

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2961**

By Delegates Ridenour, Maynor, Ward, Butler,  
Hillenbrand, Mallow, Roop, Jennings, Petitto, Akers,  
and Phillips

[Introduced February 25, 2025; referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 193, as amended by adding a new article, designated  
 2 §37-3A-1 and §37-3A-2, relating to prohibiting ownership and possession of real property  
 3 by foreign adversaries.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3A. PREVENTING FOREIGN ADVERSARIES FROM OWNING PROPERTY**  
**IN WEST VIRGINIA.**

**§37-3A-1. Foreign adversaries prohibited from owning property in West Virginia.**

1 Legislative Findings - The Legislature finds that foreign adversaries have obtained  
 2 property in the United States and the state of West Virginia for nefarious purposes and that  
 3 preventing foreign adversaries from obtaining property in the state of West Virginia is in the  
 4 public's interest.

**§37-3A-2. Definitions and applicability of article.**

1 (a) Except as provided below, all aliens may take, by deed or will, lands and tenements in  
 2 fee simple, or other less estate, and hold, incurring liens, and devise the lands and tenements.

3 (b) As used in this section:

4 (1) "Controlling interest" means an ownership interest of 50 percent or more, in the  
 5 aggregate;

6 (2) "Prohibited foreign-party-controlled business" means a corporation, company,  
 7 association, firm, partnership, society, joint-stock company, trust, estate, or other legal entity  
 8 whose controlling interest is owned or operated in whole or in part by a prohibited foreign party;  
 9 and

10 (3) "Owned or operated in whole or in part" means that a person or entity:

11 (A) For a publicly traded company, has the ability to control the company, access to any  
 12 material nonpublic technical information in the possession of the company, or any other rights or  
 13 involvement in substantive decision making of the company beyond those available to a retail

14 investor holding an equivalent share of ownership; and;

15 (B) For a privately held company, has any share of ownership of such company.

16 (4) "Control" means the power, direct or indirect, whether or not exercised, including but  
17 without limitation, through the ownership of at least 20 percent of the total outstanding voting  
18 interest in an entity, board representation, the ability to appoint or discharge any board members,  
19 officers, or directors, proxy voting, a special share, contractual arrangements, legal obligations,  
20 formal or informal arrangements to act in concert, or other means, to determine, direct, or decide  
21 important matters affecting an entity.

22 (5) "Prohibited foreign party" means:

23 (A) A citizen or resident of a country identified in §37-3-2(b)(3)(C)(vi) of this code and who  
24 is not a resident alien of the United States;

25 (B) A foreign government formed within a country identified in §37-3-2(b)(3)(C)(vi) of this  
26 code;

27 (C) Any party other than an individual or a government:

28 (i) That is created or organized under the laws of any state; and

29 (ii) In which a significant interest or substantial control is directly or indirectly held or is  
30 capable of being exercised by:

31 (I) An individual referred to in subdivision §37-3-2(b)(3)(C)(i) of this code;

32 (II) A foreign government referred to in subdivision §37-3-2(b)(3)(C)(ii) of this code;

33 (III) A party referred to in subdivision §37-3-2(b)(3)(C)(iii) of this code; or

34 (IV) A combination of the individuals, parties, or governments referred to in paragraph (C)  
35 of this section;

36 (iii) An Entity of Particular Concern designated by the United States Department of State;

37 or

38 (iv) An agent, trustee, or other fiduciary of a person or entity enumerated in §37-3-

39 2(b)(3)(C)(i) through (iv) of this code;

40 (v) Specific entities comprising the list of prohibited foreign parties will be identified  
41 annually by, Secretary of Homeland Security, in consultation with the Governor, the West Virginia  
42 Secretary of State and Attorney General. Foreign adversaries include states or entities engaging  
43 in or supporting hostilities against the United States, United States citizens or armed forces, or  
44 United States' allies; state sponsors of terrorism that have caused the deaths of citizens, and;  
45 states that align with communist or totalitarian ideologies.

46 (vi) Prohibited foreign parties include foreign governments or other foreign entities hostile  
47 to the United States or the State of West Virginia.

48 (vii) The initial list of prohibited foreign entities includes any person or entity with any  
49 association with the:

50 (I) Chinese Communist Party or the Government of the People's Republic of China, or  
51 associated entities. The 'People's Republic of China' means all provinces and autonomous  
52 regions of the People's Republic of China, including the Hong Kong Special Administrative Region  
53 and the Macao Special Administrative Region; but does not include Taiwan.

54 (II) Government of Russia, or associated entities;

55 (III) Government of Belarus, or associated entities;

56 (IV) Democratic People's Republic of Korea Government, or associated entities;

57 (V) Socialist Republic of Vietnam Government, or associated entities;

58 (VI) Lao People's Democratic Republic Government, or associated entities;

59 (VII) Republic of Cuba Government, or associated entities;

60 (VIII) Government of Syria, or associated entities;

61 (IX) Government of Qatar, or associated entities;

62 (X) Islamic Republic of Iran Government, or associated entities;

63 (XI) Government of Yemen, the Houthi movement, or associated entities;

64 (XII) Current Government of Venezuela or the United Socialist Party of Venezuela, or  
65 associated entities;

66 (XIII) Islamic Emirate of Afghanistan or the Taliban, or associated entities;

67 (XIV) Lebanese Hizballah, or associated entities;

68 (XV) HAMAS or the Palestinian National Authority, or associated entities;

69 (XVI) Other Foreign Terrorist Organizations (FTOs) as designated by the Secretary of  
70 State in accordance with section 219 of the Immigration and Nationality Act.

71 (c)(1) A prohibited foreign-party-controlled business may not directly or indirectly acquire  
72 or own by grant, purchase, devise, descent, or otherwise any interest in public or private property,  
73 including the mineral rights to any property, in this state.

74 (2) A party may not hold public or private property as an agent, trustee, or other fiduciary for  
75 a prohibited foreign-party-controlled business in violation of this section.

76 (3) A prohibited foreign-party-controlled business that owns property in West Virginia at the  
77 time this bill becomes law shall have six months to divest of the public or private property owned at  
78 the time this bill becomes effective.

79 (d)(1) A prohibited foreign-party-controlled business entity that acquires property in West  
80 Virginia in violation of this section shall have six months to divest of the public or private property.

81 (2) If a prohibited foreign-party-controlled business entity does not divest the public or  
82 private property as required by subdivision (d)(1) of this section, the Attorney General shall  
83 commence an action in the circuit court within the jurisdiction of the public or private property.

84 (3)(A) If the public or private property is held in violation of this section, the circuit court  
85 shall order that the public or private property be sold through judicial foreclosure.

86 (B) Proceeds of the sale shall be disbursed to lien holders, in the order of priority, except for  
87 liens which under the terms of the sale are to remain on the public or private property. At the  
88 receivership sale, lienholders shall be able to have a credit bid.

89 (4) The Attorney General shall promptly record a copy of the following in the local land  
90 records:

91 (A) Upon commencement, notice of the pendency of an action brought under subdivision  
92 (d)(2) of this section; and

93 (B) The order for the sale of the public or private land under subdivision (d)(3)(A) of this  
94 section.

95 (e) A prohibited foreign-party-controlled business entity shall upon conviction be guilty of a  
96 felony punishable by not more than two years imprisonment in the custody of the Division of  
97 Corrections and a \$50,000 fine.

98 (f) It is an affirmative defense to prosecution under this section that a prohibited foreign-  
99 party-controlled business entity is a resident alien of the United States and the state of West  
100 Virginia.

101 (g) Title to public or private property is not invalid or subject to divestiture due to a violation  
102 of this section by:

103 (1) Any former owner; or

104 (2) Other person holding or owning a former interest in the public or private property.

105 (h) No person not subject to this section shall be required to determine or inquire into  
106 whether another person or entity is or may be subject to this section.

NOTE: The purpose of this bill is to amend the law to prevent foreign adversaries from owning property in West Virginia.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.