

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3431

6 By: Wilk

7 COMMITTEE SUBSTITUTE

8 An Act relating to foreign government adversaries;
9 amending 60 O.S. 2021, Section 121, as last amended
10 by Section 1, Chapter 373, O.S.L. 2024 (60 O.S. Supp.
11 2025, Section 121), which relates to alien or foreign
12 government adversary ownership; modifying definition;
13 prohibiting a foreign government adversary from
14 owning any interest in critical minerals; and
15 providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 60 O.S. 2021, Section 121, as last
18 amended by Section 1, Chapter 373, O.S.L. 2024 (60 O.S. Supp. 2025,
19 Section 121), is amended to read as follows:

20 Section 121. A. As used in Sections 121 through 127 of this
21 title:

22 1. "Deed" means any instrument in writing whereby land is
23 assigned, transferred, or otherwise conveyed to, or vested in, the
24 person coming into title or, at his or her direction, any other
person;

1 2. "Foreign government adversary" means a government other than
2 the federal government of the United States, the government of any
3 state, political subdivision of the state, tribe, territory, or
4 possession of the United States and designated as a foreign
5 government adversary by the United States Secretary of State as
6 hostile or a Country of Particular Concern (CPC);

7 3. "Foreign government enterprise" means a business entity,
8 sovereign wealth fund, or state-backed investment fund in which a
9 foreign government adversary holds a controlling interest;

10 4. "Foreign government entity" means a government other than
11 the federal government of the United States, the government of any
12 state, political subdivision of the state, tribe, territory, or
13 possession of the United States; and

14 5. "Land" means the same as defined in Section 6 of this title,
15 but shall not include oil, gas, other minerals, or any interest
16 therein.

17 B. No alien or any person who is not a citizen of the United
18 States or foreign government adversary shall acquire title to or own
19 land in this state either directly or indirectly through a business
20 entity, trust, or foreign government enterprise, except as
21 hereinafter provided, but they shall have and enjoy in this state
22 such rights as to personal property as are, or shall be, accorded a
23 citizen of the United States under the laws of the nation to which
24 such alien belongs, or by the treaties of such nation with the

1 United States, except as the same may be affected by the provisions
2 of Section 121 et seq. of this title or the Constitution of this
3 state. Provided, however, the requirements of this subsection shall
4 not apply to a business entity that is engaged in regulated
5 interstate commerce or has a national security agreement with the
6 Committee on Foreign Investment in the United States (CFIUS) in
7 accordance with federal law.

8 Furthermore, no foreign government adversary, as determined by
9 the United States Department of Energy, shall acquire any ownership
10 or leasehold interest in any critical minerals, as determined by the
11 United States Geological Survey (USGS), within the state.

12 C. On or after November 1, 2023, any deed recorded with a
13 county clerk shall include as an exhibit to the deed an affidavit
14 executed by the person, the person's attorney-in-fact, a court-
15 appointed guardian or personal representative, an authorized officer
16 of the entity, or trustee of the trust coming into title attesting
17 that the person, business entity, or trust is obtaining the land in
18 compliance with the requirements of this section and that no funding
19 source is being used in the sale or transfer in violation of this
20 section or any other state or federal law. A county clerk shall not
21 accept and record any deed without an affidavit as required by this
22 section which is duly notarized pursuant to Title 49 of the Oklahoma
23 Statutes. The requirements of this subsection shall not apply to a:

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1 1. Deed which, without additional consideration, confirms,
2 corrects, modifies, or supplements a deed previously recorded;

3 2. Deed made by a grantor to cure a defect in title or
4 effectuate a disclaimer of interest in real property;

5 3. Transfer-on-death deed made by a grantor designating a
6 grantee beneficiary pursuant to the Nontestamentary Transfer of
7 Property Act, Section 1251 et seq. of Title 58 of the Oklahoma
8 Statutes;

9 4. State or federal court order in an action to quiet title or
10 to cure a defect in title;

11 5. State or federal court order or decree in probate,
12 partition, quiet title, and divorce actions;

13 6. Deed which secures a debt or other obligation, or which
14 releases such property as security for a debt or other obligation;

15 7. Deed of dedication to the public; or

16 8. Deed in favor of the United States or any of its political
17 subdivisions, a state or any of its political subdivisions, or a
18 tribe.

19 The applicable exemption shall be shown on the face of the deed
20 prior to the recording of the deed and no affidavit shall be
21 required.

22 D. The Attorney General shall promulgate a separate affidavit
23 form for individuals and for business entities or trusts to comply
24 with the requirements of this section. The Attorney General may

1 establish additional exemptions which the Attorney General deems
2 necessary to substantially comply with the requirements of this
3 section. The county clerk may accept an affidavit in substantial
4 compliance with the affidavit form promulgated by the Attorney
5 General.

6 SECTION 2. This act shall become effective November 1, 2026.

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