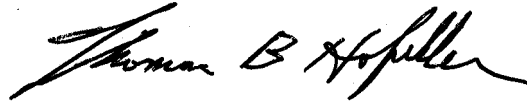


UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Foreign Investment Disclosure 1-AFIDA (Revision 2)	Amendment 2
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Approved by: Associate Administrator for Operations and Management



Amendment Transmittal

A Reasons for Amendment

Subparagraph 2 B has been amended to clarify the SED responsibilities.

Subparagraph 2 C has been amended to show that letters go to the owner, not the operator.

Subparagraph 26 A has been amended to provide a note that County Offices refer to Exhibits 13 through 16 for instructions when reviewing FSA-153.

Subparagraph 26 C and Exhibits 13 and 16 have been amended to clarify the importance of verifying the correct land use by County Offices.

Subparagraph 28 C has been amended to include when County Offices must mail the case file to EPAS, NRAG.

Subparagraph 42 B has been added to provide instructions to County Offices on forwarding copies of FSA-153.

Subparagraph 43 D has been amended to include an addition to the note for clarification.

Subparagraph 81 D has been amended to clarify that a current fair market value is needed.

Exhibit 15 has been amended to clarify the differences between reporting a land use change to agriculture and a land use change to nonagriculture relating to Items 7A and 7B.

Page Control Chart		
TC	Text	Exhibit
	1-3, 1-4 3-5 through 3-10 4-3 through 4-6 6-27, 6-28	1, page 1 13, pages 1, 2 15, pages 1, 2 pages 5, 6 16, pages 1, 2

2 Responsibilities (Continued)

A EPAS, NRAG Responsibilities (Continued)

- providing copies of the reports to the State departments of agriculture
- assessing penalties
- coordinating the State and County Office collection of data
- transmitting all collected data from foreign persons to KCFO for:
 - entry
 - summary
 - storage
- coordinating and analyzing the collected information for writing the annual report to the Senate and Congress
- coordinating the preparation of information for:
 - news releases
 - radio and television broadcasts through PAS on foreign investment in agricultural land
- making completed FSA-153's available for public inspection
- consulting with OGC to develop action to be taken when COC has determined that information was any of the following:
 - withheld
 - inaccurate
 - misleading
 - false
- computing the penalty for:
 - FSA-153's filed late
 - FSA-153's containing misleading or false information
 - withheld information.

2 Responsibilities (Continued)

B SED Responsibilities

--SED is responsible for ensuring that the following responsibilities are accomplished:--

- publicizing requirements according to paragraph 9
- ensuring that CED's promptly review and transmit FSA-153's directly to EPAS, NRAG
- conducting County Office internal reviews annually using FSA-129 according to Exhibit 6.

C COC Responsibilities

COC is responsible for reviewing all agricultural land ownership changes annually and *--providing FSA-152-1, FSA-153, and a letter of explanation to the owner of each farm--* COC determines to have foreign ownership interest.

Notes: See Exhibit 7 for FSA-152-1 and subparagraph 44 B for the letter of explanation.

FSA-153 is also available on the Internet under "eForms" at www.fsa.usda.gov.

D CED Responsibilities

CED is responsible for:

- publicizing the reporting requirements (paragraph 9 and Exhibits 7 and 8)
- receiving, reviewing reporting forms, obtaining data to correct reporting forms with missing or erroneous data, and transmitting submitted FSA-153's to EPAS, NRAG
- maintaining a file of ASCS-153's and FSA-153's
- sending a letter, similar to the one in subparagraph E, to all foreign investors for whom ASCS-153 or FSA-153 is in the active file, as a reminder of the AFIDA reporting requirements
- assisting foreign persons to make land use determinations
- responding to a request for information from EPAS, NRAG.

Note: See subparagraph 81 D for an example of a Verification of Data on FSA-153 Memorandum.

25 County Office Initial Processing of FSA-153

A County Office Notification

Date stamp and initial FSA-153 in the empty area on the same day it is received.

B County Jurisdiction

A County Office that is not administratively responsible, but is the county where the land is located, shall make 1 copy of FSA-153 for its file and forward the following 2 copies to the County Office that is administratively responsible:

- original copy
- 1 copy.

26 County Office Review

A Review Procedure

COC shall direct CED to review all FSA-153's received from foreign persons or their representatives to determine whether:

- FSA-153's are complete
- FSA-153's contain misleading, inaccurate, or false information
- individual persons listed on the reverse of FSA-153's or attached sheets have disclosed their citizenship and legal address.

--Note: See Exhibits 13 through 16 for instructions when reviewing FSA-153's.--

B Checklist for FSA-153 Report Items

These items must be reported on FSA-153 for the reporting categories listed. The person filing shall sign and date FSA-153.

Item	Landholding or Acquisition	Disposition	Land Use Change to Agriculture	Land Use Change to Nonagriculture	Ownership That Becomes Foreign
1	X	X	X	X	X
2	X	X	X	X	X
3 A-C	X	X	X	X	X
3 D 1 and 3 D 1 a or 3 D 2 or 3 D 3 a, b, c, and d	X	X	X	X	X
3 E 1, 2, and 3		X			

26 County Office Review (Continued)

B Checklist for FSA-153 Report Items (Continued)

Item	Landholding or Acquisition	Disposition	Land Use Change to Agriculture	Land Use Change to Nonagriculture	Ownership That Becomes Foreign
4	If appropriate				
5	X	X	X	X	X
6	X	X	X	X	X
7 A	X (depends on how acquired)	X			
7 B	X (depends on how required)	X	X	X	X
7 C	X	X	X	X	X
7 D	X				
8	X	X	X	X	X
9	X	X	X	X	X
10	X		X		X
11	X		X		X
12	X		X		X
13					
14	X	X	X	X	X

C Common Errors in Completing FSA-153

The following is a list of common errors made by foreign investors in completing FSA-153. In checking the forms for correctness, use the following table as a guide to assist in the process.

Item	Instructions
1	Only 1 per form to be reported.
2	Item 2 C must equal item 9 F.
3 A	Enter only the titleholder's name, not the shareholder's name.
3 C	The address must disclose the actual complete residence address, or for an organization, the legal address.
3 D	Must pick 1 of the owner types listed.
3 D 3	If any items 3 D 3 a 1) through 7) are checked, the foreign investor must complete items 3 D 3 b and 3 D 3 c of the title owner (item 3 A).

26 County Office Review (Continued)

C Common Errors in Completing FSA-153 (Continued)

Item	Instructions
3 D 3 d	<p>See Exhibit 11 for a list of examples and explanations of the possible tiers of ownership. The tiers of ownership must complete legal addresses, citizenship, and country of incorporation. If the interest holder is an:</p> <ul style="list-style-type: none"> • individual, the legal name, address, and country of citizenship must be reported • organization, the legal name, address, county of incorporation, and principal place of business must be listed.
5	<p>If item 5 B is checked, a percentage must be listed. Separate FSA-153's must be completed for each percentage of interest.</p>
6	<p>Complete as follows:</p> <ul style="list-style-type: none"> • if item 6 A is checked, items 7 A and 7 C must be completed • if item 6 B is checked, items 7 A, 7 C, and 7 D must be completed • if items 6 C, 6 D, and 6 E are checked, items 7 B and 7 C must be completed • if a situation has an American organization becoming foreign, item 6 F must be checked and items 7 B and 7 C must be completed.
8	<p>When a foreign entity acquires stock in the owner of the land, the date the stock was acquired is the date that must be listed in item 8.</p>
9	<p>Items listed must be reported in acres.</p> <p>*--Note: It is important that the correct land use in acres is reported according to the definition of agricultural land (see Exhibit 2).--*</p> <p>Item 9 F must equal item 2 C.</p>
9 E	<p>This is land that is currently being used as nonagricultural, but was used for agricultural purposes within the last 5 years.</p>
11	<p>The producer is the entity or person using the land. If item 11 A 3 is checked, item 11 B must be completed.</p>

26 County Office Review (Continued)

D Instructions for Reviewing FSA-153, Item 1 C

The following instructions are for reviewing FSA-153, item 1 C, “Land Disposition”.

Item	Instructions
1	<p>When item 1 C is checked, the following need to be checked for accuracy.</p> <ul style="list-style-type: none"> • The foreign investor needs to complete item 3 E to show if the buyer will need to file. • When a land disposition report is completed, item 7 A must contain the original price paid for that specific parcel of land paid by the seller at the time of acquisition. • When completing a land disposition, the seller must reference the acquisition report to determine whether item 7 A or 7 B was completed. Once it is determined whether item 7 A or 7 B was completed on the acquisition, then that determines whether item 7 A or 7 B will be filled out on the disposition. <ul style="list-style-type: none"> • Item 7 B is the original estimated value of the land at the time of acquisition by the seller. • Item 7 C is the selling price of the tract or parcel of land.
8	The date the land was transferred is the date that must be listed in item 8.
9	The foreign investor needs to reference the land use of the acquisition before completing item 9. Land use in the acquisition must match the land use in the disposition.
10, 11, and 12	Not applicable for dispositions. ENTER “N/A” in the space.

27 Handling Properly Completed Original FSA-153's

A Destination of Original Documents in Case File

Send the case file to EPAS, NRAG according to paragraph 28. Include the following information in the case file:

- the original, 1 copy, and any amended FSA-153's
- copies of all correspondence
- any supporting evidence submitted by the foreign person.

B Contents of County Office Case File

File the following in a County Office case file:

- 1 copy of FSA-153
- copies of any supporting documents and correspondence.

C State Office Policy

Send copies of FSA-153's to the State Office if required by STC policy.

28 County Office Transmitting FSA-153's and Supporting Documents

A Assembling Case File

Assemble each FSA-153 with supporting documents and fasten securely.

B Preparing to Transmit Case File

Attach all FSA-153's together in a group.

C Mailing Case File

--Mail the original and 1 copy of FSA-153 by COB on the day after receipt.--

28 County Office Transmitting FSA-153's and Supporting Documents (Continued)

D Where to Send Case File

Send all reports in a single envelope to the following address.

USDA FSA EPAS NRAG
STOP 0531
1400 INDEPENDENCE AVE SW
WASHINGTON DC 20250-0531

E State Office Policy

Send copies of FSA-153's and supporting documents to the State Office according to STC instructions.

29-40 (Reserved)

42 Handling Original FSA-153's That Have Misleading, Incorrect, or False Information

A Process for Notifying Foreign Person

If it is determined that FSA-153 contains misleading, incorrect, or false information, notify the foreign person and include the following with the notice:

- list of items considered to contain misleading, incorrect, or false information
- blank FSA-153 marked "Amended Report" for the foreign person or a representative to complete
- deadline for reply, which shall be no more than 30 calendar days from the date of the notice.

*--B Forwarding Copies of FSA-153 and Action Taken

After notifying the foreign person according to subparagraph A, send the following to EPAS, NRAG:

- original and 1 copy of FSA-153 according to paragraph 28
- memorandum stating the action taken to obtain the correct information.--*

C Time Limit and Contents in Forwarding Case File

If the request for information cannot be resolved within 45 calendar days from the date of notification, send the following to EPAS, NRAG:

- original and 1 copy of FSA-153 according to paragraph 28
- copies of all supporting documents including notification
- memorandum summarizing the problems.

Note: Make a copy of the original FSA-153 for the County Office file.

D Processing Additional Information

If additional information is received from the foreign person, do the following:

- identify it as an amendment to the information originally filed
- retain a copy for the County Office file
- forward the amendment to EPAS, NRAG with a transmittal memorandum.

Note: Include any comments pertinent to the case.

43 Circumstances Requiring Reporting by Letter**A Changes in Legal Addresses of 1st, 2nd, or 3rd Tier Ownership**

If the legal address of the 1st, 2nd, or 3rd tier owner changes, the foreign entity shall submit a written notification of the change. Include the following information:

- landowner's legal name
- State and county where the land is located
- date of the change
- address change of the 1st, 2nd, or 3rd tier owner.

B 2nd and 3rd Tier Ownership Changes of a Foreign Landholder

Foreign entities owning agricultural land shall submit a letter reporting changes to the status of ownership in their 2nd and 3rd tiers. Include the following information:

- landowner's legal name
- State and county where the land is located
- date of the change
- legal name, address, and country of the new 2nd or 3rd owner
- explanation of the change.

Note: Send the notification of the change to the address in subparagraph 28 D.

C Person Ceases To Be Foreign

If a person owning agricultural land ceases to be foreign, the person shall do either of the following:

- submit the following:
 - a copy of I-551 according to paragraph 28
 - written notification of the change in status
- bring I-551 to the County Office for verification.

Include the following information:

- individual's legal name
- State and county where the land is located
- number of acres
- legal description of the land
- date the person ceased to be foreign.

43 Circumstances Requiring Reporting by Letter (Continued)**D Entity Ceases To Be Foreign**

If an entity that owns agricultural land ceases to be owned by a foreign person, the entity shall submit written notification of the change in status. Include the following:

- landowner's legal name
- State and county where the land is located
- number of acres
- legal description of the land
- date the entity ceased to be foreign
- explanation of the change in status.

***--Note:** Send the notification of the change to the address in subparagraph 28 D and make a copy for the County Office file.--*

E Time Limit for Reporting Changes by Letter

Foreign persons are required to report the change no later than 90 calendar days after the date of the change.

Note: Foreign persons shall submit FSA-153 if there is any change involving the title of the land.

44 Agricultural Land Suspected of Being Owned by a Foreign Person**A CED's Investigate Possible Foreign Persons**

If a foreign person is suspected of owning 10 percent or greater interest in the entity owning agricultural land and the entity who owns the land does not file FSA-153, consult with the county's tax office or other local sources to determine whether the foreign person owns the land. If any violations of the reporting requirements are found, make copies of any necessary documents to support the case file.

44 Agricultural Land Suspected of Being Owned by a Foreign Person (Continued)

B Example Letter for CED’s Notifying Foreign Person

Notify the suspected foreign agricultural landowner of the reporting obligation according to this example letter.

	Sec. <u>(Number)</u> , Township Range Acreage
Name of Owner Street Address of Owner City, State, and ZIP Code of Owner	
Dear <u>(Name of Owner)</u> :	
Our records suggest that on <u>(date)</u> you acquired an interest in the agricultural land identified above, which may be subject to the provisions of the Agricultural Foreign Investment Disclosure Act (AFIDA) of 1978.	
Department of Agriculture regulations, 7 CFR Section 781.1, for AFIDA specify that when a foreign person acquires or transfers an interest in U.S. agricultural land, such transactions shall be disclosed to the Secretary of Agriculture on FSA-153. The report must be filed with the Farm Service Agency’s County Office within 90 calendar days of the date of the transaction.	
To assist you in determining whether your land is considered agricultural land, agricultural land is:	
<ul style="list-style-type: none"> • cropland, ranchland, and timberland more than 10 acres in size in the aggregate • forestland that exceeds 10 acres in size and is at least 10 percent stocked by forest trees of any size, including land that formerly had such tree cover and will be naturally or artificially regenerated • tracts totaling 10 acres or less in the aggregate producing annual gross receipts in excess of \$1,000 for the sale of the farm, ranch, forestry, or timber products. 	
Failure to return the completed FSA-153 within 90 calendar days of the date of the transaction may result in a penalty of up to 25 percent of the fair market value of the interest held in the agricultural land. FSA-153 is considered filed in a timely manner if received at this office within 90 calendar days of the date of the transaction.	
To assist you, enclosed is a copy of the brochure titled, “Foreign Investors Who Hold Agricultural Land - What They Should Know About the Agricultural Foreign Investment Disclosure Act of 1978”. Also, enclosed are copies of FSA-153 for your use in complying with AFIDA.	
Please submit FSA-153 and direct any questions concerning AFIDA to:	
(Contact Person in County Office) (FSA County Office) (Address of County Office) (Telephone Number of County Office)	
Enclosures	

81 Verifying FSA-153 Information (Continued)

D Example of Verification of Data on FSA-153 Memorandum

The following is the Verification of Data on FSA-153 Memorandum sent by EPAS, NRAG to County Offices to obtain information on filings that are in penalty status.

*--

[FSA Letterhead]	
To:	CED, County FSA Office
From:	Farm Service Agency
Subject:	Verification of Data on FSA-153
<hr/>	
Background	The enclosed FSA-153 was not filed timely.
<hr/>	
Information Needed	<p>Please:</p> <ul style="list-style-type: none"> • Confirm or establish when FSA-153 was first received in the County Office. • Review item 3 to verify the correct mailing address of the foreign person, if possible. • Determine whether the foreign person is represented locally by an attorney, company manager, company representative, or any other person who may be considered to have been aware of AFIDA reporting requirements. Explain situation. • Review item 7 C and establish a current fair market value of the land for agricultural purposes according to 1-AFIDA (Rev. 2), subparagraph 81 B. Explain how COC determined the fair market value, for example, by assessing sales of other similar land. • Review item 9 to verify the current land use. • Determine how the land is operated. For example, is the land pastured, timbered, or farmed by the foreign investor or an agent. Explain situation.

--*

81 Verifying FSA-153 Information (Continued)

D Example of Verification of Data on FSA-153 Memorandum (Continued)

CED, County FSA Office		2
<hr/>		
Information Needed (Continued)	<ul style="list-style-type: none">• Review records to establish whether foreign investor reported voluntarily or whether the County Office had to request information. Explain details.• Outline any circumstances that may have resulted in FSA-153 not being filed timely. Such circumstances, if any, may reduce any penalty assessed.	
<hr/>		
Action	Return this form with all necessary documentation within 30 calendar days of the date of this correspondence to the following. USDA FSA EPAS NRAG STOP 0531 1400 INDEPENDENCE AVE SW WASHINGTON DC 20250-0531	
<hr/>		
Enclosure		

Reports, Forms, Abbreviations, and Delegations of Authority

Reports

None

Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
FSA-129	Internal Review Checklist for AFIDA Program	Ex. 6	2
FSA-152	Foreign Investors Must Report Agricultural Land Ownership to the U.S. Department of Agriculture Poster	Ex. 8	9
FSA-152-1	Foreign Investors Who Hold Agricultural Land Brochure	Ex. 7	2, 9
FSA-153	Agricultural Foreign Investment Disclosure Act Report	Ex. 13-16	Text, Ex. 11
I-551	Alien Registration Receipt Card	45	21, 43

Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

Approved Abbreviation	Term	Reference
EPAS	Economic and Policy Analysis Staff	Text
NRAG	Natural Resources Analyses Group, EPAS	Text

Delegations of Authority

None

FSA-153 for Acquisition or Holding

A Instructions for Completing FSA-153

Use the following instructions to prepare FSA-153 for an acquisition or holding.

Item	Instructions
1	The appropriate action must be checked. Check 1 item only. Separate FSA-153's must be used for each activity.
2 A, B, C, and D	Legal descriptions can be lengthy. Assign tract or farm numbers when available. Entries must be made in these items for all reports filed.
3 A, B, and C	<p>Entries in these items identify the person with title to the land.</p> <ul style="list-style-type: none"> • Item 3 B is not required for reporting purposes (7 CFR Part 781) and is used for identification purposes only. Other FSA programs may require this number. • Item 3 C must have a complete and legal address of the owner of the land.
3 D 1 and 3 D 1 a	Entry must be made in this item when the owner is an individual, husband, or wife. Citizenship must be given.
3 D 2	Country of the government that owns the land must be entered. Entry in this item is only completed when the person with title to the land is a government.
3 D 3 a	Report the type of organization when owner is not an individual or government. When the land is owned by an organization, the name, address, and citizenship of all other foreign persons holding interest (see paragraph 20 and Exhibit 2) in the organization must be disclosed on the reverse of FSA-153 or on an additional sheet.
3 D 3 b	<p>Report the government or country under whose law the organization (title owner) is created when the owner is an organization.</p> <p>Example: Switzerland or United States.</p>
3 D 3 c	<p>Report the principal place of business when the owner is an organization.</p> <p>Example: Zurich or Houston.</p>
3 D 3 d	Report all foreign persons who individually or in the aggregate hold significant interest or substantial control when the owner is an organization. See paragraph 20 and Exhibits 2 and 11.

FSA-153 for Acquisition or Holding (Continued)

A Instructions for Completing FSA-153 (Continued)

Item	Instructions
3 E 1, 2, and 3	No entry for acquisition or holding. Use only for disposition.
4 A, B, C, and D	Report the name, address, telephone number, and relationship of the person filing for a foreign person, if applicable.
5	<p>This refers to the type of title held by the owner of the property. The percentage of fee interest partial must be shown in item 5 B if it is a partial interest. Separate FSA-153's must be completed for each percentage of interest.</p> <p>Note: When reporting a partial interest in the agricultural land, gross acreage must be disclosed in items 2 C and 9.</p>
6	This refers to purchase arrangements when reporting a holding or acquisition.
7 A	The purchase price is reported for a landholding or acquisition.
7 B	<p>The nonpurchase, estimated value at the time of acquisition is reported when the land was acquired through other means than a purchase.</p> <p>Example: Estimated value at the time of inheritance.</p>
7 C	Report the estimated current value of land.
7 D	When reporting an acquisition or holding, report the amount of the purchase price in item 7 A remaining to be paid if the land was acquired through a credit or installment transaction.
8	Report the date of acquisition (month, day, and year). Separate FSA-153's must be completed for each date of acquisition.
9	<p>An entry must be made in 1 or more categories. Acreage must be given.</p> <p>*--Note: It is important that the correct land use in acres is reported according to the definition of agricultural land (see Exhibit 2).--*</p> <p>Item 9 F must agree with item 2 C.</p>
10	The proper box must be checked when reporting an acquisition or holding.
11 A	The box that describes the operator of the tract of land must be checked when reporting an acquisition or holding.
11 B	The rental agreement must be disclosed when the producer is a tenant or sharecropper.
12	An entry must be made in this item when there is a producer and a holding or acquisition is reported.
Reverse side, items 1-5	<p>This page is to assist foreign investor to interpret whether filing is necessary.</p> <p>Completion of this page is not mandatory for the foreign investor.</p>

FSA-153 for Land Use Change to Agriculture and Nonagriculture

A Instructions for Completing FSA-153

Use the following instructions to prepare FSA-153 to show a land use change to agriculture and nonagriculture.

Item	Instructions
1 D or E	The appropriate action must be checked. Check 1 item only--item 1 D or 1 E Separate FSA-153's must be used for each activity.
2 A, B, C, and D	Legal description can be lengthy. Assign tract or farm numbers when available. Entries must be made in these items for all reports filed.
3 A, B, or C	<p>Entries in these items identify the person with the title to the land.</p> <ul style="list-style-type: none"> • Item 3 B is not required for reporting purposes (7 CFR Part 781) and is used for identification purposes only. Other FSA programs may require this number. • Item 3 C must have a complete and legal address of the owner of the land.
3 D 1 and 3 D 1 a	Entry must be made when the owner is an individual or husband or wife. Citizenship should be given.
3 D 2	Country of the government that owns the land must be entered. Entry in this item is only completed when the person with title to the land is a government.
3 D 3 a	Report the type of organization when owner is not an individual or government. When the land is owned by an organization, the name, address, and citizenship of all other foreign persons holding interest (see paragraph 20) in the organization must be disclosed on the reverse of FSA-153 or on an additional sheet.
3 D 3 b	<p>Report the government or country under whose law the organization is created for the title owner.</p> <p>Example: Switzerland or United States.</p>
3 D 3 c	<p>Report the principal place of business of the title owner.</p> <p>Example: Zurich or Houston.</p>
3 D 3 d	Report all foreign persons who individually or in the aggregate hold significant interest or substantial control. See paragraph 20 and Exhibits 2 and 11.
3 E	No entry is required when reporting activity in item 1 D or 1 E.

FSA-153 for Land Use Change to Agriculture and Nonagriculture (Continued)

A Instructions for Completing FSA-153 (Continued)

Item	Instructions
4	Report the name, address, telephone number, and relationship of the person filing for a foreign person, if applicable.
5	This refers to the type of title held by the owner of the property. The percentage of fee interest partial must be shown in item 5 B. Separate FSA-153's must be completed for each percentage of interest. Note: When reporting a partial interest in the agricultural land, gross acreage must be disclosed in items 2 C and 9.
6	This refers to the purchase arrangements of the owner.
7 A	*--No entry when reporting a land use change to agricultural land. When reporting a land use change to nonagricultural land, the title owner's purchase price of the land must be disclosed if the land was acquired through a purchase. When a portion of the land originally reported as acquired is changed, the owner must provide an estimated value of the land at the time of acquisition must be reported.
7 B	Report the nonpurchase, estimated value of the land at the time of the change when reporting a land use change to agricultural land. When reporting a land use change to nonagricultural land, the title owner must report the nonpurchase estimated value at the time of acquisition of the portion being changed, if the land was acquired through other means than a purchase.--*
7 C	Report the current estimated value of land when reporting a land use change.
7 D	No entry is made when reporting land use change.
8	Report the date of the change (month, day, and year).
9	An entry must be made in 1 or more categories. Acreage should be given. When reporting a land use change to nonagriculture, the use of the land while agricultural must be given. When reporting a land use change to agriculture, report the current use of the land.
10	No entry when reporting a land use change to nonagriculture. Check the proper box when reporting a land use change to agriculture.
11	Check the box that describes the operator of the tract of land when reporting a land use change to agriculture. No entry when reporting a land use change to nonagriculture.
12	Entry must be made when reporting a land use change to agriculture.
Reverse side, items 1-5	This page is to assist foreign investor to interpret whether filing is necessary. Completion of this page is not mandatory for the foreign investor.

FSA-153 for Land Use Change to Agriculture and Nonagriculture (Continued)

C Example of Completed FSA-153 for Land Use Change to Non-Agriculture

Following is a completed FSA-153 for land use change to non-agriculture.

*--

This form is available electronically.		AMENDED <input type="checkbox"/>	Form Approved - OMB No. 0560-0097	
FSA-153 (05-24-01)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		1. TYPE ACTIVITY (See Page 2) (Check one) A. Land Holding <input type="checkbox"/> B. Land Acquisition <input type="checkbox"/> C. Land Disposition <input type="checkbox"/> D. Land Use Change To Agriculture <input type="checkbox"/> E. Land Use Change To Non-Agriculture <input checked="" type="checkbox"/>
AGRICULTURAL FOREIGN INVESTMENT DISCLOSURE ACT REPORT				
<small>NOTE: Read Instructions on Page 2 Before Filing in Any Data Below. If Additional Space is Needed, Use Page 2</small>				
2. Tract Location and Description		OFFICE USE ONLY	6. Type of Interest Held in the Agricultural Land (Check One)	
A. LEGAL DESCRIPTION OR FSA TRACT NUMBER See Attachment			A. Fee Interest (ownership) Whole <input checked="" type="checkbox"/>	
B. COUNTY OR PARISH Whatcom		C. NO. OF ACRES 30	B. Fee Interest (ownership) Partial <input type="checkbox"/> WHAT PERCENT %	
D. STATE Washington			C. Life Estate <input type="checkbox"/>	
3. Owner of Tract (in Item 2A) (See Page 2)			D. Trust Beneficiary <input type="checkbox"/>	
A. NAME Patricia Westbrook			E. Purchase Contract <input type="checkbox"/>	
B. TAX ID NO. (Ten digits)			F. Other (explain)	
C. LEGAL ADDRESS (Street, City, State/Province, Country) 236 Chruchill Road London, 45, England			6. How was this Tract Acquired or Transferred?	
D. Type of Owner (if checked, skip Items D2 and D3)		CHECK <input checked="" type="checkbox"/>	A. Cash Transaction <input checked="" type="checkbox"/>	
1. Individual (including husband/wife). Indicate citizenship of husband and wife, if applicable.			B. Credit or Installment Transaction <input type="checkbox"/>	
a. Citizenship of Individual Switzerland			C. Trade <input type="checkbox"/>	
2. Government (name of country)			D. Gift or Inheritance <input type="checkbox"/>	
3. Organization		CHECK <input type="checkbox"/>	E. Foreclosure <input type="checkbox"/>	
a. Type			F. Other (explain)	
1) Corporation				
2) Partnership				
3) Estate				
4) Trust				
5) Institution				
6) Association				
7) Other				
b. Gov't. or country under whose law the organization is created				
c. Principal place of business (for organizations only)				
d. List on separate sheet, the Name, Address and Country of all foreign persons who individually or in the aggregate hold significant interest or substantial control 1/ in the person owning the land.				
E. Complete only if Item 1C, Land Disposition, is checked			7. Value of Agricultural Land:	
1. NAME OF PERSON RECEIVING TRACT			A. Purchase Price of Land or if a land disposition, the original price paid by seller \$	
2. ADDRESS (Street, City, State/Province, Country)			B. Non-Purchase, Estimated Value at the Time of Acquisition \$ 100,000	
3. CITIZENSHIP USA <input type="checkbox"/> FOREIGN <input type="checkbox"/> UNKNOWN <input type="checkbox"/>			C. What is the estimated current value or if a land disposition, the selling price of the tract of land? \$ 100,000	
4. Representative of Foreign Person (completing form, if applicable)			D. How much of purchase price in Item 7A remains to be paid? \$	
A. NAME Katherine Westbrook			8. Date of Acquisition or Transfer (See Page 2)	
B. ADDRESS (Street, State, Country) 300 Blueberry Road Lynden, WA 98245			MONTH 1	DAY 28
C. TELEPHONE NO. (Area Code) (360) 775-8970			YEAR 99	
D. Relationship of Representative to Foreign Person:		CHECK <input checked="" type="checkbox"/>	9. Current Land Use (Usual use of land. For idle land, report as Other Agriculture.) Report in Whole Numbers	
1. Attorney			A. Crop 20	
2. Manager			B. Pasture	
3. Agent			C. Forest or Timber 10	
4. Other (Explain on Page 2)			D. Other Agriculture	
			E. Non-Agriculture	
			F. Total (Should equal Item 2C) 30	
14. SIGNATURE (Owner or legally authorized representative)		TITLE	10. Intended Use as of This Date (Check One or More or type "N/A" if Item 1C above is marked)	
			A. No Change	
			B. Other Agriculture NA	
			C. Non-Agriculture	
			11. Relationship of Owner to Producer (If not applicable, for Items 11A through 11B, type "N/A" Check one or more or type "N/A" if Item 1C above is marked.)	
			A. Producer is:	
			1. Owner	
			2. Manager NA	
			3. Tenant or sharecropper (Item 11B must be completed)	
			B. Rental agreement is: (Not applicable if Item 1C above is marked)	
			1. A crop share NA	
			2. Cash or fixed rent	
			12. The Producer on This Tract is: Check one or more. If not applicable, for Items 11A through 11B, type "N/A" (Not applicable if Item 1C above is marked)	
			A. The same person as when the tract was acquired NA	
			B. A new person	
			DATE (MM-DD-YYYY)	

--*

FSA-153 for Land Use Change to Agriculture and Nonagriculture (Continued)

C Example of Completed FSA-153 for Land Use Change to Non-Agriculture (Continued)

FSA-153, Page 2 (05-24-01)

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is Pub. L. 95-460. The information will be used to determine the effects of foreign persons acquiring, transferring and holding agricultural land and the effects of such activity on family farms and rural communities. Furnishing the requested information is mandatory. Failure to comply or falsification of reporting is subject to civil penalty, not to exceed 25 percent of the fair market value of the interest held in the tract on the date of the assessment of such penalty.

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 0500-0097. The time required to complete this information collection is estimated to average 15 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. 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 a "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 AM a citizen of the United States.		X
2. I AM a citizen of the Northern Mariana Islands or the Trust Territories of the Pacific Islands.		X
3. I AM lawfully admitted to the United States for permanent residence, or paroled into the United States, under the Immigration and Nationality Act.		X
You are a "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 "YES" to any of the statements in Items 4a, 4b, and 5 below:	YES	NO
4. I AM 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 1/ is held directly or indirectly by any foreign individual, government, or person.		
5. I AM 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 to the County Farm Service Agency (FSA) Office where the tract of land is located. Retain a copy for your records. **DO NOT SEND THIS FORM DIRECTLY TO WASHINGTON, D.C. UNLESS GRANTED PERMISSION BY THE FSA IN WASHINGTON, D.C.**

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.

ITEM INSTRUCTIONS AND REPORTING DATES

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 side 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

REPORTING DATE: If any of these activities are checked in Item 1, 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:
Box A or B - Date acquired.
Box C - Date disposed of.
Box D or E - Date land use changed.

ADDITIONAL INFORMATION (Use additional sheets if more space is needed)

Item 4: Sister

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 its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (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 USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

FSA-153 for the Owner of the Land Becoming a Foreign Person

A Instructions for Completing FSA-153

Use the following instructions for preparing FSA-153 for the owner of the land becoming a foreign person.

Item	Instructions
1	Check item 1 B.
2 A, B, C, and D	Legal descriptions can be lengthy. Assign tract or farm numbers when available. Entries must be made in these items for all reports filed.
3 A, B, and C	<p>Entries in these items identify the person with the title to the land.</p> <ul style="list-style-type: none"> • Item 3 B is not required for reporting purposes (7 CFR Part 781) and is used for identification purposes only. Other FSA programs may require this number. • Item 3 C must have a complete and legal address of the owner of the land.
3 D 1	No entry for this type of report.
3 D 2	No entry for this type of report.
3 D 3 a	Report the type of organization. When the land is owned by an organization, the name, address, and citizenship of all other foreign persons holding interest (see paragraph 20) in the organization must be disclosed on the reverse of FSA-153 or on an additional sheet.
3 D 3 b	<p>Report the government or country under whose law the organization (title owner) is created.</p> <p>Example: Switzerland or United States.</p>
3 D 3 c	<p>Report the principal place of business of the organization with title to the land.</p> <p>Example: Zurich or Houston.</p>
3 D 3 d	Report all foreign persons who individually or in the aggregate hold significant interest or substantial control. See paragraph 20 and Exhibits 2 and 11.
3 E	No entry for this type of report.

FSA-153 for the Owner of the Land Becoming a Foreign Person (Continued)

A Instructions for Completing FSA-153 (Continued)

Item	Instructions
4 A, B, C, and D	Report the name, address, telephone number, and relationship of the person filing for a foreign person, if applicable.
5	This refers to the type of title acquired by the owner of the property. The percentage of fee interest partial must be shown in item 5 B. Separate FSA-153's must be completed for each percentage of interest. Note: When reporting a partial interest in the agricultural land, gross acreage must be disclosed in items 2 C and 9.
6	When reporting the owner became a foreign person, enter that information in item 6 F.
7 A	No entry when reporting the owner became a foreign person.
7 B	Report the nonpurchase, estimated value at the time of acquisition. This item must contain estimated value of the land at the time the owner became a foreign person.
7 C	Report the current estimated value of land.
7 D	No entry for this type of report.
8	Report the date the owner became a foreign person (month, day, and year).
9	An entry must be made in 1 or more categories. Acreage must be given. *--Note: It is important that the correct land use in acres be reported according to the definition of agricultural land (see Exhibit 2).--* Item 9 F must agree with item 2 C.
10	Check the proper box.
11 A	Check the box that describes the operator of the tract of land, if applicable.
11 B	The rental agreement must be disclosed when the operator is a tenant or sharecropper.
12	Entry must be made when there is a producer.
Reverse side, items 1-5	In this situation where the owner of the tract becomes a foreign person, it is not necessary for the foreign person to fill out this section.