To prohibit the purchase of public or private real estate located in the United States by foreign persons, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2022

Mr. Gohmert (for himself, Mrs. Miller of Illinois, Mr. Mooney, Mr. Tiffany, Mr. Clyde, Mr. Norman, Mr. Good of Virginia, Mr. Wittman, Mr. Roy, and Mr. Gaetz) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To prohibit the purchase of public or private real estate located in the United States by foreign persons, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Security Moratorium on Foreign Purchases of U.S. Land”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Foreign investors now account for almost one-third of institutional investment in single-family
rental homes in the United States. This increases
the price and makes it more difficult for Americans
to purchase a home.

(2) Increased foreign investment in Wash-
ington, DC, and other urban areas has led to a rise
in gentrification, pushing many long-time residents
out of their homes, including some of our most vul-
nerable and poor communities.

(3) Roughly 47 percent of rural renters pay a
third or more of their income in rent each month.
The Federal Government has done nothing to help
rural Americans deal with the rising costs in hous-
ing.

(4) Chinese nationals have led foreign invest-
ments in homes in the United States for the past
seven years. The Chinese Communist Party is at-
tempting to buy land in the United States, with an
emphasis on farmland to gain strategic leverage over
the United States.

(5) Foreign companies and individuals have
purchased 1.7 million acres of agricultural land in
Texas over the past decade, which is more than in
any other State. The purchases are worth approxi-
mately $3.3 billion.
(6) Foreigners have been abusing the EB–5 visa system, which allows foreign nationals to obtain green cards if they invest in specific business ventures. The rules to acquire an EB–5 visa should be made more stringent.

(7) Current United States laws are designed in a way that makes it more profitable for foreign investors to invest in property in the United States than their country of origin.

(8) The Foreign Investment Risk Act of 2018 strengthened the Committee on Foreign Investment in the United States (CFIUS) by among other measures giving it more jurisdiction over real estate transactions. Specifically, CFIUS now has jurisdiction to review purchases and leases of real estate by foreign nationals regardless of whether the transactions involve United States businesses. More action is still needed to make the rules of CFIUS more strict.

(9) With each additional land purchase made by a foreign national or foreign entity, American sovereignty is further eroded.
SEC. 3. PROHIBITION ON PURCHASE OF PUBLIC OR PRIVATE REAL ESTATE LOCATED IN THE UNITED STATES BY FOREIGN PERSONS.

(a) In General.—Notwithstanding any other provision of law, for the 5-year period beginning on the date of the enactment of this Act, the President shall take such actions as may be necessary to prohibit the purchase of public or private real estate located in the United States by any foreign person.

(b) GAO Report.—

(1) In General.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(A) details the history of purchases of public and private real estate located in the United States by foreign persons;

(B) provides more information on the percentage of real estate located in the United States that is owned by foreign persons; and

(C) offers recommendations to make it easier for United States citizens and harder for foreign persons to purchase real estate located in the United States, including farmland.
(2) FORM.—The report required by paragraph
(1) shall be submitted in unclassified form, but may
contain a classified annex if necessary.

SEC. 4. DEFINITIONS.

In this Act:

(1) FOREIGN PERSON.—The term “foreign per-
son”—

(A) means—

(i) any foreign national, foreign gov-
ernment, or foreign entity; or

(ii) any entity over which control is
exercised or exercisable by a foreign na-
tional, foreign government, or foreign enti-
ty; and

(B) includes a corporation, partnership, or
other association—

(i) created under the laws of a foreign
country; and

(ii) substantially beneficially owned by
nationals of that foreign country or any
other foreign country.

(2) UNITED STATES.—The term “United
States” means the several States, the District of Co-
lumbia, the Commonwealth of Puerto Rico, the Com-
monwealth of the Northern Mariana Islands, Amer-
ican Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.