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Foreign Ownership of Agricultural Land in the United States: A Case Study Concerning the
2023 Grassroots Policy and Legislative Landscape

A thesis submitted in partial fulfillment of the requirements for the Bachelor of Science degree in
the Agricultural Business Honors Program

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April 17, 2023

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Abstract

Historically, foreign ownership of land in the United States has existed for centuries. Many state laws expressly allow for foreign ownership of agricultural land in their state. However, this study will find that a push to amend these laws has begun in recent years in state and federal legislatures. Grassroots member-focused agricultural organizations, representative of the agricultural community, have also seen a shift in member-developed policy. This shift is toward an attitude of concern and increased oversight of foreign land investment. From the data gathered, it can be inferred that public awareness in the agricultural community is increasing concerning foreign ownership of agricultural land in the United States and is trending toward an attitude of concern, increased monitoring of the issue, and in some cases, outright prohibition.

Introduction

Background

“And on the eighth day, God looked down on his planned paradise, and said, “I need a caretaker. So, God made a farmer. God said I need somebody willing to get up before dawn, milk cows, work all day in the fields, milk cows again, eat supper, then go to town and stay past midnight at a meeting of the school board...So God made a farmer” (Franke-Ruta 2013). These famous lines were delivered by the national radio broadcaster, Paul Harvey, in his 1978 speech to the Future Farmers of America (Singer 2020, 189). The lines were made popular by the 2013 Ram Truck Super Bowl Commercial featuring Harvey’s voiceover and still images of farmers and farms from across the country. This sense of resiliency, stewardship, commitment, and service remains the calling card for agriculturalists across the globe.

The farmers, ranchers, and agricultural producers of the United States of America devote their entire lives to providing food, fiber, and shelter to the world. As the global population increases, “with an expected increase [of] 2.2 billion by 2050,” a higher premium is placed on agricultural production to keep up with the demand of a growing market (American Farm Bureau Federation 2021). About “2 million farms dot America’s rural landscape” and “cattle and calves, corn and soybeans are the top three U.S farm products” (American Farm Bureau Federation 2021). In 2021, “agriculture, food, and related industries contributed 5.4 percent to U.S gross domestic product and provided 10.5 percent of U.S employment” (Economic Research Service 2023).

A few of the issues facing the agricultural sector today include connectivity and rising input costs. Many Americans in rural communities lack basic broadband connections prohibiting them from accessing the internet. Farmers and ranchers face rising input costs in each sector and

industry of agriculture. This disproportionately impacts agricultural producers, as the profit they make from their crops is often funneled right back into production. Issues such as these have recently become more prominent. One issue that has recently gained a lot of traction in the agricultural community and legislative chambers is the foreign ownership of agricultural lands in the United States.

Historically, foreign ownership of land in the United States has existed for centuries. Many state laws expressly allow for foreign ownership of agricultural land in their state. However, this study will find that a push to amend these laws has begun in recent years in state and federal legislatures. Grassroots member-focused agricultural organizations, representative of the agricultural community, have also seen a shift in member-developed policy. This shift is toward an attitude of concern and increased oversight of foreign land investment and is indicative of the recent change in perspective and priority of the agricultural community concerning foreign ownership of agricultural land in the United States.

Foreign Ownership of Agricultural Land in the U.S

Foreign ownership of land in the United States (U.S.) predates the conception of the United States as it is known today. The controversy of this issue pulls on every aspect of agriculture as land ownership impacts many of the stakeholders in the agriculture industry. The land is vital to the production of every commodity with some requiring a significant number of acres for maximum yield. Foreign ownership or investment of agricultural land can be defined as a foreign government, company, or entity purchasing land primarily, currently, or historically used in production agriculture. This can also be extended to include long-term leases rather than outright purchases. As the percentage of foreign-owned agricultural land in the United States has grown over the last decade, lawmakers at the federal and state level are increasingly more

interested in restricting and monitoring foreign investment in agricultural land (National Ag Law Center 2023). The Farm Service Agency (FSA) and the United States Department of Agriculture (USDA) reported that “foreign investors held an interest in approximately 40 million acres of U.S agricultural land (forest land and farmland) as of December 31, 2021” and “represents 3.1 percent of all privately held agricultural land” (Estep 2021, iv). The report also noted that “since 2015, foreign holdings have increased an average of 2.2 million acres annually, ranging from 0.8 million acres to 3.3 million acres per year” (Estep 2021, iv).

As indicated in Figure 1, reported foreign-held land in the United States is divided into four main categories: forest land, cropland, pasture and other agricultural lands, and non-agricultural land. The FSA reported in 2021 that “forest land accounted for 47 percent of all reported foreign-held acreage, cropland for 29 percent, pasture, and other agricultural lands for 22 percent, and non-agricultural land for 2 percent” (Estep 2021, iv).

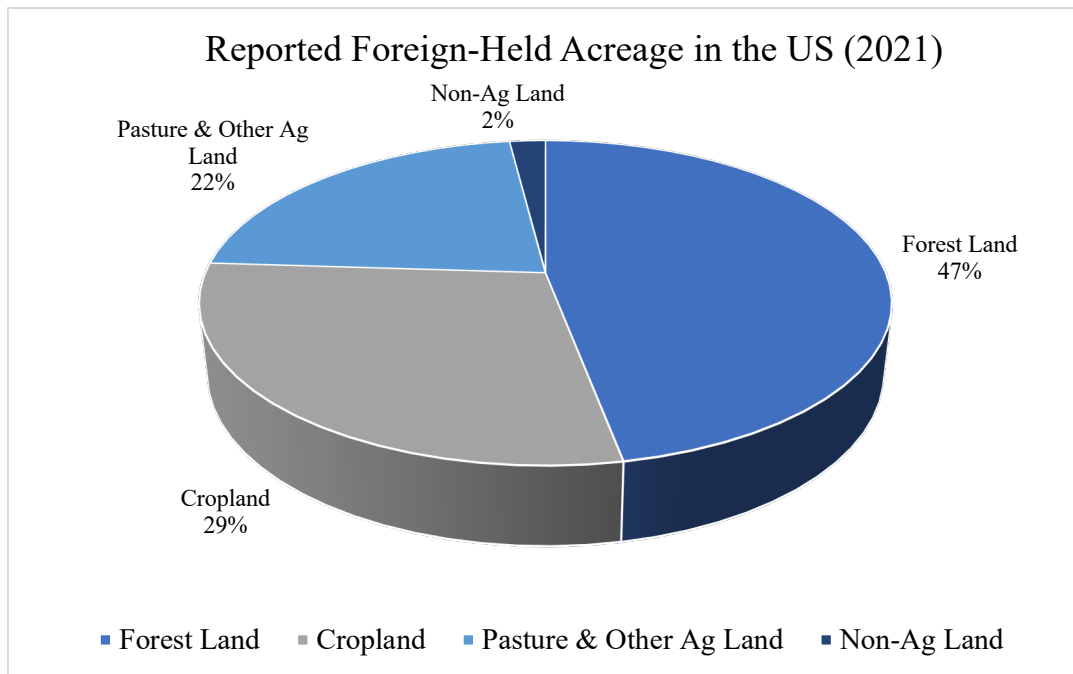


Figure 1: EICHENBERGER 2023, using data from the Farm Service Agency AFDIA Annual Report (Estep 2021)

Foreign-owned land in the United States spans multiple agricultural industries as well as non-agricultural sectors as indicated by Figure 1 and impacts every aspect of the agricultural community. Row crop farms, poultry operations, agribusiness operations, timber operations, specialty crops, and other types of agricultural operations all rely on land classified as either pasture/other, forest land, or cropland to operate. Foreign-held land in the United States also varies by the country of origin of the investor. The foreign-held land in the United States by country is displayed in Figure 2 as reported in the FSA USDA 2021: Foreign Holdings Report.

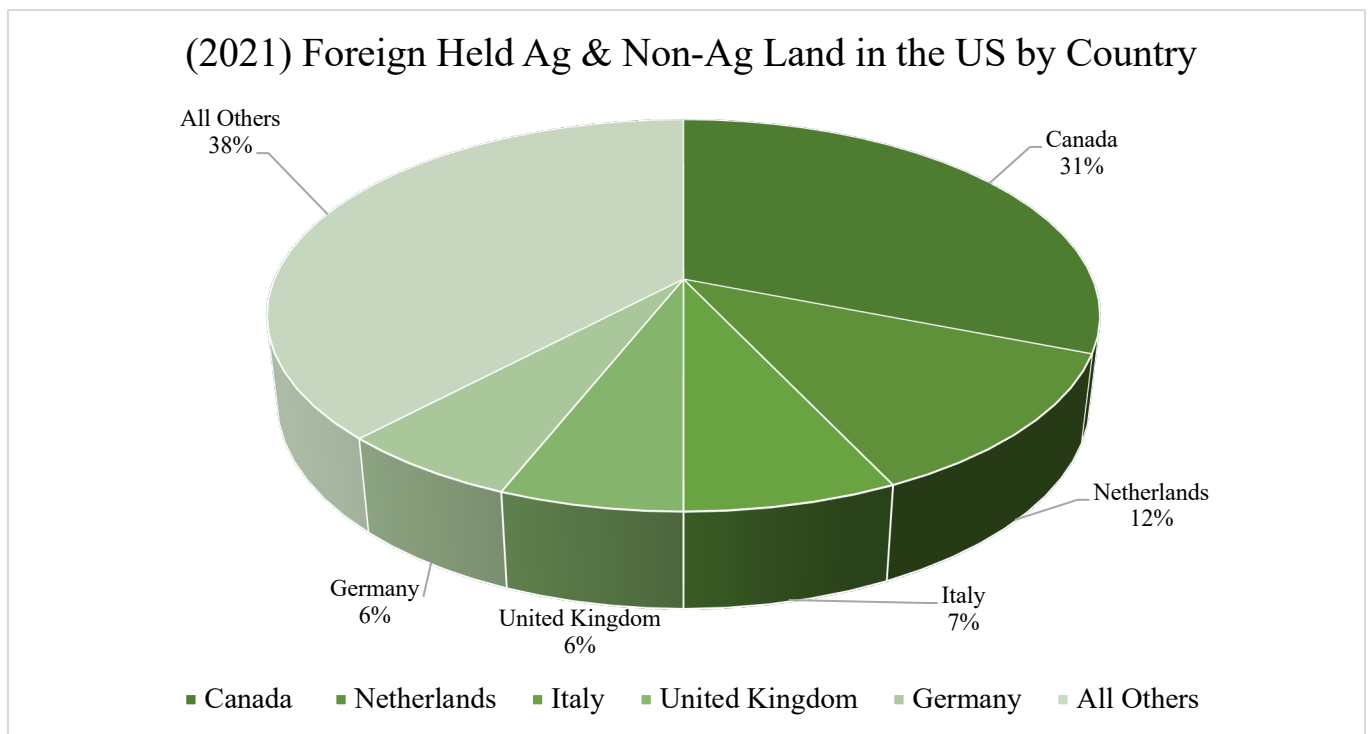


Figure 2: EICHENBERGER 2023, using data from the Farm Service Agency AFDIA Annual Report (Estep 2021, 4)

Reported foreign ownership of non-agricultural and agricultural land hinges on six countries, essentially. Canadian ownership is the largest percentage with 31 percent, or 12.8 million acres, while the Netherlands owns 12 percent, Italy owns 7 percent, the United Kingdom with 6 percent, Germany with 6 percent, and all other countries maintain 38 percent of all foreign-held non-agricultural and agricultural land in the United States (Estep 2021, 4). Of note, “China held

383,935 acres, which is slightly less than 1 percent of foreign-held acres,” including China with “all other” countries in the data reported (Estep 2021, 4).

In 1978, the Agricultural Foreign Investment Disclosure Act (AFIDA) was enacted and implemented as a way for the United States government to monitor foreign investment in agricultural land. It also created regulations “to establish a nationwide system for the collection of information pertaining to foreign ownership in U.S agricultural land” by “[requiring] foreign investors who acquire, transfer, or hold an interest in U.S agricultural land to report such holdings and transactions to the Secretary of Agriculture” (FSA USDA 2023). The AFIDA gathers much of the information concerning foreign-owned agricultural land in the United States.

Many states in the United States have passed laws concerning the foreign investment of agricultural land. These laws were developed and passed at different “political flashpoints” which include the “colonial period, the late 1880s and westward expansion of the U.S, the early 20th century through post-World War II, the 1970s, and 2021 to present day” (National Ag Law Center 2023). Because of this many of the state laws concerning foreign ownership of agricultural land lack uniformity across the country (National Ag Law Center 2023). A “foreign ownership law” is defined by the National Agricultural Law Center (NALC), as “a law that restricts certain foreign individuals, foreign entities, or foreign governments from acquiring, transferring, holding, or investing in U.S real estate, specifically including agricultural land located within the U.S” (National Ag Law Center 2023). The NALC updated its state statute compilation in April of 2023.

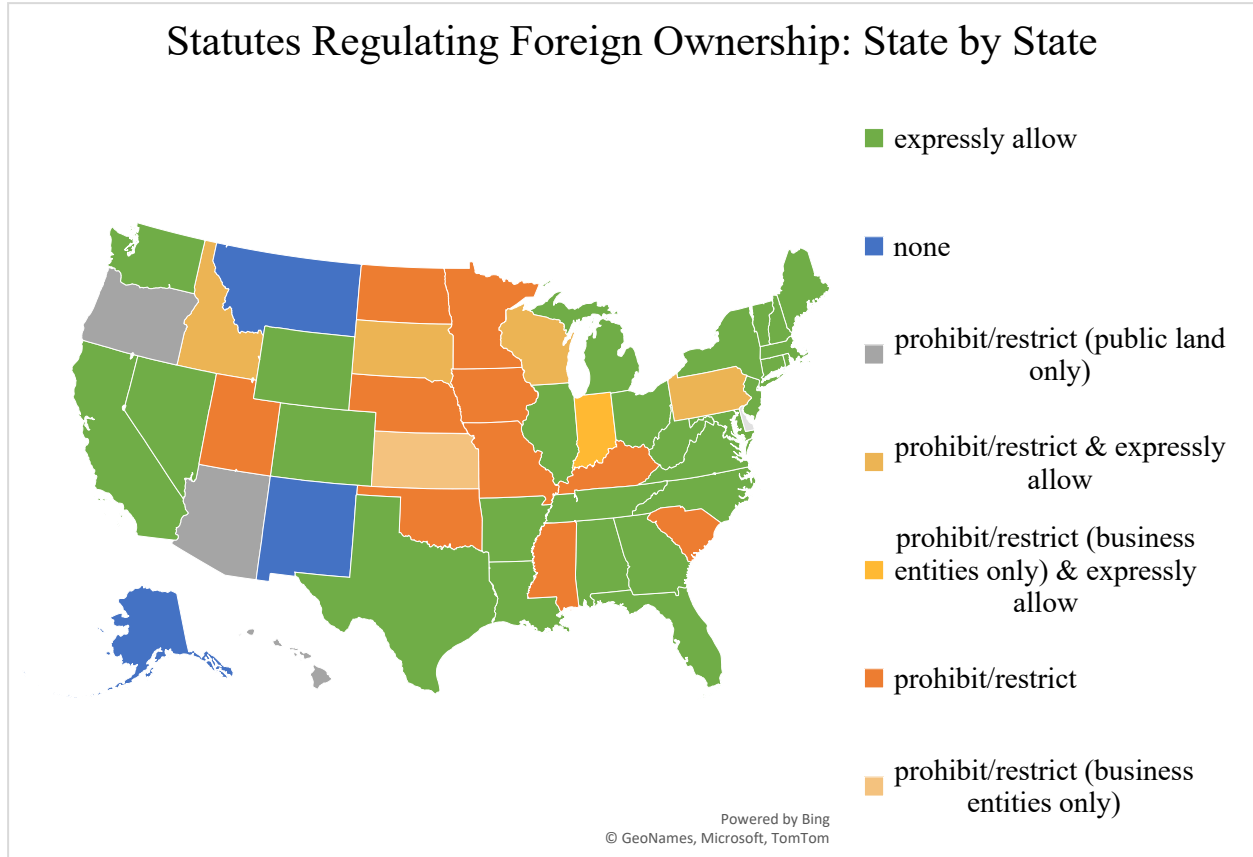


Figure 3: Source: Eichenberger 2023, using data from the National Ag Law Center (Spellman 2023)

The NALC also notes that “approximately fifteen states specifically forbid or limit nonresident aliens, foreign business entities, or foreign governments from acquiring or owning an interest in private agricultural land within the boundaries of their state” (National Ag Law Center 2023). States with laws “prohibiting or restricting foreign ownership and investments in private farmland include Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Utah, and Wisconsin” (National Ag Law Center 2023). The specifics of each state statute vary between each state and are modeled to fit the landscape of their specific state.

AFIDA is utilized as a reporting mechanism but is also used to disseminate public information and data to USDA agencies. The 2021 “Foreign Holdings of U.S Agricultural Land”

report compiled by the FSA using AFIDA data, notes the total land area of the state, privately held agricultural land, and foreign-held agricultural land and compares the proportions of each state. “Texas has the largest amount of foreign-held U.S. agricultural land with approximately 5.3 million acres,” while Maine, the second largest, has “just over 3.6 million acres,” and the third largest, is Colorado, “with approximately 1.9 million acres” (Estep 2021, 4). The next states with the largest amounts of foreign-owned ag land include Alabama with approximately 1.8 million acres, Oklahoma with approximately 1.6 million acres, Washington with approximately 1.5 million acres, followed by Louisiana, Michigan, Arkansas, and Florida with approximately 1.3 million acres each (Estep 2021, 4). The data is referenced as Table 1 in the Appendix.

However, it must be noted that the amount of foreign-held agricultural land relative to the total amount of land in each state offers a unique look at the impact of foreign-held land on each state. For example, Arkansas’s total area of land in acres is 33,323,520 but has 1,381,200 acres of foreign-held agricultural land (Estep 2021, 17). This means that approximately 4.1% of the land in the state of Arkansas is foreign-held agricultural land. However, even though Texas has the largest amount of foreign-owned land ag land in the U.S. at 5.3 million acres, relative to the state's land area, foreign-owned ag land only accounts for approximately 3.1% of the state (Estep 2021, 17). By comparing the amount of foreign-held agricultural land relative to the amount of land in each state, a more accurate landscape of the impact foreign-held agricultural land, in acres, may have on the state can be determined.

Agriculture in the United States: State by State

Each state in the United States houses several different agricultural industries based on their geographical location and natural resources. It is important to identify the agricultural players among the states and to identify the variety of commodities produced. States like

Arkansas and Mississippi are largely agricultural states and the top commodity they produce is poultry products. Information from the 2017 Census of Agriculture from the USDA, displayed in Figures 4-6 ranks the top three commodities for each state and illustrates the similarities between the states concerning agricultural production.

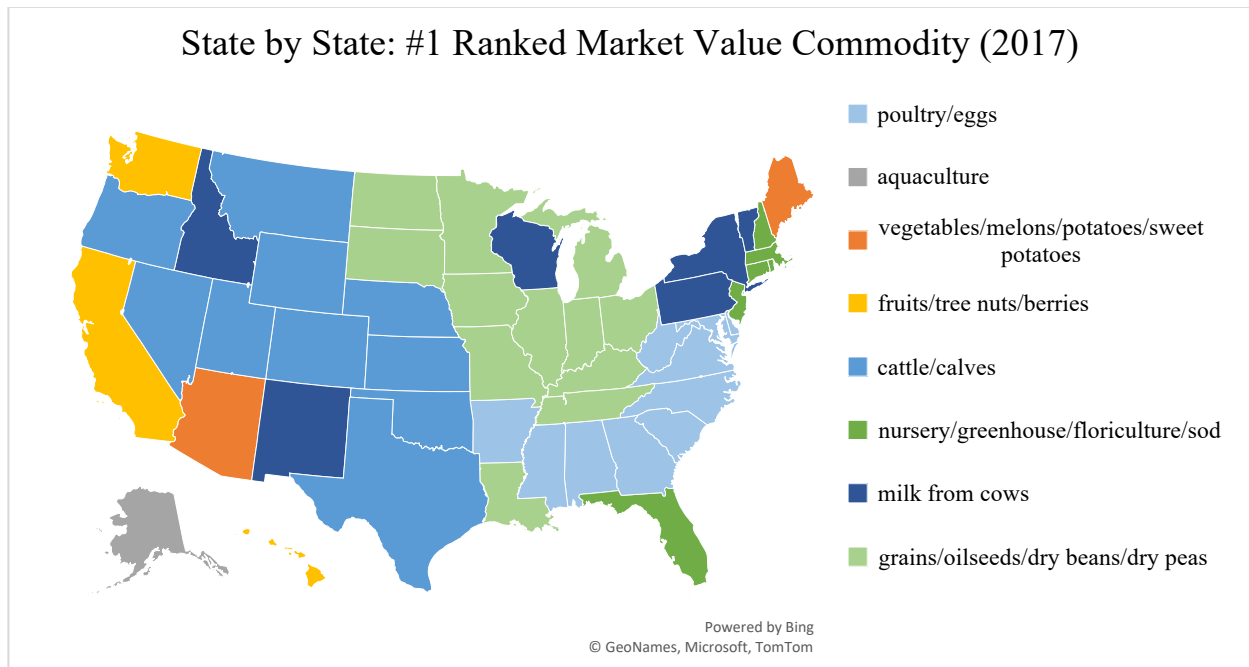


Figure 4: #1 Ranked Market Value Commodity in Each State

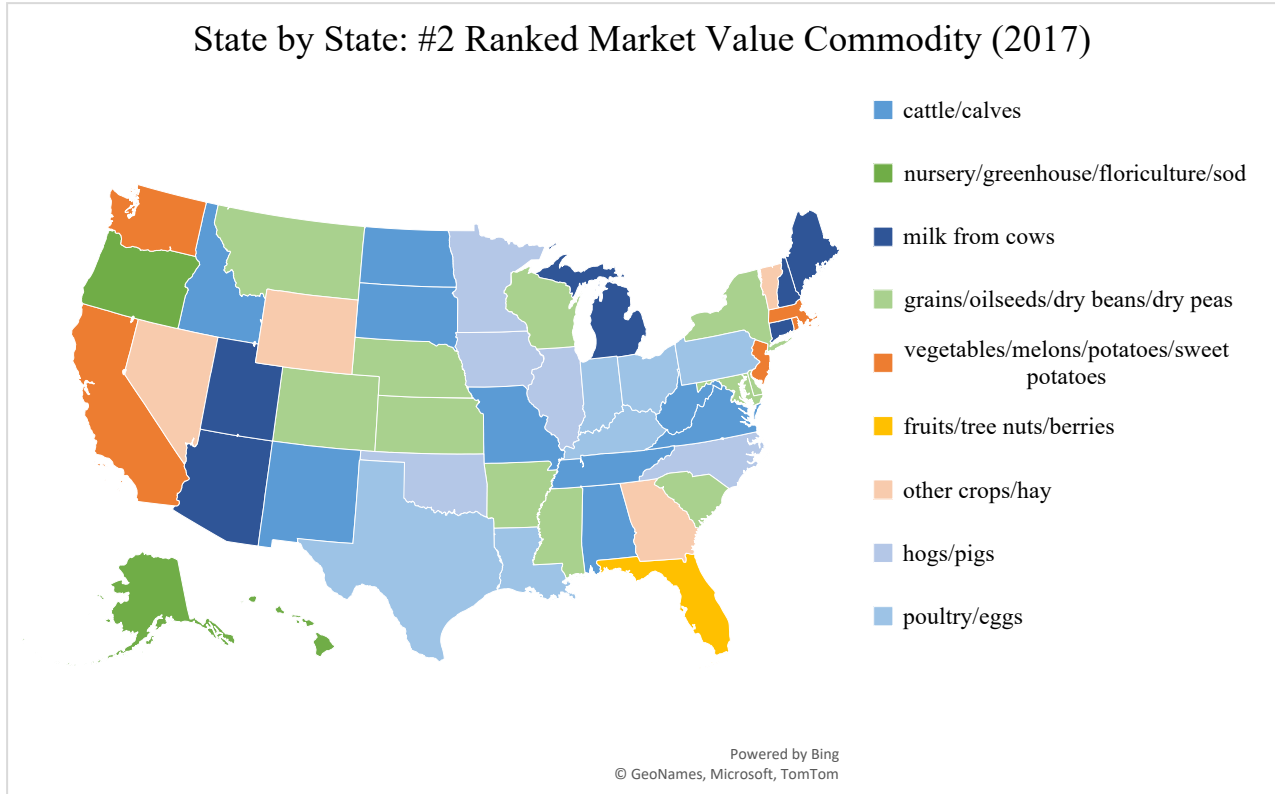


Figure 5: #2 Ranked Market Value Commodity in Each State

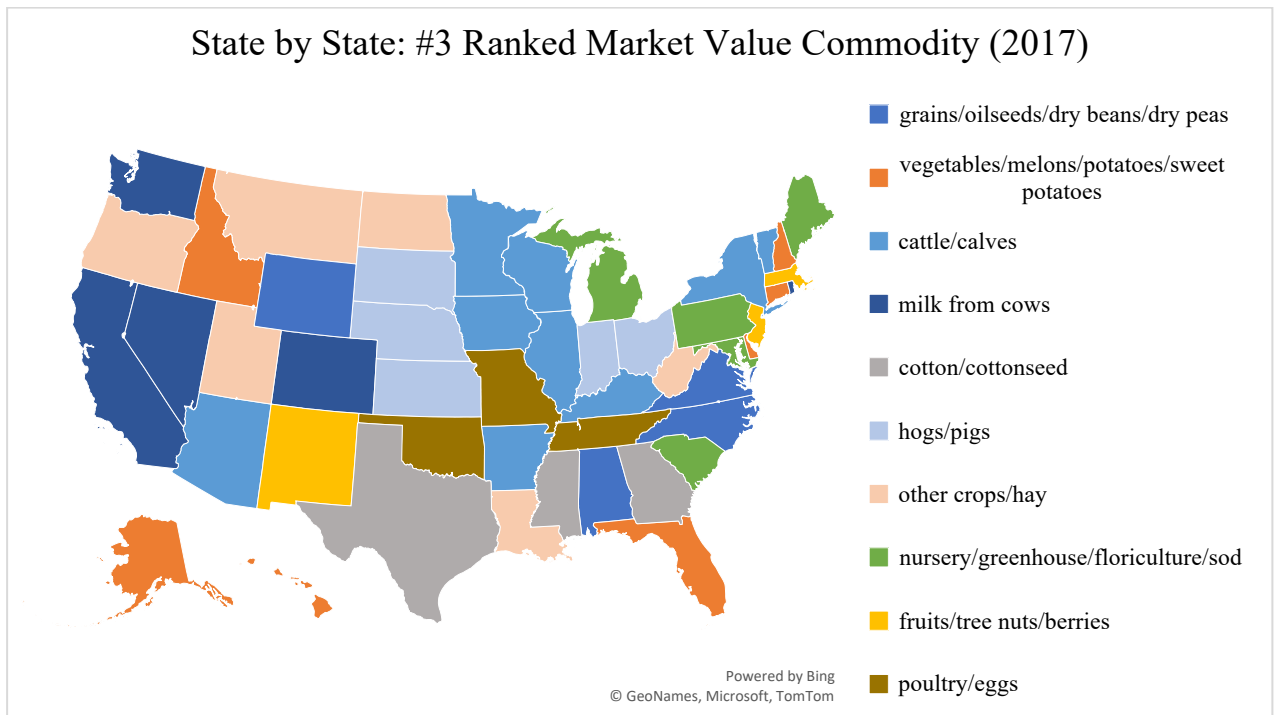


Figure 6: #3 Ranked Market Value Commodity in Each State,
Source: Eichenberger 2023, using data from the 2017 Census of Agriculture (USDA 2017)

The information in Figures 4-6 highlight the diverse agricultural industries in each state and offers a big-picture view of the agriculture landscape in the United States. Along with reviewing the specific commodities of each state, the number of farms and the number of acres of farmland per state, as compiled by the 2017 Census of Agriculture, offers a holistic review of the state. In Table 2, the impact of agriculture in the state can be easily inferred based on the number of farms per state and the number of acres of farmland.

State	Number of Farms	Number of Acres of Farmland
Alabama	40,592	858,940
Alaska	990	849,753
Arizona	19,086	26,125,819
Arkansas	42,625	13,888,929
California	70,521	24,522,801
Colorado	38,893	31,820,957
Connecticut	5,521	381,539
Florida	47,590	9,731,731
Georgia	42,439	9,953,730
Hawaii	7,328	1,135,352
Idaho	24,996	11,691,912
Illinois	72,651	27,006,288
Indiana	56,649	14,969,996
Iowa	86,104	30,563,878
Kansas	58,569	45,759,319
Kentucky	75,966	12,961,784
Louisiana	27,386	7,997,511
Maine	7,600	1,307,613
Maryland	12,429	1,990,122
Massachusetts	7,241	491,653
Michigan	47,641	9,764,090
Minnesota	68,822	25,516,982
Mississippi	34,988	10,415,136
Missouri	95,320	27,781,883
Montana	27,048	58,122,878
Nebraska	46,332	44,986,821
Nevada	3,423	6,123,153
New Hampshire	4,123	425,393
New Jersey	9,883	734,084
New Mexico	25,044	40,659,836
New York	33,438	6,866,171
North Carolina	46,418	8,430,522

North Dakota	26,364	39,341,591
Ohio	77,805	13,965,295
Oklahoma	78,531	34,156,290
Oregon	37,616	15,962,322
Pennsylvania	53,157	7,278,668
Rhode Island	1,043	56,864
South Carolina	24,791	4,744,913
South Dakota	29,968	43,243,742
Tennessee	69,983	10,874,238
Texas	248,416	127,036,184
Utah	18,409	10,811,604
Vermont	6,808	1,193,437
Virginia	43,225	7,797,979
Washington	35,793	14,679,857
West Virginia	23,622	3,662,178
Wisconsin	64,793	14,318,630
Wyoming	11,938	29,004,884

Table 2: Number of Farms Per State & Acres of Farmland Per State (in acres)

Source: Eichenberger 2023, using data from "Table 8" from NASS USDA Census Agriculture 2017 (NASS USDA 2017, 1-11)

Understanding the agricultural landscape of each state allows for a deeper understanding of the priorities each state's agricultural community may advocate for through policy development. It also allows for greater comparison between states by reviewing the top-ranked commodities, the number of farms, and the number of acres of farmland. The importance of agriculture production in each state can also be reviewed through the percentage of agriculture to the gross domestic product (GDP) of each state. In Table 3, the percentage of agriculture in each state's GDP in 2021 is highlighted from the University of Arkansas Division of Agriculture. Agricultural production accounts for at least five percent or more of the state's GDP in Arkansas, Alabama, Idaho, Iowa, Wisconsin, Nebraska, and Mississippi, among others.

State	Percentage of Agriculture in State GDP (2021)
Alabama	5.1
Alaska	2.3
Arizona	1.7
Arkansas	8.2
California	2.5

Colorado	2.3
Connecticut	1.1
Florida	1.5
Georgia	4.1
Hawaii	1.0
Idaho	8.3
Illinois	3.2
Indiana	4.7
Iowa	11.1
Kansas	7.3
Kentucky	6.8
Louisiana	3.1
Maine	4.9
Maryland	1.3
Massachusetts	1.0
Michigan	2.9
Minnesota	4.6
Mississippi	6.6
Missouri	4.4
Montana	4.1
Nebraska	11.5
Nevada	1.0
New Hampshire	1.5
New Jersey	1.3
New Mexico	2.1
New York	1.1
North Carolina	6.3
North Dakota	8.3
Ohio	3.4
Oklahoma	3.2
Oregon	5.5
Pennsylvania	3.0
Rhode Island	1.2
South Carolina	3.0
South Dakota	10.9
Tennessee	5.0
Texas	1.9
Utah	2.6
Vermont	4.1
Virginia	4.3
Washington	2.7
West Virginia	1.7
Wisconsin	7.1
Wyoming	2.0

Table 3: The Percentage of Agriculture Production in Each State's Gross Domestic Product (2021) Source: Eichenberger 2023, using data from the UADA Research & Extension "Economic Impact of Agriculture" (English 2023)

Agricultural Organization Stakeholders

Member-based, industry organizations exist in the United States to serve people in specific industries and professions. Examples of this would be The Poultry Federation, the USA Rice Federation, and the American Farm Bureau Federation. Through these organizations' involvement at the local, state, and national levels, effective and specific policy changes may occur. In agriculture, organizations dedicated to advocacy, information dissemination, and policy development are most often the stakeholders in agricultural issues because they represent the voices and opinions of their members. These stakeholders are important because they have the power to move legislation and policy through lobbying and advocacy. Many of agricultural organizations also lobby state and federal governments to advocate for the priorities of their members.

Lobbying groups in the United States advocate in the halls of Congress and state legislatures for legislative action on behalf of individual stakeholders. These stakeholders, either directly or indirectly, support a specific industry through their work, livelihood, or personal beliefs. Lobbying groups connect with members of Congress and state legislatures to advocate for the legislative and regulatory priorities of their stakeholders. Lobbying groups exist as a mechanism for the voices of everyday citizens, corporations, nonprofit organizations, and special interest groups to be heard through their advocacy. The agricultural sector in the United States boasts numerous influential and active lobbying groups, solely dedicated to furthering the advancement of specific agricultural issues and interests. In the agricultural industry and across

the United States, organizations like the American Farm Bureau Federation (AFBF) did not originally start off as lobbying groups but grew to protect and advocate for its member's needs.

The American Farm Bureau Federation, currently based in Washington, D.C. is a far-reaching agricultural lobbying organization. This organization is the “country's largest general farm organization and the leading advocate for farm and ranch families” (American Farm Bureau Federation 2023). This organization has been the “national, unified Voice of Agriculture” for over 100 years and seeks to impact the everyday lives of American farmers and ranchers through effective policy development and advocacy (American Farm Bureau Federation 2023). AFBF was originally founded in 1919 to “disseminate college research results to farmers” but now has grown into one of the largest agricultural lobbying groups with over 6 million members nationwide (Arkansas Farm Bureau 2023).

AFBF is a grassroots organization, meaning the policy directives and goals of the organization come from the members directly. In the United States, most counties have a Farm Bureau and a voice in the work of the state Farm Bureau and The American Farm Bureau Federation. The members of each county contribute to the policy priorities by participating in the policy development process in their own individual county and then by participating in their state's policy development process. The policy priorities of each state are then advocated for at the state level and the national level. This is how lobbyists from each state Farm Bureau and the national lobbyists of AFBF know what to advocate for and in turn, the organization has the authority to take a stance on issues in agriculture if the issue is deemed important by their members. The policy is entirely member-driven creating an opportunity for farmers and ranchers to effectively impact legislation drafted in the halls of Congress.

Each state Farm Bureau works with its membership in each county to gather policy suggestions and revisions for the upcoming year. The revisions are then voted on at the annual member meeting and added to the state's policy book. Each Farm Bureau has a policy book or list of policy resolutions or priorities that their members have voted on and drafted based on the agricultural issues that they believe to be a priority. AFBF also has a policy book, updated each year, that is crafted by policy deemed expedient to include by the membership of every state. At the annual convention voting delegates from each state will vote on policy to be included in the national policy book.

Farm Bureau serves and represents the voices of members of all agricultural, ethnic, and socioeconomic backgrounds. Each state is diverse in its agricultural industries lending itself to a unique cohort of producers. The regional diversity offered by most states and the nation allows for many different perspectives, opinions, and voices to be heard throughout the policy development process in each state and at the national level. Farm Bureau as a national organization and as a state organization is a good representation of the agricultural community as a whole because of the diverse and varied occupations and experiences of its members. Because Farm Bureau is a member-based, grassroots organization, it serves as the case study for analyzing the agricultural community's response and opinion on the topic of foreign ownership of agricultural land in the United States.

Literature Review

Until the 1970s, information, and data concerning foreign ownership of agricultural land and non-agricultural in the United States were not readily available, nor reliable, on a national scale. Many states maintained their own reporting regulations, but federal regulations did not exist. This lack of information created ambiguous laws and a lack of uniformity across state statutes as well hindered Federal knowledge of the ownership landscape. As of 2023, foreign ownership of agricultural land and non-agricultural land in the United States is not currently restricted by federal statutes concerning the amount of private land that may be held (Johnson 2023, 1). However, after the creation of a federal reporting law in the 1970s, “foreign persons and entities [are required] to disclose to USDA information related to foreign investment and ownership of U.S” (Johnson 2023, 1).

The 1950s: Defense Production Act

In September of 1950, with the passage of the Defense Production Act (DPA) (50 U.S.C. § 4565) federal interest in monitoring and maintaining oversight on foreign-owned land in the U.S increased. The DPA was born out of heightened awareness of national security and national defense preparedness due to the Korean War (Peters 2020, 2). The DPA “granted broad authority to the President to control national economic policy” through the creation of “seven separate titles” many of which allowed for the increased prioritization of defense production (Peters 2020, 2). It also allowed the President to “curb inflation... spur defense production” and increase defense spending (Monthly Labor Review 1950, 453).

This increase in power also increased the need for national security oversight. The creation of the DPA also created the Committee on Foreign Investment in the United States (CFIUS). CFIUS, as a multi-government agency, “reviews certain transactions involving foreign

investments and acquisitions of American companies and real estate to determine whether there is a threat to national security” (National Ag Law Center 2023). Additionally, CFIUS “has the power to suspend, renegotiate, and impose conditions to transactions that may pose a risk to the national security of the U.S” (National Ag Law Center 2023). For example, in 2013, CFIUS reviewed and approved the acquisition of Smithfield Foods in Missouri by W.H. Group (then known as Shuanghi International), a Chinese buyer (Lynch 2023).

The 1970s: Agricultural Foreign Investment Disclosure Act

In June of 1978, “in response to a congressional inquiry, information was compiled on state laws that place constraints or reporting requirements as a result of state reporting requirements” by the United States Government Accountability Office (Government Accountability Office 1978). The report titled “Foreign Ownership of U.S Farmland- Much Concern, Little Data” by the Comptroller General of the U.S with the GAO found that at the time “reliable data [was] difficult to obtain,” “very little aggregate data exists” and “current or planned Federal data collection efforts [were] not encouraging” (Government Accountability Office 1978). Recommendations were made to enact a federal reporting system to compile better data and information. The report also found that twenty-five states had laws that restricted foreign ownership of land while twenty-five states did not (Government Accountability Office 1978).

In the fall of 1978, the first federal reporting act concerning foreign ownership of land, the Agricultural Foreign Investment Disclosure Act (AFIDA), was passed. AFIDA “as implemented by the regulations, requires all foreign persons holding agricultural land as of February 1, 1979, to file a report of such holdings with the Secretary of Agriculture by August 1, 1979” (Estep 2021, 1). AFIDA’s reporting regulations “require foreign persons who buy, sell, or

gain interest in U.S. agricultural land to disclose their holdings and transactions to USDA directly or to the Farm Service Agency County office where the land is located” (Johnson 2023, 1). AFIDA defines “agricultural land” as “any land located in one or more States and used for agricultural, forestry, or timber production purposes” (7 USC § 3508). The term “foreign person” is defined in the act as “any individual who is not a citizen or national of the United States”, and “any person, other than an individual or a government which is created or organized under the laws of a foreign government, or which has its principal place of business located outside of all the States” (7 USC § 3508). These definitions inform the following study.

Present Day

In 2021, throughout the tenure of the 117th Congress, legislation was proposed with the aim to increase oversight of foreign ownership of agricultural land in the U.S. Many pieces of legislation “sought to amend the Defense Production Act” by placing the “Secretary of the United State Department of Agriculture” on the CFIUS (National Ag Law Center 2023). This addition would increase oversight of foreign ownership through the critical lens of agriculture by including USDA. It would also “require CFIUS to consider agriculture-specific criteria when determining whether a foreign investment poses a risk to the United States National security” meaning more attention would be paid to foreign investment of agricultural land (National Ag Law Center 2023). The bills proposed include the “Foreign Adversary Risk Management Act (“FARM” Act) (H.R 5490), Promoting Agriculture Safeguards and Security Act (“PASS” Act) (H.R. 8274/S. 4786), both of which were reintroduced in the 118th Congress (National Ag Law Center 2023).

Methodology

This chapter highlights the research objectives, research methodology, and type of analysis used in the study. The specific research design used, the purpose of the study, rigor, and the research objectives will also be highlighted to further expound on the methods utilized in the study. The methodology and data collection process of the study will be outlined by each objective.

In the United States, the issue of foreign ownership of agricultural land is causing controversy in the agricultural community as producers, consumers, and contributors form opinions on the issue and seek to understand the legislative and regulatory landscape. Information concerning the general viewpoints of the agricultural community in the U.S. on foreign ownership of agricultural land has yet to be polled. The purpose of the proposed study was to analyze the stance of the farm bureau members in each state, through the language in the drafted policy books or policy priority lists, informed by each state's policy development process, as a case study and to identify trends between the policy and proposed legislation concerning foreign ownership of agricultural land. The goal of the study was to investigate the general opinion of the agricultural community on foreign ownership of agricultural land through a case study utilizing an agricultural organization with a diverse membership and grassroots policy development process.

Research Objectives

The following objectives guided this study:

- Analyze all state farm bureau's most recently published policy books or policy priority lists to identify each state's members' approach to foreign ownership of agricultural land.

- Identify and analyze proposed legislation that concerns foreign ownership of agricultural land from each state in correlation to the policy development done by the state farm bureau.

Research Design

This study used a qualitative case study and content analysis, a non-experimental design. Farm Bureau is a member-based, grassroots organization that serves as the case study for analyzing the agricultural community's response and opinion on the topic, of foreign ownership of agricultural land. It is understood that "qualitative research is inquiry aimed at describing and clarifying human experience as it appears in people's lives" (Polkinghorne 2005). This case study described the written language of human experience in terms of state farm bureau membership opinion as reflected in the policy book language. The data collected in the study is by nature, qualitative, as it can be defined as data gathered in the form of "written language rather than the form of numbers" (Polkinghorne 2005). Researchers note that "case study research is essential for the in-depth study of participants' perspectives on a phenomenon within its natural context" (Halkias 2022). This case study provided a deep dive into the topic of foreign ownership of agricultural land through the analysis and data collection of state farm bureau policy books and 2023 proposed legislation on a state-by-state basis. The analytical design of the study allowed for the research objectives to be explored and investigated through the content review and data collection process.

Rigor

Confirmability, credibility, transferability, and dependability are all techniques used to establish the trustworthiness of the qualitative research study (Lincoln & Gruba 1985). This research study was conceived in the fall of 2021 and the concepts enumerated in the study was

ruminated upon for two and a half years. The time commitment of the principal investigator to the study exemplifies the prolonged engagement technique for establishing credibility (Lincoln & Gruba 1985). Kim Petrone, a University of Arkansas Sam Walton College of Business law professor, reviewed the findings of the research study and offered critiques throughout the process. Petrone also met with the principal investigator to discuss the vision of the study and evaluate the direction. This displays the technique of peer debriefing which establishes the credibility of the study (Lincoln & Gruba 1985).

Complete descriptions of the methodology, research setting, and pertaining details are included to highlight the repeatability of the research study. Describing the study in detail can help achieve a type of external validity known as thick description and this establishes the transferability of the research findings and methods (Lincoln & Grub 1985). The researcher's University of Arkansas Dale Bumpers College of Agricultural, Food and Life Sciences Honors thesis committee members, not involved in the research process, reviewed the results and methods of the study. The committee members included Harrison Pittman, director of the National Agricultural Law Center in Fayetteville, Arkansas, and Dr. Alvaro Durand-Morat, assistant professor in the Department of Agricultural Economics and Agribusiness at the University of Arkansas in Fayetteville, Arkansas. The committee members met with the principal investigator numerous times throughout the process to aid in the development of the direction and methodology. An outside examination of the research study, defined as an external audit, helps establish the dependability of the study (Lincoln & Gruba 1985). Throughout the study notes, documents, research records, policy books, and articles were compiled as they pertained to the subject. These items, categorized in an accessible database, helped create an audit trail from

the start of the research to the conclusion. An audit trail establishes the confirmability of the research study (Lincoln & Gruba 1985).

Data Collection: Methodology Summary

The data collection pertaining to the case study included the specific language used in each state's most recent policy book and the recently proposed legislation per state. The language sought included explicit mentions of foreign ownership of agricultural land in the United States. The data was collected from state policy books, either downloaded or linked on the state farm bureau websites. Data was also collected from proposed legislation concerning foreign ownership of agricultural land from each state analyzed. The data was then compiled into graphs and tables for better analysis. Next, the data was analyzed, compared, and contrasted to identify trends between the proposed legislation and Farm Bureau policy in the Discussion section of the study.

Data Collection: Objective I

- 1) All 50 state Farm Bureau websites were surveyed initially.
- 2) The term "2023 policy book" was searched for in the search bar of the website
 - a) If a public, downloadable policy book was found, the document was downloaded, and the link recorded for future use.
 - b) If a readily accessible version was not available, or the policy book was only downloadable for state farm bureau members, a general inquiry contact form was submitted.
 - i) If a contact form inquiry was unavailable, a general informational inquiry email was sent to the state farm bureau general contact email.

- c) If there was no response from the general email or contact form within several days, an email was sent to the staff members of government affairs or the legislative affairs department of the state farm bureaus.
 - d) If there was no response from the government affairs department via email, a phone call was made to the general contact number for the state farm bureau.
 - i) The principal investigator's credentials, connections, research goals, and inquiry was provided along with contact information to the state farm bureau. A request for connection to the government affairs department was made.
 - e) Multiple attempts were made to contact the state farm bureau either via email or phone call to acquire the policy book
- 3) Once the policy book was acquired from the state farm bureau, the means of acquisition, year of publication, and location on the website, if applicable, were recorded. The policy book was downloaded and stored electronically.
- 4) Next, the contents were thoroughly reviewed using the search terms "foreign ownership" and "foreign investment".
- a) If sections of the text were found to contain the search terms, the language was then copied and recorded in a table. The specific section title, line number(s), and page number will also be recorded, if applicable.

Instrumentation

The language from each policy book and information about the policy book, if applicable, was classified into three tables. First, Table 4 defines whether the policy book for each state includes information concerning foreign ownership of agricultural land. If the state farm bureau does not include language in the policy book, that is highlighted as well. Second,

Table 5 displays the specific language of each state policy book, including the location and year published. Finally, Table 6 further classifies the specific language into four categories, aggressive (prohibit), moderate (restrict), light (concern), and aware.

The terms of each category were defined by reviewing the language utilized in each policy and the strength of the language. The term “aggressive” or prohibit means the policy explicitly advocates for the prohibition of or prevention of agricultural land sales to foreign entities. The term “moderate”, restrict, or oppose, is defined as the policy opposing foreign ownership directly or advocating for stricter restrictions or limitations. The term “light” or concern is defined as the policy expressing concern for the issue or recommending monitoring of the issue in the region. The term “aware”, is the weakest classification term and is defined as the policy expressing awareness of the issue, either directly or indirectly, or by mentioning the issue throughout the policy.

Data Collection: Objective II

The National Agricultural Law Center was contacted via email for access to the complete list of the 2023 state legislative proposals concerning foreign ownership of agricultural lands. The list was created and compiled by the staff attorneys at the NALC. The data was organized by the NALC by state and listed as either a House Bill/Resolution or a Senate Bill/Resolution. The list of proposals was downloaded and reviewed by the principal investigator for further classification and summarization.

Instrumentation

The information regarding the relevant proposed legislation for 2023 in each state was classified into three figures. First, Table 7 specifies the number of bills per state proposed in 2023 concerning foreign ownership in that state. The number of bills proposed from each state

will be categorized by the representative body it originated in, either House (Or Assembly) or Senate. The bill number is included in the figure as well. Second, Table 8 notes the specific bills proposed by each state concerning foreign ownership of agricultural lands in 2023. The bills are categorized by the mention of agricultural land in the language of the text. Finally, Table 9 lists the specific legislation concerning agricultural land and notes the classification strength NALC deemed for each proposal. The proposals are classified as either restrictive or prohibiting.

Supporting Data

To support the literature and the anticipated analysis of the objective data sets, supporting data and information will be collected to bolster the argument of the study. Figure 1 highlights the type of land held by foreign investors as of 2021 using data from the FSA AFDIA Annual report. Figure 2 highlights the percentage of foreign-held land in the U.S. by country using data from the FSA AFDIA Annual Report in 2021. Figure 3 uses data from the NALC to highlight the types of statutes in each state regulating foreign ownership.

Table 1 of the study highlights the data compiled by the Farm Service Agency (FSA) of the USDA. FSA's report titled "U.S Agricultural Landholdings of Foreign Investors by State as of December 31, 2021" features the data utilized in this study in Report 1. Figures 4, 5 and 6 display the top three commodities in each state using the "2017 Ranking of Market Value of Ag Products Sold" from the 2017 Census of Agriculture compiled by the National Agricultural Statistics Service (NASS) and commissioned by the USDA. Table 2 lists the number of farms and the number of lands (in acres) devoted to farm use in each state. The data is summarized by the principal investigator but compiled by NASS of USDA in "Table 8. Farms, Land in Farms, Value of Land and Buildings, and Land Use: 2017 and 2012" from the 2017 and 2012 Census of Agriculture. Only data from the 2017 Census of Agriculture is utilized in this study. Table 3

highlights the percentage of agriculture production in each state's Gross Domestic Product for 2021 (English 2023). All supporting data collected from outside sources aim to provide a broader context for the data collected in the principal investigator's study.

Research Findings

The data collected in the study focused on two objectives. The first set of data, language, or lack thereof was collected from state Farm Bureau policy books and summarized in Tables 4, 5, and 6. The second set of data proposed legislation from 2023 concerning foreign ownership of agricultural land, was acquired through the National Agricultural Law Center and summarized in Tables 7, 8, and 9.

Objective I: State Farm Bureau Policy Book Language

The data collected from state farm bureau policy books in the United States are described below. Of the 50 states contacted, 47 responded to the inquiry. The data collected is classified into three separate figures. First, whether the policy book for each state includes information concerning foreign ownership of agricultural land. Second, by the specific language of each state. Finally, the specific language is classified into four categories, aggressive (prohibit), moderate (restrict), light (concern), and concern.

Forty-two of the policy books collected and reviewed reflect the state farm bureau policies for 2023. Of the policy books collected and reviewed, two reflect the state farm bureau policies for 2022, two reflect policies for 2021, and one reflects policies for 2017. Of the fifty states contacted, three states (Hawaii, Minnesota, and South Carolina) must be excluded from the study as no response was given at the request for access or information concerning their 2023 policy book.

In Table 4, the information is classified as whether the policy book from each respondent mentions foreign ownership of agricultural land. Language from the American Farm Bureau Federation 2023 policy book is not classified with the state Farm Bureau data but rather included below Table 4 in a separate section.

The Presence of Language in State Farm Bureau Policy Books

Language Specified in Policy Book*	No Language Specified in Policy Book*
Alabama ²	Arizona ¹
Delaware ¹ 2021	Arkansas ¹
Georgia ¹	California ¹
Idaho ¹	Colorado ² (statement)
Iowa ²	Connecticut ² (statement)
Kansas ¹	Indiana ¹
Kentucky ¹	Louisiana ¹
Michigan ¹	Maine ² (statement)
Mississippi ¹	Maryland ¹
Missouri ¹	Massachusetts ¹
Montana ²	Nebraska ² 2022
Nevada ¹	New Hampshire ¹ 2022
North Carolina ²	New Jersey ¹
Oklahoma ¹	New Mexico ¹
Oregon ¹	New York ¹
Pennsylvania ¹	North Dakota ¹
South Dakota ¹	Ohio ² (statement)
Texas ²	Rhode Island ² (statement)
West Virginia ¹	Tennessee ¹
Wyoming ²	Utah ¹
	Vermont ¹ 2021
	Virginia ¹
	Wisconsin ¹
	Alaska ¹ 2017

Table 4, Eichenberger 2023

Note:

** Unless otherwise stated, all policy books reflect the policies for 2023*

1. denotes language or information from the state policy book was gathered from a physical or electronic copy of the state's policy book

2. denotes language from the state policy book or information was gathered via email response

The search terms, “foreign ownership” and “foreign investment” were utilized to determine whether language exists in each state policy book that mentioned foreign ownership of agricultural land. Of the twenty-four states that did not include language concerning foreign ownership of agricultural land, five state farm bureaus communicated the lack of language via

email with the principal investigator. The rest of the states, nineteen in total, were determined by reviewing the physical or electronic copy of the policy book.

American Farm Bureau Federation Policy Book 2023: Language

American Farm Bureau Federation included language concerning foreign ownership of agricultural land in the United States in their 2023 policy book. AFBF's policy is as follows,

“Foreign investment in U.S. assets is a concern. The impact of foreign investment in agriculture, banking, insurance and other business institutions in the United States should be monitored. Foreign ownership of utility companies and natural resource businesses, including agricultural land, should be limited to less than a controlling interest. We oppose preferential treatment of foreign investments in agriculture and insist that foreign investors be required to conform to the same tax laws, import and export regulations as American producers.” Located in Section 420/Foreign Investment on page 161 of the *American Farm Bureau Federation 2023 Policy Book*.

Farm Bureau Policy Book Language: Per State

After determining whether the language concerning foreign ownership of agricultural land existed in state policy books, the specific language is then highlighted. Cited below in Table 5 is the specific language and location of each policy per each state that does have a policy mentioning foreign ownership of agricultural land.

State*	Specific Language	Location in Policy Book
Alabama ²	1.9.5.1 We support addressing the issue of foreign interests in agriculture and commerce at the federal level. 1.9.5.6 We support action to enhance the U.S.'s ability to protect its food supply, including measures to prevent communist governments and their extensions from acquiring any interest in American property or enterprises.	Policy 1.9.51, 1.9.5.6, page 26 in <i>ALABAMA FARMERS FEDERATION POLICY FOR 2023</i>
Delaware ¹	"(30. Foreign Land Ownership) "Foreign investment in United States farmland in a growing concern. Delaware Farm Bureau opposes a differential tax treatment for foreign investments in agricultural land under the foreign tax law or treated provisions."	Chapter 30. "Foreign Land Ownership", page 12 in <i>2021-2022 POLICY BOOK DELAWARE FARM BUREAU</i>
Georgia ¹	"1. Foreign investment in Georgia assets is a concern. We will: (A) Oppose preferential treatment of foreign investments in agricultural land for agricultural production under state tax law or treaty; (B) insist that foreign investors be required to conform to all Georgia tax laws and the import and export regulations applicable to Georgia producers; (C) Continue to monitor the effect of foreign investment in agriculture, banking, insurance and other business institutions in Georgia. (D) Support legislation to prohibit foreign investors from eligibility for any government sponsored low interest loans, grants, special tax advantages for direct development or operation of agricultural production facilities in Georgia. (E) Oppose the foreign ownership of farmland or real estate in the USA by foreign companies, government-owned entities, or individuals who are from a "country of particular concern" as determined by the US Department of State." (2) We continue to have concern that non-USA companies own and control important food processors, wood processors, and ag research & supply companies such as but not limited to: Smithfield Foods, Norbord (West Frazier) and Syngenta."	Section 419G "Foreign Investment", page 47, in <i>2023 POLICY: STATE ISSUES</i>
Idaho ¹	"3.1 We oppose: ...3.2 The sale of any public utility company operating in the State of Idaho to an entity either partially or wholly owned by a foreign government."	Section 82, policy 3.1: line 4, policy 3.2: line 9-11, page 36, in <i>IDAHO FARM BUREAU: POLICES FOR 2023</i>

Illinois ¹	<p>"We support: 1. Insisting that all foreign investors be required to conform to all local, state and federal tax laws. 2. Continuing to monitor the effect of foreign investment in agriculture, food distribution, banking, insurance and other businesses in the United States. 3. The continuation of programs to require the reporting of foreign ownership of farmland in the United States. 4. State and national programs and policies which encourage and facilitate the ownership of farmland by farmers and those directly involved with the practice of farming. 5. Continuing to monitor the effects of the entry of non-agricultural entities into farming or farm ownership." "We oppose preferential tax treatment of foreign investments in agricultural land under federal tax law or treaty provisions."</p>	Section 38, lines 54-56, page 36 & lines 1-11, page 37, in <i>2023 POLICY RESOLUTIONS</i>
Iowa ²	<p>"The prohibition against agricultural land ownership by non-resident foreigners should be continued. Enforcement methods should be improved, and foreign ownership records should be made more transparent."</p>	Page 18, in <i>2023 IOWA FARM BUREAU POLICY BOOK</i>
Kansas ¹	<p>"Federal and state tax laws, and provisions of treaties, to which the United States is a party, should assure uniform tax treatment of those owning agricultural land. We are opposed to preferential tax treatment for non-U. S citizens who lease, rent or have in any manner invested in our agricultural resources."</p>	Section AT-5 "Taxation of Foreign Investments in Agricultural Resources", page 24, in <i>KANSAS FARM BUREAU RESOLUTIONS 2023: STATE POLICES</i>
Kentucky ¹	<p>"We favor strict enforcement of the laws requiring registration, disclosures and report of holdings and purchases of land by foreign entities. We feel there should be no preferential tax treatment to foreign entities and that all tax loopholes including property, production and capital gains be closed."</p>	Section "Foreign Investment", lines 13-17, page 57, in <i>2023 KENTUCKY FARM BUREAU POLICIES</i>
Michigan ¹	<p>"Foreign investment in Michigan assets is a concern, especially in terms of farmland ownership. Ownership of agricultural land by nonresident aliens, foreign businesses and foreign governments should be limited if not prohibited in Michigan."</p> <p>"We support.... "A formal request to the DOJ and congressional oversight committees regarding the foreign ownership and influence in American agribusiness."</p>	<p>Chapter "Law & Miscellaneous", Section #58 "Ag Security", page 56, in <i>MICHIGAN FARM BUREAU 2023 POLICY BOOK</i></p> <p>Chapter "Law & Miscellaneous", Section #61 "Antitrust", page 58, in <i>MICHIGAN FARM BUREAU 2023 POLICY BOOK</i></p>

Mississippi ¹	“Foreign ownership of utility companies and natural resource, businesses, including agricultural land, should be limited to less than a controlling interest. We oppose preferential treatment of foreign investments in agriculture and insist that foreign investors be required to conform to the same tax laws and import and export regulations as Mississippi producers.”	Section “Private Property Rights – 110”, lines 44-49, pages 11-12, in <i>MISSISSIPPI FARM BUREAU FEDERATION 2023 POLICIES</i>
Missouri ¹	"We support prohibiting foreign ownership of agricultural land even though current state law allows up to 1% of Missouri farmland to be foreign-owned. We support reducing the 1% cap. We are concerned with the amount of foreign investment in agriculture enterprises, and we favor continuous monitoring of foreign investments in the United States. We oppose preferential tax treatment of foreign investors and insist that all foreign investors be subject to the same tax liabilities as U.S citizens. We oppose Missouri or any portion thereof being designated as a regional center by the United States Citizenship and Immigration Service (USCIS), which would make the state eligible to accept foreign investments focused on the expansion of agriculture production and infrastructure."	Section "Foreign Policy & Investments", page 69, in <i>2023 POLICY BOOK: MISSOURI FARM BUREAU</i>
Montana ²	“We Oppose: Any future ownership of military, agricultural, natural resource, and telecommunication lands by companies or governments of adversarial countries. (2022)”	page 50 in <i>MONTANA FARM BUREAU FEDERATION POLICY BOOK</i>
Nevada ¹	"We are opposed to the increased state and federal government and foreign ownership of land and water rights through acquisition of private property."	Section "Government Acquisition" 192, page 19, in <i>NEVADA FARM BUREAU POLICIES FOR 2023</i>
North Carolina ²	<p>" No. 31 We recommend US companies cannot be sold to the governments of foreign countries."</p> <p>" No. 17 We support monitoring the impact of foreign investment in agriculture, banking, insurance and other business institutions in the United States."</p> <p>"No. 18 We are vehemently opposed to any additional sales of American farmland to foreign governments."</p>	<p>Section “Agricultural Policy General”, No. 31, page 21 in <i>NORTH CAROLINA FARM BUREAU FEDERATION POLICY BOOK</i></p> <p>Section “Agricultural Policy-Federal”, No. 17, page 23 in <i>NORTH CAROLINA FARM BUREAU FEDERATION POLICY BOOK</i></p>

		Section “Agricultural Policy-Federal”, No.18, page 23 in <i>NORTH CAROLINA FARM BUREAU FEDERATION POLICY BOOK</i>
Oklahoma ¹	<p>“2. Foreign Ownership of Ag Land</p> <p>2.1 We oppose ownership of Oklahoma agricultural land by foreign corporations.</p> <p>2.2 We are opposed to foreign ownership of any food processing facilities in the United States or its territories.</p> <p>2.3 We are in favor of putting stricter restrictions on foreign investors to prevent them from buying up all the local acreages.”</p> <p>“2. We support:</p> <p>2.4 Absolutely no foreign national ownership of marijuana grow operations.</p> <p>2.7 Enforcing or enhancing regulations whereby foreign nationals purchase agricultural land for marijuana production.”</p>	<p>Section 1805 / “Private Property Rights”, 2. “Foreign Ownership of Ag Land”: 2.1-2.3, page 42-43, in <i>OKLAHOMA FARM BUREAU POLICY 2023</i></p> <p>Section 2002 / “Marijuana”, 2. “We Support”: 2.4, 2.7, page 46, in <i>OKLAHOMA FARM BUREAU POLICY 2023</i></p>
Oregon ¹	<p>“3.689 We oppose allowing foreign governments to own land within our state” Rights of land ownership by foreign nations should be equal to the right of ownership by US citizens in foreign nations to create a reciprocal effect (13).”</p> <p>“14.500 Except for ownership by resident aliens, we oppose the foreign ownership of U.S. lands. (04)”</p>	<p>Chapter III. “Land Use”, Section 3.689 “Government Ownership of Farm or Forest Land”, lines 7-10, page 37 in <i>OREGON FARM BUREAU 2023 POLICY BOOK</i></p> <p>Chapter XIV “National Affairs”, Section 14.500 “Foreign Investment”, lines 1-2, page 151 in <i>OREGON FARM BUREAU 2023 POLICY BOOK</i></p>
Pennsylvania ¹	“We recommend: 2. Foreign investors not be eligible for any government-funded low-interest loans to operate or develop agricultural production facilities. (’21)”	Section “Grants, Loans, and Financial Programs”, Pg 45 in <i>PENNSYLVANIA FARM BUREAU: 2023 POLICY BOOK</i>
South Dakota ¹	“(Land Ownership) We oppose: (line 33) The purchase and/or ownership of agriculture farm ground that is owned by majority stockholders from foreign countries or entities. (Pennington/Jackson 2022)”	Section “Land Ownership”, lines 33-35, page 9 in <i>SOUTH DAKOTA FARM BUREAU 2023 STATE POLICY</i>

Texas ²	<p>"We Support: (line 132) legislation which would prevent foreign ownership of agricultural land, production units, processing plants and/or warehouses, which would result in unequal and unfair foreign trade advantages. a requirement for foreign landowners to pay the same taxes required of citizens"</p> <p>"We oppose: (line 212) any foreign entity or persons receiving any tax credits, abatements, incentives, or any other in-kind contributions that affect the taking of agricultural land in the U.S."</p>	<p>Section 150 "Real Property Rights", line 132-137, page 61 in <i>TEXAS FARM BUREAU POLICY BOOK 2023</i></p> <p>Section 150 "Real Property Rights" line 212-215, page 62 in <i>TEXAS FARM BUREAU POLICY BOOK 2023</i></p>
West Virginia ¹	(172. Foreign Investment) "West Virginia Farm Bureau is concerned by increased foreign investment in the United States. Congress should eliminate any tax advantages available to foreign investors in the United States."	Section 172 "Foreign Investment", Page 75 in <i>WEST VIRGINIA FARM BUREAU POLICES 2023</i>
Wyoming ²	"(line 26) Wyoming Farm Bureau Federation supports both the State of Wyoming legislature (27) and the United States of America Congress introducing legislation to specifically prohibit all 2(8) foreign ownership, either directly or indirectly or through other agents of all land, water, and the (29) underground mineral estate within the boundaries of the United States of America."	Line 27-29, page 27 in <i>2023 OFFICIAL POLICIES OF THE WYOMING FARM BUREAU FEDERATION</i>

Table 5, Eichenberger 2023

Note:

** Unless otherwise stated, all policy books reflect the policies for 2023*

1. denotes language or information from the state policy book was gathered from a physical or electronic copy of the state's policy book

2. denotes language from the state policy book or information was gathered via email response

Policy Book Language: Classified by Terms: Aggressive, Moderate, Light & Aware

The state farm bureau policy book language concerning foreign-owned agricultural land is then classified into four categories using the terms, aggressive, moderate, light, or aware. The terms were determined by reviewing the language utilized in each policy and the strength of the language. The term "aggressive" or prohibit means the policy explicitly advocates for the prohibition of or prevention of sales. Example policy language includes, "measures to prevent",

or “continue prohibition”. The term “moderate”, restrict, or oppose, is defined as the policy opposing foreign ownership directly or advocating for stricter restrictions or limitations. Example policy book language includes “limited”, “we oppose”, or “stricter restrictions”. The term “light” or concern is defined as the policy expressing concern for the issue or recommending monitoring of the issue in the region. Example policy language includes “support addressing”, “concern”, or “monitor”. The term “aware”, is the weakest classification term and is defined as the policy expressing awareness of the issue, either directly or indirectly, or by mentioning the issue at all throughout the policy. Example policy book language includes “favor enforcement” or “no preferential tax treatment”.

In Table 6, the twenty-four states that included specific language concerning foreign ownership of agricultural land in their policy books are divided between four columns and classified. Of the twenty-four states, nine are classified as “aggressive”, five as “moderate”, four as “light”, and four as “aware”.

Aggressive (Prohibit)	Moderate (Restrict/Oppose)	Light (Concern)	Aware
Alabama	Mississippi	Delaware	Kentucky
Iowa	Montana	Georgia	Kansas
Michigan	Nevada	Illinois	Pennsylvania
Missouri	Oklahoma	West Virginia	Idaho
North Carolina			
Oregon			
South Dakota			
Texas			
Wyoming			

Table 6, Eichenberger 2023

It must be noted that several of the states classified in Table 6 may also be classified in multiple categories. Further discussion concerning the limitations of the study will be discussed in the limitations and recommendations section of the study. Each state was classified by the strongest term displayed through the language of the text by the principal investigator.

The Tax Trend: Specifications in the Policy Book Language

Farm Bureaus in many states chose to include policies in their policy book concerning the tax treatment of foreign entities wishing to invest in agricultural land or foreign owners of agricultural land. These states include Delaware, Georgia, Illinois, Kansas, Kentucky, Mississippi, Missouri, Texas, and West Virginia. Additionally, these states included policy concerning foreign ownership of agricultural land as a real estate issue as well as a tax issue. An example of the tax concern language outlined in several state farm bureau's policies can be highlighted with Delaware Farm Bureau's policy. Delaware Farm Bureau's 2023 policy is as follows,

“Foreign investment in United States farmland is a growing concern. Delaware Farm Bureau opposes a differential tax treatment for foreign investments in agricultural land under the foreign tax law or treated provisions” (Chapter 30. “Foreign Land Ownership”, page 12 in *2021-2022 POLICY BOOK DELAWARE FARM BUREAU*).

Of the twenty-four states classified, nine states included language in their policy book concerning taxes and foreign ownership of agricultural land.

Objective II: Proposed Legislation by State in 2023

In 2023, thirty-two states in the United States proposed state legislation concerning foreign ownership of agricultural land. This data is compiled by the NALC. The proposed state legislation has been classified by NALC and selected and summarized by the principal

investigator. The information gathered by NALC was last updated on April 3rd, 2023. Of the thirty-two states that proposed legislation in 2023, twenty-seven of the states proposed legislation specifically mentioning agricultural lands. Between the thirty-two states listed one hundred pieces of legislation have been proposed in 2023 with sixty-three pieces of legislation specifically concerning agricultural lands. Table 7 specifies the number of bills per state proposed in 2023 concerning foreign ownership in that state. Table 8 notes the specific bills proposed by each state concerning foreign ownership of agricultural lands in 2023. Table 9 lists the specific legislation concerning agricultural land and notes the classification strength NALC deemed for each proposal.

Number of Bills Proposed in 2023 Concerning Foreign Ownership

State	# Of House Bills/Resolutions Proposed	# Of Senate Bills/Resolutions Proposed
Arizona	3	3
Arkansas	2	2
California	1	1
Colorado	1	0
Florida	2	2
Georgia	2	1
Hawaii	2	0
Idaho	1	0
Illinois	3	0
Iowa	4	1
Kansas	1	2
Kentucky	1	0
Louisiana	2	0
Maryland	2	0
Michigan	3	0
Mississippi	4	4
Missouri	8	8
Montana	1 (Legislative Council)	2
New Jersey	1	1
New York	1	0

North Carolina	1	0
North Dakota	4	1
Oklahoma	0	4
South Carolina	2	2
South Dakota	1	1
Tennessee	1	1
Texas	4	4
Utah	2	0
Virginia	1	1
Washington	1	1
West Virginia	2	1
Wyoming	2	1

Table 7, Eichenberger 2023

Proposed Legislation in 2023 Pertaining to Agricultural Land Specifically: By State

State	Proposal³
Arizona	HB 2376
Arkansas	HB 1479, SB 340, SB 383
California	SB 224
Colorado	HB 23-1152
Florida	HB 835, SB 924, HB 1355, SB 264
Georgia	SB 132, HB 246, HB 452
Hawaii	HB 505
Idaho	H 173
Illinois	HB 2930
Iowa	HF 642, HSB 147, SSB 1162
Kentucky	HB 500
Louisiana	HB 125
Maryland	HB 842, HB 968
Michigan	HB 4134, HB 4283
Mississippi	HB 280
Missouri	SB 9, 55, 76, 144, 332, 334, 541 HB 430, 465, 499, 707, 832, 903, 1004, 1003 SJR 38

Montana	SB 203, SB 256, LC 4049
New Jersey	A 5120 (Assembly), S 3534
North Carolina	HB 1135
North Dakota	HB 1135, HB 1371
South Dakota	HB 1069
Texas	SB 552, HB 1075
Utah	HB 186
Virginia	SB 1438, HB 2325
Washington	HB 1412, SB 5754
West Virginia	SB 581, HB 3493
Wyoming	HB 88, HB 116, SF 124

Table 8, Eichenberger 2023. Note: S denotes Senate and H denotes House

Classification of Strength of 2023 Proposed Legislation: By State

State	Proposal	Classification
Colorado	HB 23-1152	Restricts
Georgia	SB 132	Prohibits
Georgia	HB 452	Prohibits
Idaho	H 173	Restricts
Louisiana	HB 125	Prohibits (Shall Not Own)
Maryland	HB 968	Prohibits
Montana	SB 256	Restrict
South Dakota	HB 1069	Restrict
West Virginia	HB 3493	Restrict

Table 9, Eichenberger 2023. Note: S denotes Senate and H denotes House

The NALC identified the legislation highlighted in Table 9 as restrictive or prohibiting as summarized above. Table 7, 8 and 9 compile and summarize data gathered and classified by the NALC as updated on April 3rd, 2023.

Discussion and Conclusion

The case study provided information in response to the research objectives. From the data gathered it can be inferred that public awareness in the agricultural community is increasing concerning foreign ownership of agricultural land, and trending toward an attitude of concern and increased monitoring of the issue.

In the states where no policy is included in the farm bureau policy book, it can be inferred that their members have yet to express concern, or their members cannot agree on which stance to take to include in the policy book. Twenty-four states currently do not have any language in their policy books concerning foreign ownership of agricultural land, but of the twenty-four states, five states submitted a statement to the principal investigator via spokesperson indicating the lack of language concerning the topic. Twenty state Farm Bureaus include language in their policy book mentioning foreign ownership of agricultural land in the U.S. This indicates a growing concern and awareness of foreign ownership of agricultural land in the U.S. from the agricultural community.

Due to the nature of the Farm Bureau's policy development process, every policy comes directly from the members, either formed in a committee or through revisions or suggestions. If a policy is voted on and included in the policy book, that signifies that there is membership support behind it. The membership of each state Farm Bureau encompasses individuals in all agricultural sectors of the state providing an approximate depiction of the agricultural community in the United States. As AFBF is the national organization of every state farm bureau, the policy stances they take must also encompass the voices of members. However, this is founded on the compounding voices of every state so the policy, in nature, will not perfectly reflect the specific preference of each state Farm Bureau membership. As expressed in a

statement from Colorado Farm Bureau and Rhode Island Farm Bureau, if a state does not possess a policy on a certain issue, the AFBF policy stance is deferred to, generally.

States like Texas, Wyoming, and North Dakota, among others, have state statutes expressly allowing foreign ownership of agricultural land but their state Farm Bureau policy book advocates for the prohibition of foreign ownership. In addition, the Texas legislature saw two pieces of proposed legislation concerning foreign ownership in 2023 while the Wyoming legislature saw four pieces be introduced. The North Dakota legislature also saw five pieces of legislation be introduced as well. States like Arkansas, California, Colorado, and Massachusetts do not have language in their Farm Bureau policy books concerning foreign ownership thus indicating their members must not have come to a consensus or have not indicated their opinion. However, in 2023 Arkansas, California, Colorado, and Massachusetts legislatures have proposed legislation concerning foreign ownership as outlined in Table 7. Because of the swift development of this issue, many of the pieces of legislation referenced in this study will have either been enacted or vetoed by the time of publication. It must be noted that the number of pieces of legislation proposed does not necessarily indicate the level of fervor from the state concerning the issue nor does it indicate whether a change will be enacted. Overall, this study provided an inside look into the opinions of the agricultural community in forty-seven states, allowing for a generalization of the entire agricultural community in the U.S. to be taken.

Limitations

While researching state Farm Bureau policy books, several limitations hindered the perfect completion of the objective. Information is missing from the study because three state Farm Bureaus (Hawaii, South Carolina, and Minnesota) were unresponsive when contacted. Because the principal investigator could not review the policy book, it cannot be inferred

whether their membership chose to include a policy on foreign ownership in the 2023 policy book. This study is also limited by the access the principal investigator had to the state Farm Bureau policy books. Many state Farm Bureau policy books were accessible on the Farm Bureau's website; however, many were not accessible to outside members and had to be acquired via communication with a Farm Bureau spokesperson. Statements were acquired from the following states, Rhode Island, Maine, Connecticut, and Colorado. The physical policy book was not shared with the principal investigator and thus was not reviewed. State Farm Bureau data was removed from the data set as outliers in the data. Washington Farm Bureau submitted a statement indicating its stance on the issue but did not cite whether the stance was indicated in its policy book. This was beyond the scope of the current research study. Florida Farm Bureau and Nebraska Farm Bureau's policy books included language that indirectly infers an opinion on foreign ownership but did not explicitly outline, or the language did not fit the specific scope of the research study.

Limitations exist concerning the classification of the policy book language in Table 5. The classification was limited to four broad terms and some of the policy book languages expand the meaning of each term, and or fit into multiple categories correlating to different lines in the language. Thus, the principal investigator was forced to make a judgment call concerning the classification. The classification of each line and each policy of each state could encompass one or more of the four terms but for clarity, only one was chosen to best fit the overall tone of the language. The strongest indication of a stance was chosen to classify the language in Table 6. Further research is suggested to expand on the classification system and to categorize each line of policy book language by the classification needed to understand the intent. This study would have benefited from multiple researchers collaborating on the classification of policy book

language. Although limitations existed in this study, it may be used to further expand the body of knowledge concerning the issue of foreign ownership of agricultural land in the United States.

Recommendations

This study was limited in its scope, but recommendations may be made concerning future research objectives and questions. Investigating proposed legislation concerning foreign ownership of agricultural land, state by state, begs the question of which pieces of legislation are directly informed by farm bureau members or farm bureau policy. This question is beyond the scope of this study, but further research is needed. Another research question that ought to be explored is whether national security concerns coupled with foreign ownership of agricultural land have informed state farm bureau policy or state legislation. In the policy books of the states of Alabama, Georgia, and Montana, there is evidence that it may have been a concern but that is beyond the scope of this study. Further research and extensive polling are needed to explicitly understand the opinions of those in the agricultural community beyond this general case study.

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Appendix

Table 1: "Report 1: U.S Agricultural Landholdings of Foreign Investors by State as of December 31, 2021"

Report 1 U.S. Agricultural Landholdings of Foreign Investors By State as of December 31, 2021				
State	Total Land Area of State (Acres) 1/	Privately Held Agricultural Land (Acres) 2/ 3/	Foreign Held Agricultural Land (Acres)	Proportion of Foreign Held to Privately Held Agricultural Land (Percent)
Alabama	32,476,160	28,760,792	1,812,682	6.3
Alaska	366,048,640	57,446,991	270,325	0.5
Arizona	72,726,400	7,833,746	295,876	3.8
Arkansas	33,323,520	28,129,519	1,381,200	4.9
California	99,813,760	41,823,058	1,166,017	2.8
Colorado	66,379,520	36,521,116	1,915,670	5.2
Connecticut	3,100,800	1,516,094	1,861	0.1
Delaware	1,250,560	920,172	3,359	0.4
Florida	34,513,280	21,849,568	1,382,284	6.3
Georgia	37,059,840	30,823,101	1,192,924	3.9
Hawaii	4,110,720	1,803,038	165,872	9.2
Idaho	52,958,080	15,889,108	122,044	0.8
Illinois	35,573,760	30,536,400	853,813	2.8
Indiana	22,954,880	19,752,052	433,588	2.2
Iowa	35,756,160	33,340,369	507,519	1.5
Kansas	52,361,600	49,188,971	1,183,033	2.4
Kentucky	25,425,920	22,089,269	105,792	0.5
Louisiana	27,879,680	23,870,712	1,391,327	5.8
Maine	19,751,680	17,955,835	3,616,491	20.1
Maryland	6,255,360	4,260,408	57,015	1.3
Massachusetts	5,017,600	2,306,458	4,980	0.2
Michigan	36,354,560	24,098,445	1,386,827	5.8
Minnesota	50,950,400	34,530,621	552,228	1.6
Mississippi	30,020,480	26,201,244	757,816	2.9
Missouri	44,087,040	36,030,827	433,213	1.2
Montana	93,153,280	54,197,503	916,269	1.7
Nebraska	49,198,080	45,610,153	791,176	1.7
Nevada	70,288,640	9,753,158	512,919	5.3
New Hampshire	5,739,520	4,251,738	13,714	0.3
New Jersey	4,746,880	1,969,337	15,377	0.8
New Mexico	77,667,840	33,526,570	1,263,241	3.8
New York	30,216,960	22,328,715	755,963	3.4
North Carolina	31,175,040	25,115,607	765,047	3.0
North Dakota	44,144,640	38,548,498	350,622	0.9
Ohio	26,206,720	21,566,008	531,686	2.5
Oklahoma	43,946,880	38,326,752	1,670,511	4.4
Oregon	61,438,080	25,420,956	1,211,435	4.8
Pennsylvania	28,682,880	20,388,401	348,427	1.7
Puerto Rico	0	0	3,016	0.0
Rhode Island	668,800	307,509	15	0.0
South Carolina	19,269,760	15,570,166	497,635	3.2
South Dakota	48,566,400	37,939,910	382,475	1.0
Tennessee	26,378,880	21,324,793	450,439	2.1

Report 1		U.S. Agricultural Landholdings of Foreign Investors		
By State as of December 31, 2021				
State	Total Land Area of State (Acres) 1/	Privately Held Agricultural Land (Acres) 2/ 3/	Foreign Held Agricultural Land (Acres)	Proportion of Foreign Held to Privately Held Agricultural Land (Percent)
Texas	167,550,080	153,626,848	5,267,854	3.4
Utah	52,572,160	11,438,482	117,508	1.0
Vermont	5,920,000	5,029,649	81,634	1.6
Virginia	25,340,160	20,577,489	254,494	1.2
Washington	42,588,160	22,014,053	1,585,221	7.2
West Virginia	15,409,920	13,238,151	287,746	2.2
Wisconsin	34,758,400	25,855,696	536,511	2.1
Wyoming	62,144,000	25,067,954	426,617	1.7
TOTAL	2,263,922,560	1,290,472,010	40,031,308	3.1

Source: Farm Service Agency USDA (Estep 2021, 17)