

FSA
HANDBOOK

Foreign Investment Disclosure

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For State and County Offices

SHORT REFERENCE

1-AFIDA
(Revision 2)

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

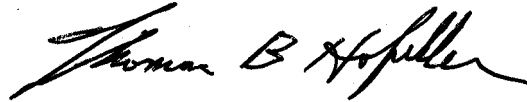
UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Foreign Investment Disclosure
1-AFIDA (Revision 2)

Amendment 2

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.

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Part 1 Purpose and Responsibilities**1 Overview****A Handbook Purpose**

This handbook is designed to assist FSA in understanding the following for administering the Agricultural Foreign Investment Disclosure Act of 1978 and 7 CFR Part 781:

- policies
- procedures
- requirements.

Note: See:

- Exhibit 4 for the text of Pub. L. 95-460
- Exhibit 5 for the text of 7 CFR Part 781.

B Sources of Authority

The sources of authority for this handbook include 7 CFR Part 781.

C Related Handbook

A handbook related to AFIDA is 25-AS for State and County Office records operations.

D AFIDA Provisions

AFIDA was enacted to establish a nationwide system to monitor ownership and purchases of U.S. agricultural land by foreign persons. AFIDA requires:

- foreign persons who acquire, transfer, or hold interests in agricultural land to report the transactions and holdings to the Secretary of Agriculture
- FSA maintain for public inspection all reporting forms and related correspondence
- penalties to be assessed against foreign persons who fail to accurately and timely report.

1 Overview (Continued)

E AFIDA Applicability

FSA has the primary responsibility to collect information through a reporting system involving all States and counties.

Data is collected by FSA from FSA-153. The National Office shall:

- review incoming reporting forms for accuracy
- obtain data from foreign investors to correct reporting forms for missing or erroneous data
- assess penalties
- place completed reporting forms on file for public inspection
- analyze the tabulated data
- write the annual foreign investment in the U.S. agricultural land report.

Note: KCFO tabulates the data received.

Data gathered on FSA-153 must provide the information needed to reveal the following expected impacts:

- scope of foreign investment
- impact of foreign investment on:
 - land prices
 - land use
 - tenure structure
 - local communities.

2 Responsibilities

A EPAS, NRAG Responsibilities

EPAS, NRAG is responsible for:

- collecting data on U.S. agricultural land, including the following:
 - foreign ownership
 - purchase
 - sale
 - leases of 10 years or more

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.

2 Responsibilities (Continued)

E Example Reminder Letter

The following is an example reminder letter to foreign investors who have filed a holding or acquisition report.

Name of Owner Street Address of Owner City, State, and ZIP Code	Section, Township Range Acreage
RE: Holders of Interest in Agricultural Land	
Dear _____:	
<p>Our records indicate that you are listed on an Agricultural Foreign Investment Disclosure Act Report (ASCS-153 or FSA-153) as holding an interest in agricultural land (see above for description of land), which was and is subject to the reporting provisions of the Agricultural Foreign Investment Disclosure Act of 1978.</p>	
<p>This letter is a reminder that if additional land is acquired, land is leased for ten years or more, land is changed from agricultural to nonagricultural, and all or part of the agricultural land is sold or title is transferred to another person, FSA-153 is required to be filed within 90 calendar days with the Farm Service Agency (FSA) in the county where the land is located. It is also required that a written notification be submitted if a foreign person ceases to be foreign and information contained on a filed report changes.</p>	
<p>Failure to file the written notification or FSA-153 could result in a civil penalty of up to 25 percent of the fair market value of the interest held in the agricultural land on the date of the civil penalty.</p>	
<p>Blank copies of FSA-153 and assistance in completing the form are available from the County FSA Office. FSA-153 is also available on the Internet at http://www.fsa.usda.gov/.</p>	
County Executive Director Address: Phone Number:	

3-8 (Reserved)

Part 2 AFIDA Objectives and Basic Requirements**9 Publicizing the AFIDA Program and Requirements****A Publicizing the Program at State Level**

SED shall provide as applicable the following with FSA-152 (Exhibit 8) and a supply of FSA-152-1's (Exhibit 7):

- County Offices
- Farm Loan Offices
- State Bar Association
- State Real Estate Commission.

Note: Order FSA-152's and FSA-152-1's from KCFO.

B Publicizing the Program at County Level

CED shall:

- periodically send an informational letter, similar to the one in subparagraph D, to remind real estate agencies, real estate attorneys, and mortgage lenders in the county of reporting requirements

Note: Provide FSA-152 and a supply of FSA-152-1's to:

- County Bar Organizations
- County Real Estate Organizations.
- annually publicize reporting requirements in local news media
- annually include information about reporting requirements in the newsletter
- upon request, supply any business, agency, or individual with FSA-152-1, FSA-153, and a letter explaining reporting requirements.

Notes: See Exhibit 7 for FSA-152-1 and subparagraph D for an example of the letter.

It is the foreign person's responsibility to report agricultural landholdings.

9 Publicizing the AFIDA Program and Requirements (Continued)

C Using and Distributing FSA-152 at County Government Offices

FSA-152 should be displayed, if possible, at the following offices:

- registrar of deeds or equivalent, such as the county recorder, clerk-register, clerk and recorder, or recorder of deeds
- county clerk if not the register of deeds or equivalent, such as the chancery clerk or clerk auditor
- tax assessor or county treasurer.

9 Publicizing the AFIDA Program and Requirements (Continued)

D Example of Informational Letter

The following is an example of an informational letter.

[FSA Letterhead]
To: Whom It May Concern
The Agricultural Foreign Investment Disclosure Act of 1978 became effective on February 2, 1979. It requires any foreign person who:
<ul style="list-style-type: none"> • acquires or transfers any interest other than a security interest in agricultural land to submit a completed FSA-153 to the Secretary of Agriculture not later than 90 calendar days after the date of acquisition or transfer, or • held any interest, other than a security interest, in agricultural land on February 1, 1979, to have submitted a report to the Secretary not later than August 1, 1979.
The information required by the Secretary should be reported on the enclosed FSA-153. Additional copies of this form, which you are encouraged to give to clients who are foreign persons owning, acquiring, or transferring agricultural land in the United States or its territories or possessions, may be obtained from this office. Return the completed FSA-153 to this office.
Any foreign person who holds, acquires, or transfers any interest in agricultural land, who the Secretary of Agriculture determines did not submit FSA-153, or who knowingly submitted a report that was incomplete, misleading, or false is subject to civil penalty of not more than 25 percent of the fair market value of the land on the date the penalty is assessed.
FSA-153 is analyzed by the United States Department of Agriculture, Farm Service Agency, to develop reports for the Secretary of Agriculture and the agriculture department in each State. Completed FSA-153's and the analysis shall be available for public inspection at the Department of Agriculture located in Washington, DC.
We appreciate your cooperation and any help you can provide pertaining to this important matter.
If you have questions concerning the Act, please contact:
<p>_____</p> <p>County Executive Director</p> <p>FSA</p> <p>Telephone _____</p>
Enclosures: FSA-152-1, AFIDA Brochure; FSA-153, AFIDA Report

10-19 (Reserved)

Part 3 Reporting Requirements**20 Initial Reporting Requirements****A Requirements for Reporting a Foreign Person**

Foreign persons must report their interest in agricultural land if their situation meets any of the criteria in this part.

B Who Must Report

Any foreign person who owns or has a separate interest in agricultural land must file FSA-153.

The owner of the land, always being a foreign person by definition, must submit FSA-153 if there is any change involving the title of the land.

C Who Is a Foreign Person

A foreign person is an:

- individual who is not a U.S. citizen
- entity that is:
 - a foreign government
 - an entity formed under the laws of a foreign government
 - an entity formed under a U.S. law in which a foreign person has a reportable direct or indirect interest.

D What Is a Reportable Interest

A reportable interest is an interest held by a foreign person in agricultural land as:

- a direct landowner
- a direct holder if the lease is for 10 years or more
- an indirect owner or leaseholder.

A reportable indirect interest is any interest held by a foreign person in any entity that has an interest in agricultural land as an owner or leaseholder if the lease is for 10 years or more.

The interest held in the entity by the foreign person must be:

- 10 percent or more by a foreign person or group of foreign persons acting in concert
- 50 percent by a group of foreign persons not acting in concert.

Note: See Exhibits 2 and 11 for examples of an indirect interest.

21 Foreign Persons Not Required to Report

A Who Does Not Report

Any foreign person who is:

- a permanent resident of the United States and who carries a green card or I-551

Notes: See Exhibit 2 and paragraph 45.

If there is doubt whether a foreign person is a permanent resident, request either of the following:

- a photocopy of I-551 from the person
- verification of the person's status from the Immigration and Naturalization Service.
- a citizen of the Northern Mariana Islands and the Trust Territory of the Pacific Islands
- a national of the United States
- paroled into the United States under the Immigration and Nationality Act.

22 Agricultural Land

A What Is Agricultural Land

Agricultural land is land used for agricultural purposes that is:

- more than 10 acres in size in the aggregate
- 10 acres or less in the aggregate producing gross annual receipts of more than \$1,000 from the sale of farm, ranch, or timber products in total.

Agricultural purposes is defined as land that during the current year or any 1 of the preceding 5 years:

- was used for farming, ranching, pasture, orchards, vineyards, timber production, etc.
- was used for forestry production exceeding 10 acres in size 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

Note: It does not matter whether the foreign person ever intends to cut and sell the trees.

- was used for the purposes described in this subparagraph, even if the land has been planned and plotted or re-zoned for nonagricultural purposes

22 Agricultural Land (Continued)

A What Is Agricultural Land (Continued)

- meets the descriptions of agricultural land in the Standard Industrial Classification Manual (Exhibit 12).

B What Is Nonagricultural Land

Nonagricultural land is land that is no longer 10 percent stocked by forest trees of any size, including land that formerly had such tree cover and will not be naturally or artificially regenerated, and:

- used for industrial development or related purposes
- has been planned and plotted for nonagricultural use

Note: Both of the following must have occurred:

- board of county commissioners or equivalent has approved the recording of the land as nonagricultural
- land is no longer being used for agricultural purposes.
- has been re-zoned for nonagricultural use. This requires:
 - a legal document stating that the land has been re-zoned
 - that the agricultural crops are no longer being produced and animals are no longer grazing on the land.

C Other Nonreportable Land

Interest held is not reported when the interest is any of the following:

- involves only subsurface mineral rights
- involves leases held for less than 10 years
- is a contingent future interest

Note: Options are considered future interests.

- an easement or right of way used for a purpose unrelated to agricultural production
- involves only a security interest.

Note: See Exhibit 2 for a definition of a security interest.

23 When to File FSA-153

A File Immediately

Foreign persons with an interest in U.S. agricultural land must file FSA-153 immediately for holdings held before February 2, 1979 (Exhibit 13).

B File Within 90 Calendar Days

Foreign persons must file FSA-153 within 90 calendar days for:

- acquisitions acquired after February 2, 1979 (Exhibit 13)
- dispositions of land sold after February 1, 1979 (Exhibit 14)
- land use changes, when land use changed to:
 - agricultural use from nonagricultural use
 - nonagricultural use from agricultural use

Note: See Exhibit 15.

- ownership that becomes foreign (Exhibit 16)
- ownership that becomes nonforeign (paragraph 43).

24 Where to File FSA-153

A File in County Office Where Land Is Located

Foreign persons shall file FSA-153 with the County Office serving the county where the land is located.

IF...	THEN...
a tract of land is physically located in 2 or more counties	separate FSA-153's must be filed for the acreage located in each county.
separate tracts are physically located in 2 or more counties	

B Complex Filings

When multiple or complex filings are involved, such as if the land being reported is located in more than 1 county, EPAS, NRAG may grant permission to foreign persons to file reports directly with EPAS, NRAG.

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	If item 5 B is checked, a percentage must be listed. Separate FSA-153's must be completed for each percentage of interest.
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	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.
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	This is land that is currently being used as nonagricultural, but was used for agricultural purposes within the last 5 years.
11	The producer is the entity or person using the land. If item 11 A 3 is checked, item 11 B must be completed.

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)

Part 4 Additional Reporting Requirements**41 Handling Incomplete Original FSA-153's****A Notifying Filing Person of Incomplete FSA-153**

Handle FSA-153's, which are not completed to CED's satisfaction when additional information was requested from the foreign person within 30 calendar days allotted by CED, by notifying the person who submitted FSA-153 that a violation of the reporting requirement exists.

B Identifying Incomplete Items in Notice to Foreign Person

The notice to the foreign person must list items on FSA-153 to be completed. Provide the following:

- copy of the original FSA-153
- blank FSA-153 marked "Amended Report"
- specific date to submit a completed FSA-153, an amended FSA-153, or supporting evidence. Allow no more than 30 calendar days from the date of notification for the foreign person to respond.

C Methods of Obtaining Needed Information

To provide the needed information, the foreign person or a representative may do any of the following:

- complete the copy of the original FSA-153
- file an amended FSA-153 sent to the foreign investor by the County Office by:
 - providing the missing or incorrect information not listed or stated incorrectly on the original report
 - completing the entire enclosed amended report
- provide the missing or incorrect information in a letter.

41 Handling Incomplete Original FSA-153's (Continued)

D Filing Instructions

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

E 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 any missing information.

F Action for Case Not Resolved

If the request for information cannot be resolved within 45 calendar days from the date the request was sent to the foreign person, CED shall send the following to EPAS, NRAG:

- copy of FSA-153
- copies of all supporting documents
- memorandum summarizing the problems.

Note: Make a copy for the County Office file.

G 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.

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	

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

C CED’s Notification Instructions

Send a memorandum to EPAS, NRAG, through the State Office, explaining the reasons for a determination that a foreign person did not report if both of the following apply:

- CED finds that the foreign person has not reported owning agricultural land as required by law
- foreign person has not replied to the County Office inquiry.

Note: Send in supporting documents from the case file obtained in subparagraph A.

45 Investors Who Are Not Required to Report Under AFIDA

A Determining Immigration Status

Any foreign individual who is a permanent resident of the United States and who carries a green card or I-551 is not required to report under AFIDA.

IF...	THEN...
there is doubt whether a foreign individual is a permanent resident	request either of the following: <ul style="list-style-type: none"> • copy of I-551 from the individual <p>Note: See subparagraph F.</p> <ul style="list-style-type: none"> • verification of the individual’s status from the Immigration and Naturalization Service.
assistance is needed	contact EPAS, NRAG to clarify the status of the foreign individual.

B Trust Territory Exempt From Reporting

Citizens of the Northern Mariana Islands and the Trust Territory of the Pacific Islands are exempt from filing FSA-153.

C Immigration and Nationality Act Exempt From Reporting

Foreign individuals who were paroled into the United States under the Immigration and Nationality Act are exempt from filing FSA-153.

D U.S. Nationals

Individuals who are nationals of the United States are exempt from filing FSA-153.

Part 5 Reviewing and Duplicating FSA-153 by the Public in the County Office

56 FSA-153 Availability

A FOIA Public Inspection

Completed FSA-153's shall be available for public inspection under FOIA (88 Stat. 1561) and AFIDA (7 U.S.C. 3506).

B National Office Public Inspection

No later than 10 calendar days after receipt in EPAS, NRAG, the completed original copy of FSA-153 shall be available in the National Office at the following address.

USDA FSA EPAS NRAG
STOP 0531
ROOM 2739-S
1400 INDEPENDENCE AVE SW
WASHINGTON DC 20250-0531

C County Office Public Inspection

The County Office copy of FSA-153 filed with COC shall be available for public inspection and duplication in the County Office.

- Copies of FSA-153 for foreign persons may be provided to the public on request according to established policy.
- Collect appropriate fees for copies provided to the public.

D State Office Procedure

State Offices can maintain an official FSA-153 file according to STC policy. The file shall not be available for public inspection.

57-66 (Reserved)

Part 6 Penalties**Section 1 Violations****67 Determining Penalty Amount****A EPAS, NRAG Determines Penalty Amount**

EPAS, NRAG determines the monetary penalty amount from the specific circumstances of each case involving:

- filing FSA-153's late
- not filing FSA-153's
- filing false or misleading information.

B Penalty Limitation

Penalty may equal 25 percent of the fair market value of the land, for agricultural purposes, held by the foreign person.

C Factors Considered in Determining Penalty Amount

The following factors are considered when determining the penalty amount:

- time the violation existed
- how the violation was discovered

Example: Voluntary reporting or County Office request to report.

- extenuating circumstances
- involvement of legal counsel or other representative of the foreign person
- nature of information misstated or not reported.

68 Failing to Provide Additional Information and Submitting False Information**A Submitting Incomplete Information**

Foreign persons shall be subject to a penalty if they:

- submit an incomplete FSA-153
- do not supply the necessary information within either of the following:
 - 45 calendar days after receiving the letter requesting additional information
 - specific time approved by EPAS, NRAG.

B Submitting False or Misleading Information

Foreign persons shall be subject to a penalty if they:

- submit false or misleading information
- do not clarify or supply the necessary information within either of the following:
 - 30 calendar days after receiving the letter requesting clarification
 - specific time approved by EPAS, NRAG.

69 Late-Filed FSA-153's**A Penalty Calculation**

Penalties are assessed only by EPAS, NRAG. The penalty for late-filed FSA-153's is one-tenth of 1 percent of the fair market value of the interest in the land for agricultural purposes, as determined by COC, times the number of weeks that FSA-153 is late.

- Count any portion of a week as a whole week.
- The total penalty shall not exceed 25 percent of the fair market value of the land for agricultural purposes.
- Consider factors in paragraph 67 in calculating the penalty.

69 Late-Filed FSA-153's (Continued)

B Late-Filed Landholding

Late-filed FSA-153's include those for land held on February 1, 1979, and not reported before August 2, 1979.

C Late-Filed Acquisitions and Dispositions

Late-filed FSA-153's for acquisitions and dispositions include those for land purchased or disposed of after February 1, 1979, and not reported within 90 calendar days of the purchase or disposition.

Note: If a disposition of land was reported late, a penalty can be assessed even if none of the land was retained.

70-79 (Reserved)

Section 2 Assessing Penalties

80 Responsibilities**A EPAS, NRAG Responsibilities**

EPAS, NRAG is responsible for:

- coordinating the actions of State and County Offices in assessing penalties
- evaluating the facts received from County Offices about:
 - late-filed FSA-153's
 - FSA-153's that were not filed
 - FSA-153's that contained false or misleading information
- making calculations and assessing penalties against foreign persons
- contacting and corresponding with penalized foreign persons, which includes responding to questions, complaints, and requests for information, about an assessed penalty
- providing assistance to foreign persons on appeal procedures and questions.

B STC Responsibilities

STC is responsible for:

- supervising and assisting COC's in corresponding with EPAS, NRAG on Verification of Data on FSA-153 Memorandums and other requests for information needed to assess penalties

Note: See subparagraph 81 D.

- forwarding Verification of Data on FSA-153 Memorandums prepared by EPAS, NRAG to the County Office on proposed penalties
- providing County Offices with a copy of the monthly penalty status report for AFIDA claims developed by KCFO.

80 Responsibilities (Continued)**C COC Responsibilities**

COC is responsible for:

- answering questions and obtaining and verifying information requested by EPAS, NRAG
- working **confidentially** to obtain data requested for assessing penalties

Note: If additional information is needed from foreign persons to answer EPAS, NRAG questions, obtain the information without advising the foreign person of a possible penalty.

- referring to EPAS, NRAG questions from foreign persons about penalties assessed
- documenting and date-stamping FSA-153 and other information that may pertain to assessing penalties
- according to monthly penalty status reports for AFIDA claims developed by KCFO, establishing setoffs and withholdings against foreign persons who are penalized
- sending verification responses to either of the following:
 - the State Office for forwarding to EPAS, NRAG
 - EPAS, NRAG directly if STC policy permits.

81 Verifying FSA-153 Information**A Confirming Date and Where First Received by FSA**

Before EPAS, NRAG determines a penalty, the applicable County Office will receive a Verification of Data on FSA-153 Memorandum from EPAS. The County Office shall thoroughly investigate each issue raised in the memorandum. For each FSA-153, establish or confirm when FSA-153 was first received in the County Office.

- Use date-stamp on FSA-153 to confirm date.
- If no date-stamp was used and an estimated date is established, report that fact.
- Be sure to use the date the first FSA-153 was received in the County Office.
- Note if FSA-153 was first received by another County Office to establish the date that the office received it.

B Establishing a Current Fair Market Value of Land for Agricultural Purposes

COC shall review FSA-153, item 7 C and establish a current fair market value for agricultural purposes.

- The land must be valued based on how much it would sell for if it were to be used to produce timber, crops, citrus fruit, forage, etc.
- Do not consider prices that are inflated because of speculative buying for subdivisions, shopping centers, or other developments.
- Document in the minutes the method used by COC to determine the fair market value. Include an explanation of the information used, such as the farm credit appraisal or sale price of similar land.
- Subtract the value of nonagricultural acreage from the total appraisal.

81 Verifying FSA-153 Information (Continued)

C Verifying Current Land Use

COC shall review FSA-153, item 9 and verify the current land use.

- It may be necessary for County Office employees to visit the land to determine whether it is agricultural or nonagricultural.
- Nonagricultural land is not considered when determining a penalty. The land is considered nonagricultural land if it is:
 - used exclusively for mining without the sale of crops
 - less than 10 percent stocked by forest trees of any size, including land that formerly had the tree cover and will not be naturally or artificially regenerated.

Note: Nonagricultural land cannot be:

- pastured
- cropped
- used for citrus production
- used in the future for any other agricultural purpose.

Note: See subparagraph 22 B.

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		

82 Claim or Withholding Established Against Unpaid AFIDA Penalties

A Establishing Setoffs and Withholdings

County Offices shall establish setoffs and withholdings against foreign persons who are overdue in paying assessed penalties and have not filed an appeal.

The KCFO monthly status report will contain information when the foreign person pays the penalty.

B Collecting Assessed AFIDA Penalties

When assessed AFIDA claims and penalties are collected at the County Office, send the money to KCFO according to 58-FI and 64-FI.

83-92 (Reserved)

Part 7 Appeals**93 Appeals to Administrator****A Where to Appeal**

A foreign person who has been assessed a penalty may appeal to the FSA Administrator at the following address.

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

B Time Limit for Demand Appealing

The foreign person must appeal within 60 calendar days of the date of the notice of penalty. If the foreign person does not appeal within 60 calendar days, the notice of penalty becomes final and the foreign person is no longer eligible to file an appeal.

C Payment of the Penalty by the Foreign Investor

Payment of the proposed penalty by the foreign investor shall be:

- made by check or money order payable in U.S. dollars to the “Treasurer of the United States”
- mailed to the following address.

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

93 Appeals to Administrator (Continued)

D Requesting a Hearing

A hearing may be requested by the foreign person during the 60-calendar-day period to appeal. The hearing will be held in the National Office within 30 calendar days after the request is filed.

E Additional Information on Appeal

Refer foreign persons requesting information on appeal procedure to EPAS, NRAG.

F Appeal Information With Penalty Letter

Every foreign person assessed a penalty shall receive complete appeal instructions with the notice of penalty.

Reports, Forms, Abbreviations, and Redelegations 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

Re delegations of Authority

None

Definitions of Terms Used in This Handbook

Agricultural Land

Agricultural land is land in the United States that is currently used for (or if idle and its last use during the past 5 years was for) farming, ranching, or timber production. This does not apply to tracts of land that are 10 acres or smaller, in the aggregate, from which the agricultural or timber products are less than \$1,000 in annual gross sales value. Land used for forestry production means land exceeding 10 acres in which 10 percent is stocked by trees of any size, including land that formally had such tree cover and will be naturally or artificially regenerated.

Agricultural use includes, but is not limited to activities in the Standard Industrial Classification Manual (1972), Division A, excluding industry numbers 0711 through 0783, 0851, 0912 through 0919, and 0971, animal trapping, same management, hunting carried on as a business enterprise, trapping carried on as a business enterprise, and wildlife management. See Exhibit 12.

Bearer Shares

Bearer shares are certificates of ownership issued blank, the holder of which is entitled to participate in issuing corporate entity.

County

A county is a political subdivision of a State identified as a county or parish. In Alaska, this means an area designated by STC.

Foreign Government

Foreign government is any government including a Federal government, the government of a State, or a political subdivision of a State outside the United States.

Foreign Legal Entity

A foreign legal entity is any legal entity created under the laws of:

- a foreign government, regardless of the interest or control of the entity held by foreign persons
- the United States, or the laws of any State of the United States, if a significant interest or substantial control of the stock or membership of the entity is held by foreign persons, foreign governments, or legal entities created under the laws of a foreign government.

Definitions of Terms Used in This Handbook (Continued)**Foreign Person**

The following are foreign person definitions.

Definition 1: A foreign person is any individual who is not 1 of the following:

- a citizen or national of the United States
- a citizen of the Northern Mariana Islands or the Trust Territory of the Pacific Islands
- lawfully admitted to the United States for permanent residence or paroled into the United States under the Immigration and Nationality Act (66 Stat. 163).

Definition 2: A foreign person is any foreign government.

Definition 3: A foreign person is any entity, other than an individual or a government, that is created or organized under the laws of a foreign government or that has its principal place of business located outside the United States.

Definition 4: A foreign person is any entity, other than an individual or a government:

- that is created or organized under the laws of any State
- in which a significant interest or substantial control is directly or indirectly held by:
 - any individual under definition 1 by whom substantial control is directly or indirectly held
 - any entity referred to in definition 3
 - any combination of individual persons, entities, or governments referred to in this definition
 - a foreign government.

Forestland

Forestland is land in the United States more than 10 acres in size and that 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.

Note: It does not matter whether the foreign person ever intends to cut and sell the trees.

Definitions of Terms Used in This Handbook (Continued)

Interest in Agricultural Land

Interest in agricultural land is all interest acquired, transferred, or held in agricultural lands by a foreign person, including:

- persons who hold leases for 10 years or longer
- persons who have agreed without condition to take possession of agricultural land upon termination of a current lease.

Person

A person is any individual, corporation, company, association, limited or general partnership, society, joint stock company, trust, estate, or any other legal entity.

Security Interest

A security interest is a mortgage or other debt-securing instrument that is secured by real property. Banks or lending institutions that hold security interests are exempt from the reporting requirements of AFIDA.

Significant Interest or Substantial Control

Significant interest or substantial control is defined as a foreign person who holds an interest in agricultural land in the United States and the interest is directly or indirectly held as follows:

- the foreign person holds an individual interest of 10 percent or more
- the group of foreign persons, acting in concert, holds a collective interest of 10 percent or more
- the group of foreign persons, not acting in concert, holds a collective interest of 50 percent or more.

State

A State is the 50 States, District of Columbia, Commonwealth of Puerto Rico, Northern Mariana Islands, Guam, Virgin Islands, American Samoa, Trust Territory of the Pacific Islands, or other U.S. territories or possessions.

Tract

A tract is contiguous acreage held, acquired, or disposed of regardless of whether it is physically located in 1 or more States or counties.

PUBLIC LAW 95-460—OCT. 14, 1978

92 STAT. 1263

Public Law 95-460
95th Congress

An Act

To require foreign persons who acquire, transfer, or hold interests in agricultural land to report such transactions and holdings to the Secretary of Agriculture and to direct the Secretary to analyze information contained in such reports and determine the effects such transactions and holdings have, particularly on family farms and rural communities, and for other purposes.

Oct. 14, 1978
[S. 3384]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Agricultural Foreign Investment Disclosure Act of 1978".

Agricultural
Foreign
Investment
Disclosure Act
of 1978.
7 USC 3501 note.

REPORTING REQUIREMENTS

SEC. 2. (a) Any foreign person who acquires or transfers any interest, other than a security interest, in agricultural land shall submit a report to the Secretary of Agriculture not later than 90 days after the date of such acquisition or transfer. Such report shall be submitted in such form and in accordance with such procedures as the Secretary may require and shall contain—

Land interests,
acquisitions or
transfers.
7 USC 3501.

- (1) the legal name and the address of such foreign person;
- (2) in any case in which such foreign person is an individual, the citizenship of such foreign person;
- (3) in any case in which such foreign person is not an individual or a government, the nature of the legal entity holding the interest, the country in which such foreign person is created or organized, and the principal place of business of such foreign person;
- (4) the type of interest in agricultural land which such foreign person acquired or transferred;
- (5) the legal description and acreage of such agricultural land;
- (6) the purchase price paid for, or any other consideration given for, such interest;
- (7) in any case in which such foreign person transfers such interest, the legal name and the address of the person to whom such interest is transferred and—
 - (A) in any case in which such transferee is an individual, the citizenship of such transferee; and
 - (B) in any case in which such transferee is not an individual or a government, the nature of the legal entity holding the interest, the country in which such transferee is created or organized, and the principal place of business of such transferee;
- (8) the agricultural purposes for which such foreign person intends, on the date on which such report is submitted to the Secretary, to use such agricultural land; and
- (9) such other information as the Secretary may require by regulation.

92 STAT. 1264

PUBLIC LAW 95-460—OCT. 14, 1978

(b) Any foreign person who holds any interest, other than a security interest, in agricultural land on the day before the effective date of this section shall submit a report to the Secretary not later than 180 days after such effective date. Such report shall be submitted in such form and in accordance with such procedures as the Secretary may require and shall contain—

- (1) the legal name and the address of such foreign person;
- (2) in any case in which such foreign person is an individual, the citizenship of such foreign person;
- (3) in any case in which such foreign person is not an individual or a government, the nature of the legal entity holding the interest, the country in which such foreign person is created or organized, and the principal place of business of such foreign person;
- (4) the type of interest in agricultural land which is held by such foreign person;
- (5) the legal description and acreage of such agricultural land;
- (6) the purchase price paid for, or any other consideration given for, such interest;
- (7) the agricultural purposes for which such foreign person—
 - (A) is using such agricultural land on the date on which such report is submitted to the Secretary; and
 - (B) intends, as of such date, to use such agricultural land;and
- (8) such other information as the Secretary may require by regulation.

(c) Any person who holds or acquires (on or after the effective date of this section) any interest, other than a security interest, in agricultural land at a time when such person is not a foreign person and who subsequently becomes a foreign person shall submit a report to the Secretary not later than 90 days after the date on which such person becomes a foreign person. Such report shall be submitted in such form and in accordance with such procedures as the Secretary may require and shall contain the information required by subsection (b) of this section. This subsection shall not apply with respect to any person who is required to submit a report with respect to such land under subsection (b) of this section.

(d) Any foreign person who holds or acquires (on or after the effective date of this section) any interest, other than a security interest, in land at a time when such land is not agricultural land and such land subsequently becomes agricultural land shall submit a report to the Secretary not later than 90 days after the date on which such land becomes agricultural land. Such report shall be submitted in such form and in accordance with such procedures as the Secretary may require and shall contain the information required by subsection (b) of this section. This subsection shall not apply with respect to any person who is required to submit a report with respect to such land under subsection (b) of this section.

(e) With respect to any foreign person, other than an individual or a government, who is required by subsection (a), (b), (c), or (d) of this section to submit a report, the Secretary may, in addition, require such foreign person to submit to the Secretary a report containing—

- (A) the legal name and the address of each person who holds any interest in such foreign person;
- (B) in any case in which the holder of such interest is an individual, the citizenship of such holder; and
- (C) in any case in which the holder of such interest is not an individual or a government, the nature of the legal entity holding

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the interest, the country in which such holder is created or organized, and the principal place of business of such holder.

(f) With respect to any person, other than an individual or a government, whose legal name is contained in any report submitted under subsection (e) of the section, the Secretary may require such person to submit to the Secretary a report containing—

(A) the legal name and the address of any person who holds any interest in the person submitting the report under this subsection;

(B) in any case in which the holder of such interest is an individual, the citizenship of such holder; and

(C) in any case in which the holder of such interest is not an individual or a government, the nature of the legal entity holding the interest, the country in which such holder is created or organized, and the principal place of business of such holder.

CIVIL PENALTY

Sec. 3. (a) If the Secretary determines that a person—

7 USC 3502.

(1) has failed to submit a report in accordance with the provisions of section 2, or

(2) has knowingly submitted a report under section 2—

(A) which does not contain all the information required to be in such report, or

(B) which contains information that is misleading or false,

such person shall be subject to a civil penalty imposed by the Secretary. The amount of any such civil penalty shall be determined in accordance with the provisions of subsection (b) of this section. Any such civil penalty shall be recoverable in a civil action brought by the Attorney General of the United States in an appropriate district court of the United States.

(b) The amount of any civil penalty imposed by the Secretary under subsection (a) of this section shall be such amount as the Secretary determines to be appropriate to carry out the purposes of this Act, except that such amount shall not exceed 25 percent of the fair market value, on the date of the assessment of such penalty, of the interest in agricultural land with respect to which such violation occurred.

INVESTIGATIVE ACTIONS

Sec. 4. The Secretary may take such actions as the Secretary considers necessary to monitor compliance with the provisions of this Act and to determine whether the information contained in any report submitted under section 2 accurately and fully reveals the ownership interest of all foreign persons in any foreign person who is required to submit a report under such section.

7 USC 3503.

REPORTS TO CONGRESS AND THE PRESIDENT

Sec. 5. (a) In accordance with the schedule set forth in subsection (b) of this section, the Secretary shall—

7 USC 3504.

(1) with respect to each period set forth in such subsection, analyze information obtained by the Secretary under section 2 and determine the effects of foreign persons acquiring, transferring, and holding agricultural land, particularly the effects of such acquisitions, transfers, and holdings on family farms and rural communities; and

92 STAT. 1266

PUBLIC LAW 95-460—OCT. 14, 1978

(2) transmit to the President and each House of the Congress a report on the Secretary's findings and conclusions regarding—

(A) each analysis and determination made under paragraph (1); and

(B) the effectiveness and efficiency of the reporting requirements contained in section 2 in providing the information required to be reported by such section.

(b) An analysis and determination shall be made, and a report on the Secretary's findings and conclusions regarding such analysis and determination transmitted, pursuant to subsection (a) of this section—

(1) with respect to information obtained by the Secretary under section 2 during the 6-month period following the effective date of section 2, within 9 months after such effective date;

(2) with respect to information obtained by the Secretary under section 2 during the 12-month period following the effective date of section 2, within 15 months after such effective date; and

(3) with respect to each calendar year following the 12-month period referred to in paragraph (2), within 90 days after the end of such calendar year.

REPORTS TO THE STATES

7 USC 3505.

SEC. 6. Not later than 30 days after the end of each 6-month period beginning after the effective date of section 2, the Secretary shall transmit to each State department of agriculture, or such other appropriate State agency as the Secretary considers advisable, a copy of each report which was submitted to the Secretary under section 2 during such 6-month period and which involved agricultural land located in such State.

PUBLIC INSPECTION

7 USC 3506.

SEC. 7. Any report submitted to the Secretary under section 2 shall be available for public inspection at the Department of Agriculture located in the District of Columbia not later than 10 days after the date on which such report is received by the Secretary.

REGULATIONS

7 USC 3507.

SEC. 8. Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe regulations for purposes of carrying out the provisions of this Act.

DEFINITIONS

7 USC 3508.

SEC. 9. For purposes of this Act—

(1) the term "agricultural land" means any land located in one or more States and used for agricultural, forestry, or timber production purposes as determined by the Secretary under regulations to be prescribed by the Secretary;

(2) the term "foreign government" means any government other than the Federal Government or any government of a State or a political subdivision of a State;

(3) the term "foreign person" means—

(A) any individual—

(i) who is not a citizen or national of the United States;

(ii) who is not a citizen of the Northern Mariana Islands or the Trust Territory of the Pacific Islands; or

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- (iii) who is not lawfully admitted to the United States for permanent residence, or paroled into the United States, under the Immigration and Nationality Act;
- (B) 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;
- (C) any person, other than an individual or a government—
- (i) which is created or organized under the laws of any State; and
 - (ii) in which, as determined by the Secretary under regulations which the Secretary shall prescribe, a significant interest or substantial control is directly or indirectly held—
 - (I) by any individual referred to in subparagraph (A);
 - (II) by any person referred to in subparagraph (B);
 - (III) by any foreign government; or
 - (IV) by any combination of such individuals, persons, or governments; and
- (D) any foreign government;
- (4) the term "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, trust, estate, or any other legal entity;
- (5) the term "Secretary" means the Secretary of Agriculture; and
- (6) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

EFFECTIVE DATES

SEC. 10. (a) Except as provided in subsection (b) of this section, this Act shall become effective on the date of the enactment of this Act. 7 USC 3501 note.

(b) Section 2 shall become effective on the date on which regulations prescribed by the Secretary under section 8 become effective.

Approved October 14, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1570 accompanying H.R. 13356 (Comm. on Agriculture).

SENATE REPORT No. 95-1072 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 124 (1978):

Aug. 11, considered and passed Senate.

Sept. 26, H.R. 13356 considered and passed House; passage vacated and S. 3384, amended, passed in lieu.

Oct. 2, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 14, No. 42:

Oct. 14, Presidential statement.

-----[You Cited: 7 CFR Part 781 as of Feb. 5, 1997]-----

PART 781--DISCLOSURE OF FOREIGN INVESTMENT IN AGRICULTURAL LAND

Sec.

781.1 General

781.2 Definitions.

781.3 Reporting requirements.

781.4 Assessment of penalties.

781.5 Penalty review procedure.

781.6 Paperwork Reduction Act assigned number.

Authority: Sec. 1-10, 92 Stat. 1266 (7 U.S.C. 3501 et seq.).

Source: 49 FR 35074, Sept. 6, 1984, unless otherwise noted.

Sec. 781.1 General.

The purpose of these regulations is to set forth the requirements designed to implement the Agricultural Foreign Investment Disclosure Act of 1978. The regulations require that a foreign person who acquires, disposes of, or holds an interest in United States agricultural land shall disclose such transactions and holdings to the Secretary of Agriculture. In particular, the regulations establish a system for the collection of information by the Farm Service Agency (FSA) pertaining to foreign investment in United States agricultural land. The information collected will be utilized in the preparation of periodic reports to Congress and the President concerning the effect of such holdings upon family farms and rural communities.

[49 FR 35074, Sept. 6, 1984, as amended at 59 FR 60299, Nov. 23, 1994]

[7 CFR 781.1]

Sec. 781.2 Definitions.

In determining the meaning of the provisions of this part, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, and words used in the present tense include the future as well as the present. The following terms shall have the following meanings:

(a) AFIDA. AFIDA means the Agricultural Foreign Investment Disclosure Act of 1978.

(b) Agricultural land. Agricultural land means land in the United States used for forestry production and land in the United States currently used for, or, if currently idle, land last used within the past five years, for farming, ranching, or timber production, except land not exceeding ten acres in the aggregate, if the annual gross receipts from the sale of the farm, ranch, or timber products produced thereon do not exceed \$1,000. Farming, ranching, or timber production includes, but is not limited to, activities set forth in the Standard Industrial Classification Manual (1987), Division A, exclusive of industry numbers 0711-0783, 0851, and 0912-0919 which cover animal trapping, game management, hunting carried on as a business enterprise, trapping carried on as a business enterprise, and wildlife management. 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 that will be naturally or artificially regenerated.

(c) Any interest. Any interest means all interest acquired, transferred or held in agricultural lands by a foreign person, except:

- (1) Security interests;
- (2) Leaseholds of less than 10 years;
- (3) Contingent future interests;
- (4) Noncontingent future interests which do not become possessory upon the termination of the present possessory estate;
- (5) Surface or subsurface easements and rights of way used for a purpose unrelated to agricultural production; and
- (6) An interest solely in mineral rights.

(d) County. County means a political subdivision of a State identified as a County or parish. In Alaska, the term means an area so designated by the State Farm Service Agency Committee.

(e) Foreign government. Foreign government means any government other than the United States government, the government of a State, or a political subdivision of a State.

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(f) Foreign individual. Foreign individual means foreign person as defined in paragraph (g)(1) of this section.

(g) Foreign person. Foreign person means:

(1) Any individual:

(i) Who is not a citizen or national of the United States; or

(ii) Who is not a citizen of the Northern Mariana Islands or the Trust Territory of the Pacific Islands; or

(iii) Who is not lawfully admitted to the United States for permanent residence or paroled into the United States under the Immigration and Nationality Act;

(2) 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;

(3) Any foreign government;

(4) Any person, other than an individual or a government:

(i) Which is created or organized under the laws of any State; and

(ii) In which a significant interest or substantial control is directly or indirectly held:

(A) By any individual referred to in paragraph (g)(1) of this section; or

(B) By any person referred to in paragraph (g)(2) of this section; or

(C) By any foreign government referred to in paragraph (g)(3) of this section; or

(D) By any numerical combination of such individuals, persons, or governments, which combination need not have a common objective.

(h) Person. Person means any individual, corporation, company, association, partnership, society, joint stock company, trust, estate, or any other legal entity.

(i) Secretary. Secretary means the Secretary of Agriculture.

(j) Security interest. Security interest means a mortgage or other debt securing instrument.

(k) Significant interest of substantial control. Significant interest or substantial control means:

(1) An interest of 10 percent or more held by a person referred to in paragraph (g)(4) of this section, by a single individual referred to in paragraph (g)(1) of this section, by a single person referred to in paragraph (g)(2) of this section, by a single government referred to in paragraph (g)(3) of this section; or

[7 CFR 781.2]

(2) An interest of 10 percent or more held by persons referred to in paragraph (g)(4) of this section, by individuals referred to in paragraph (g)(1) of this section, by persons referred to in paragraph (g)(2) of this section, or by governments referred to in paragraph (g)(3) of this section, whenever such persons, individuals, or governments are acting in concert with respect to such interest even though no single individual, person, or government holds an interest of 10 percent or more; or

(3) An interest of 50 percent or more, in the aggregate, held by persons referred to in paragraph (g)(4) of this section, by individuals referred to in paragraph (g)(1) of this section, by persons referred to in paragraph (g)(2) of this section, or by governments referred to in paragraph (g)(3) of this section, even though such individuals, persons, or governments may not be acting in concert.

(l) State. State means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands or any other territory or possession of the United States.

[49 FR 35074, Sept. 6, 1984, as amended at 58 FR 48274, Sept. 15, 1993]

DAILY CFR (TM) Note

58 FR 48273, No. 177, Sept. 15, 1993

SUMMARY: The purpose of this final rule is to amend, for clarification, the definition of agricultural land as it pertains to the reporting requirements for the disclosure of foreign investment in land used for forestry production under the authority of the Agricultural Foreign Investment Disclosure Act of 1978 (AFIDA). This action will clarify the definition of agricultural land as it relates to land used for forestry production and reduce confusion regarding the reporting of foreign investment in agricultural land.

EFFECTIVE DATE: October 15, 1993. [7 CFR 781.2]

Sec. 781.3 Reporting requirements.

(a) All reports required to be filed pursuant to this part shall be filed with the FSA County office in the county where the land with respect to which such report must be filed is located or where the FSA County office administering programs carried out on such land is located; Provided, that the FSA office in Washington, DC, may grant permission to foreign persons to

file reports directly with its Washington office when complex filings are involved, such as where the land being reported is located in more than one county.

(b) Any foreign person who held, holds, acquires, or transfers any interest in United States agricultural land is subject to the requirement of filing a report on form FSA-153 by the following dates:

(1) August 1, 1979, if the interest in the agricultural land was held on the day before February 2, 1979, or

(2) Ninety days after the date of acquisition or transfer of the interest in the agricultural land, if the interest was acquired or transferred on or after February 2, 1979.

(c) Any person who holds or acquires any interest in United States agricultural land at a time when such person is not a foreign person and who subsequently becomes a foreign person must submit, not later than 90 days after the date on which such person becomes a foreign person, a report containing the information required to be submitted under paragraph (e) of this section.

(d) Any foreign person who holds or acquires any interest in United States land at a time when such land is not agricultural land and such land subsequently becomes agricultural land must submit, not later than 90 days after the date on which such land becomes agricultural, a report containing the information required to be submitted under paragraph (e) of this section.

(e) Any foreign person required to submit a report under this regulation, except under paragraph (g) of this section, shall file an FSA-153 report containing the following information:

(1) The legal name and the address of such foreign person;

(2) In any case in which such foreign person is an individual, the citizenship of such foreign person;

(3) In any case in which such foreign person is not an individual or a government, the nature and name of the person holding the interest, the country in which such foreign person is created or organized, and the principal place of business of such foreign person;

(4) The type of interest held by a foreign person who acquired or transferred an interest in agricultural land;

(5) The legal description and acreage of such agricultural land;

(6) The purchase price paid for, or any other consideration given for, such interest; the amount of the purchase price or the value of the consideration yet to be given; the current estimated value of the land reported;

(7) In any case in which such foreign person transfers such interest, the

[7 CFR 781.3]

legal name and the address of the person to whom such interest is transferred; and

(i) In any case in which such transferee is an individual, the citizenship of such transferee; and

(ii) In any case in which such transferee is not an individual, or a government, the nature of the person holding the interest, the country in which such transferee is created or organized, and the principal place of business;

(8) The agricultural purposes for which such foreign person intends, on the date on which such report is submitted, to use such agricultural land;

(9) When applicable, the name, address and relationship of the representative of the foreign person who is completing the FSA-153 form for the foreign person;

(10) How the tract of land was acquired or transferred, the relationship of the foreign person to the previous owner, producer, manager, tenant or sharecropper, and the rental agreement; and

(11) The date the interest in the land was acquired or transferred.

(f)(1) Any foreign person, other than an individual or government, required to submit a report under paragraphs (b), (c), and (d) of this section, must submit, in addition to the report required under paragraph (e) of this section, a report containing the following information:

(i) The legal name and the address of each foreign individual or government holding significant interest or substantial control in such foreign person;

(ii) In any case in which the holder of such interest is an individual, the citizenship of such holder; and

(iii) In any case in which the holder of significant interest or substantial control in such foreign person is not an individual or a government, the nature and name of the foreign person holding such interest, the country in which such holder is created or organized, and the principal place of business of such holder.

(2) In addition, any such foreign person required to submit a report under paragraph (f)(1) of this section may also be required, upon request, to submit a report containing:

(i) The legal name and the address of each individual or government whose legal name and address did not appear on the report required to be submitted under paragraph (f)(1) of this section, if such individual or government holds any interest in such foreign person:

(ii) In any case in which the holder of such interest is an individual, the citizenship of such holder; and

(iii) In any case in which the holder of such interest is not an individual or a government, the nature and name of the person holding the interest, the country in which such holder is created or organized, and the principal place of business of such holder.

(g) Any foreign person, other than an individual or a government, whose

legal name is contained on any report submitted in satisfaction of paragraph (f) of this section may also be required, upon request, to:

(1) Submit a report containing:

(i) The legal name and the address of each foreign individual or government holding significant interest or substantial control in such foreign person;

(ii) In any case in which the holder of such interest is an individual, the citizenship of such holder; and

(iii) In any case in which the holder of such interest in such foreign person is not an individual or a government, the nature and name of the foreign person holding such interest, the country in which each holder is created or organized, and the principal place of business of such holder.

(2) Submit a report containing:

(i) The legal name and address of each individual or government whose legal name and address did not appear on the report required to be submitted under paragraph (g)(1) of this section if such individual or government holds any interest in such foreign person and, except in the case of a request which involves a foreign person, a report was required to be submitted pursuant to paragraph (f)(2) of this section, disclosing information relating to nonforeign interest holders;

(ii) In any case in which the holder of such interest is an individual, the citizenship of such holder; and

(iii) In any case in which the holder of such interest is not an individual or government and, except in a situation where the information is requested from a foreign person, a report was required to be submitted pursuant to paragraph (f)(2) of this section disclosing information relating to nonforeign interest holders, the nature and name of the person holding the interest, the country in which such holder is created or organized, and the principal place of business of such holder.

(h)(1) Any person which has issued fewer than 100,000 shares of common and preferred stock and instruments convertible into equivalents thereof shall be considered to have satisfactorily determined that it has no obligation to file a report pursuant to Sec. 781.3 if, in addition to information within its knowledge, a quarterly examination of its business records fails to reveal that persons with foreign mailing addresses hold significant interest or substantial control in such person.

(2) Any person which has issued 100,000 or more shares of common and preferred stock and instruments convertible into equivalents thereof shall be considered to have satisfactorily determined that it has no obligation to file a report pursuant to Sec. 781.3 if, in addition to information within its knowledge, a quarterly examination of its business records fails to reveal that the percentage of shares held in such person both by persons with foreign mailing addresses and investment institutions which manage shares does not equal or exceed significant interest or substantial control in such person.

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(3) If the person in paragraph (h)(2) of this section determines that the percentage of shares, which is held in it both by persons with foreign mailing addresses and investment institutions which manage shares, equals or exceeds significant interest or substantial control in such persons, then such person shall be considered to have satisfactorily attempted to determine whether it has an obligation to file a report pursuant to Sec. 781.3 if it sends questionnaires to each such investment institution holding an interest in it inquiring as to whether the persons for which they are investing are foreign persons and the percentage of shares reflected by the affirmative responses from each such investment institution plus the percentage of shares held by persons listed on the business records with foreign mailing addresses does not reveal that foreign persons hold significant interest or substantial control in such person.

(i) Any foreign person, who submitted a report under paragraph (b), (c), or (d) of this section at a time when such land was agricultural, and such agricultural land later ceases to be agricultural, must submit, not later than 90 days after the date on which such land ceases being agricultural, a revised report from FSA-153 or a written notification of the change of status of the land to the FSA office where the report form was originally filed. The report form and notification must contain the following information:

- (1) The legal name and the address of such foreign person;
- (2) The legal description, which includes the State and county where the land is located, and the acreage of such land;
- (3) The date the land ceases to be agricultural;
- (4) The use of the land while agricultural.

(j) If any foreign person who submitted a report under paragraph (b), (c), or (d) of this section ceases to be a foreign person, such person must submit, not later than 90 days after the date such person ceases being a foreign person, a written notification of the change of status of the person to the FSA office where the report form FSA-153 was originally filed. The notification must contain the following information:

- (1) The legal name of such person;
- (2) The legal description and acreage of such land;
- (3) The date such person ceases to be foreign.

(k) Any foreign person who submitted a report under paragraph (b), (c), or (d) of this section must submit, not later than 90 days after the change of information contained on the report, a written notification of the change to the FSA office where the report form FSA-153 was originally filed. The following information must be kept current on the report:

- (1) The legal address of such foreign person;
- (2) The legal name and the address required to be submitted under (f)(1) of this section;

[7 CFR 781.3]

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(3) The legal name and the address required to be submitted under (g)(1) of this section.

[49 FR 35074, Sept. 6, 1984, as amended at 51 FR 25993, July 18, 1986; 59 FR 60299, Nov. 23, 1994]

Sec. 781.4 Assessment of penalties.

(a) Violation of the reporting obligations will consist of:

- (1) Failure to submit any report in accordance with Sec. 781.3;
- (2) Failure to maintain any submitted report with accurate information; or
- (3) Submission of a report which the foreign person knows:

(i) Does not contain, initially or within thirty days from the date of a letter returning for completion such incomplete report, all the information required to be in such report; or

(ii) Contains misleading or false information.

(b) Any foreign person who violates the reporting obligation as described in paragraph (a) of this section shall be subject to the following penalties:

(1) Late-filed reports: One-tenth of one percent of the fair market value, as determined by the Farm Service Agency, of the foreign person's interest in the agricultural land, with respect to which such violation occurred, for each week or portion thereof that such violation continues, but the total penalty imposed shall not exceed 25 percent of the fair market value of the foreign person's interest in such land.

(2) Submission of an incomplete report or a report containing misleading or false information, failure to submit a report or failure to maintain a submitted report with accurate information: 25 percent of the fair market value, as determined by the Farm Service Agency, of the foreign person's interest in the agricultural land with respect to which such violation occurred.

(3) Penalties prescribed above are subject to downward adjustments based on factors including:

- (i) Total time the violation existed.
- (ii) Method of discovery of the violation.
- (iii) Extenuating circumstances concerning the violation.
- (iv) Nature of the information misstated or not reported.

[7 CFR 781.4]

(c) The fair market value for the land, with respect to which such violation occurred, shall be such value on the date the penalty is assessed, or if the land is no longer agricultural, on the date it was last used as agricultural land. The price or current estimated value reported by the foreign person, as verified and/or adjusted by the County Farm Service Agency Committee for the County where the land is located, will be considered to be the fair market value.

[49 FR 35074, Sept. 6, 1984, as amended at 59 FR 60299, Nov. 23, 1994]

Sec. 781.5 Penalty review procedure.

(a) Whenever it appears that a foreign person has violated the reporting obligation as described in paragraph (a) of Sec. 781.4, a written notice of apparent liability will be sent to the foreign person's last known address by the Farm Service Agency. This notice will set forth the facts which indicate apparent liability, identify the type of violation listed in paragraph (a) of Sec. 781.4 which is involved, state the amount of the penalty to be imposed, include a statement of fair market value of the foreign person's interest in the subject land, and summarize the courses of action available to the foreign person.

(b) The foreign person involved shall respond to a notice of apparent liability within 60 days after the notice is mailed. If a foreign person fails to respond to the notice of apparent liability, the proposed penalty shall become final. Any of the following actions by the foreign person shall constitute a response meeting the requirements of this paragraph.

(1) Payment of the proposed penalty in the amount specified in the notice of apparent liability and filing of a report, if required, in compliance with Sec. 781.3. The amount shall be paid by check or money order drawn to the Treasurer of the United States and shall be mailed to the U.S. Department of Agriculture, Farm Service Agency, STOP 0531, 1400 Independence Avenue, S.W., Washington, D.C. 20250-0531. The Department is not responsible for the loss of currency sent through the mails.

(2) Submission of a written statement denying liability for the penalty in whole or in part. Allegations made in any such statement must be supported by detailed factual data. The statement should be mailed to the Administrator, Farm Service Agency, U.S. Department of Agriculture, STOP 0531, 1400 Independence Avenue, S.W., Washington, D.C. 20250-0531.

(3) A request for a hearing on the proposed penalty may be filed in accordance with part 780 of this title.

(c) After a final decision is issued pursuant to an appeal under part 780 of this title, the Administrator or Administrator's designee shall mail the foreign person a notice of the determination on appeal, stating whether a

[7 CFR 781.4]

report must be filed or amended in compliance with Sec. 781.3, the amount of the penalty (if any), and the date by which it must be paid. The foreign person shall file or amend the report as required by the Administrator. The penalty in the amount stated shall be paid by check or money order drawn to the Treasurer of the United States and shall be mailed to the United States Department of Agriculture, Farm Service Agency, STOP 0531, 1400 Independence Avenue, S.W., Washington, DC 20250-0531. The Department is not responsible for the loss of currency sent through the mails.

(d) If the foreign person contests the notice of apparent liability by submitting a written statement or a request for a hearing thereon, the foreign person may elect either to pay the penalty or decline to pay the penalty pending resolution of the matter by the Administrator. If the Administrator determines that the foreign person is not liable for the penalty or is liable for less than the amount paid, the payment will be wholly or proportionally refunded. If the Administrator ultimately determines that the foreign person is liable, the penalty finally imposed shall not exceed the amount imposed in the notice of apparent liability.

(e) If a foreign person fails to respond to the notice of apparent liability as required by paragraph (b) of this section, or fails to pay the penalty imposed by the Administrator under paragraph (d) of this section, the case will, without further notice, be referred by the Department to the Department of Justice for prosecution in the appropriate District Court to recover the amount of the penalty.

(f) Any amounts approved by the U.S. Department of Agriculture for disbursement to a foreign person under the programs administered by the Department may be setoff against penalties assessed hereunder against such person, in accordance with the provisions of 7 CFR Part 13.

[49 FR 35074, Sept. 6, 1984, as amended at 59 FR 60299, Nov. 23, 1994; 60 FR 67318, Dec. 29, 1995]

DAILY CFR (TM) Note 7 CFR 781.5]

Sec. 781.6 Paper Reduction Act assigned number.

The information collection requirements contained in these regulations (7 CFR Part 781) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control number 0560-0097.

[7 CFR 781.6]

FSA-129, Internal Review Checklist for AFIDA Program

Complete FSA-129 according to these instructions.

Item	Instructions
1	Enter name of County Office.
2	Enter name of State.
3	Enter year of review.
4	See paragraph 25.
5	See paragraphs 27 and 28.
6	See paragraphs 26, 41, and 42.
7	See 25-AS, Exhibit 23.
8	See paragraphs 28, 41, and 42.
9	See paragraphs 2, 80, and 81.
10	See paragraph 9 and Exhibits 6 and 7.
11	See paragraph 2.
12	Note any problems, recommendations, or special situations.
13	Obtain signature of STC representative performing the review.

FSA-129, Internal Review Checklist for AFIDA Program (Continued)

<p>This form is available electronically.</p>		
<p>FSA-129 (08-18-05)</p> <p>U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency</p> <p>INTERNAL REVIEW CHECKLIST FOR AFIDA PROGRAM</p>	<p>1. NAME OF COUNTY OFFICE REVIEWED</p> <p>Clinton</p>	
	<p>2. STATE</p> <p>New York</p>	
	<p>3. YEAR OF REVIEW</p> <p>2004</p>	
<p>INSTRUCTIONS</p> <p>A. Annually review at least 20 percent (or no less than 10 documents, if available) to ensure that the sample is statistically sound.</p> <p>B. Follow-up on deficiencies or irregularities found in the review until all prescribed procedures are being followed.</p> <p>C. Attach a list to this FSA-129 that identifies each document reviewed or checked.</p> <p>D. Initial and date each document reviewed or checked.</p>		
	YES	NO
4. Are FSA-153's date-stamped and initialed when received?	X	
5. Are copies of the original FSA-153's mailed to EPAS-NRAG by COB on the day after receipt?	X	
6. Are FSA-153's checked for inaccurate, misleading, or false information (especially Items 7 and 9E)?	X	
7. Are County Offices maintaining AFIDA files according to 25-AS?		X
8. Are all cases with missing data submitted to EPAS-NRAG as required?	X	
9. Has verification of data been processed in an accurate and timely manner for the assessment of penalties?	X	
10. Has the AFIDA program been adequately publicized?	X	
11. Are County Offices annually reviewing all agricultural land ownership changes and providing FSA-153 with a letter of explanation to the owner of each farm?	X	
12. REMARKS		
13A. STC REPRESENTATIVE'S SIGNATURE	13B. TITLE OF STC REPRESENTATIVE	13C. DATE (MM-DD-YYYY)
<i>/s/ Kathy Wilson</i>	<i>District Director</i>	<i>01-15-2005</i>

Foreign Investors Who Hold Agricultural Land

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



United States
Department of
Agriculture

Farm
Service
Agency

FSA-152-1, Foreign Investors Who Hold Agricultural Land Brochure (Continued)

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.

FSA-152-1, Foreign Investors Who Hold Agricultural Land Brochure (Continued)

- 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.*

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.

FSA-152-1, Foreign Investors Who Hold Agricultural Land Brochure (Continued)

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 these county offices.

To find the FSA county office, look in the white pages of the telephone book. In most cases, it will be listed under U.S. Government, then under the subhead U.S. Department of Agriculture. The office will be listed as FSA or CFSA 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.



FSA 152-1 (07-29-96)

FSA-152, Foreign Investors Must Report Agricultural Land Ownership to the U.S. Department of Agriculture Poster

Official Notice



United States
Department of
Agriculture

Farm
Service
Agency

Foreign Investors Must Report Agricultural Land Ownership to the U.S. Department of Agriculture

Foreign investors who buy, sell, or hold an interest in U.S. agricultural land must report their holdings and transactions to the U.S. Secretary of Agriculture.

Who Must Report

- Foreign individuals.
- Foreign Organizations.
- Foreign Governments.
- U.S. Organizations - if a significant interest or substantial control is directly or indirectly held by foreign individuals, organizations or governments.

What is Agricultural Land?

- Land used within the last 5 years for farming, ranching, forestry, or timber production of more than 10 acres in the aggregate.
- 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.
- Landholding totaling 10 acres or less in the aggregate if producing annual gross receipts in excess of \$1,000 from the sale of farm, ranch, forestry or timber production.

Where to Report

- Report to the county office of the Farm Service Agency, (formerly ASCS) USDA, in which the land is located. Attorneys, real estate brokers, farm managers, banks, holdings companies, and agents can report on behalf of foreign investors.

Failure to report could result in a fine of up to 25 percent of the property's fair market value.

For further information and report forms, contact:

FSA-152
(03-21-96)

Describing the 1st, 2nd, and 3rd Tier Ownership of a Foreign Landholding

A 1st Tier

The 1st tier of ownership is the entity, company, individual, or country having title to the land.

B 2nd Tier

The 2nd tier of ownership is the entity, company, individual, or country owning an interest in the entity, individual, company, or country having title to the land. For reporting purposes, the 2nd tier must have a significant interest or substantial control in the title holder of the land.

C 3rd Tier

The 3rd tier of ownership is the entity, company, individual, or country owning an interest in the 2nd tier. For reporting purposes, the 3rd tier must have a significant interest or substantial control in the 2nd tier.

D Tier Disclosure Limit

AFIDA regulations and USDA policy require listing the first 3 tiers of ownership on FSA-153.

Any foreign person, other than an individual or a government, who is required to report shall file FSA-153 with the information about 2nd and 3rd tier foreign persons holding significant interest or substantial control in the entity owning the land.

E County Office Interprets Requirements

The County Office shall explain the requirements of significant interest as substantial control as discussed in this exhibit and at 7 CFR 781.3 to any person for whom the County Office can identify the need for applying the ownership rules for entities.

Describing the 1st, 2nd, and 3rd Tier Ownership of a Foreign Landholding (Continued)

F Examples of Various Tiering Structures of Corporations

The following examples list various tiering structures of corporations.

Example 1: Jonot Investments (Title Owner of the Land – 1st Tier)
78 De Ruyterkade
Curacao, Netherlands Antilles

Jonot Investments
78 De Ruyterkade
Curacao, Netherlands Antilles
Title Owner of the Land – 1st Tier
Created in the Netherlands Antilles

Lin Lu Meing
09-00 Nehsons Building
24 Peak Seah Road
Benghu 0207
China
Stockholder – 2nd Tier
Citizen of China

Example 2:

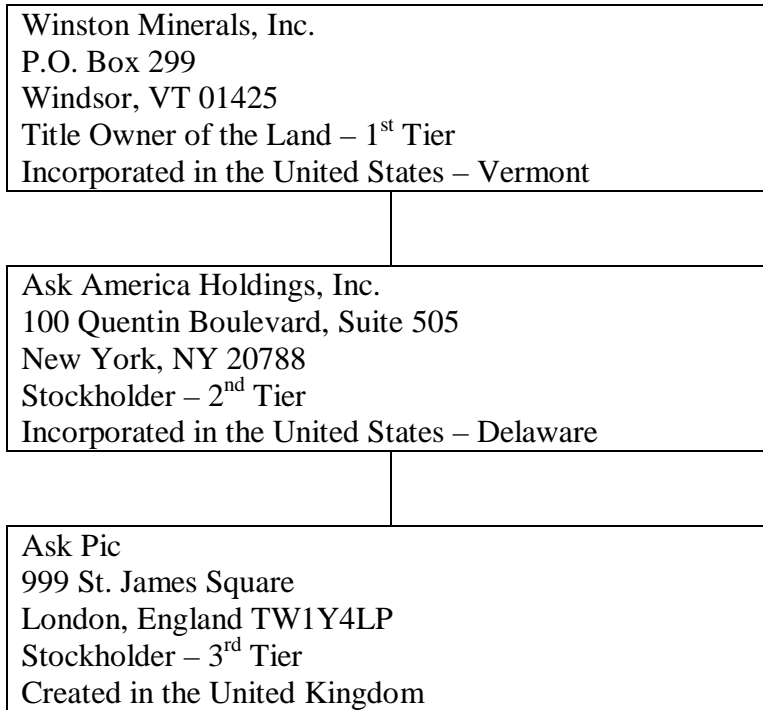
CCP Properties, Inc.
466 Gaines School Road
Atlanta, GA 30505
Title Owner of the Land – 1st Tier
Incorporated in the United States – Georgia

Hans Goess – Taurau
99 Nesper News
London, England TW64HH
Stockholder – 2nd Tier
Citizen of Austria

Describing the 1st, 2nd, and 3rd Tier Ownership of a Foreign Landholding (Continued)

F Examples of Various Tiering Structures of Corporations (Continued)

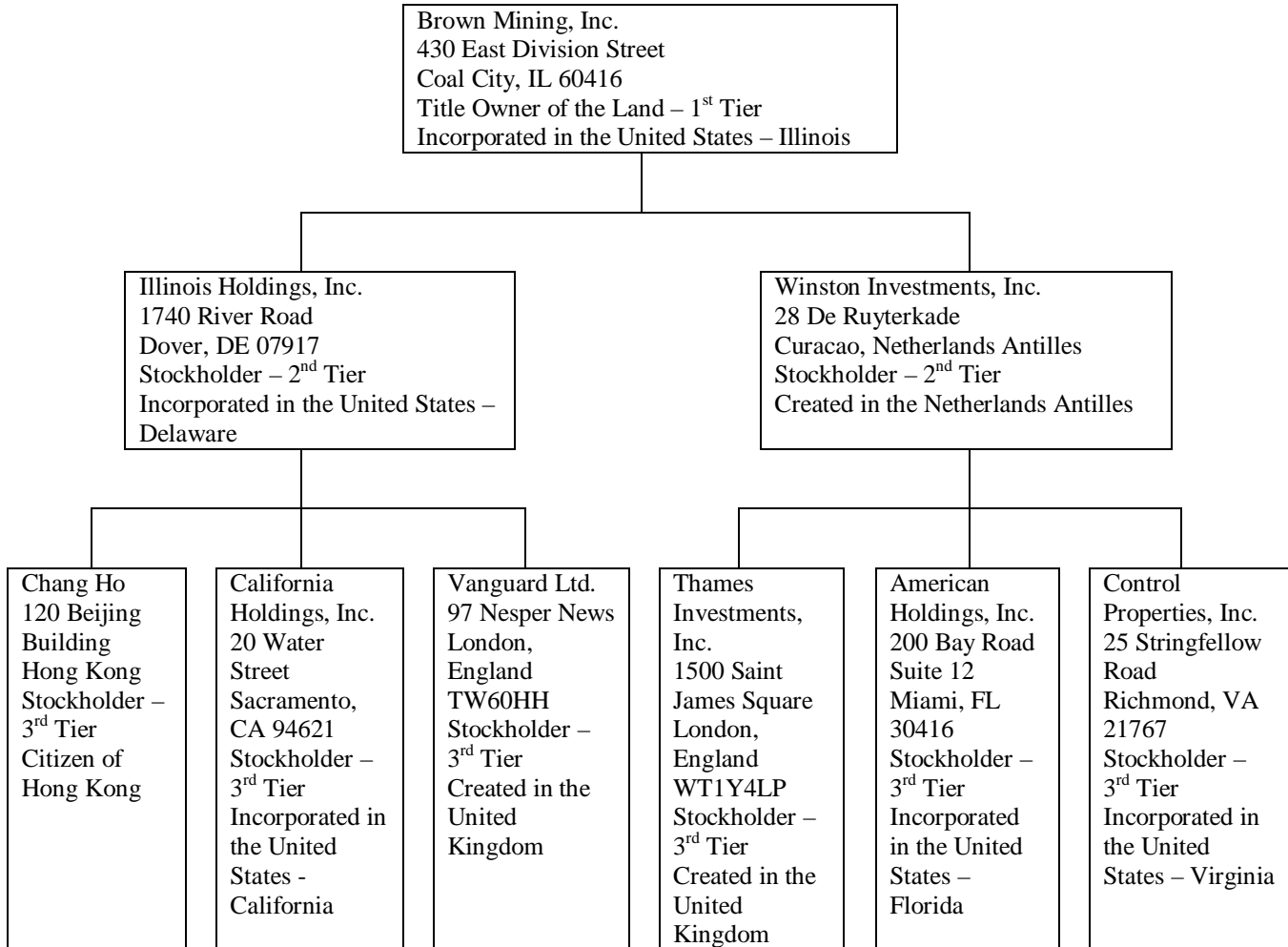
Example 3:



Describing the 1st, 2nd, and 3rd Tier Ownership of a Foreign Landholding (Continued)

F Examples of Various Tiering Structures of Corporations (Continued)

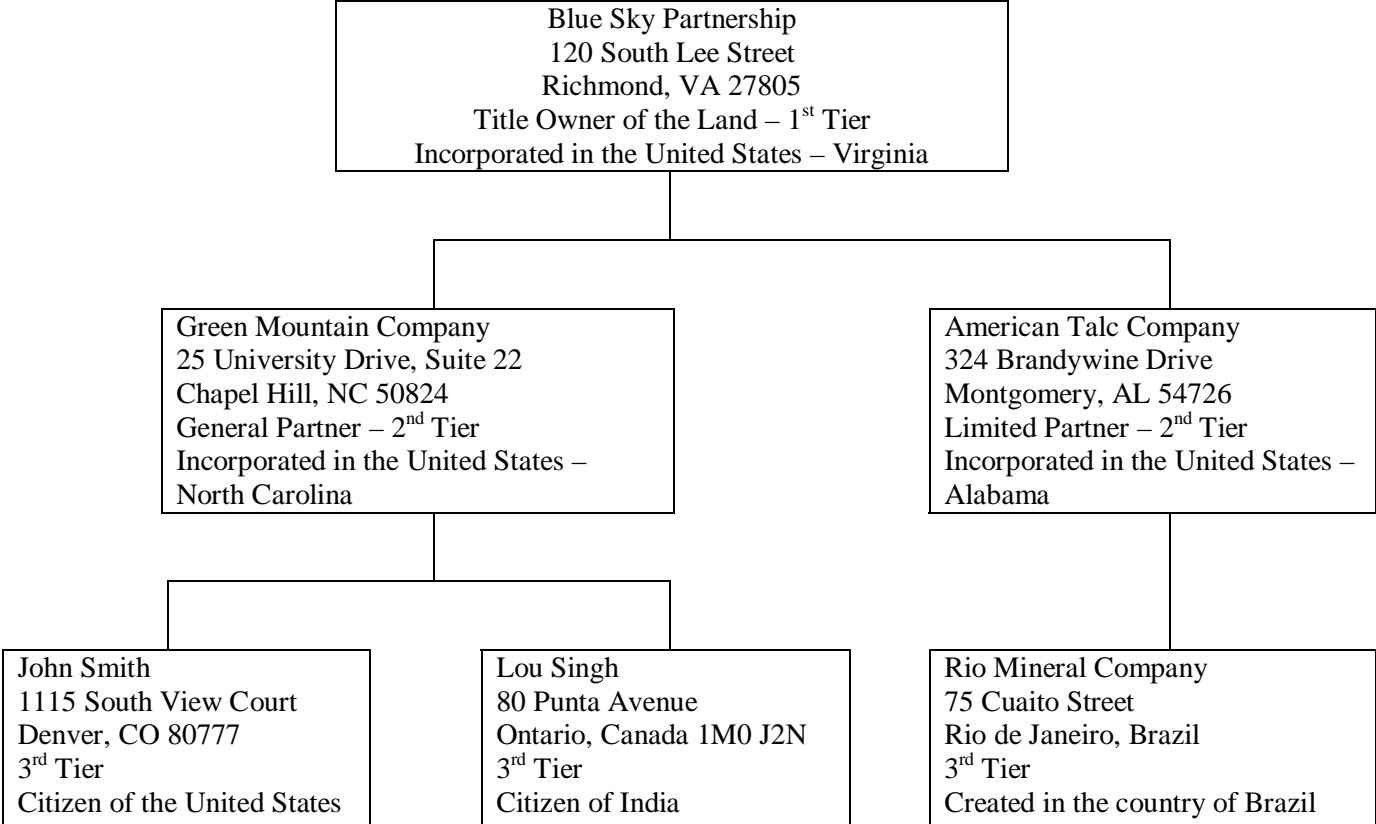
Example 4:



Describing the 1st, 2nd, and 3rd Tier Ownership of a Foreign Landholding (Continued)

F Examples of Various Tiering Structures of Corporations (Continued)

Example 5:



Major Group 01.—AGRICULTURAL PRODUCTION—CROPS

The Major Group as a Whole

This major group includes establishments (e.g., farms, orchards, greenhouses, nurseries) primarily engaged in the production of crops, plants, vines, and trees (excluding forestry operations). This major group also includes establishments primarily engaged in the operation of sod farms, and cranberry bogs; in the production of mushrooms, bulbs, flower seeds, and vegetable seeds; and in the growing of hydroponic crops. Seeds of field crops are classified in the same industry as crops grown for other purposes.

An establishment primarily engaged in crop production (Major Group 01) is classified in the industry (four-digit) and industry group (three-digit) which accounts for 50 percent or more of the total value of sales for its agricultural production. If the total value of sales for agricultural products of an establishment is less than 50 percent from a single four-digit industry, but 50 percent or more of the value of sales for its agricultural products derives from the products of two or more four-digit industries within the same three-digit industry group, the establishment is classified in the miscellaneous industry of that industry group; otherwise, it is classified as a general crop farm in Industry 0191. Establishments that derive 50 percent or more of the value of sales from horticultural specialties of Industry Group 018 are classified in Industry 0181 or 0182 according to their primary activity.

Industry Group No.	Industry No.
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011 CASH GRAINS

0111 Wheat

Establishments primarily engaged in the production of wheat.

Wheat farms

0112 Rice

Establishments primarily engaged in the production of rice.

Rice farms

0115 Corn

Establishments primarily engaged in the production of field corn for grain or seed. Establishments primarily engaged in the production of sweet corn are classified in Industry 0161, and those producing popcorn are classified in Industry 0119.

Corn farms, except sweet corn or popcorn

0116 Soybeans

Establishments primarily engaged in the production of soybeans.

Soybean farms

0119 Cash Grains, Not Elsewhere Classified

Establishments primarily engaged in the production of cash grains, not elsewhere classified. Included in this industry are establishments primarily engaged in the production of dry field and seed peas and beans, safflowers, sunflowers, or popcorn. This industry also includes establishments deriving 50

Standard Industrial Classification Manual (Continued)

STANDARD INDUSTRIAL CLASSIFICATION

Industry
No.

CASH GRAINS—Con.

0119 Cash Grains, Not Elsewhere Classified—Con.

percent or more of their total value of sales of agricultural products from cash grains (Industry Group 011), but less than 50 percent from products of any single industry.

Barley farms
Bean farms, dry field and seed
Buckwheat farms
Cowpea farms
Flaxseed farms
Grain farms: except wheat, rice, corn,
and soybeans
Lentil farms
Milo farms

Mustard seed farms
Oat farms
Pea farms, dry field and seed
Popcorn farms
Rye farms
Safflower farms
Sorghum farms, except for syrup
Sunflower farms

FIELD CROPS, EXCEPT CASH GRAINS

0131 Cotton

Establishments primarily engaged in the production of cotton and cottonseed.

Cotton farms

Cottonseed farms

0132 Tobacco

Establishments primarily engaged in the production of tobacco.

Tobacco farms

0133 Sugarcane and Sugar Beets

Establishments primarily engaged in the production of sugarcane and sugar beets.

Beet farms, sugar
Cane farms, sugar

Sugar beet farms
Sugarcane farms

0134 Irish Potatoes

Establishments primarily engaged in the production of potatoes, except sweet potatoes. Establishments primarily engaged in the production of sweet potatoes and yams are classified in Industry 0139.

Potato farms, Irish
Potato farms, except sweet potato and
yam

0139 Field Crops, Except Cash Grains, Not Elsewhere Classified

Establishments primarily engaged in the production of field crops, except cash grains, not elsewhere classified. This industry also includes establishments deriving 50 percent or more of their total value of sales of agricultural products from field crops, except cash grains (Industry Group 013), but less than 50 percent from products of any single industry.

Alfalfa farms
Broomcorn farms
Clover farms
Grass seed farms
Hay farms
Hop farms

Mint farms
Peanut farms
Potato farms, sweet
Sweet potato farms
Timothy farms
Yam farms

Standard Industrial Classification Manual (Continued)

AGRICULTURE, FORESTRY, AND FISHING

25

Industry
No.

VEGETABLES AND MELONS

0161 Vegetables and Melons

Establishments primarily engaged in the production of vegetables and melons in the open. Establishments primarily engaged in growing vegetables under glass or other protection are classified in Industry 0182; those producing dry field and seed beans and peas are classified in Industry 0119; those producing Irish potatoes are classified in Industry 0134, and those producing sweet potatoes and yams are classified in Industry 0139.

Asparagus farms
Bean farms, except dry beans
Beet farms, except sugar beet
Bok choy farms
Broccoli farms
Cabbage farms
Cantaloup farms
Cauliflower farms
Celery farms
Corn farms, sweet
Cucumber farms
English pea farms
Green lima bean farms
Green pea farms

Lettuce farms
Market gardens
Melon farms
Onion farms
Pea farms, except dry peas
Pepper farms, sweet and hot (vegetables)
Romaine farms
Snap bean farms (bush and pole)
Squash farms
Tomato farms
Truck farms
Vegetable farms
Watermelon farms

FRUITS AND TREE NUTS

0171 Berry Crops

Establishments primarily engaged in the production of cranberries, bush berries, and strawberries.

Berry farms
Blackberry farms
Blueberry farms
Cranberry bogs
Currant farms

Dewberry farms
Loganberry farms
Raspberry farms
Strawberry farms

0172 Grapes

Establishments primarily engaged in the production of grapes.

Grape farms

Vineyards

0173 Tree Nuts

Establishments primarily engaged in the production of tree nuts.

Almond groves and farms
Filbert groves and farms
Macadamia groves and farms

Pecan groves and farms
Pistachio groves and farms
Walnut groves and farms

0174 Citrus Fruits

Establishments primarily engaged in the production of citrus fruits.

Citrus groves and farms
Grapefruit groves and farms
Lemon groves and farms

Lime groves and farms
Orange groves and farms
Tangerine groves and farms

0175 Deciduous Tree Fruits

Establishments primarily engaged in the production of deciduous tree fruits. Establishments primarily growing citrus fruits are classified in Industry 0174, and those growing tropical fruits are classified in Industry 0179.

Apple orchards and farms
Apricot orchards and farms
Cherry orchards and farms
Nectarine orchards and farms
Peach orchards and farms
Pear orchards and farms

Persimmon orchards and farms
Plum orchards and farms
Pomegranate orchards and farms
Prune orchards and farms
Quince orchards and farms

Standard Industrial Classification Manual (Continued)

STANDARD INDUSTRIAL CLASSIFICATION

Industry
No.

FRUITS AND TREE NUTS—Con.

0179 Fruits and Tree Nuts, Not Elsewhere Classified

Establishments primarily engaged in the production of fruits and nuts, not elsewhere classified. This industry also includes establishments deriving 50 percent or more of their total value of sales of agricultural products from fruit and tree nuts (Industry Group 017), but less than 50 percent from products of any single industry.

Avocado orchards and farms
Banana farms
Coffee farms
Date orchards and farms
Fig orchards and farms

Kiwi fruit farms
Olive groves and farms
Pineapple farms
Plantain farms
Tropical fruit farms

HORTICULTURAL SPECIALTIES

0181 Ornamental Floriculture and Nursery Products

Establishments primarily engaged in the production of ornamental plants and other nursery products, such as bulbs, florists' greens, flowers, shrubbery, flower and vegetable seeds and plants, and sod. These products may be grown under cover (greenhouse, frame, cloth house, lath house) or outdoors.

Bedding plants, growing of
Bulbs, growing of
Field nurseries: growing of flowers and shrubbery, except forest shrubbery
Florists' greens, cultivated: growing of
Flowers, growing of
Foliage, growing of
Fruit stocks, growing of
Greenhouses for floral products
Mats, preseeded: soil erosion—growing of

Nursery stock, growing of
Plants, ornamental: growing of
Plants, potted: growing of
Rose growers
Seeds, flower and vegetable: growing of
Shrubberies, except forest shrubbery: growing of
Sod farms
Vegetable bedding plants, growing of

0182 Food Crops Grown Under Cover

Establishments primarily engaged in the production of mushrooms or of fruits and vegetables grown under cover.

Bean sprouts grown under cover
Fruits grown under cover
Greenhouses for food crops
Hydroponic crops, grown under cover
Mushroom spawn, production of
Mushrooms, growing of

Rhubarb grown under cover
Seaweed grown under cover
Tomatoes grown under cover
Truffles grown under cover
Vegetables grown under cover

GENERAL FARMS, PRIMARILY CROP

0191 General Farms, Primarily Crop

Establishments deriving 50 percent or more of their total value of sales of agricultural products from crops, including horticultural specialties, but less than 50 percent from products of any single three-digit industry group.

Crop farms, general

**Major Group 02.—AGRICULTURAL PRODUCTION—LIVESTOCK
AND ANIMAL SPECIALTIES**

The Major Group as a Whole

This major group includes establishments (e.g., farms, ranches, dairies, feedlots, egg production facilities, broiler facilities, poultry hatcheries, apiaries) primarily engaged in the keeping, grazing, or feeding of livestock for the sale of livestock or livestock products (including serums), for livestock increase, or for value increase. Livestock, as used here, includes cattle, hogs, sheep, goats, and poultry of all kinds; also included in this major group are animal specialties, such as horses, rabbits, bees, pets, fish in captivity, and fur-bearing animals in captivity.

An establishment primarily engaged in the production of livestock or livestock products (Major Group 02) is classified in the industry (four-digit) or industry group (three-digit) which accounts for 50 percent or more of the total value of sales for its agricultural production. If the total value of sales for agricultural products of an establishment is less than 50 percent from a single four-digit industry, but 50 percent or more of the value of sales for its agricultural products derives from the products of two or more four-digit industries within the same three-digit industry group, the establishment is classified in the miscellaneous industry of that industry group; otherwise, it is classified as a general livestock farm in Industry 0291.

Industry Group No.	Industry No.
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021 LIVESTOCK, EXCEPT DAIRY AND POULTRY

0211 Beef Cattle Feedlots

Establishments primarily engaged in the fattening of beef cattle in a confined area for a period of at least 30 days, on their own account or on a contract or fee basis. Feedlot operations that are an integral part of the breeding, raising, or grazing of beef cattle are classified in Industry 0212. Establishments which feed beef cattle for periods of less than 30 days, generally in connection with their transport, are classified in Transportation, Industry 4789.

Cattle feeding farms
Cattle feedlot operations
Feedlots, cattle

Stockyards, exclusively for fattening
cattle

0212 Beef Cattle, Except Feedlots

Establishments primarily engaged in the production or feeding of beef cattle, except feedlots. Establishments primarily raising dairy cattle are classified in Industry 0241.

Beef cattle farms, except feedlots
Cattle raising farms

Cattle ranches

0213 Hogs

Establishments primarily engaged in the production or feeding of hogs on their own account or on a contract or fee basis.

Feedlots, hog

Hog farms

Standard Industrial Classification Manual (Continued)

STANDARD INDUSTRIAL CLASSIFICATION

Industry
No.

LIVESTOCK, EXCEPT DAIRY AND POULTRY—Con.

0214 Sheep and Goats

Establishments primarily engaged in the production of sheep, lambs, goats, goats' milk, wool, and mohair, including the operation of lamb feedlots, on their own account or on a contract or fee basis.

Feedlots, lamb
Goat farms
Goats' milk production
Mohair production

Sheep feeding farms and ranches
Sheep raising farms and ranches
Wool production

0219 General Livestock, Except Dairy and Poultry

Establishments deriving 50 percent or more of their total value of sales of agricultural products from livestock and livestock products classified in Industry Group 021, but less than 50 percent from products of any single industry.

DAIRY FARMS

0241 Dairy Farms

Establishments primarily engaged in the production of cows' milk and other dairy products and in raising dairy heifer replacements. Such farms may process and bottle milk on the farm and sell at wholesale or retail. However, the processing and/or distribution of milk from a separate establishment not on the farm is classified in manufacturing or trade. Establishments primarily producing goats' milk are classified in Industry 0214.

Dairy farms
Dairy heifer replacement farms

Milk production, dairy cattle farm

POULTRY AND EGGS

0251 Broiler, Fryer, and Roaster Chickens

Establishments primarily engaged in the production of chickens for slaughter, including those grown under contract.

Broiler chickens, raising of
Chicken farms or ranches, raising for
slaughter

Cornish hen farms
Frying chickens, raising of
Roasting chickens, raising of

0252 Chicken Eggs

Establishments primarily engaged in the production of chicken eggs, including table eggs and hatching eggs, and in the sale of cull hens.

Chicken egg farms

Started pullet farms

0253 Turkeys and Turkey Eggs

Establishments primarily engaged in the production of turkeys and turkey eggs.

Turkey egg farms and ranches

Turkey farms and ranches

0254 Poultry Hatcheries

Establishments primarily engaged in operating poultry hatcheries on their own account or on a contract or fee basis.

Chicken hatcheries
Egg hatcheries, poultry

Poultry hatcheries

Standard Industrial Classification Manual (Continued)

AGRICULTURE, FORESTRY, AND FISHING

29

Industry
No.

POULTRY AND EGGS—Con.

0259 Poultry and Eggs, Not Elsewhere Classified

Establishments primarily engaged in the production of poultry and eggs, not elsewhere classified. This industry also includes establishments deriving 50 percent or more of their total value of sales of agricultural products from poultry and eggs (Industry Group 025), but less than 50 percent from products of any single industry.

Duck farms	Pheasant farms
Egg farms, poultry, except chicken and turkey	Pigeon farms
Geese farms	Quail farms
	Squab farms

ANIMAL SPECIALTIES

0271 Fur-Bearing Animals and Rabbits

Establishments primarily engaged in the production of fur and fur-bearing animals and rabbits.

Chinchilla farms	Game farms (fur-bearing animals)
Fox farms	Mink farms
Fur farms	Rabbit farms

0272 Horses and Other Equines

Establishments primarily engaged in the production of horses and other equines.

Burro farms	Mule farms
Donkey farms	Pony farms
Horse farms	

0273 Animal Aquaculture

Establishments primarily engaged in the production of finfish and shellfish, such as crustaceans and mollusks, within a confined space and under controlled feeding, sanitation, and harvesting procedures. Establishments primarily engaged in hatching fish and in operating fishing preserves are classified in Industry 0921.

Catfish farms	Minnow farms
Crustacean farms	Mollusk farms
Finfish farms	Tropical aquarium fish farms
Fish farms, except hatcheries	Trout farms
Goldfish farms	

0279 Animal Specialties, Not Elsewhere Classified

Establishments primarily engaged in the production of animal specialties, not elsewhere classified, such as pets, bees, worms, and laboratory animals. This industry also includes establishments deriving 50 percent or more of their total value of sales of agricultural products from animal specialties (Industry Group 027), but less than 50 percent from products of any single industry.

Alligator farms	Honey production
Apiaries	Kennels, breeding and raising own stock
Aviaries (e.g., parakeet, canary, love birds)	Laboratory animal farms (e.g., rats, mice, guinea pigs)
Bee farms	Rattlesnake farms
Cat farms	Silk (raw) production and silkworm farms
Dog farms	Worm farms
Earthworm hatcheries	
Frog farms	

Standard Industrial Classification Manual (Continued)

STANDARD INDUSTRIAL CLASSIFICATION

Industry
No.

**GENERAL FARMS, PRIMARILY LIVESTOCK AND ANIMAL
SPECIALTIES**

0291 General Farms, Primarily Livestock and Animal Specialties

Establishments deriving 50 percent or more of their total value of sales of agricultural products from livestock and animal specialties and their products, but less than 50 percent from products of any single three-digit industry group.

Animal specialty and livestock farms,
general

Livestock and animal specialty farms,
general

Standard Industrial Classification Manual (Continued)

Major Group 08. —FORESTRY

The Major Group as a Whole

This major group includes establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, and related activities such as reforestation services and the gathering of gums, barks, balsam needles, maple sap, Spanish moss, and other forest products.

Industry Group No.	Industry No.
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081 TIMBER TRACTS

0811 Timber Tracts

Establishments primarily engaged in the operation of timber tracts or tree farms for the purpose of selling standing timber. Establishments holding timber tracts as real property (not for sale of timber) are classified in Real Estate, Industry 6519; and logging establishments are classified in Manufacturing, Industry 2411.

Christmas tree growing
Timber tracts

Tree farms

083 FOREST NURSERIES AND GATHERING OF FOREST PRODUCTS

0831 Forest Nurseries and Gathering of Forest Products

Establishments primarily engaged in growing trees for purposes of reforestation or in gathering forest products. The concentration or distillation of these products, when carried on in the forest, is included in this industry.

Balsam needles, gathering of
Distillation of gums if carried on at the gum farm
Distillation of turpentine and rosin if carried on at the gum farm
Forest nurseries
Gathering of forest products: (e.g., gums, barks, seeds)
Ginseng, gathering of
Huckleberry greens, gathering of

Lac production
Maple sap, gathering of
Moss, gathering of
Pine gum, extraction of
Rubber plantations
Spanish moss, gathering of
Sphagnum moss, gathering of
Teaberries, gathering of
Tree seed gathering, extracting, and selling

Standard Industrial Classification Manual (Continued)

Major Group 09.—FISHING, HUNTING, AND TRAPPING

The Major Group as a Whole

This major group includes establishments primarily engaged in commercial fishing (including crabbing, lobstering, clamming, oystering, and the gathering of sponges and seaweed), and the operation of fish hatcheries and fish and game preserves, in commercial hunting and trapping, and in game propagation.

Industry Group No.	Industry No.
--------------------------	-----------------

092

FISH HATCHERIES AND PRESERVES

0921 Fish Hatcheries and Preserves

Establishments primarily engaged in operating fish hatcheries or preserves. Establishments primarily engaged in the production of fish or frogs under controlled feeding, sanitation, and harvesting procedures are classified in Industry Group 027.

Fish hatcheries

Fishing preserves

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 Acquisition or Holding (Continued)

B Example of Completed FSA-153

Following is a completed FSA-153 for acquisition or holding.

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 checked="" 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 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>				
ITEM		OFFICE USE ONLY	ITEM	
2. Tract Location and Description			5. Type of Interest Held in the Agricultural Land (Check One)	
A. LEGAL DESCRIPTION OR FSA TRACT NUMBER See Attachment			A. Fee Interest (ownership) Whole	
B. COUNTY OR PARISH Tooele		C. NO. OF ACRES 320	B. Fee Interest (ownership) Partial WHAT PERCENT 48 %	
D. STATE Utah			C. Life Estate	
3. Owner of Tract (in Item 2A) (See Page 2)			D. Trust Beneficiary	
A. NAME Happy Face Properties, Inc.			E. Purchase Contract	
B. TAX ID NO. (Ten digits) 54-7892345			F. Other (explain)	
C. LEGAL ADDRESS (Street, City, State/Province, Country) 3099 West River Road Castle Dale, Utah 84513			6. How was this Tract Acquired or Transferred?	
D. Type of Owner (If checked, skip Items D2 and D3)		CHECK	A. Cash Transaction	
1. Individual (including husband/wife). Indicate citizenship of husband and wife, if applicable.			B. Credit or Installment Transaction	
a. Citizenship of Individual			C. Trade	
2. Government (name of country)			D. Gift or Inheritance	
3. Organization		CHECK	E. Foreclosure	
a. Type		X	F. Other (explain)	
1) Corporation			7. Value of Agricultural Land:	
2) Partnership			A. Purchase Price of Land or if a land disposition, the original price paid by seller \$ 380,000	
3) Estate			B. Non-Purchase, Estimated Value at the Time of Acquisition \$	
4) Trust			C. What is the estimated current value or if a land disposition, the selling price of the tract of land? \$ 380,000	
5) Institution			D. How much of purchase price in Item 7A remains to be paid? \$ 300,000	
6) Association			8. Date of Acquisition or Transfer (See Page 2) MONTH 12 DAY 20 YEAR 98	
7) Other			9. Current Land Use (Usual use of land. For idle land, report as Other Agriculture.) Report in Whole Numbers ACRES	
b. Gov't. or country under whose law the organization is created United States			A. Crop 150	
c. Principal place of business (for organizations only) Castle Dale, UT			B. Pasture 150	
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.			C. Forest or Timber	
E. Complete only if Item 1C, Land Disposition, is checked			D. Other Agriculture	
1. NAME OF PERSON RECEIVING TRACT			E. Non-Agriculture 20	
2. ADDRESS (Street, City, State/Province, Country)			F. Total (Should equal Item 2C) 320	
3. CITIZENSHIP USA <input type="checkbox"/> FOREIGN <input type="checkbox"/> UNKNOWN <input type="checkbox"/>			10. Intended Use as of This Date (Check One or More or type "N/A" if Item 1C above is marked)	
4. Representative of Foreign Person (completing form, if applicable)			A. No Change	
A. NAME John White			B. Other Agriculture	
B. ADDRESS (Street, State, Country) 1198 South Main Street Vernal, Utah 84078			C. Non-Agriculture	
C. TELEPHONE NO. (Area Code) (801) 882-7788			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.	
D. Relationship of Representative to Foreign Person:		CHECK	A. Producer is:	
1. Attorney		X	1. Owner	
2. Manager			2. Manager	
3. Agent			3. Tenant or sharecropper (Item 11B must be completed)	
4. Other (Explain on Page 2)			B. Rental agreement is: (Not applicable if Item 1C above is marked)	
13. CERTIFICATION - I certify that the information entered in this report is complete and correct. I understand that falsification of reporting is subject to a civil penalty not to exceed 25% of the fair market value of the interest held in the tract of land.			1. A crop share	
14. SIGNATURE (Owner or legally authorized representative)			2. Cash or fixed rent	
TITLE President			X	
DATE (MM-DD-YYYY)			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	
			B. A new person	

FSA-153 for Acquisition or Holding (Continued)

B Example of Completed FSA-153 (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 0560-0097. 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.			
2. I AM a citizen of the Northern Mariana Islands or the Trust Territories of the Pacific Islands.			
3. I AM 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" 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.			X
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.		X	
5. I AM a foreign government.			X

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 3D3d: The stockholder of Happy Face Properties, Inc. is:

Mr. John Vollati
12 Venita Way
35 Rome, Italy
Citizen of Italy

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 Disposition

A Instructions for Completing FSA-153

Use the following instructions to prepare FSA-153 for disposition.

Item	Instructions
1 C	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 selling 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 seller of the land.
3 D 1 and 3 D 1 a	Entry must be made in this item when the seller is an individual, husband, or wife. Citizenship must be given.
3 D 2	Country of the government that is selling 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 seller is not an individual or government. When the land is being sold 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 is created when the seller is an organization.</p> <p>Example: Switzerland or United States.</p>
3 D 3 c	<p>Report the principal place of business when the seller 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 seller is an organization. See paragraph 20 and Exhibits 2 and 11.

FSA-153 for Disposition (Continued)

A Instructions for Completing FSA-153 (Continued)

Item	Instructions
3 E 1, 2, and 3	This identifies person receiving title to the land when a disposition is reported in item 1 C.
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 interest being transferred in the land. 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 disposition.
7 A	The seller's purchase price at the time of acquisition must be disclosed. When a portion of the land originally reported as acquired is sold, the seller must provide an estimated value of the land at the time of acquisition.
7 B	<p>The nonpurchase, estimated value at the time the seller acquired the land if it was acquired through other means than a purchase.</p> <p>Example: Estimated value at the time of inheritance.</p>
7 C	The selling price of the land must be disclosed.
7 D	No entry needed.
8	Report the date of disposition (month, day, and year). Separate FSA-153's must be completed for each date of disposition.
9	An entry must be made in 1 or more categories. Acreage must be given. Item 9 F must agree with item 2 C. This represents the land transferred. Ensure that land uses agree with acquired land uses.
10	ENTER "N/A" because not applicable for disposition.
11 A and B	ENTER "N/A" because not applicable for disposition.
12	ENTER "N/A" because not applicable for disposition.
Reverse side, items 1-5	No entries needed for a disposition.

FSA-153 for Disposition (Continued)

B Example of Completed FSA-153

Following is a completed FSA-153 for disposition.

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 checked="" type="checkbox"/> D. Land Use Change To Agriculture <input type="checkbox"/> E. Land Use Change To Non-Agriculture <input 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>				
ITEM		OFFICE USE ONLY	ITEM	
2. Tract Location and Description			5. Type of Interest Held in the Agricultural Land (Check One)	
A. LEGAL DESCRIPTION OR FSA TRACT NUMBER FSA Tract No. 145			A. Fee Interest (ownership) Whole <input checked="" type="checkbox"/> X B. Fee Interest (ownership) Partial WHAT PERCENT % C. Life Estate D. Trust Beneficiary E. Purchase Contract F. Other (explain)	
B. COUNTY OR PARISH Indian River	C. NO. OF ACRES 51			
D. STATE Florida				
3. Owner of Tract (in Item 2A) (See Page 2)			6. How was this Tract Acquired or Transferred?	
A. NAME XYZ Corporation			A. Cash Transaction <input checked="" type="checkbox"/> X B. Credit or Installment Transaction C. Trade D. Gift or Inheritance E. Foreclosure F. Other (explain)	
B. TAX ID NO. (Ten digits) 34-8889764				
C. LEGAL ADDRESS (Street, City, State/Province, Country) 3000 South Johnson Road Ft. Lauderdale, Florida 88909				
D. Type of Owner (If checked, skip Items D2 and D3)		CHECK	7. Value of Agricultural Land:	
1. Individual (including husband/wife). Indicate citizenship of husband and wife, if applicable.			A. Purchase Price of Land or if a land disposition, the original price paid by seller \$ 2,200,000	
a. Citizenship of Individual			B. Non-Purchase, Estimated Value at the Time of Acquisition \$	
2. Government (name of country)			C. What is the estimated current value or if a land disposition, the selling price of the tract of land? \$ 3,000,000	
3. Organization		CHECK	D. How much of purchase price in Item 7A remains to be paid? \$	
a. Type		X		
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			8. Date of Acquisition or Transfer (See Page 2) MONTH 1 DAY 9 YEAR 2004	
c. Principal place of business (for organizations only)			9. Current Land Use (Usual use of land. For idle land, report as Other Agriculture.) Report in Whole Numbers ACRES	
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.			A. Crop 50 B. Pasture 1 C. Forest or Timber D. Other Agriculture E. Non-Agriculture F. Total (Should equal Item 2C) 51	
E. Complete only if Item 1C, Land Disposition, is checked			10. Intended Use as of This Date (Check One or More or type "N/A" if Item 1C above is marked)	
1. NAME OF PERSON RECEIVING TRACT Bill Wilson			A. No Change B. Other Agriculture NA C. Non-Agriculture	
2. ADDRESS (Street, City, State/Province, Country) 890 Sunny Street Miami, Florida 83890			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.	
3. CITIZENSHIP USA <input checked="" type="checkbox"/> FOREIGN <input type="checkbox"/> UNKNOWN <input type="checkbox"/>			A. Producer is: 1. Owner 2. Manager NA 3. Tenant or sharecropper (Item 11B must be completed)	
4. Representative of Foreign Person (completing form, if applicable)			B. Rental agreement is: (Not applicable if Item 1C above is marked) 1. A crop share NA 2. Cash or fixed rent	
A. NAME John Green			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)	
B. ADDRESS (Street, State, Country) 85559 Moon Road Jacksonville, Florida 83890			A. The same person as when the tract was acquired NA B. A new person	
C. TELEPHONE NO. (Area Code) (305) 778-9090				
D. Relationship of Representative to Foreign Person:		CHECK		
1. Attorney				
2. Manager				
3. Agent				
4. Other (Explain on Page 2)		X		
13. CERTIFICATION - I certify that the information entered in this report is complete and correct. I understand that falsification of reporting is subject to a civil penalty not to exceed 25% of the fair market value of the interest held in the tract of land.				
14. SIGNATURE (Owner or legally authorized representative)		TITLE	DATE (MM-DD-YYYY)	
		President		

FSA-153 for Disposition (Continued)

B Example of Completed FSA-153 (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 0560-0097. 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.			
2. I AM a citizen of the Northern Mariana Islands or the Trust Territories of the Pacific Islands.			
3. I AM 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" 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)

Shareholder of Corporation:

Ms. Alberta Vasquez
137 Mendez
Mexico City, Mexico

Item 4: Certified Public Accountant

Citizen of Mexico

^{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 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)

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

Following is a completed FSA-153 for land use change to 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)
AGRICULTURAL FOREIGN INVESTMENT DISCLOSURE ACT REPORT				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 checked="" type="checkbox"/>
				E. Land Use Change To Non-Agriculture <input type="checkbox"/>
<i>NOTE: Read Instructions on Page 2 Before Filing in Any Data Below. If Additional Space is Needed, Use Page 2</i>				
ITEM		OFFICE USE ONLY	ITEM	
2. Tract Location and Description			5. Type of Interest Held in the Agricultural Land (Check One)	
A. LEGAL DESCRIPTION OR FSA TRACT NUMBER			A. Fee Interest (ownership) Whole <input checked="" type="checkbox"/>	
See Attachment			B. Fee Interest (ownership) Partial <input type="checkbox"/> WHAT PERCENT %	
B. COUNTY OR PARISH		C. NO. OF ACRES	C. Life Estate	
Whatcom		75	D. Trust Beneficiary	
D. STATE			E. Purchase Contract	
Washington			F. Other (explain)	
3. Owner of Tract (in Item 2A) (See Page 2)			6. How was this Tract Acquired or Transferred?	
A. NAME			A. Cash Transaction <input checked="" type="checkbox"/>	
Patricia Westbrook			B. Credit or Installment Transaction	
B. TAX ID NO. (Ten digits)			C. Trade	
			D. Gift or Inheritance	
C. LEGAL ADDRESS (Street, City, State/Province, Country)			E. Foreclosure	
1010 Jackson Road, S.W.			F. Other (explain)	
Seattle, Washington 98909				
D. Type of Owner (If checked, skip Items D2 and D3)		CHECK	7. Value of Agricultural Land:	
1. Individual (including husband/wife). Indicate citizenship of husband and wife, if applicable.		<input checked="" type="checkbox"/>	A. Purchase Price of Land or if a land disposition, the original price paid by seller \$	
a. Citizenship of Individual			B. Non-Purchase, Estimated Value at the Time of Acquisition \$ 100,000	
SWISS			C. What is the estimated current value or if a land disposition, the selling price of the tract of land? \$ 100,000	
2. Government (name of country)			D. How much of purchase price in Item 7A remains to be paid? \$	
3. Organization		CHECK	8. Date of Acquisition or Transfer (See Page 2)	
a. Type			MONTH	DAY
1) Corporation			10	9
2) Partnership			YEAR	
3) Estate			2004	
4) Trust			9. Current Land Use (Usual use of land. For idle land, report as Other Agriculture.) Report in Whole Numbers	
5) Institution			ACRES	
6) Association			A. Crop	
7) Other			75	
b. Gov't. or country under whose law the organization is created			B. Pasture	
c. Principal place of business (for organizations only)			C. Forest or Timber	
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.			D. Other Agriculture	
			E. Non-Agriculture	
E. Complete only if Item 1C, Land Disposition, is checked			F. Total (Should equal Item 2C)	
1. NAME OF PERSON RECEIVING TRACT			75	
2. ADDRESS (Street, City, State/Province, Country)			10. Intended Use as of This Date	
			(Check One or More or type "N/A" if Item 1C above is marked)	
			A. No Change <input checked="" type="checkbox"/>	
			B. Other Agriculture	
			C. Non-Agriculture	
3. CITIZENSHIP			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.	
USA <input type="checkbox"/> FOREIGN <input type="checkbox"/> UNKNOWN <input type="checkbox"/>			A. Producer is:	
4. Representative of Foreign Person (completing form, if applicable)			1. Owner	
A. NAME			2. Manager	
Katherine Mitchell			3. Tenant or sharecropper (Item 11B must be completed) <input checked="" type="checkbox"/>	
B. ADDRESS (Street, State, Country)			B. Rental agreement is: (Not applicable if Item 1C above is marked)	
889 Everett Road			1. A crop share <input checked="" type="checkbox"/>	
Everett, Washington 98245			2. Cash or fixed rent	
C. TELEPHONE NO. (Area Code)			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)	
(206) 555-9090			A. The same person as when the tract was acquired	
D. Relationship of Representative to Foreign Person:		CHECK	B. A new person <input checked="" type="checkbox"/>	
1. Attorney		<input checked="" type="checkbox"/>		
2. Manager				
3. Agent				
4. Other (Explain on Page 2)				
13. CERTIFICATION -I certify that the information entered in this report is complete and correct. I understand that falsification of reporting is subject to a civil penalty not to exceed 25% of the fair market value of the interest held in the tract of land.				
14. SIGNATURE (Owner or legally authorized representative)		TITLE	DATE (MM-DD-YYYY)	
		President		

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

B Example of Completed FSA-153 for Land Use Change to 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 0560-0097. 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)

I do not maintain a residence in Switzerland. I live in Washington. I have an E-2 Visa that allows me to live in the U.S.

^{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 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) <input type="checkbox"/>	
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) <input type="checkbox"/>	
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) MONTH 1 DAY 28 YEAR 99	
B. ADDRESS (Street, State, Country) 300 Blueberry Road Lynden, WA 98245			9. Current Land Use (Usual use of land. For idle land, report as Other Agriculture.) Report in Whole Numbers	
C. TELEPHONE NO. (Area Code) (360) 775-8970			A. Crop 20	
D. Relationship of Representative to Foreign Person:		CHECK <input checked="" type="checkbox"/>	B. Pasture	
1. Attorney			C. Forest or Timber 10	
2. Manager			D. Other Agriculture	
3. Agent			E. Non-Agriculture	
4. Other (Explain on Page 2)			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 <input type="checkbox"/>	
			B. Other Agriculture <input type="checkbox"/> NA	
			C. Non-Agriculture <input type="checkbox"/>	
			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 <input type="checkbox"/>	
			2. Manager <input type="checkbox"/> 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 <input type="checkbox"/> NA	
			2. Cash or fixed rent <input type="checkbox"/>	
			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 <input type="checkbox"/> NA	
			B. A new person <input type="checkbox"/>	
13. CERTIFICATION - I certify that the information entered in this report is complete and correct. I understand that falsification of reporting is subject to a civil penalty not to exceed 25% of the fair market value of the interest held in the tract of land.			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.

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

B Example of Completed FSA-153

Following is a completed FSA-153 for the owner of the land becoming a foreign person.

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 checked="" 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 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>				
ITEM		OFFICE USE ONLY	ITEM	
2. Tract Location and Description			5. Type of Interest Held in the Agricultural Land (Check One)	
A. LEGAL DESCRIPTION OR FSA TRACT NUMBER See Attached Addendum			A. Fee Interest (ownership) Whole <input checked="" type="checkbox"/> CHECK X	
B. COUNTY OR PARISH Tulare		C. NO. OF ACRES 1,000	B. Fee Interest (ownership) Partial WHAT PERCENT %	
D. STATE California			C. Life Estate	
3. Owner of Tract (in Item 2A) (See Page 2)			D. Trust Beneficiary	
A. NAME Red Berry Wine Company			E. Purchase Contract	
B. TAX ID NO. (Ten digits) 77-6669997			F. Other (explain)	
C. LEGAL ADDRESS (Street, City, State/Province, Country) 6899 Covina Boulevard Los Angeles, California 98800			6. How was this Tract Acquired or Transferred? CHECK	
D. Type of Owner (If checked, skip Items D2 and D3)		CHECK	A. Cash Transaction	
1. Individual (including husband/wife). Indicate citizenship of husband and wife, if applicable.			B. Credit or Installment Transaction	
a. Citizenship of Individual			C. Trade	
2. Government (name of country)			D. Gift or Inheritance	
3. Organization		CHECK	E. Foreclosure	
a. Type		X	F. Other (explain) Stock acquired by a foreign entity X	
1) Corporation			7. Value of Agricultural Land:	
2) Partnership			A. Purchase Price of Land or if a land disposition, the original price paid by seller \$ NA	
3) Estate			B. Non-Purchase, Estimated Value at the Time of Acquisition \$ 4,000,000	
4) Trust			C. What is the estimated current value or if a land disposition, the selling price of the tract of land? \$ 4,000,000	
5) Institution			D. How much of purchase price in Item 7A remains to be paid? \$ NA	
6) Association			8. Date of Acquisition or Transfer (See Page 2) MONTH 6 DAY 7 YEAR 96	
7) Other			9. Current Land Use (Usual use of land. For idle land, report as Other Agriculture.) Report in Whole Numbers ACRES	
b. Gov't. or country under whose law the organization is created United States			A. Crop 990	
c. Principal place of business (for organizations only) Los Angeles, CA			B. Pasture	
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.			C. Forest or Timber	
E. Complete only if Item 1C, Land Disposition, is checked			D. Other Agriculture	
1. NAME OF PERSON RECEIVING TRACT			E. Non-Agriculture 10	
2. ADDRESS (Street, City, State/Province, Country)			F. Total (Should equal Item 2C) 1,000	
3. CITIZENSHIP USA <input type="checkbox"/> FOREIGN <input type="checkbox"/> UNKNOWN <input type="checkbox"/>			10. Intended Use as of This Date (Check One or More or type "N/A" if Item 1C above is marked) CHECK	
4. Representative of Foreign Person (completing form, if applicable)			A. No Change	
A. NAME George Johnson			B. Other Agriculture X	
B. ADDRESS (Street, State, Country) Baker & Johnson Law Firm 33455 Berry Lane, Suite 20, Los Angeles, CA 98804			C. Non-Agriculture	
C. TELEPHONE NO. (Area Code) (213) 586-2334			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.	
D. Relationship of Representative to Foreign Person:		CHECK	A. Producer is:	
1. Attorney X			1. Owner	
2. Manager			2. Manager X	
3. Agent			3. Tenant or sharecropper (Item 11B must be completed)	
4. Other (Explain on Page 2)			B. Rental agreement is: (Not applicable if Item 1C above is marked)	
13. CERTIFICATION - I certify that the information entered in this report is complete and correct. I understand that falsification of reporting is subject to a civil penalty not to exceed 25% of the fair market value of the interest held in the tract of land.			1. A crop share	
14. SIGNATURE (Owner or legally authorized representative)			2. Cash or fixed rent NA	
TITLE President			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)	
DATE (MM-DD-YYYY)			A. The same person as when the tract was acquired	
			B. A new person X	

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

B Example of Completed FSA-153 (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 0560-0097. 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.			
2. I AM a citizen of the Northern Mariana Islands or the Trust Territories of the Pacific Islands.			
3. I AM 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" 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 3D3d: Owner of Red Berry Wine Company: Swinter Corporation - Created in the Netherlands Antilles
77 Curacao Boulevard
Curacao, Netherlands Antilles

Owner of Swinter Corporation: Fritz Wilson
77 Mountain Road
80 Zurich, Switzerland
Citizen of Germany

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

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