

House Bill 1372

By: Representatives Ridley of the 22nd, Ridley of the 6th, Horner of the 3rd, Thomas of the 21st, Tarvin of the 2nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 2-1-7 of the Official Code of Georgia Annotated, relating to
2 prohibiting the acquisition of possessory interest in certain land by certain foreign persons
3 and entities, so as to prohibit certain foreign persons and entities from acquiring a possessory
4 interest in land located near critical infrastructure without prior approval by the Attorney
5 General; to provide for the scope of the possessory interest; to provide for penalties; to
6 provide for a definition; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 2-1-7 of the Official Code of Georgia Annotated, relating to prohibiting the
11 acquisition of possessory interest in certain land by certain foreign persons and entities, is
12 amended by revising subsections (a) and (b) as follows:

13 "(a) As used in this Code section, the term:

14 (1) 'Agent of a foreign government' means:

15 (A) Any person who acts as an agent, representative, employee, or servant, or any
16 person who acts in any other capacity at the order, request, or under the direction or

17 control, of a foreign government or of a person any of whose activities are directly or
18 indirectly supervised, directed, controlled, financed, or subsidized in whole or in major
19 part by a foreign government, and who directly or through any other person:

20 (i) Engages within the United States in political activities for or in the interests of
21 such foreign government;

22 (ii) Acts within the United States as a public relations counsel, publicity agent,
23 information service employee, or political consultant for or in the interests of such
24 foreign government;

25 (iii) Within the United States solicits, collects, disburses, or dispenses contributions,
26 loans, money, or other things of value for or in the interests of such foreign
27 government; or

28 (iv) Within the United States represents the interests of such foreign government
29 before any agency or official of the government of the United States; and

30 (B) Any person who agrees, consents, assumes, or purports to act as, or who is or holds
31 himself or herself out to be, whether or not pursuant to a contractual relationship, a
32 person described in subparagraph (A) of this paragraph.

33 (2) 'Agricultural land' means any land capable of use in the production of agricultural
34 crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy
35 products, or fruit or other horticultural products, but does not include any land zoned by
36 a local governmental unit for a use other than and nonconforming with agricultural use.

37 (3) 'Critical infrastructure' means systems and assets, whether physical or virtual, so vital
38 to the United States that the incapacity or destruction of such systems and assets would
39 have a debilitating impact on national security, including economic security, and national
40 public health and safety, or any combination thereof, as set forth in Section 5195c(e) of
41 Title 42 of the United States Code. Such term shall include, but is not limited to, the
42 following:

43 (A) Energy systems, including electric power generation, transmission, and
 44 distribution;

45 (B) Water and wastewater systems;

46 (C) Transportation systems;

47 (D) Communication systems;

48 (E) Chemical facilities; and

49 (F) Any facility owned or operated by an electric membership corporation as such term
 50 is defined in Code Section 46-3-171.

51 ~~(2.1)~~(4) 'Military installation' means a facility owned and operated by the United States
 52 Army, Air Force, Navy, Marines, Space Force, or Coast Guard that shelters military
 53 equipment and personnel and facilitates training and operations for such organizations.

54 ~~(3)~~(5) 'Nonresident alien' means:

55 (A)(i) Any natural person described in subsection (a) of Code Section 1-2-11 who is
 56 not a United States citizen or legal resident, is an agent of a foreign government
 57 designated as a foreign adversary by the United States Secretary of Commerce
 58 pursuant to 15 C.F.R. Section 7.4, and:

59 (I) Has been physically absent from the United States for more than six months out
 60 of the most recent 12 months preceding the acquisition of a possessory interest
 61 described in this Code section; or

62 (II) Has been physically absent from Georgia for more than two months out of the
 63 most recent 12 months preceding the acquisition of a possessory interest described
 64 in this Code section.

65 (ii) The provisions of this subparagraph shall not be in conflict with the federal Fair
 66 Housing Act.

67 (B) A corporation, partnership, limited partnership, trustee, or other business entity that
 68 is:

- 69 (i) Domiciled in a country whose government is designated as a foreign adversary by
 70 the United States Secretary of Commerce pursuant to 15 C.F.R. Section 7.4; or
 71 (ii) Domiciled within the United States, but the ownership of at least 25 percent of
 72 which is composed of any corporation, partnership, limited partnership, trustee, or
 73 other business entity that is domiciled in a country whose government is designated
 74 as a foreign adversary by the United States Secretary of Commerce pursuant to 15
 75 C.F.R. Section 7.4;

76 provided, however, that this subparagraph shall not include a corporation, partnership,
 77 limited partnership, trustee, or other business entity leasing land from its owner and
 78 using such land for agricultural research and development or experimental purposes,
 79 including testing, developing, or producing crop production inputs, including, but not
 80 limited to, seeds, plants, pesticides, soil amendments, biologicals, and fertilizers, for
 81 sale or resale to farmers; or

82 (C) A foreign government designated as a foreign adversary by the United States
 83 Secretary of Commerce pursuant to 15 C.F.R. Section 7.4.

84 ~~(4) 'Residential property' means real estate intended to be used as the purchaser's~~
 85 ~~dwelling, as such term is defined in Code Section 8-3-201.~~

86 (b)(1) Except as provided by paragraph (3) of this subsection and subsections (c) and (d)
 87 of this Code section, no nonresident alien shall acquire directly or indirectly any
 88 possessory interest in agricultural land or, land within a ten-mile radius of any military
 89 base, military installation, or military airport, or land within a five-mile radius of any
 90 critical infrastructure facility.

91 ~~(2) This subsection shall not apply to residential property~~ For purposes of this
 92 subsection, possessory interest includes any lease, rental agreement, or other right to
 93 occupy or use land for a term exceeding one year.

94 (3) Any proposed acquisition or lease by a nonresident alien of land described in
 95 paragraph (1) of this subsection shall require prior approval by the Attorney General.

96 The applicant must submit to the Attorney General a detailed disclosure of the ownership
97 structure of such acquisition or lease, including any indirect ownership by entities
98 domiciled in or controlled by a foreign adversary as designated by the United States
99 Secretary of Commerce pursuant to 15 C.F.R. Section 7.4. The Attorney General is
100 authorized to deny approval if the transaction poses a risk to state or national security,
101 and such decision shall be final and not subject to judicial review except for abuse of
102 discretion.

103 (4) Any violation of this subsection shall result in civil penalties of up to \$100,000.00
104 per violation and forfeiture of the possessory interest; provided, however, that an
105 intentional violation of this subsection shall also be subject to the penalties set forth in
106 subsection (g) of this Code section."

107 **SECTION 2.**

108 This Act shall apply to all acquisitions occurring and leases entered into on or after July 1,
109 2026, including any pending transactions that are not finalized before July 1, 2026.

110 **SECTION 3.**

111 All laws and parts of laws in conflict with this Act are repealed.