

119TH CONGRESS
1ST SESSION

S. _____

To prohibit the acquisition and ownership of agricultural land and residential real property by certain foreign entities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prohibit the acquisition and ownership of agricultural land and residential real property by certain foreign entities, 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 “Protecting Our Farms
5 and Homes from China Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) AGRICULTURAL LAND.—

9 (A) IN GENERAL.—The term “agricultural
10 land” means—

1 (i) land used for farming, ranching, or
2 timber production;

3 (ii) land used for food processing; and

4 (iii) land that—

5 (I) is currently idle; and

6 (II) was used within the previous
7 5 years for farming, ranching, or tim-
8 ber production.

9 (B) RELATED DEFINITIONS.—In subpara-
10 graph (A):

11 (i) FARMING, RANCHING, OR TIMBER
12 PRODUCTION.—The term “farming, ranch-
13 ing, or timber production” includes activi-
14 ties set forth in the Standard Industrial
15 Classification Manual (1987), Division A.

16 (ii) FOOD PROCESSING.—The term
17 “food processing” includes activities set
18 forth in the Standard Industrial Classifica-
19 tion Manual (1987), Division D, Major
20 Group 20.

21 (2) COVERED FOREIGN ENTITY.—The term
22 “covered foreign entity” means—

23 (A) a corporation that is incorporated in
24 the People’s Republic of China, including the

1 Special Administrative Regions of China, in-
2 cluding Hong Kong and Macau;

3 (B) a person, business trust, business asso-
4 ciation, company, institution, government agen-
5 cy, university, partnership, limited liability com-
6 pany, corporation, or any other individual or or-
7 ganization that can legally enter into contracts,
8 own properties, or pay taxes on behalf of the
9 Government of the People's Republic of China;

10 (C) an individual or organization affiliated
11 with the Chinese Communist Party;

12 (D) an entity owned or controlled by, or
13 that performs activities on behalf of, an indi-
14 vidual, organization, or person described in sub-
15 paragraph (A), (B), or (C); and

16 (E) an individual that is a member of the
17 board of directors, an executive officer, or a
18 senior official of a corporation or organization
19 described in subparagraph (A), (B), (C), or
20 (D).

21 (3) NONCOMPETE AGREEMENT.—The term
22 “noncompete agreement” means an agreement en-
23 tered into between an employer and an employee
24 that restricts that employee from performing, after

1 the employment relationship between the employer
2 and the employee terminates, any of the following:

3 (A) Any work for another employer for a
4 specified period of time.

5 (B) Any work in a specified geographical
6 area.

7 (C) Any work for another employer that is
8 similar to that employee's work for the em-
9 ployer that is a party to that agreement.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Agriculture.

12 (5) STATE.—The term “State” means each of
13 the several States of the United States.

14 (6) TERRITORY.—The term “territory”
15 means—

16 (A) the District of Columbia;

17 (B) the Commonwealth of Puerto Rico;

18 (C) the United States Virgin Islands;

19 (D) Guam;

20 (E) the Commonwealth of the Northern
21 Mariana Islands; and

22 (F) American Samoa.

23 (7) UNITED STATES AGRICULTURAL LAND.—
24 The term “United States agricultural land” means
25 agricultural land located in a State or territory.

1 **SEC. 3. PROHIBITION OF ACQUISITION, LEASING, OR OWN-**
2 **ERSHIP OF UNITED STATES AGRICULTURAL**
3 **LAND BY COVERED FOREIGN ENTITIES.**

4 (a) PROHIBITION OF ACQUISITION OF AGRICUL-
5 TURAL LAND.—It shall be unlawful for a covered foreign
6 entity—

7 (1) to acquire any interest in United States ag-
8 ricultural land; or

9 (2) to lease any interest in United States agri-
10 cultural land.

11 (b) DIVESTMENT REQUIREMENT.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, a covered foreign
14 entity that owns or leases an interest in United
15 States agricultural land shall divest itself from any
16 ownership or lease interests in United States agri-
17 cultural land.

18 (2) LETTERS OF INTENT.—Not later than 180
19 days after the date of enactment of this Act, a cov-
20 ered foreign entity that owns or leases an interest in
21 United States agricultural land shall sign a letter of
22 intent to divest itself from any ownership or lease in-
23 terests in United States agricultural land.

24 (c) PENALTY.—The Secretary shall fine a covered
25 foreign entity that owns or leases an interest in United
26 States agricultural land in violation of subsection (a) or

1 (b) in an amount equal to \$100 per acre per day that
2 the covered entity owns or leases the interest in violation
3 of subsection (a) or (b).

4 (d) CRIMINAL ENFORCEMENT.—

5 (1) PENALTIES.—A covered foreign entity that
6 violates subsection (a) or (b) shall be fined under
7 title 18, United States Code, imprisoned for not
8 more than 5 years, or both.

9 (2) FORFEITURE.—

10 (A) IN GENERAL.—In an action brought
11 by the Attorney General, any United States ag-
12 ricultural land owned in violation of subsection
13 (a) or (b) shall be subject to forfeiture to the
14 United States in accordance with chapter 46 of
15 title 18, United States Code.

16 (B) PUBLIC AUCTION OF FORFEITED
17 LAND.—Notwithstanding section 981(e) of title
18 18, United States Code, the Attorney General
19 shall sell through a public auction any United
20 States agricultural land that is forfeited to the
21 United States under this paragraph.

22 (e) NULLIFICATION OF AGREEMENTS.—Notwith-
23 standing any other provision of law, any noncompet-
24 e agreement entered into between a covered foreign entity
25 that owns or leases an interest in United States agricul-

1 tural land and an employee of the covered foreign entity
2 shall have no force or effect.

3 (f) IMPLEMENTATION.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Sec-
6 retary, in coordination with the Attorney General,
7 shall issue guidance and regulations to implement
8 this Act.

9 (2) OFFICE.—Not later than 180 days after the
10 date of enactment of this Act, the Secretary shall es-
11 tablish an office within the Department of Agri-
12 culture for the purpose of—

13 (A) monitoring compliance with this Act;
14 and

15 (B) imposing fines under subsection (c).

16 (g) INVESTIGATIVE ACTIONS.—The Secretary may
17 carry out such actions as the Secretary determines to be
18 necessary to monitor compliance with this Act.

19 **SEC. 4. TEMPORARY PROHIBITION ON PURCHASING RESI-**
20 **DENTIAL REAL ESTATE.**

21 (a) DEFINITIONS.—In this section:

22 (1) COVERED PERIOD.—The term “covered pe-
23 riod” means the period—

24 (A) beginning on the date of enactment of
25 this Act; and

1 (B) ending on—

2 (i) the date that is 2 years after the
3 date of enactment of this Act; or

4 (ii) if the President makes an exten-
5 sion under subsection (f), the date on
6 which the extension expires under that
7 subsection.

8 (2) RESIDENTIAL REAL ESTATE.—The term
9 “residential real estate” means—

10 (A) a single-family home;

11 (B) a unit in a condominium or a condo-
12 minium;

13 (C) a townhouse;

14 (D) a unit in a cooperative or a coopera-
15 tive;

16 (E) a unit in a duplex or a duplex;

17 (F) a unit in a triplex or a triplex;

18 (G) a unit in a fourplex or a fourplex; and

19 (H) a parcel of land that a local govern-
20 ment has zoned for development of a type of
21 housing described in this paragraph.

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of Commerce.

1 (b) PROHIBITION.—A covered foreign entity may not
2 purchase a unit of residential real estate in the United
3 States during the covered period.

4 (c) DIVESTMENT REQUIREMENT.—Not later than 1
5 year after the date of enactment of this Act, a covered
6 foreign entity shall divest itself from any ownership of
7 units of residential real estate in the United States.

8 (d) PENALTY.—With respect to each unit of residen-
9 tial real estate owned by a covered foreign entity in viola-
10 tion of subsection (b) or (c), the Secretary shall fine the
11 covered foreign entity in an amount equal to \$1,000 for
12 each day the covered foreign entity owns the unit of resi-
13 dential real estate in violation of either of those sub-
14 sections.

15 (e) ENFORCEMENT.—The Attorney General may en-
16 force the provisions of this Act, including by seizing assets
17 and seeking appropriate injunctive relief.

18 (f) PRESIDENTIAL EXTENSIONS.—On the date that
19 is 2 years after the date of enactment of this Act, and
20 every 2 years thereafter, the President may extend the
21 covered period for an additional 2 years.

22 (g) IMPLEMENTATION.—

23 (1) IN GENERAL.—The Secretary, in coordina-
24 tion with the Attorney General, shall issue guidance
25 and regulations for the implementation of this Act.

1 (2) OFFICE.—The Secretary shall establish an
2 office within the Department of Commerce for the
3 purpose of—

4 (A) monitoring compliance with this Act;
5 and

6 (B) imposing fines under subsection (d).

7 (h) REPORT.—Not later than 540 days after the date
8 of enactment of this Act, the Secretary shall submit to
9 Congress a report that details the impact of the prohibi-
10 tion under subsection (b) on the residential real estate
11 market and housing affordability in the United States.