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USDA Updating its Foreign Investment in Ag Disclosure Process

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Since the late 1970s, USDA has been collecting information regarding foreign ownership of agricultural lands under the Agricultural Foreign Investment Disclosure Act of 1978 (“AFIDA”). This little known, and often overlooked law, requires foreign persons to notify USDA of transactions that result in the foreign ownership or control of agricultural and forest lands within 90 days of securing the interest. Historically this information was used by USDA to provide reports to Congress regarding foreign land ownership. However, in recent years, there has been significant attention to foreign land ownership and its implications on national security, particularly concerning lands near military bases and training facilities. As a result, AFIDA reporting has taken on greater significance and is regularly shared with other interested federal agencies. These trends have led USDA to assess potential gaps in its reporting requirements and consider regulatory updates.

USDA recently announced its intention to update AFIDA’s reporting framework. Interested parties are invited to submit comments by January 28, 2026. We anticipate that data collected by USDA will continue to be shared regularly with the U.S. Department of Defense and the Committee on Foreign Investment in the United States (“CFIUS”) to assist with risk assessments and identify potential national security concerns.

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