

of this title shall not apply to any loan included in a pool of qualified loans backing securities or obligations for which the Corporation provides guarantee. The loan servicing standards established by the Corporation shall be patterned after similar standards adopted by other federally sponsored secondary market facilities.

**(b) Borrowers rights**

At the time of application for a loan (as defined in section 2202a(a)(5) of this title), originators that are Farm Credit System institutions shall give written notice to each applicant of the terms and conditions of the loan, setting forth separately terms and conditions for pooled loans and loans that are not pooled. This notice shall include a statement, if applicable, that the loan may be pooled and that, if pooled, sections 2202, 2202a, 2202b, 2202c, 2202d, and 2219a of this title shall not apply. This notice also shall inform the applicant that he or she has the right not to have the loan pooled. Within 3 days from the time of commitment, an applicant has the right to refuse to allow the loan to be pooled, thereby retaining rights under sections 2202, 2202a, 2202b, 2202c, 2202d, and 2219a of this title, if applicable.

(Pub. L. 92-181, title VIII, §8.9, as added Pub. L. 100-233, title VII, §702, Jan. 6, 1988, 101 Stat. 1701; amended Pub. L. 100-399, title VI, §601(j), Aug. 17, 1988, 102 Stat. 1005; Pub. L. 104-105, title II, §208(b), Feb. 10, 1996, 110 Stat. 174.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-105 inserted “(as defined in section 2202a(a)(5) of this title)” after “application for a loan”.

1988—Subsecs. (a), (b). Pub. L. 100-399 substituted “2202d, and 2219a” for “and 2219b” wherever appearing.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-399 effective as if enacted immediately after enactment of Pub. L. 100-233, which was approved Jan. 6, 1988, see section 1001(a) of Pub. L. 100-399, set out as a note under section 2002 of this title.

**§ 2279aa-10. Funding for guarantee; reserves of Corporation**

**(a) Guarantee**

The Corporation shall provide guarantees for securities representing interests in, or obligations backed by, pools of qualified loans through commitments issued by the Corporation providing for guarantees.

**(b) Guarantee fees**

**(1) Initial fee**

At the time a guarantee is issued by the Corporation, the Corporation shall assess the certified facility a fee of not more than ½ of 1 percent of the initial principal amount of each pool of qualified loans.

**(2) Annual fees**

Beginning in the second year after the date the guarantee is issued under paragraph (1), the Corporation may, at the end of each year, assess the certified facility an annual fee of not more than ½ of 1 percent of the principal amount of the loans then constituting the pool.

**(3) Determination of amount**

The Corporation shall establish such fees on the amount of risk incurred by the Corporation in providing the guarantees with respect to which such fee is assessed, as determined by the Corporation. Fees assessed under paragraphs (1) and (2) shall be established on an actuarially sound basis.

**(4) Review by GAO**

The Comptroller General of the United States may review, and submit to the Congress a report regarding, the actuarial soundness and reasonableness of the fees established by the Corporation under this subsection.

**(c) Corporation reserve against guarantees losses required**

**(1) In general**

So much of the fees assessed under this section as the Board determines to be necessary shall be set aside by the Corporation in a segregated account as a reserve against losses arising out of the guarantee activities of the Corporation.

**(2) Exhaustion of reserve required**

The Corporation may not issue obligations to the Secretary of the Treasury under section 2279aa-13 of this title in order to meet the obligations of the Corporation with respect to any guarantees provided under this subchapter until the reserve established under paragraph (1) has been exhausted.

**(d) Fees to cover administrative costs authorized**

The Corporation may impose charges or fees in reasonable amounts in connection with the administration of its activities under this subchapter to recover its costs for performing such administration.

(Pub. L. 92-181, title VIII, §8.10, as added Pub. L. 100-233, title VII, §702, Jan. 6, 1988, 101 Stat. 1701; amended Pub. L. 104-316, title I, §106(f), Oct. 19, 1996, 110 Stat. 3831.)

AMENDMENTS

1996—Subsec. (b)(4). Pub. L. 104-316 substituted “Review” for “Annual review” in heading and “may review” for “shall annually review” in text.

**§ 2279aa-11. Supervision, examination, and report of condition**

**(a) Regulation**

**(1) Authority**

Notwithstanding any other provision of this chapter, the Farm Credit Administration shall have the authority to provide, acting through the Office of Secondary Market Oversight—

(A) for the examination of the Corporation and its affiliates; and

(B) for the general supervision of the safe and sound performance of the powers, functions, and duties vested in the Corporation and its affiliates by this subchapter, including through the use of the authorities granted to the Farm Credit Administration under—

(i) part C of subchapter V; and

(ii) beginning 6 months after December 13, 1991, section 2252(a)(9) of this title.