

118TH CONGRESS
2D SESSION

S. 3666

To amend the Agricultural Foreign Investment Disclosure Act of 1978 to establish an additional reporting requirement, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2024

Mr. BRAUN (for himself, Mr. TESTER, Ms. ERNST, Mr. BROWN, Mr. MARSHALL, Mr. FETTERMAN, Mr. RUBIO, Ms. BALDWIN, Mr. HAGERTY, Mr. SCHMITT, Mr. YOUNG, Mrs. BRITT, Mr. WICKER, and Mr. TUBERVILLE) 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 establish an additional reporting requirement, 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 “AFIDA Improvements
5 Act of 2024”.

6 **SEC. 2. REPORTING; ENFORCEMENT.**

7 (a) **REPORTING REQUIREMENT.**—Section 2 of the
8 Agricultural Foreign Investment Disclosure Act of 1978

1 (7 U.S.C. 3501) is amended by adding at the end the fol-
 2 lowing:

3 “(g) MINIMUM OWNERSHIP.—In the case of agricul-
 4 tural land in which more than 1 foreign person acquires
 5 or transfers any interest, other than a security interest,
 6 the reporting requirements under this section shall apply
 7 to each foreign person who holds at least a 1 percent inter-
 8 est in that land—

9 “(1) directly through the first tier of ownership;
 10 or

11 “(2) in the aggregate through an interest in
 12 other entities at various tiers.”.

13 (b) ENFORCEMENT.—Section 4 of the Agricultural
 14 Foreign Investment Disclosure Act of 1978 (7 U.S.C.
 15 3503) is amended—

16 (1) by striking the section designation and all
 17 that follows through “The Secretary” and inserting
 18 the following:

19 **“SEC. 4. INVESTIGATIVE ACTIONS.**

20 “(a) IN GENERAL.—The Secretary”; and

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

22 “(b) ACTIONS BY FPAC–BC.—As part of the actions
 23 taken under subsection (a), the Farm Production and
 24 Conservation Business Center shall—

1 “(1) take such actions as are necessary to vali-
 2 date the data collected under section 2, including re-
 3 vising and validating information throughout the
 4 data collection process;

5 “(2) take such actions as are necessary to en-
 6 sure compliance with section 2(g); and

7 “(3) in coordination with the Farm Service
 8 Agency, to the maximum extent practicable, identify
 9 persons that have carried out an activity subject to
 10 a civil penalty described in paragraph (1) or (2) of
 11 section 3(a).”.

12 **SEC. 3. AGRICULTURAL FOREIGN INVESTMENT DISCLO-**
 13 **SURE IMPROVEMENTS.**

14 (a) DEFINITIONS.—In this section:

15 (1) AFIDA.—The term “AFIDA” means the
 16 Agricultural Foreign Investment Disclosure Act of
 17 1978 (7 U.S.C. 3501 et seq.).

18 (2) FPAC–BC.—The term “FPAC–BC” means
 19 the Farm Production and Conservation Business
 20 Center.

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

23 (b) MOU WITH CFIUS.—Not later than 1 year after
 24 the date of enactment of this Act, the Secretary shall enter
 25 into 1 or more memoranda of understanding with the

1 Committee on Foreign Investment in the United States
 2 under which the Secretary shall provide the Committee
 3 with all relevant information relating to reports on foreign
 4 ownership of United States agricultural land submitted to
 5 the Secretary under section 2 of AFIDA (7 U.S.C. 3501),
 6 including information on—

7 (1) each report submitted to the Secretary; and
 8 (2) with respect to each such report, the iden-
 9 tity of the person submitting the report and the date
 10 of submission.

11 (c) AFIDA HANDBOOK UPDATES.—

12 (1) FIRST UPDATE.—Not later than 1 year
 13 after the date of enactment of this Act, the Sec-
 14 retary shall update the most recent version of the
 15 Farm Service Agency handbook entitled “Foreign
 16 Investment Disclosure” as determined necessary by
 17 the Secretary for the effective implementation of
 18 AFIDA, which update shall incorporate rec-
 19 ommendations made by the report of the Govern-
 20 ment Accountability Office entitled “Foreign Invest-
 21 ments in U.S. Agricultural Land: Enhancing Efforts
 22 to Collect, Track, and Share Key Information Could
 23 Better Identify National Security Risks” and dated
 24 January 18, 2024.

1 (2) SUBSEQUENT UPDATES.—After updating
 2 the handbook described in paragraph (1) under that
 3 paragraph, the Secretary shall carry out an update
 4 of that handbook every 10 years thereafter, includ-
 5 ing by incorporating any recommendations of the
 6 Government Accountability Office.

7 (d) ANALYSIS OF STREAMLINED PROCESS FOR
 8 ELECTRONIC SUBMISSION AND RETENTION OF REPORTS
 9 UNDER AFIDA.—

10 (1) DEFINITION OF COVERED PROCESS.—In
 11 this subsection, the term “covered process” means
 12 the streamlined process for electronic submission
 13 and retention of disclosures made under AFIDA re-
 14 quired under section 773 of division A of the Con-
 15 solidated Appropriations Act, 2023 (7 U.S.C. 3501
 16 note; 136 Stat. 4509).

17 (2) ANALYSIS.—Unless the covered process is
 18 established by not later than 1 year after the date
 19 of enactment of this Act, the FPAC–BC, in coordi-
 20 nation with the Farm Service Agency, shall, by that
 21 date—

22 (A) carry out an analysis of the specific
 23 steps required to establish that process and the
 24 elements of that process; and

1 (B) develop a timeline for specific imple-
2 mentation benchmarks to be met.

3 (3) REPORT.—The Secretary shall submit to
4 the Committee on Agriculture, Nutrition, and For-
5 estry of the Senate and the Committee on Agri-
6 culture of the House of Representatives a report de-
7 scribing the analysis and implementation timeline
8 under paragraph (2), if applicable.

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