

(4) Allocation of funds**(A) In general**

From amounts made available for each fiscal year under this subsection, the Secretary shall—

(i) establish a national reserve for loans and loan guarantees to eligible entities in States under this section; and

(ii) allocate amounts in the reserve to each State for each fiscal year for loans and loan guarantees to eligible entities in the State.

(B) Amount

The amount of an allocation made to a State for a fiscal year under subparagraph (A) shall bear the same ratio to the amount of allocations made for all States for the fiscal year as the number of communities with a population of 2,500 inhabitants or less in the State bears to the number of communities with a population of 2,500 inhabitants or less in all States, as determined on the basis of the latest available census.

(C) Unobligated amounts

Any amounts in the reserve established for a State for a fiscal year under subparagraph (B) that are not obligated by April 1 of the fiscal year shall be available to the Secretary to make loans and loan guarantees under this section to eligible entities in any State, as determined by the Secretary.

(k) Termination of authority

No loan or loan guarantee may be made under this section after September 30, 2007.

(May 20, 1936, ch. 432, title VI, § 601, as added Pub. L. 107-171, title VI, § 6103(a), May 13, 2002, 116 Stat. 415; amended Pub. L. 108-199, div. A, title VII, § 772, Jan. 23, 2004, 118 Stat. 40.)

AMENDMENTS

2004—Subsec. (b)(2). Pub. L. 108-199 amended heading and text of subsec. (b)(2) generally. Prior to amendment, text read as follows: “The term ‘eligible rural community’ means any incorporated or unincorporated place that—

“(A) has not more than 20,000 inhabitants, based on the most recent available population statistics of the Bureau of the Census; and

“(B) is not located in an area designated as a standard metropolitan statistical area.”

REGULATIONS

Pub. L. 107-171, title VI, § 6103(b), May 13, 2002, 116 Stat. 418, provided that:

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [May 13, 2002], the Secretary of Agriculture shall promulgate such regulations as are necessary to implement the amendment made by subsection (a) [enacting this section].

“(2) PROCEDURE.—The promulgation of the regulations shall be made without regard to—

“(A) the notice and comment provisions of section 553 of title 5, United States Code;

“(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

“(C) chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’).

“(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use

the authority provided under section 808 of title 5, United States Code.”

CHAPTER 31A—TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS

Sec.

950aaa.	Purpose.
950aaa-1.	Definitions.
950aaa-2.	Telemedicine and distance learning services in rural areas.
950aaa-3.	Administration.
950aaa-4.	Regulations.
950aaa-5.	Authorization of appropriations.

TERMINATION OF CHAPTER

For termination of chapter by section 1(b) of Pub. L. 102-551, see note set out under section 950aaa of this title.

§ 950aaa. Purpose

The purpose of this chapter is to encourage and improve telemedicine services and distance learning services in rural areas through the use of telecommunications, computer networks, and related advanced technologies by students, teachers, medical professionals, and rural residents.

(Pub. L. 101-624, title XXIII, § 2331, as added Pub. L. 104-127, title VII, § 704, Apr. 4, 1996, 110 Stat. 1108.)

TERMINATION OF SECTION

For termination of section by section 1(b) of Pub. L. 102-551, see Termination of Chapter note set out below.

PRIOR PROVISIONS

A prior section 950aaa, Pub. L. 101-624, title XXIII, § 2331, Nov. 28, 1990, 104 Stat. 4017, provided purposes of chapter, prior to the general amendment of this chapter by Pub. L. 104-127.

TERMINATION OF CHAPTER

Pub. L. 102-551, § 1(b), Oct. 28, 1992, 106 Stat. 4100, as amended by Pub. L. 107-171, title VI, § 6203(b), May 13, 2002, 116 Stat. 421, provided that: “Notwithstanding any other provision of law, chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 950aaa et seq.), including the amendments made by this section [enacting section 950aaa-5 of this title and amending section 950aaa-4 of this title], shall be effective until September 30, 2007.”

§ 950aaa-1. Definitions

In this chapter:

(1) Construct

The term “construct” means to construct, acquire, install, improve, or extend a facility or system.

(2) Cost of money loan

The term “cost of money loan” means a loan made under this chapter bearing interest at a rate equal to the then current cost to the Federal Government of loans of similar maturity.

(3) Secretary

The term “Secretary” means the Secretary of Agriculture.

(Pub. L. 101-624, title XXIII, § 2332, as added Pub. L. 104-127, title VII, § 704, Apr. 4, 1996, 110 Stat. 1108.)

TERMINATION OF SECTION

For termination of section by section 1(b) of Pub. L. 102-551, see Termination of Chapter note set out under section 950aaa of this title.

PRIOR PROVISIONS

A prior section 950aaa-1, Pub. L. 101-624, title XXIII, § 2332, Nov. 28, 1990, 104 Stat. 4017; Pub. L. 102-237, title VII, § 702(g), Dec. 13, 1991, 105 Stat. 1880, provided goal of Federal Government to make affordable advanced telecommunications available to rural residents, prior to the general amendment of this chapter by Pub. L. 104-127.

§ 950aaa-2. Telemedicine and distance learning services in rural areas

(a) Services to rural areas

The Secretary may provide financial assistance for the purpose of financing the construction of facilities and systems to provide telemedicine services and distance learning services in rural areas.

(b) Financial assistance

(1) In general

Financial assistance shall consist of grants or cost of money loans, or both.

(2) Form

The Secretary shall determine the portion of the financial assistance provided to a recipient that consists of grants and the portion that consists of cost of money loans so as to result in the maximum feasible repayment to the Federal Government of the financial assistance, based on the ability to repay of the recipient and full utilization of funds made available to carry out this chapter.

(c) Recipients

(1) In general

The Secretary may provide financial assistance under this chapter to—

(A) entities using telemedicine services or distance learning services; and

(B) entities providing or proposing to provide telemedicine service or distance learning service to other persons at rates calculated to ensure that the benefit of the financial assistance is passed through to the other persons.

(2) Electric or telecommunications borrowers

(A) Loans to borrowers

Subject to subparagraph (B), the Secretary may provide a cost of money loan under this chapter to a borrower of an electric or telecommunications loan under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.). A borrower receiving a cost of money loan under this paragraph shall—

(i) make the funds provided available to entities that qualify under paragraph (1) for projects satisfying the requirements of this chapter;

(ii) use the funds provided to acquire, install, improve, or extend a system referred to in subsection (a) of this section; or

(iii) use the funds provided to install, improve, or extend a facility referred to in subsection (a) of this section.

(B) Limitations

A borrower of an electric or telecommunications loan under the Rural Electrification Act of 1936 [7 U.S.C. 901 et seq.] shall—

(i) make a system or facility funded under subparagraph (A) available to entities that qualify under paragraph (1); and

(ii) neither retain from the proceeds of a loan provided under subparagraph (A), nor assess a qualifying entity under paragraph (1), any amount except as may be required to pay the actual costs incurred in administering the loan or making the system or facility available.

(3) Appeal

If the Secretary rejects the application of a borrower who applies for a cost of money loan or grant under this section, the borrower may appeal the decision to the Secretary not later than 10 days after the borrower is notified of the rejection.

(4) Assistance to provide or improve services

Financial assistance may be provided under this chapter for a facility regardless of the location of the facility if the Secretary determines that the assistance is necessary to provide or improve telemedicine services or distance learning services in a rural area.

(d) Priority

The Secretary shall establish procedures to prioritize financial assistance under this chapter considering—

(1) the need for the assistance in the affected rural area;

(2) the financial need of the applicant;

(3) the population sparsity of the affected rural area;

(4) the local involvement in the project serving the affected rural area;

(5) geographic diversity among the recipients of financial assistance;

(6) the utilization of the telecommunications facilities of any telecommunications provider serving the affected rural area;

(7) the portion of total project financing provided by the applicant from the funds of the applicant;

(8) the portion of project financing provided by the applicant with funds obtained from non-Federal sources;

(9) the joint utilization of facilities financed by other financial assistance;

(10) the coordination of the proposed project with regional projects or networks;

(11) service to the greatest practical number of persons within the general geographic area covered by the financial assistance;

(12) conformity with the State strategic plan as prepared under section 2009c of this title; and

(13) other factors determined appropriate by the Secretary.

(e) Maximum amount of assistance to individual recipients

The Secretary may establish the maximum amount of financial assistance to be made available to an individual recipient for each fiscal year under this chapter, by publishing notice of

the maximum amount in the Federal Register not more than 45 days after funds are made available for the fiscal year to carry out this chapter.

(f) Use of funds

Financial assistance provided under this chapter shall be used for—

(1) the development and acquisition of instructional programming;

(2) the development and acquisition, through lease or purchase, of computer hardware and software, audio and visual equipment, computer network components, telecommunications terminal equipment, telecommunications transmission facilities, data terminal equipment, or interactive video equipment, or other facilities that would further telemedicine services or distance learning services;

(3) providing technical assistance and instruction for the development or use of the programming, equipment, or facilities referred to in paragraphs (1) and (2); or

(4) other uses that are consistent with this chapter, as determined by the Secretary.

(g) Salaries and expenses

Notwithstanding subsection (f) of this section, financial assistance provided under this chapter shall not be used for paying salaries or administrative expenses.

(h) Expediting coordinated telephone loans

(1) In general

The Secretary may establish and carry out procedures to ensure that expedited consideration and determination is given to applications for loans and advances of funds submitted by local exchange carriers under this chapter and the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) to enable the exchange carriers to provide advanced telecommunications services in rural areas in conjunction with any other projects carried out under this chapter.

(2) Deadline imposed on Secretary

Not later than 45 days after the receipt of a completed application for an expedited telephone loan under paragraph (1), the Secretary shall notify the applicant in writing of the decision of the Secretary regarding the application.

(i) Notification of local exchange carrier

(1) Applicants

Each applicant for a grant for a telemedicine or distance learning project established under this chapter shall notify the appropriate local telephone exchange carrier regarding the application filed with the Secretary for the grant.

(2) Secretary

The Secretary shall—

(A) publish notice of applications received for grants under this chapter for telemedicine or distance learning projects; and

(B) make the applications available for inspection.

(Pub. L. 101-624, title XXIII, §2333, as added Pub. L. 104-127, title VII, §704, Apr. 4, 1996, 110 Stat. 1109.)

TERMINATION OF SECTION

For termination of section by section 1(b) of Pub. L. 102-551, see Termination of Chapter note set out under section 950aaa of this title.

REFERENCES IN TEXT

The Rural Electrification Act of 1936, referred to in subsecs. (c)(2) and (h)(1), is act May 20, 1936, ch. 432, 49 Stat. 1363, as amended, which is classified generally to chapter 31 (§901 et seq.) of this title. For complete classification of this Act to the Code, see section 901 of this title and Tables.

PRIOR PROVISIONS

A prior section 950aaa-2, Pub. L. 101-624, title XXIII, §2333, Nov. 28, 1990, 104 Stat. 4017; Pub. L. 103-354, title II, §235(b)(4)(A), (C), Oct. 13, 1994, 108 Stat. 3221, 3222, provided definitions for chapter, prior to the general amendment of this chapter by Pub. L. 104-127.

§ 950aaa-3. Administration

(a) Nonduplication

The Secretary shall ensure that facilities constructed using financial assistance provided under this chapter do not duplicate adequate established telemedicine services or distance learning services.

(b) Loan maturity

The maturities of cost of money loans shall be determined by the Secretary, based on the useful life of the facility being financed, except that the loan shall not be for a period of more than 10 years.

(c) Loan security and feasibility

The Secretary shall make a cost of money loan only if the Secretary determines that the security for the loan is reasonably adequate and that the loan will be repaid within the period of the loan.

(d) Encouraging consortia

The Secretary shall encourage the development of consortia to provide telemedicine services or distance learning services through telecommunications in rural areas served by a telecommunications provider.

(e) Coordination with other agencies

The Secretary shall coordinate, to the extent practicable, with other Federal and State agencies with similar grant or loan programs to pool resources for funding meritorious proposals in rural areas.

(f) Informational efforts

The Secretary shall establish and implement procedures to carry out informational efforts to advise potential end users located in rural areas of each State about the program authorized by this chapter.

(Pub. L. 101-624, title XXIII, §2334, as added Pub. L. 104-127, title VII, §704, Apr. 4, 1996, 110 Stat. 1111.)

TERMINATION OF SECTION

For termination of section by section 1(b) of Pub. L. 102-551, see Termination of Chapter note set out under section 950aaa of this title.

PRIOR PROVISIONS

A prior section 950aaa-3, Pub. L. 101-624, title XXIII, §2334, Nov. 28, 1990, 104 Stat. 4019; Pub. L. 103-354, title

II, § 235(b)(4)(B), (C), Oct. 13, 1994, 108 Stat. 3221, 3222, contained provisions relevant to telecommunications programs, prior to the general amendment of this chapter by Pub. L. 104-127.

§ 950aaa-4. Regulations

Not later than 180 days after April 4, 1996, the Secretary shall issue regulations to carry out this chapter.

(Pub. L. 101-624, title XXIII, § 2335, as added Pub. L. 104-127, title VII, § 704, Apr. 4, 1996, 110 Stat. 1112.)

TERMINATION OF SECTION

For termination of section by section 1(b) of Pub. L. 102-551, see Termination of Chapter note set out under section 950aaa of this title.

PRIOR PROVISIONS

A prior section 950aaa-4, Pub. L. 101-624, title XXIII, § 2335, Nov. 28, 1990, 104 Stat. 4021; Pub. L. 102-551, § 1(c), Oct. 28, 1992, 106 Stat. 4100; Pub. L. 103-354, title II, § 235(b)(4)(C), Oct. 13, 1994, 108 Stat. 3222, related to rural community access to advanced telecommunications, prior to the general amendment of this chapter by Pub. L. 104-127.

ANALYSIS BY OFFICE OF TECHNOLOGY ASSESSMENT

Section 2385 of Pub. L. 101-624 provided that Office of Technology Assessment was to include, in study of effects of information age technology on rural America, analysis of feasibility of ensuring that rural citizens in their homes and schools had ability to acquire, by computer, information in a national library, and specified contents of such analysis, prior to repeal by Pub. L. 104-127, title VII, § 708, Apr. 4, 1996, 110 Stat. 1112.

§ 950aaa-5. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter \$100,000,000 for each of fiscal years 1996 through 2007.

(Pub. L. 101-624, title XXIII, § 2335A, as added Pub. L. 104-127, title VII, § 704, Apr. 4, 1996, 110 Stat. 1112; amended Pub. L. 107-171, title VI, § 6203(a), May 13, 2002, 116 Stat. 421.)

TERMINATION OF SECTION

For termination of section by section 1(b) of Pub. L. 102-551, see Termination of Chapter note set out under section 950aaa of this title.

PRIOR PROVISIONS

A prior section 950aaa-5, Pub. L. 101-624, title XXIII, § 2335A, as added Pub. L. 102-551, § 1(a), Oct. 28, 1992, 106 Stat. 4098; amended Pub. L. 103-354, title II, § 235(b)(4)(C), Oct. 13, 1994, 108 Stat. 3222, related to special health care and distance learning program for qualified service areas, prior to the general amendment of this chapter by Pub. L. 104-127.

AMENDMENTS

2002—Pub. L. 107-171 substituted “2007” for “2002”.

CHAPTER 32—PEANUT STATISTICS

Sec.	
951.	Collection and publication; facts required; submission of report.
952.	Repealed.
953.	Reports; by whom made; penalties.
954.	Grades and standards for classification.
955.	Limitation on use of statistical information.
956.	Rules and regulations; cooperation with departments, etc.; officers and employees; expenses of administration; authorization of appropriations.

Sec.	
957.	Definitions.
958.	Repealed.

§ 951. Collection and publication; facts required; submission of report

The Secretary of Agriculture is authorized and directed to collect and publish statistics of raw peanuts, shelled, unshelled, and crushed, and peanut oil, in the United States, received, processed, shipped, and owned by or in the possession of warehousemen, brokers, cleaners, shellers, dealers, growers’ cooperative associations, crushers, salters, manufacturers of peanut products, and owners other than the original producers of peanuts: *Provided*, That the Secretary may, in his discretion, omit for any period of time to collect such statistics from any or all salters of peanuts or manufacturers of peanut products who used, during the calendar year preceding that for which statistics are being collected, less than thirty thousand pounds of shelled and unshelled peanuts. Such statistics shall show the quality of peanuts in such details as to kinds—Virginias, Runners, Spanish, and imported varieties—as the Secretary shall deem necessary for the purposes of this chapter. All reports shall be submitted monthly in each year, except as otherwise prescribed by the Secretary.

(June 24, 1936, ch. 745, § 1, 49 Stat. 1898; May 12, 1938, ch. 199, § 1, 52 Stat. 348; Pub. L. 85-105, § 1, July 17, 1957, 71 Stat. 306.)

AMENDMENTS

1957—Pub. L. 85-105 struck out “except those required from persons owning or operating peanut picking or threshing machines” after “All reports” in last sentence and inserted “except as otherwise prescribed by the Secretary”.

1938—Act May 12, 1938, among other changes, inserted proviso.

§ 952. Repealed. Pub. L. 85-105, § 2, July 17, 1957, 71 Stat. 306

Section, acts June 24, 1936, ch. 745, § 2, 49 Stat. 1899; May 12, 1938, ch. 199, § 2, 52 Stat. 349, related to collection and publication of statistics as to quantity of peanuts picked or threshed by any person owning or operating peanut picking or threshing machines.

§ 953. Reports; by whom made; penalties

It shall be the duty of each warehouseman, broker, cleaner, sheller, dealer, growers’ cooperative association, crusher, salter, manufacturer of peanut products, and owner other than the original producer of peanuts to furnish reports, complete and correct to the best of his knowledge, on the quantity of peanuts and peanut oil received, processed, shipped, and owned by him or in his possession. Such reports, when and as requested by the Secretary, shall be furnished within the time prescribed and in accordance with forms provided by him for the purpose. Any person required by this chapter, or the regulations promulgated thereunder, to furnish reports or information, and any officer, agent, or employee thereof, who shall refuse to give such reports or information or shall willfully give answers that are false and misleading, shall be guilty of a misdemeanor, and upon conviction