



Written by [Luis Miguel](#) on July 20, 2023

Federal Bill Aims to Regulate Foreign Ownership of Farmland

As international tensions mount, lawmakers on both sides of the aisle are making inroads on the issue of foreign land ownership.

Although the effort to curtail foreign ownership of American farmland has thus far been a highly partisan one driven by the Republican Party, a [new bill](#) to protect agricultural land has support among both the GOP and Democrats.

In the U.S. Senate, Sens. Tammy Baldwin (D-Wis) and Chuck Grassley (R-Iowa) cosponsored a bill introduced into the chamber on Wednesday that would establish greater “transparency and oversight” over the ability of foreign nationals to gain ownership stakes in the U.S. agriculture sector.



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As Fox News reports, the legislation — titled the Farmland Security Act of 2023 — is an updated version of a bill signed into law last year. The bill claims to “support transparency, collect complete and accurate data on foreign ownership, and better understand the scale and impact of foreign ownership.”

In a statement, Baldwin declared: “Our agricultural economy is the beating heart of Wisconsin’s rural communities. But when foreign investors own farmland and agricultural processing capacity, it can put our national security, domestic food supply, and local communities at risk.”

The solution proposed by the bill is to vigorously require that foreign investors who buy interests in American farmland report their holdings, with penalties for any who avoid doing so.

The original Farmland Security Act directed the USDA to address growing national concerns about foreign ownership of American agriculture land. The new bill includes updates such as mandating a transition to digital filings on ownership data in order to analyze trends in farmland ownership.

The current bill has the support of both the Wisconsin Farm Bureau Federation and the Wisconsin Farmers Union. Julie Keown-Bomar, executive director of the latter, told Fox News she believes the new legislation is a “step in the right direction.”

The outlet further reported:

Proposals in the bill include: imposing new financial penalties on foreign owners or “shell companies” who do not report or misreport their acreage; requiring research into foreign ownership and foreign participation in U.S. agricultural economic activity; and pushing for the Department of Agriculture (USDA) to conduct an annual compliance audit to “ensure accuracy” while also providing annual training to state and county staff “on identifying non-reporting foreign-owned agricultural land.”



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“The world’s best farmland is located in America,” Grassley said [in] a statement. “Our foreign competitors recognize this and continue to invest in American agricultural land, increasing competition for young and beginning farmers and threatening our national security.”

The Biden administration has opposed state-level efforts to restrict ownership of American agricultural land by foreign nationals, particularly those with ties to Communist China. In a [recent court filing](#), the Department of Justice contends that Florida legislation, signed into law by Republican Gov. Ron DeSantis, is “unconstitutional” for banning Chinese land ownership near U.S. military facilities and key infrastructure.

According to the Justice Department, the Florida law, [SB 264](#), goes against the 14th Amendment’s Equal Protection Clause and violates the Fair Housing Act of 1968 (FHA).

But Gov. DeSantis and Florida Republicans have defended the legislation as crucial to curtailing the influence of the Chinese Communist Party and other antagonistic foreign entities.

Per SB 264, the “foreign countries of concern” are Russia, Iran, North Korea, Cuba, Venezuela, and Syria. “Foreign principals” from those countries may not own or buy farmland or real property if it falls within a 10-mile radius of a military facility or “critical infrastructure.”

Under SB 264, a “foreign principal” is an individual who is not an American citizen or legal permanent resident and whose “domicile” is in one of the listed countries.

Chinese investors have purchased approximately 400,000 acres of land in the United States. As tensions have risen between the United States and China, Chinese ownership of American land — particularly agricultural land and land near military installations — has become a hot-button issue among policymakers, particularly among Republicans.

In just two notable examples of China’s growing influence in America, 12 Chinese investors have put \$16 million into an aquaculture project on 100 acres in Fellsmere, Florida. In Virginia, the Chinese bought Smithfield Foods and its 460 large farms and facilities in 26 states, employing tens of thousands of Americans.

In South Dakota, [special interests crushed](#) an effort by Republican Gov. Kristi Noem to crack down on Chinese land purchases by creating a panel to review foreign land purchases within the state and giving the governor’s office authority to veto such purchases.

Noem’s bill would have established a state-level version of the Committee on Foreign Investment in the United States (CFIUS), which under federal law has the power to approve or disapprove major U.S. transactions. CFIUS-South Dakota would have reviewed proposed transactions, and the legislation would have empowered Noem to unilaterally veto transactions reviewed by the committee.

Given the White House’s actions, the seeming bipartisan nature of the Farmland Security Act might appear surprising. Yet reporting and research are a long way from actually taking definitive action to prevent crucial American farmland from falling into enemy hands.



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