




Farm Service Agency

*Foreign Investors  
Who Hold  
Agricultural Land*

What They Should Know About  
the Agricultural Foreign  
Investment Disclosure Act  
of 1978



**USDA** United States  
Department of  
Agriculture



## Foreign Investors Who Hold Agricultural Land

---

Foreign investors who buy, sell, or hold a direct or indirect interest in U.S. agricultural land must report their holdings and transactions to the U.S. Secretary of Agriculture. The reporting requirement became law in late 1978 when the President signed the Agricultural Foreign Investment Disclosure Act (AFIDA). The data gained from these disclosures will be utilized in the preparation of periodic reports to the President and Congress concerning the effect of such holdings upon family farms and rural communities.

Failure to timely file an accurate report can result in a penalty with fines up to 25 percent of the fair market value of the agricultural land.

## Who Must Report

---

- Individuals who are not U.S. citizens or citizens of the Northern Mariana Islands or the Trust Territory of the Pacific Islands.

- Individuals who are not lawfully admitted to the United States for permanent residence or who are not paroled into the United States under the Immigration and Nationality Act.
- Any organization created under the laws of a foreign government or which has located its principal place of business outside the United States.
- Any U.S. organization in which a significant interest or substantial control is directly or indirectly held by foreign individuals, organizations or governments.
- Any foreign governments.

## Definition of Significant Interest or Substantial Control

---

- A direct or indirect interest of 10 percent or more held by a single foreign individual, organization or government.
- A direct or indirect collective interest of 10 percent or more held by a group of foreign individuals, organizations, or governments, acting in concert.
- A direct or indirect collective interest of 50 percent or more held by a group of foreign individuals, organizations, or governments, not acting in concert.

## What to Report

---

- Each tract of agricultural land in the United States, its territories, the Northern Mariana Islands and the Trust Territories of the Pacific Islands owned by persons required to report.
- Leaseholds of 10 years or more.

*Under the law, the term **agricultural land** means land used for forestry production\* and land currently used for farming, ranching or timber production if tracts are more than 10 acres in size in the aggregate.*

*\*Land used for forestry production means land exceeding 10 acres in which 10 percent is stocked by trees of any size including land that formerly had such tree cover and will be naturally or artificially regenerated.*

*It does not matter whether the owner ever intends to cut and sell the trees.*

*Ownership of tracts totaling 10 acres or less in the aggregate which produce annual gross receipts in excess of \$1,000 from the sale of the farm, ranch, forestry or timber products must also be reported.*

*Land which is currently idle, but last used within the past 5 years for farming, ranching or timber production must also be reported.*

## When to Report

---

Foreign persons, who owned land on February 1, 1979, were required to report by August 1, 1979. Those buying or selling land on or after February 2, 1979, must report the transaction within 90 days of the date of the transaction.

## Where to Report

---

The Secretary of Agriculture designated the Farm Service Agency (FSA) to collect the AFIDA reports representing foreign investment because FSA has numerous offices in rural counties throughout the United States.

Persons wishing to obtain an AFIDA report form (FSA-153) may do so from any of those FSA county offices. The FSA-153 is available in both English and Spanish translations.

To locate an FSA county office, look in the telephone book white pages. In most cases, it will be listed under Federal U.S. Government, then under the subhead U.S. Department of Agriculture. The office will be listed as a Farm Service Agency county office.

Although interested parties may obtain a report form from any FSA county office, the completed form must be returned to the FSA county office where the land is located or where the programs are administered.

The FSA, Economic and Policy Analysis Staff, Natural Resources Analysis Group in Washington, D.C. may grant permission to foreign persons to file reports directly with them when complex filings are involved; for example, when the land being reported is located in more than one county.

As an option, if you have Internet capability, access the FSA-153 from USDA's Service Center eForms website. Log onto <http://www.fsa.usda.gov>. From there, click on eForms link under "FSA eGov."

*eForms is the World Wide Web location of forms commonly used by customers of Farm Service Agency (FSA), Natural Resources Conservation Service (NRCS), and Rural Development (RD). eForms is intended to be your resource to find forms, and instructions for completing those forms, on the Internet.*

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information ( Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of Discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

FSA-153

U.S. DEPARTMENT OF AGRICULTURE

Farm Service Agency

(10-13-10)

1. TYPE ACTIVITY (See Instructions on Page 2) (check one)

A. Land Holding  B. Land Acquisition  C. Land Disposition

D. Land Use Change to Agriculture  E. Land Use Change to Non-Agriculture

AGRICULTURAL FOREIGN INVESTMENT DISCLOSURE ACT REPORT

Note: Read Instructions on Page 2 Before Filing in Any Data Below. (If Additional Space is Needed, Add information in Item 6, Page 2, or attach an additional sheet.)

Form with multiple sections: 2. Tract Location and Description, 3. Owner or Lessee of Tract, 5. Type of Interest Held, 6. How was this Tract Acquired, 7. Value of Agricultural Land, 8. Date of Acquisition, 9. Current Land Use, 10. Intended Use, 11. Relationship of Owner to Producer, 12. The Producer on This Tract, 13. CERTIFICATION, 14A. SIGNATURE, 14B. TITLE, 14C. DATE.

1/ Significant interest or substantial control as defined in 7 CFR Part 781.2(k)

**NOTE:** The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a – as amended). The authority for requesting the information identified on this form is 7 CFR Part 781 and the Agricultural Foreign Investment Disclosure Act of 1978 (Pub. L. 95-460). The information will be used to ensure that a foreign person who acquires, disposes of, or holds an interest in United States agricultural land discloses such transactions and holdings to the Secretary of Agriculture and to determine the effects of such transactions and holdings on family farms and rural communities. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is mandatory. Failure to furnish the requested information or falsification of reporting will result in a determination of non-compliance with the program which is subject to a civil penalty not to exceed 25 percent of the fair market value, as determined by the Farm Service Agency on the date of the assessment of such penalty, of the foreign person's interest in the agricultural land with respect to which such violation occurred.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0097. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. **RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.**

**DETERMINATION OF "FOREIGN PERSON" STATUS**

**DEFINITION:** "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, trust, estate, or any other legal entity.

You are an "individual/foreign person" under the provisions of Pub. L. 95-460 and must complete the front side of this form (FSA-153) if your answer is "NO" to all the statements in Items 1, 2 and 3 below:	YES	NO
1. I <b>AM</b> a citizen of the United States.		
2. I <b>AM</b> a citizen of the Northern Mariana Islands or the Trust Territories of the Pacific Islands.		
3. I <b>AM</b> lawfully admitted to the United States for permanent residence, or paroled into the United States, under the Immigration and Nationality Act.		

You are a "foreign person, organization or government," under the provisions of Pub. L. 95-460 and must complete the front side of this form (FSA-153) if your answer is "YES" to any of the statements in Items 4a, 4b and 5 below:	YES	NO
4. I <b>AM</b> a "person" other than an individual or government, which is created or organized under the laws of:		
a. A foreign government of which has its principal place of business located outside the United States.		
b. Any State of the United States, and in which significant interest or substantial control <b>1/</b> is held directly or indirectly by any foreign individual, government, or person.		
5. I <b>AM</b> a foreign government.		

**GENERAL INSTRUCTIONS**

Complete this form for each tract of land. Report as a tract all acreages under the same ownership in each county or parish acquired or transferred on the same date. Land in different counties or parishes and land acquired or transferred on different dates must be reported as separate tracts.

Return the original and two (2) copies to the County Farm Service Agency (FSA) Office where the tract of land is located. Retain a copy for your records.

After the original disclosure on FSA-153 on the tract(s) of land owned by the same person within a county or parish, each subsequent change of ownership or use must be reported by filing another FSA-153.

**ITEMS 1 AND 8 BELOW ARE TO BE USED AS INSTRUCTIONS ONLY. THESE INSTRUCTIONS ARE TO BE USED FOR INFORMATION AS YOU COMPLETE ITEMS 1 AND 8 ON PAGE 1.**

**ITEM 1. ONLY ONE BOX MAY BE CHECKED**

If the tract of land to be listed under Item 2 on the front side of this document was:

- Owned on February 1, 1979, check **A. Land Holding**  Reporting Date: *This document is required to be completed and returned by August 1, 1979.*

If the tract of land to be listed under Item 2 on the front page of this document was, on or after February 2, 1979:

- Acquired, check **B. Land Acquisition**
- Disposed of, check **C. Land Disposition**
- Changed from non-agricultural to agricultural use, check **D. Land Use Change to Agriculture**
- Changed from agricultural to non-agricultural, use check **E. Land Use Change to Non-Agriculture**

**NOTE: REPORT DATE.** If activity B, C, D or E is checked in Item 1 above, then return the completed FSA-153 within ninety (90) days from the date of the transaction.

**ITEM 8.** The date entered would be as follows for the activity checked in Item 1 above:

- Box A or B** – Date acquired.
- Box C** – Date disposed of.
- Box D or E** – Date land use changed.

6. Additional Information (*Use additional sheets if more space is needed*).

**1/** Significant interest or substantial control as defined in 7 CFR Part 781.2(k)

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.*