

Editorial Notes

REFERENCES IN TEXT

For the effective date of this section, referred to in subsecs. (b) to (d), see section 10(b) of Pub. L. 95-460, set out as an Effective Date note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 95-460, §10, Oct. 14, 1978, 92 Stat. 1267, provided that:

“(a) Except as provided in subsection (b) of this section, this Act [enacting this chapter] shall become effective on the date of the enactment of this Act [Oct. 14, 1978].

“(b) Section 2 [section 3501 of this title] shall become effective on the date on which regulations prescribed by the Secretary under section 8 [section 3507 of this title] become effective.”

SHORT TITLE

Pub. L. 95-460, §1, Oct. 14, 1978, 92 Stat. 1263, provided that: “This Act [enacting this chapter] may be cited as the ‘Agricultural Foreign Investment Disclosure Act of 1978’.”

REPORT TO CONGRESS ON FOREIGN INVESTMENTS IN AGRICULTURAL LAND IN THE UNITED STATES

Pub. L. 117-328, div. A, title VII, §773, Dec. 29, 2022, 136 Stat. 4509, provided in part: “The Secretary, as part of the report on foreign landholding required under the Agricultural Foreign Investment Disclosure Act (Public Law 95-460), shall report to Congress on foreign investments in agricultural land in the United States, including the impact foreign ownership has on family farms, rural communities, and the domestic food supply: *Provided*, That within 3 years after the enactment of this Act [Dec. 29, 2022], the Secretary shall establish a streamlined process for electronic submission and retention of disclosures made under the Agricultural Foreign Investment Disclosure Act [of 1978, 7 U.S.C. 3501 et seq.], including an internet database that contains disaggregated data from each disclosure submitted: *Provided further*, That all prior year disclosures of foreign investments in agricultural land in the United States are published in the database: *Provided further*, That the plan includes a process to ensure the protection of personally identifiable information and that all disclosures of foreign investments in agricultural land on the USDA website be disaggregated by: (1) in any case in which such foreign person is an individual, the citizenship of such foreign person; and (2) in any case in which such foreign person is not an individual or a government, the nature of the legal entity holding the interest, the country in which such foreign person is created or organized, and the principal place of business of such foreign person.”

§ 3502. Civil penalty

(a) If the Secretary determines that a person—

(1) has failed to submit a report in accordance with the provisions of section 3501 of this title, or

(2) has knowingly submitted a report under section 3501 of this title—

(A) which does not contain all the information required to be in such report, or

(B) which contains information that is misleading or false,

such person shall be subject to a civil penalty imposed by the Secretary. The amount of any such civil penalty shall be determined in accordance with the provisions of subsection (b) of this section. Any such civil penalty shall be recoverable in a civil action brought by the

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

(b) The amount of any civil penalty imposed by the Secretary under subsection (a) of this section shall be such amount as the Secretary determines to be appropriate to carry out the purposes of this chapter, except that such amount shall not exceed 25 percent of the fair market value, on the date of the assessment of such penalty, of the interest in agricultural land with respect to which such violation occurred.

(Pub. L. 95-460, §3, Oct. 14, 1978, 92 Stat. 1265.)

§ 3503. Investigative actions

The Secretary may take such actions as the Secretary considers necessary to monitor compliance with the provisions of this chapter and to determine whether the information contained in any report submitted under section 3501 of this title accurately and fully reveals the ownership interest of all foreign persons in any foreign person who is required to submit a report under such section.

(Pub. L. 95-460, §4, Oct. 14, 1978, 92 Stat. 1265.)

§ 3504. Repealed. Pub. L. 105-362, title I, § 101(f), Nov. 10, 1998, 112 Stat. 3281

Section, Pub. L. 95-460, §5, Oct. 14, 1978, 92 Stat. 1265; Pub. L. 104-66, title I, §1012(g), Dec. 21, 1995, 109 Stat. 712, provided for reports to Congress and the President.

§ 3505. Reports to the States

Not later than 30 days after the end of each 6-month period beginning after the effective date of section 3501 of this title, the Secretary shall transmit to each State department of agriculture, or such other appropriate State agency as the Secretary considers advisable, a copy of each report which was submitted to the Secretary under section 3501 of this title during such 6-month period and which involved agricultural land located in such State.

(Pub. L. 95-460, §6, Oct. 14, 1978, 92 Stat. 1266.)

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REFERENCES IN TEXT

For the effective date of section 3501 of this title, referred to in text, see section 10(b) of Pub. L. 95-460, set out as an Effective Date note under section 3501 of this title.

§ 3506. Public inspection

Any report submitted to the Secretary under section 3501 of this title shall be available for public inspection at the Department of Agriculture located in the District of Columbia not later than 10 days after the date on which such report is received by the Secretary.

(Pub. L. 95-460, §7, Oct. 14, 1978, 92 Stat. 1266.)

§ 3507. Regulations

Not later than 90 days after October 14, 1978, the Secretary shall prescribe regulations for purposes of carrying out the provisions of this chapter.

(Pub. L. 95-460, §8, Oct. 14, 1978, 92 Stat. 1266.)