9 of the Defense Production Act of 1950 (50 U.S.C.
10 4565(f)) is amended—

11 (1) by redesignating paragraphs (8) through
12 (11) as paragraphs (9) through (12), respectively;
13 and

14 (2) by inserting after paragraph (7) the fol-
15 lowing:

16 “(8) the potential follow-on national security ef-
17 fects of the risks posed by the proposed or pending
18 transaction to United States food security, food safe-
19 ty, biosecurity, environmental protection, or national
20 defense;”.

21 (d) INCLUSION OF SECRETARY OF AGRICULTURE
22 AND THE COMMISSIONER OF FOOD AND DRUGS ON COM-
23 MITTEE ON FOREIGN INVESTMENT IN THE UNITED
24 STATES.—Section 721(k)(2) of the Defense Production
25 Act of 1950 (50 U.S.C. 4565(k)(2)) is amended—

1 (1) by redesignating subparagraphs (H), (I),
2 and (J) as subparagraphs (J), (K), and (L), respec-
3 tively; and

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

6 “(H) The Secretary of Agriculture.

7 “(I) The Commissioner of Food and
8 Drugs.”.

9 (e) ANNUAL REPORT.—Section 721(m) of the De-
10 fense Production Act of 1950 (50 U.S.C. 4565(m)) is
11 amended—

12 (1) by redesignating paragraph (4) as para-
13 graph (5); and

14 (2) by inserting after paragraph (3) the fol-
15 lowing:

16 “(4) LIST OF REAL ESTATE OWNED BY FOR-
17 EIGN ENTITIES OF CONCERN.—The President and
18 such agencies as the President shall designate shall
19 include in the annual report submitted under para-
20 graph (1) a list of all real estate in the United
21 States owned by a foreign entity of concern or a per-
22 son closely associated with such an entity.”.

23 (f) REPORT REQUIRED.—Not later than 180 days
24 after the date of enactment of this Act, the Secretary of
25 the Treasury, in coordination with Secretary of State and

1 the Secretary of Homeland Security, shall submit to Con-
2 gress a report that includes—

3 (1) an assessment of the feasibility of requiring
4 retroactive divestment of real estate owned by for-
5 eign entities of concern (as defined in section 721(a)
6 of the Defense Production Act of 1950, as amended
7 by this section); and

8 (2) a description of the process used by the
9 Committee on Foreign Investment in the United
10 States to review the national security implications of
11 any connections between—

12 (A) foreign investment in the United
13 States made by the Government of the People’s
14 Republic of China or entities controlled by or
15 acting on behalf of that Government; and

16 (B) the Chinese Communist Party.

17 (g) EFFECTIVE DATE.—The amendments made by
18 this section take effect on the date of the enactment of
19 this Act and apply with respect to any covered transaction
20 the review or investigation of which is initiated under sec-
21 tion 721 of the Defense Production Act of 1950 on or
22 after such date of enactment.

23 **SEC. 6. DIGITIZATION AND CONSOLIDATION OF FOREIGN**
24 **LAND OWNERSHIP DATA.**

25 (a) DEFINITIONS.—In this section:

1 (1) AGRICULTURAL LAND.—The term “agricul-
2 tural land” has the meaning given the term in sec-
3 tion 781.2 of title 7, Code of Federal Regulations
4 (as in effect on the date of enactment of this Act).

5 (2) APPROPRIATE COMMITTEES OF CON-
6 GRESS.—In this section, the term “appropriate com-
7 mittees of Congress” has the meaning given the
8 term in section 3(a).

9 (3) DATABASE.—The term “database” means
10 the database developed under subsection (b).

11 (4) FOREIGN PERSON.—The term “foreign per-
12 son” has the meaning given the term in section 9 of
13 the Agricultural Foreign Investment Disclosure Act
14 of 1978 (7 U.S.C. 3508).

15 (5) SECRETARIES.—The term “Secretaries”
16 means—

17 (A) the Secretary of Agriculture; and

18 (B) the Secretary of Homeland Security.

19 (b) DATABASE.—Subject to the availability of appro-
20 priations, not later than 3 years after the date of enact-
21 ment of this Act, the Secretaries, acting jointly, shall de-
22 velop a database of agricultural land owned by foreign per-
23 sons, using data that are—

24 (1) collected—

1 (A) pursuant to the Agricultural Foreign
2 Investment Disclosure Act of 1978 (7 U.S.C.
3 3501 et seq.); and

4 (B) from FSA–153 forms submitted to the
5 Farm Service Agency; and

6 (2) publicly available.

7 (c) CONTENTS.—Each entry in the database for each
8 registration or updated registration of agricultural land
9 owned by a foreign person shall include information in the
10 applicable FSA–153 form.

11 (d) AUDIT.—Not later than 180 days after the data-
12 base is made publicly available, and annually thereafter,
13 the Chief of Operations for Investigative Actions ap-
14 pointed under section 4 of the Agricultural Foreign Invest-
15 ment Disclosure Act of 1978 shall—

16 (1) conduct an audit of the database; and

17 (2) submit to the appropriate committees of
18 Congress a report—

19 (A) evaluating the accuracy of the data-
20 base; and

21 (B) describing recommendations for im-
22 proving compliance with the reporting required
23 under the Agricultural Foreign Investment Dis-
24 closure Act of 1978 (7 U.S.C. 3501 et seq.).

1 **SEC. 7. PROHIBITION OF PARTICIPATION IN FARM SERVICE**

2 **AGENCY PROGRAMS BY FOREIGN PERSONS.**

3 (a) DEFINITIONS.—In this section:

4 (1) APPROPRIATE COMMITTEES OF CON-
5 GRESS.—The term “appropriate committees of Con-
6 gress” has the meaning given the term in section
7 3(a).

8 (2) FOREIGN PERSON.—The term “foreign per-
9 son” has the meaning given the term in section 9 of
10 the Agricultural Foreign Investment Disclosure Act
11 of 1978 (7 U.S.C. 3508).

12 (3) OPERATOR.—The term “operator” has the
13 meaning given the term in section 718.2 of title 7,
14 Code of Federal Regulations (as in effect on the
15 date of enactment of this Act).

16 (4) OWNER.—The term “owner” has the mean-
17 ing given the term in section 718.2 of title 7, Code
18 of Federal Regulations (as in effect on the date of
19 enactment of this Act).

20 (5) PARTICIPANT.—The term “participant” has
21 the meaning given the term in section 718.2 of title
22 7, Code of Federal Regulations (as in effect on the
23 date of enactment of this Act).

24 (6) SECRETARY.—The term “Secretary” means
25 the Secretary of Agriculture.

1 (b) LIMITATION FOR FOREIGN-OWNED OR OPER-
2 ATED LAND.—No operator or owner who is a foreign per-
3 son may be a participant.

4 (c) COMPLIANCE.—

5 (1) IN GENERAL.—The Secretary may take
6 such actions as the Secretary considers necessary to
7 monitor compliance with subsection (b).

8 (2) OWNERSHIP CERTIFICATION.—The Sec-
9 retary shall require any owner or operator applying
10 to be a participant to certify in the application that
11 the owner or operator is not a foreign person.

12 (3) CIVIL PENALTY.—

13 (A) IN GENERAL.—A foreign person shall
14 be subject to a civil penalty imposed by the Sec-
15 retary if the Secretary determines that the for-
16 eign person—

17 (i) has received benefits prohibited
18 under subsection (b); or

19 (ii) has knowingly submitted a request
20 for those benefits that contains informa-
21 tion that is misleading or false.

22 (B) CIVIL ACTION.—A civil penalty im-
23 posed by the Secretary under subparagraph (A)
24 shall be recoverable in a civil action brought by

1 the Attorney General in an appropriate district
2 court of the United States.

3 (C) AMOUNT.—The amount of a civil pen-
4 alty imposed by the Secretary under subpara-
5 graph (A)—

6 (i) shall be such amount as the Sec-
7 retary determines to be appropriate to
8 carry out the purposes of this section; but

9 (ii) shall not exceed 125 percent of
10 the monetary benefits provided to the for-
11 eign person in participating in the 1 or
12 more programs of the Farm Service Agen-
13 cy in which participation is prohibited
14 under subsection (b).

15 (D) USE OF CIVIL PENALTIES.—Penalties
16 collected under this paragraph shall be available
17 to the Secretary, without further appropriation
18 and until expended, for the purpose of enforcing
19 this section.

20 (4) USE OF INFORMATION.—For the purpose of
21 monitoring compliance under this subsection, the
22 Secretary shall use information—

23 (A) collected by the Secretary under the
24 Agricultural Foreign Investment Disclosure Act
25 of 1978 (7 U.S.C. 3501 et seq.); and

1 (B) from the FSA-153 form submitted to
2 the Farm Service Agency.

3 (d) REPORT.—The Secretary shall submit to the ap-
4 propriate committees of Congress, on an annual basis, a
5 report containing the following information:

6 (1) A description of violations of subsection (b)
7 during the year covered by the report.

8 (2) An itemized list of savings for each program
9 administered by the Farm Service Agency during the
10 year covered by the report as a result of subsection
11 (b).

12 (3) A description of compliance actions taken
13 by the Secretary under subsection (c) during the
14 year covered by the report.

15 (4) An itemized list of civil penalties imposed
16 on foreign persons under subsection (c)(3) during
17 the year covered by the report.

18 (5) Such other information on enforcement
19 under this section, compliance with this section, and
20 the benefits of this section as the Secretary deter-
21 mines to be necessary.

22 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to carry out
24 this Act and the amendments made by this Act—

- 1 (1) \$35,000,000 for fiscal year 2024, to remain
2 available until expended, for secure workspace build-
3 out under the amendments made by section 4 and
4 database system development under section 6; and
5 (2) \$9,000,000 for each of fiscal years 2024
6 through 2028 for all other activities.

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