

Farm Service Agency, USDA

§ 781.2

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

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

§ 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 Agricultural Stabilization and Conservation Service (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 by the Economic Research Service (ERS) concerning the effect of such holdings upon family farms and rural communities.

§ 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 Agricultural Stabilization and Conservation 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.

(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