

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3840 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Tom Gann

Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED OVERSIGHT
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3840

By: Gann

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8 PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

9 An Act relating to foreign ownership of land;
10 providing short title; prohibiting certain entities
11 from owning land; creating buffers; requiring
12 affidavit that provides certain disclosures;
13 providing for recordation; providing for divesture
14 and certain inadvertent acquisitions; requiring
15 Attorney General to investigate and enforce
16 provision; providing penalties; providing certain
17 exceptions; providing construction of act; stating
18 invalid provisions are severable; amending 60 O.S.
19 2021, Section 121, as last amended by Section 1,
20 Chapter 373, O.S.L. 2024 (60 O.S. Supp. 2025, Section
21 121), which relates to alien or foreign government
22 adversary ownership of land; providing definition;
23 requiring certain additional disclosures; amending 60
24 O.S. 2021, Section 121, as last amended by Section 1,
Chapter 373, O.S.L. 2024 (60 O.S. Supp. 2025, Section
121), which relates to alien or foreign government
adversary ownership; prohibiting a foreign government
adversary from owning certain interest; providing for
noncodification; providing for codification; and
providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Foreign
4 Adversary and State-owned Enterprise Land Ownership Enforcement
5 Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 121.1 of Title 60, unless there
8 is created a duplication in numbering, reads as follows:

9 A. No foreign government adversary, state-owned enterprise
10 (SOE), entity, or trust in which a foreign government adversary or
11 SOE is a beneficial owner shall acquire, hold, or control any
12 covered land in this state.

13 B. No SOE or foreign government adversary or controlled entity
14 may acquire any covered land:

- 15 1. Within ten (10) miles of a military installation; or
- 16 2. Within ten (10) miles of a critical infrastructure site.

17 C. Any transaction structured to evade this section, including
18 use of nominees, options, convertible instruments, side letters, or
19 indirect funding arrangements, constitutes a violation.

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 121.2 of Title 60, unless there
22 is created a duplication in numbering, reads as follows:

23 A. In addition to the existing Section 121 of this title, deed
24 affidavit requirement for deeds recorded on or after November 1,

1 2023, each covered land conveyance shall include an exhibit
2 affidavit that:

3 1. Lists all beneficial owners (name, domicile jurisdiction,
4 and nature/percentage of ownership/control);

5 2. Identifies all funding sources for the purchase price and
6 capital contributions, which shall include: lender name;
7 jurisdiction; whether any foreign government entity, adversary, or
8 state-owned enterprise (SOE) is involved; and

9 3. Certifies under penalty of perjury that the buyer is not
10 prohibited and is in compliance with Section 1 of Article XXII of
11 the Oklahoma Constitution and Section 121 et seq. of this title.

12 B. County clerks shall record the affidavit as part of the land
13 record. Failure to include the affidavit shall not itself void
14 title for an innocent seller, but triggers enforcement under Section
15 5 of this act.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 121.3 of Title 60, unless there
18 is created a duplication in numbering, reads as follows:

19 A. If a prohibited party acquires covered land by devise,
20 descent, debt collection, foreclosure, or enforcement of a security
21 interest, the party shall divest within two (2) years, unless a
22 shorter time is ordered by a court for good cause.

23 B. A person who unknowingly acquires a prohibited beneficial
24 ownership interest may cure by divesting the prohibited interest

1 within one hundred eighty (180) days after notice from the Attorney
2 General, provided there was no willful concealment.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 121.4 of Title 60, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The Attorney General may investigate violations, issue civil
7 investigative demands, and subpoena relevant records and testimony.

8 B. The Attorney General may bring a civil action for:

9 1. Injunctive relief;

10 2. Civil penalties;

11 3. Court-ordered divestiture; or

12 4. Appointment of a receiver to sell the prohibited interest.

13 C. The Attorney General shall file a notice of pendency (lis
14 pendens) upon commencing an action

15 SECTION 6. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 121.5 of Title 60, unless there
17 is created a duplication in numbering, reads as follows:

18 Penalties for violations of this act are as follows:

19 1. Civil penalties: Up to the greater of Two Hundred Fifty

20 Thousand Dollars (\$250,000.00) per transaction or Ten Thousand

21 Dollars (\$10,000.00) per acre, or fraction thereof, of covered land
22 acquired or held in violation of this act;

23 2. Criminal penalties: Any person who knowingly files a

24 materially false affidavit required by Sections 121 or 121.2 of

1 Title 60 of the Oklahoma Statutes is guilty of a felony, punishable
2 by imprisonment of up to five (5) years, a fine up to Two Hundred
3 Fifty Thousand Dollars (\$250,000.00) or both; and

4 3. Contract consequences: Any incentive agreement with the
5 state or political subdivision shall include a mandatory clause
6 providing that a violation constitutes a material breach, triggering
7 clawback and termination.

8 SECTION 7. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 121.6 of Title 60, unless there
10 is created a duplication in numbering, reads as follows:

11 A. Nothing in this act shall be construed to impair:

12 1. Rights of bona fide residents as recognized in Section 1 of
13 Article XXII of the Oklahoma Constitution;

14 2. Transactions protected by federal preemption; or

15 3. The existing exception in Section 121 of this title for
16 business entities engaged in regulated interstate commerce or with a
17 CFIUS national security agreement—provided the enhanced affidavit
18 and beneficial ownership disclosure is still filed.

19 B. This act shall be interpreted to maximize effectiveness
20 while remaining consistent with the Oklahoma Constitution and
21 Section 121 et seq. of this title.

22 SECTION 8. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 121.7 of Title 60, unless there
24 is created a duplication in numbering, reads as follows:

1 If any provision of this act is held invalid, the remaining
2 provisions shall be severable and remain in effect.

3 SECTION 9. AMENDATORY 60 O.S. 2021, Section 121, as last
4 amended by Section 1, Chapter 373, O.S.L. 2024 (60 O.S. Supp. 2025,
5 Section 121), is amended to read as follows:

6 Section 121. A. As used in Sections 121 through 127 of this
7 title:

8 1. "Beneficial owner" means an individual or entity that
9 directly or indirectly:

- 10 a. owns or controls ten percent (10%) or more of any
11 class of ownership interest in a business entity,
- 12 b. exercises substantial control over the entity, or
- 13 c. provides twenty-five percent (25%) or more of the
14 purchase price or capital for the acquisition of land
15 through any loan, guarantee, equity, or other funding
16 arrangement, excluding ordinary-course institutional
17 lending by a United States-regulated bank;

18 2. "Covered land" means any interest in real property in this
19 state, including fee simple, leasehold interests that exceeds one
20 (1) year, mineral interests, and any easement or right-of-way
21 granting exclusive or operational control of a defined area for one
22 (1) year or more, except utility easements granted to United States-
23 domiciled utilities regulated under state or federal law;

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1 3. "Critical infrastructure site" means any electric generation
2 and transmission facilities, substations, water treatment,
3 telecommunications switching centers, petroleum and gas pipelines or
4 compressor stations, rail intermodal facilities, and any other site
5 designated by rule by the Department of Public Safety in
6 consultation with the Oklahoma Military Department;

7 4. "Deed" means any instrument in writing whereby land is
8 assigned, transferred, or otherwise conveyed to, or vested in, the
9 person coming into title or, at his or her direction, any other
10 person;

11 ~~2.~~ 5. "Foreign government adversary" means a government other
12 than the federal government of the United States, the government of
13 any state, political subdivision of the state, tribe, territory, or
14 possession of the United States and designated by the United States
15 Secretary of State as hostile or a Country of Particular Concern
16 (CPC);

17 ~~3.~~ 6. "Foreign government enterprise" means a business entity,
18 sovereign wealth fund, or state-backed investment fund in which a
19 foreign government adversary holds a controlling interest;

20 ~~4.~~ 7. "Foreign government entity" means a government other than
21 the federal government of the United States, the government of any
22 state, political subdivision of the state, tribe, territory, or
23 possession of the United States; and

1 ~~5.~~ 8. "Land" means the same as defined in Section 6 of this
2 title, but shall not include oil, gas, other minerals, or any
3 interest therein;

4 9. "Military installation buffer area" means land located
5 within ten (10) miles of a military installation located in
6 Oklahoma; and

7 10. "State-owned enterprise (SOE)" means any business entity in
8 which a foreign government entity directly or indirectly holds a
9 controlling interest or otherwise exercises substantial control,
10 including any foreign government enterprise as already recognized in
11 this section.

12 B. No alien or any person who is not a citizen of the United
13 States or foreign government adversary shall acquire title to or own
14 land in this state either directly or indirectly through a business
15 entity, trust, or foreign government enterprise, except as
16 hereinafter provided, but they shall have and enjoy in this state
17 such rights as to personal property as are, or shall be, accorded a
18 citizen of the United States under the laws of the nation to which
19 such alien belongs, or by the treaties of such nation with the
20 United States, except as the same may be affected by the provisions
21 of Section 121 et seq. of this title or the Constitution of this
22 state. Provided, however, the requirements of this subsection shall
23 not apply to a business entity that is engaged in regulated
24 interstate commerce or has a national security agreement with the

1 Committee on Foreign Investment in the United States (CFIUS) in
2 accordance with federal law. Certain disclosures, as required by
3 this act, may need to be made if applicable. No foreign government
4 adversary shall acquire any ownership or leasehold interest in rare
5 earth minerals within the state.

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

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

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

22 3. Transfer-on-death deed made by a grantor designating a
23 grantee beneficiary pursuant to the Nontestamentary Transfer of
24

1 Property Act, Section 1251 et seq. of Title 58 of the Oklahoma
2 Statutes;

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

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

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

9 7. Deed of dedication to the public; or

10 8. Deed in favor of the United States or any of its political
11 subdivisions, a state or any of its political subdivisions, or a
12 tribe.

13 The applicable exemption shall be shown on the face of the deed
14 prior to the recording of the deed and no affidavit shall be
15 required.

16 D. The Attorney General shall promulgate a separate affidavit
17 form for individuals and for business entities or trusts to comply
18 with the requirements of this section. The Attorney General may
19 establish additional exemptions which the Attorney General deems
20 necessary to substantially comply with the requirements of this
21 section. The county clerk may accept an affidavit in substantial
22 compliance with the affidavit form promulgated by the Attorney
23 General.

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SECTION 10. This act shall become effective November 1, 2026.

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