

117TH CONGRESS
2D SESSION

S. 4821

To increase oversight of foreign direct investment in agricultural land in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2022

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

A BILL

To increase oversight of foreign direct investment in agricultural land in 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 “Security and Oversight
5 for International Landholdings Act of 2022” or the
6 “SOIL Act of 2022”.

1 **SEC. 2. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT**
2 **IN THE UNITED STATES OF CERTAIN AGRI-**
3 **CULTURAL REAL ESTATE TRANSACTIONS.**

4 Section 721(a)(4) of the Defense Production Act of
5 1950 (50 U.S.C. 4565(a)(4)) is amended—

6 (1) in subparagraph (A)—

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

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

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

12 “(iii) any transaction described in
13 subparagraph (B)(vi) proposed or pending
14 on or after the date of the enactment of
15 this clause.”; and

16 (2) in subparagraph (B), by adding at the end
17 the following:

18 “(vi) Any acquisition or transfer of an
19 interest, other than a security, in agricul-
20 tural land held by a person that is a na-
21 tional of, or is organized under the laws or
22 otherwise subject to the jurisdiction of, a
23 country—

24 “(I) designated as a nonmarket
25 economy country pursuant to section

1 771(18) of the Tariff Act of 1930 (19
2 U.S.C. 1677(18)); or

3 “(II) identified as a country that
4 poses a risk to the national security of
5 the United States in the most recent
6 annual report on worldwide threats
7 issued by the Director of National In-
8 telligence pursuant to section 108B of
9 the National Security Act of 1947 (50
10 U.S.C. 3043b)(commonly known as
11 the ‘Annual Threat Assessment’).”.

12 **SEC. 3. EXPANSION OF MEMBERSHIP IN COMMITTEE ON**
13 **FOREIGN INVESTMENT IN THE UNITED**
14 **STATES.**

15 Section 721(k)(2) of the Defense Production Act of
16 1950 (50 U.S.C. 4565(k)(2)) is amended—

17 (1) by redesignating subparagraphs (H), (I),
18 and (J), as subparagraphs (I), (J), and (K), respec-
19 tively; and

20 (2) inserting after subparagraph (G), the fol-
21 lowing new subparagraph:

22 “(H) The Secretary of Agriculture.”.

1 **SEC. 4. PROHIBITION ON USE OF FUNDS FOR CERTAIN AG-**
 2 **RICULTURAL REAL ESTATE HOLDINGS.**

3 No assistance, including subsidies, may be provided
 4 by any Federal agency to a person for an agricultural real
 5 estate holding wholly or partly owned by a person that
 6 is a national of, or is organized under the laws or other-
 7 wise subject to the jurisdiction of, a country—

8 (1) designated as a nonmarket economy country
 9 pursuant to section 771(18) of the Tariff Act of
 10 1930 (19 U.S.C. 1677(18)); or

11 (2) identified as a country that poses as risk to
 12 the national security of the United States in the
 13 most recent annual report on worldwide threats
 14 issued by the Director of National Intelligence pur-
 15 suant to section 108B of the National Security Act
 16 of 1947 (50 U.S.C. 3043b)(commonly known as the
 17 “Annual Threat Assessment”).

18 **SEC. 5. DISCLOSURE REQUIREMENTS FOR FOREIGN AGRI-**
 19 **CULTURAL REAL ESTATE HOLDINGS.**

20 (a) REPORTING REQUIREMENTS.—Section 2(a) of
 21 the Agricultural Foreign Investment Disclosure Act of
 22 1978 (7 U.S.C. 3501(a)) is amended—

23 (1) in the first sentence of the matter preceding
 24 paragraph (1)—

25 (A) by inserting “, or enters into a leasing
 26 agreement the period of which is longer than 5

1 years with respect to agricultural land,” after
2 “agricultural land”; and

3 (B) by striking “acquisition or transfer”
4 and inserting “acquisition, transfer, or lease”;
5 and

6 (2) in paragraph (4), by striking “acquired or
7 transferred” and inserting “acquired, transferred, or
8 leased”.

9 (b) REVOCATION OF MINIMUM ACREAGE REQUIRE-
10 MENT.—Section 9(1) of the Agricultural Foreign Invest-
11 ment Disclosure Act of 1978 (7 U.S.C. 3508(1)) is
12 amended by inserting “, subject to the condition that the
13 Secretary may not exclude land from this definition based
14 on the acreage of the land” before the semicolon at the
15 end.

16 **SEC. 6. REPORTS OF HOLDINGS OF AGRICULTURAL LAND**
17 **IN THE UNITED STATES BY FOREIGN PER-**
18 **SONS.**

19 Section 6 of the Agricultural Foreign Investment Dis-
20 closure Act of 1978 (7 U.S.C. 3505) is amended—

21 (1) by striking the section designation and
22 heading and all that follows through “Not later
23 than” and inserting the following:

1 **“SEC. 6. REPORTS.**

2 “(a) TRANSMISSION OF REPORTS TO STATES.—Not
3 later than”; and

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

5 “(b) ANNUAL REPORT.—

6 “(1) IN GENERAL.—Annually, the Secretary
7 shall prepare and make publicly available a report
8 describing holdings of agricultural land by foreign
9 persons, as determined by reports submitted under
10 section 2, including—

11 “(A) an analysis of the countries with the
12 most extensive agricultural land holdings on a
13 State-by-State and county-by-county basis;

14 “(B) data and an analysis of agricultural
15 land holdings in each county in the United
16 States by a foreign person from—

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

18 “(ii) the Russian Federation; or

19 “(iii) any other country that the Sec-
20 retary determines to be appropriate; and

21 “(C) an analysis of the sectors and indus-
22 tries for which the agricultural land holdings
23 are used.

24 “(2) TRANSMISSION TO STATES.—The Sec-
25 retary shall transmit the report prepared under
26 paragraph (1) to each State department of agri-

1 culture or appropriate State agency described in
2 subsection (a) in conjunction with the applicable re-
3 ports transmitted under that subsection.”.

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