

## **Instructions For Completing Form FSA-153**

### ***Agricultural Foreign Investment Disclosure Act Report***

Use the following instructions to complete the Agricultural Foreign Investment Disclosure Act Report (FSA-153) to meet the reporting requirements of Agricultural Foreign Investment Disclosure Act of 1978. Details of the reporting requirements can be found in the U.S. Department of Agriculture Regulations at 7 CFR Part 781.

The following background information outlines who must report, what to report, when to report, and where to report:

#### **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 used in the preparation of periodic reports to the President and Congress concerning the effect of such holdings upon family farms and rural communities.

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

#### **Who Must Report**

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

Individuals who are not lawfully admitted to the United States for permanent residence or who are not paroled into the United States under the Immigration and Nationality Act.

Any organization created under the laws of a foreign government or which has located its principal place of business outside the United States.

Any U.S. organization in which a significant interest or substantial control is directly or indirectly held by foreign individuals, organizations, or governments.

Any foreign governments.

## **Definition of Significant Interest or Substantial Control**

A direct or indirect interest of 10 percent or more held by a single foreign individual, organization or government.

A direct or indirect collective interest of 10 percent or more held by a group of foreign individuals, organizations, or governments, acting in concert.

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

## **What to Report**

Each tract of agricultural land in the United States, its territories, the Northern Mariana Islands and the Trust Territories of the Pacific Islands owned by persons who must 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.

## **When to Report**

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

## **Where to Report**

The Secretary of Agriculture designated the Farm Service Agency (FSA) to collect the FSA-153 reports representing foreign investment because FSA has numerous offices in rural counties throughout the United States. The completed form must be returned to the FSA county office where the land is located. To find the address of the applicable county FSA office, follow the instructions on page 1. DO NOT FAX.

Customers who have established electronic access credentials with USDA may electronically transmit this form to the USDA servicing office, provided that (1) the customer submitting the form is the only person required to sign the transaction, or (2) the customer has an approved Power of Attorney (Form FSA-211) on file with USDA to sign for other customers for the program and type of transaction represented by this form.

Features for transmitting the form electronically are available to those customers with access credentials only. If you would like to establish online access credentials with USDA, follow the instructions provided at the USDA eForms web site.

Assistance in completing the FSA-153 report may be obtained from the local County FSA Office. For further information, contact:

Patricia A. Blevins, Agricultural Foreign Investment Specialist  
Natural Resources Analysis Group  
USDA-FSA-EPAS-NRAG-STOP-0531  
1400 Independence Ave., S.W.  
Washington, D.C. 20250-0531 or telephone at (202) 720-0604.

Instructions for each item number listed on the FSA-153 are discussed below to assist the foreign investor in completing the form. Type or print in black ink when providing the information requested.

When instructed by FSA offices to send an Amended report, check the box at the top of Page 1 to indicate if this report is "AMENDED".

Submit the original of the completed form in hard copy to the appropriate FSA servicing office where the land is located. DO NOT FAX.

Customers who have established electronic access credentials with USDA may electronically transmit this form to the USDA servicing office, provided that (1) the customer submitting the

form is the only person required to sign the transaction, or (2) the customer has an approved Power of Attorney (Form FSA-211) on file with USDA to sign for other customers for the program and type of transaction represented by this form.

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<b>Fld Name / Item No.</b>	<b>Instruction</b>
1 Type Activity	See Page 2 of FSA-153 for an explanation of Item 1.
2A - 2D Tract Location and Description	<p>Item 2A. Enter the legal description from the deed or the FSA farm tract number obtained from the county office. If there is insufficient space attach a copy of the legal description to the report before mailing.</p> <p>Item 2B. Enter the county or parish.</p> <p>Item 2C. Enter the total number of acres.</p> <p>Item 2D. Enter the State.</p>
3A - 3E3 Owner of Tract (Whoever has title to the land)	<p>Item 3A. Enter the name of the individual or entity who has title to the land.</p> <p>Item 3B. Enter the IRS Tax Identification Number of the entity.</p> <p>Item 3C. Enter legal address of the owner.</p> <p>Item 3D1. When the title owner is an individual check the box.</p> <p>Item 3D1a. Enter the citizenship of individual(s) (husband and wife) (whatever is applicable).</p> <p>Item 3D2. Enter the name of the country of the government which owns the land.</p> <p>Items 3D3a1 through 3D3a7. Check appropriate box for the entity (title owner) shown in Item 3A if the entity is an organization.</p> <p>Item 3D3b. Enter the name of the country under whose law the organization is created.</p>

Fld Name / Item No.	Instruction
	<p>Item 3D3c. Enter the principal place of business (city, state or country).</p> <p>Item 3D3d. List on a separate sheet all the foreign persons who individually hold a 10% interest or a group of foreign persons acting in concert who hold a collective interest of 10% or a group of foreign persons, not acting in concert, who hold a collective interest of 50% or more in the entity owning the land listed in Item 3A through the 3rd level or tier of ownership.</p>
<p>3A - 3E3</p> <p>Owner of Tract (Whoever has title to the land)</p>	<p><b><i>For example:</i></b></p> <p>The Companies in this example could be any organization included in Items 3D3a1 through 3D3a7.</p> <p>Company A has title to the land and is listed in Item 3A. Companies B and C own Company A. List Company B and C and all foreign persons in Companies B and C who meet the requirements of Item 3D3d. Company D and E own Company B. List Company D and E and all foreign persons in Company D and E who meet the requirements of Item 3D3d.</p> <p>Company F and G own Company C. List Company F and G and all foreign persons in Company F and G who meet the requirements of Item 3D3d.</p> <p>Item 3E. Complete this section only if Item 1C, Land Disposition is checked. This section is for the seller to list the information relating to the individual or entity who purchased the land.</p> <p>Item 3E1. Enter the name of the individual or entity receiving the tract.</p> <p>Item 3E2. Enter the address of the individual or entity receiving the tract.</p>

<b>Fld Name / Item No.</b>	<b>Instruction</b>
	Item 3E3. Check the appropriate box of the citizenship status of the individual or entity receiving the land, if known.
4A - 4D  Representative of Foreign Person	Items 4A through 4D.  This section is for the owner of the land entered in Item 3A to enter someone that can be contacted for further information on this filing if necessary.
5A - 5B  Type of Interest Held in the Agricultural Land	Enter the type of interest held by the owner of the land.  Item 5A Fee Interest Whole. Select this item when you acquire or sell 100% interest in the land.  Item 5B Fee Interest Partial. Select this item when you acquire or sell less than 100% interest in the land. Enter the percentage of interest in the land.  If the interests in the land are not represented in Items 5A through 5E, select Item 5F Other and include a brief explanation. Example - leasehold interests are reportable in Item 5F.
6  How was this Tract Acquired or Transferred?	Enter the method used to acquire the land. If Item 6A, Cash Transaction, or Item 6B, Credit or Installment Transaction, are selected, then Item 7A, Purchase Price of Land must be completed. If Item 6C, Trade, Item 6D, Gift or Inheritance, Item 6E, Foreclosure, or Item 6F are selected, then Item 7B Non-Purchase Estimated Value of Land, must be completed. All entries in Item 6 must complete Item 7C, Current Estimated Value. If Item 6B is selected, Item 7D, how much of the purchase price in Item 7A remains to be paid, must be completed.  If none of the above items apply, select Item 6F, Other, with a brief explanation. Example - acquisition of stock in organization or acquisition of leasehold interests.  If the method used to sell the land was Item 6A or Item 6B, enter the selling price of the land in Item 7C, Selling Price of the land. If the method used to transfer the land was Items 6C, 6D, 6E or 6F, enter the estimated value of the land at the time of transfer in Item 7C.

<b>Fld Name / Item No.</b>	<b>Instruction</b>
<p>7A - 7D</p> <p>Value of Agricultural Land</p>	<p>If land acquisition or land holding and acquired through a cash or credit or installment transaction report the purchase price paid in Item 7A. If a land acquisition or land holding and acquired by trade, gift, inheritance, foreclosure or stock purchase of title owner an estimated value of the land must be entered in Item 7B, Non-Purchase, Estimated Value at time of acquisition. Item 7B must, also be completed for acquisitions of long term leasehold interests.</p> <p>When a total disposition is reported and the seller originally acquired the land through a cash or credit or installment transaction, the seller's purchase price of the land at the time of acquisition must be entered in Item 7A. When a portion of the land originally reported is sold, the seller must provide an estimated value of that portion of the land at the time of acquisition in Item 7A.</p> <p>When a total or partial disposition is reported and the seller originally acquired the land by trade, gift, inheritance, foreclosure or stock purchase of title owner an estimated value of that portion of the land at the time of acquisition must be entered in Item 7B. Item 7B must, also, be completed for dispositions of long term leasehold interests.</p> <p>Report the estimated current value of land when reporting a Item 1A, Land Holding or Item 1B, Land Acquisition. When reporting Item 1C, Land Disposition, enter the selling price of the land in Item 7C.</p> <p>When reporting a land holding or land acquisition, and the land was acquired through a credit or installment transaction report the amount of the purchase price reported in Item 7A, remaining to be paid in Item 7D.</p> <p><b>NOTE:</b> When completing a land disposition report, the applicable acquisition report must be available for review and comparison.</p>
<p>8</p> <p>Date of Acquisition or Transfer (See Page 2 of FSA-153)</p>	<p>Enter the complete date of the transaction.</p>

Fld Name / Item No.	Instruction
<p>9</p> <p>Current Land Use</p>	<p>Make an entry in 1 or more categories. Acreage must be given. The total acres in Item 9F must equal the acres in Item 2C.</p> <p><b>NOTE:</b> When completing a land disposition report the land use and acreage on the acquisition report must be review and compared.</p> <p><b>For Example:</b> An acquisition report was filed to disclose a purchase of 100 acres of crop, 15 acres of pasture and 50 acres of forest land. A disposition report was later filed to disclose the sale of 100 acres of pasture and 65 acres of forest land. The person filing the disposition report did not review the acquisition report before completing the disposition report. If a comparison had been done, they would have noticed that only 15 acres of pasture and 50 acres of forest land was acquired, and it would be impossible to subtract the transferred pasture and forest land from the acquired pasture and forest land.</p>
<p>10</p> <p>Intended Use as of This Date</p>	<p>Check the proper box in Item 10. Enter N/A in Item 10A when reporting Item 1C, Land Disposition.</p>
<p>11</p> <p>Relationship of Owner to Producer</p>	<p>Check the box in Item 11A that describes the operator of the tract of land, if applicable. If Item 11A3, tenant or share cropper is entered, Item 11B must be completed. Enter N/A in Items 11A and 11B when reporting Item 1C, Land Disposition.</p>
<p>12</p> <p>The producer on this tract is:</p>	<p>An entry must be made in Item 12 when a holding or acquisition is reported. Enter N/A when reporting Item 1C, Land Disposition. If the land is reported as non-agricultural in Item 9E, enter N/A in Item 12A.</p>