

**(5) Secretary**

The term “Secretary” means the Secretary of Agriculture.

(May 20, 1936, ch. 432, title I, §13, 49 Stat. 1367; Oct. 28, 1949, ch. 776, §2, 63 Stat. 948; Pub. L. 103-129, §2(c)(3), Nov. 1, 1993, 107 Stat. 1363; Pub. L. 103-354, title II, §235(a)(6), Oct. 13, 1994, 108 Stat. 3221; Pub. L. 110-234, title VI, §6104, May 22, 2008, 122 Stat. 1195; Pub. L. 110-246, §4(a), title VI, §6104, June 18, 2008, 122 Stat. 1664, 1957.)

## REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in par. (3)(B), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

## AMENDMENTS

2008—Pub. L. 110-246, §6104, amended section generally. Prior to amendment, text read as follows: “As used in this chapter the term ‘rural area’, except as provided in section 924(b) of this title, shall be deemed to mean any area of the United States not included within the boundaries of any urban area, as defined by the Bureau of the Census, and such term shall be deemed to include both the farm and nonfarm population thereof; the term ‘farm’ shall be deemed to mean a farm as defined in the publications of the Bureau of the Census; the term ‘person’ shall be deemed to mean any natural person, firm, corporation, or association; the term ‘Territory’ shall be deemed to include any insular possession of the United States; and the term ‘Secretary’ shall be deemed to mean the Secretary of Agriculture.”

1994—Pub. L. 103-354 inserted before period at end “; and the term ‘Secretary’ shall be deemed to mean the Secretary of Agriculture”.

1993—Pub. L. 103-129 inserted “, except as provided in section 924(b) of this title,” before “shall be deemed to mean” and substituted “urban area, as defined by the Bureau of the Census” for “city, village, or borough having a population in excess of fifteen hundred inhabitants.”

1949—Act Oct. 28, 1949, inserted “title I,” in credit of act May 20, 1936.

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**§ 914. Separability**

If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(May 20, 1936, ch. 432, title I, §14, 49 Stat. 1367; Oct. 28, 1949, ch. 776, §2, 63 Stat. 948.)

## AMENDMENTS

1949—Act Oct. 28, 1949, inserted “title I,” in credit of act May 20, 1936.

**§ 915. Purchase of financial and credit reports**

The Secretary of Agriculture is authorized to purchase such financial and credit reports as

may be necessary to carry out the Secretary’s authorized work: *Provided*, That purchases under this authority shall not be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein.

(Sept. 21, 1944, ch. 412, title V, §505, 58 Stat. 740; Pub. L. 103-354, title II, §235(b)(2), Oct. 13, 1994, 108 Stat. 3221.)

## CODIFICATION

Section was enacted as part of the Department of Agriculture Organic Act of 1944, and not as part of the Rural Electrification Act of 1936 which constitutes this chapter.

## AMENDMENTS

1994—Pub. L. 103-354 substituted “Secretary of Agriculture” for “Rural Electrification Administration” and “the Secretary’s” for “its”.

**§ 916. Criteria for loans**

In order to insure coordination of electric generation and transmission financing under this chapter with the national energy policy, the Secretary in making or guaranteeing loans for the construction, operation, or enlargement of generating plants or electric transmission lines or systems, shall consider such general criteria consistent with the provisions of this chapter as may be published by the Secretary of Energy.

(May 20, 1936, ch. 432, title I, §16, as added Pub. L. 95-91, title VII, §709(f), Aug. 4, 1977, 91 Stat. 608; amended Pub. L. 103-354, title II, §235(a)(13), Oct. 13, 1994, 108 Stat. 3221.)

## AMENDMENTS

1994—Pub. L. 103-354 substituted “Secretary” for “Administrator” before “in making”.

**§ 917. Prohibition on restricting water and waste facility services to electric customers****(a) Prohibition**

Assistance under any rural development program administered by the Secretary or any agency of the Department of Agriculture shall not be conditioned on any requirement that the recipient of the assistance accept or receive electric service from any particular utility, supplier, or cooperative.

**(b) Ensuring compliance**

The Secretary shall establish, by regulation, adequate safeguards to ensure that assistance under any rural development program is not subject to such a condition. The safeguards shall include periodic certifications and audits, and appropriate measures and sanctions against any person violating, or attempting to violate subsection (a).

**(c) “Rural development programs” defined**

In this section, the term “rural development program” means the following:

(1) Sections 304(b), 306, 306A, 306C, 306D, 310B, and 375<sup>1</sup> and subtitle E [7 U.S.C. 2009 et seq.] of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924(b), 1926, 1926a, 1926c, 1926d, and 1932).

(2) Subtitle G<sup>1</sup> of title XVI and sections 2281 [42 U.S.C. 5177a], 2333, and 2381 [7 U.S.C.

<sup>1</sup> See References in Text note below.