

Subsec. (h). Pub. L. 101-624, §1815(9), struck out subsec. (h) which read as follows: "This section shall not apply with respect to the cancellation of any part of any loan that was made after December 25, 1985."

1988—Subsec. (c)(4). Pub. L. 100-233, §612(1), inserted "and other wildlife habitat" after "wetland".

Subsec. (e). Pub. L. 100-233, §612(2), inserted "or the difference between the amount of the outstanding loan secured by the land and the current value of the land, whichever is greater" at end of second sentence.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-127 effective 90 days after Apr. 4, 1996, see section 663(b) of Pub. L. 104-127, set out as a note under section 1922 of this title.

### § 1998. Guaranteed farm loan programs

Notwithstanding any other provision of this chapter, the Secretary shall ensure that farm loan guarantee programs carried out under this chapter are designed so as to be responsive to borrower and lender needs and to include provisions under reasonable terms and conditions for advances, before completion of the liquidation process, of guarantee proceeds on loans in default.

(Pub. L. 87-128, title III, §350, as added Pub. L. 99-198, title XIII, §1319, Dec. 23, 1985, 99 Stat. 1531.)

#### REFERENCES IN TEXT

For definition of "this chapter", referred to in text, see note set out under section 1921 of this title.

### § 1999. Interest rate reduction program

#### (a) Establishment of program

The Secretary shall establish and carry out in accordance with this section an interest rate reduction program for loans guaranteed under this chapter.

#### (b) Contracts with lenders

Under such program, the Secretary shall enter into a contract with, and make payments to, a legally organized institution to reduce during the term of such contract the interest rate paid by a borrower on a guaranteed loan made by such institution if—

(1) the borrower—

(A) is unable to obtain sufficient credit elsewhere to finance the actual needs of the borrower at reasonable rates and terms, taking into consideration private and cooperative rates and terms for a loan for a similar purpose and period of time in the community in or near which the borrower resides;

(B) is otherwise unable to make payments on such loan in a timely manner; and

(C) has a total estimated cash income during the 24-month period beginning on the date such contract is entered into (including all farm and nonfarm income) that will equal or exceed the total estimated cash expenses to be incurred by the borrower during such period (including all farm and nonfarm expenses); and

(2) the lender reduces during the term of such contract the annual rate of interest payable on such loan by a minimum percentage specified in such contract.

#### (c) Payments to lenders

In return for a contract entered into by a lender under subsection (b) for the reduction of the

interest rate paid on a loan, the Secretary shall make payments to the lender in an amount equal to not more than 100 percent of the cost of reducing the annual rate of interest payable on such loan, except that such payments may not exceed the cost of reducing such rate by more than 4 percent.

#### (d) Duration of contracts

The term of a contract entered into under this section to reduce the interest rate on a guaranteed loan may not exceed the outstanding term of such loan.

#### (e) Agricultural Credit Insurance Fund use limitation

(1) Notwithstanding any other provision of this chapter, the Agricultural Credit Insurance Fund established under section 1929 of this title may be used by the Secretary to carry out this section.

(2) MAXIMUM AMOUNT OF FUNDS.—

(A) IN GENERAL.—The total amount of funds used by the Secretary to carry out this section for a fiscal year shall not exceed \$750,000,000.

(B) BEGINNING FARMERS AND RANCHERS.—

(i) IN GENERAL.—The Secretary shall reserve not less than 15 percent of the funds used by the Secretary under subparagraph (A) to make payments for guaranteed loans made to beginning farmers and ranchers.

(ii) DURATION OF RESERVATION OF FUNDS.—Funds reserved for beginning farmers or ranchers under clause (i) for a fiscal year shall be reserved only until March 1 of the fiscal year.

#### (f) List of lender participants in guaranteed loan program

The Secretary shall make available to farmers, on request, a list of lenders in the area that participate in guaranteed farm loan programs and other lenders in the area that express a desire to participate in such programs and that request inclusion in the list.

#### (g) Foreclosure action provision in farm loan guarantees

Notwithstanding any other provision of law, each contract of guarantee on a farm loan entered into under this chapter after January 6, 1988, shall contain a condition that the lender of the guaranteed loan may not initiate foreclosure action on the loan until 60 days after a determination is made with respect to the eligibility of the borrower thereof to participate in the program under this section.

(Pub. L. 87-128, title III, §351, as added Pub. L. 99-198, title XIII, §1320, Dec. 23, 1985, 99 Stat. 1532; amended Pub. L. 100-233, title VI, §613(b), (c), Jan. 6, 1988, 101 Stat. 1674; Pub. L. 101-508, title I, §1202(b)(1), (c), Nov. 5, 1990, 104 Stat. 1388-10, 1388-11; Pub. L. 104-105, title II, §220, Feb. 10, 1996, 110 Stat. 184; Pub. L. 104-127, title VI, §643(a), Apr. 4, 1996, 110 Stat. 1102; Pub. L. 107-171, title V, §5313, May 13, 2002, 116 Stat. 347.)

#### REFERENCES IN TEXT

For definition of "this chapter", referred to in subsecs. (a)(1), (e)(1), and (g), see note set out under section 1921 of this title.

#### AMENDMENTS

2002—Subsec. (a). Pub. L. 107-171, §5313(1), struck out par. (1) designation and heading and struck out heading

and text of par. (2). Text read as follows: "The authority provided by this subsection shall terminate on September 30, 2002."

Subsec. (e)(2). Pub. L. 107-171, § 5313(2), added par. (2) and struck out former par. (2) which read as follows: "The total amount of funds used by the Secretary to carry out this section may not exceed \$490,000,000."

1996—Subsec. (a). Pub. L. 104-105 inserted heading, designated existing provisions as par. (1) and inserted heading, and added par. (2).

Subsec. (f). Pub. L. 104-127, § 643(a)(1), substituted "The Secretary" for "Each Farmers Home Administration county supervisor" and "list of lenders" for "list of approved lenders" and struck out "the Farmers Home Administration" before "guaranteed farm loan programs".

Subsec. (h). Pub. L. 104-127, § 643(a)(2), struck out subsec. (h) which established a demonstration project during 4-year period beginning Jan. 6, 1988, for purchase of Farm Credit System land.

1990—Subsec. (c). Pub. L. 101-508, § 1202(b)(1)(A), substituted "100 percent" for "50 percent" and "4 percent" for "2 percent".

Subsec. (d). Pub. L. 101-508, § 1202(b)(1)(B), struck out ", or 3 years, whichever is less" after "term of such loan".

Subsec. (h)(1). Pub. L. 101-508, § 1202(c), substituted "4-year" for "3-year".

1988—Subsec. (b)(1)(C). Pub. L. 100-233, § 613(b)(1), substituted "24-month" for "12-month".

Subsecs. (f), (g). Pub. L. 100-233, § 613(b)(2), added subsecs. (f) and (g).

Subsec. (h). Pub. L. 100-233, § 613(c), added subsec. (h).

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective Nov. 29, 1990, see section 1301 of Pub. L. 101-508, set out as an Effective Date note under section 940d of this title.

#### EFFECTIVE AND TERMINATION DATES

That part of section 1320 of Pub. L. 99-198, as amended by Pub. L. 100-233, title VI, § 613(a), Jan. 6, 1988, 101 Stat. 1674; Pub. L. 101-508, title I, § 1202(b)(2), Nov. 5, 1990, 104 Stat. 1388-11, which provided that this section was effective only for the period beginning Dec. 23, 1985, and ending Sept. 30, 1995, was repealed by Pub. L. 104-127, title VI, § 643(b), Apr. 4, 1996, 110 Stat. 1103.

### § 2000. Homestead protection

#### (a) Definitions

As used in this section:

(1) The term "Administrator" means the Administrator of the Small Business Administration.

(2) The term "borrower-owner" means—

(A) a borrower of a loan made or insured by the Secretary or the Administrator who meets the eligibility requirements of subsection (c)(1); or

(B) in any case in which an owner of homestead property pledged the property to secure the loan and the owner is different than the borrower, the owner.

(3) The term "farm program loan" means any loan made by the Administrator under the Small Business Act (15 U.S.C. 631 et seq.) for any of the purposes authorized for loans under subchapters<sup>1</sup> I or II.

(4) The term "homestead property" means the principal residence and adjoining property possessed and occupied by a borrower-owner specified in paragraph (2) of this subsection, including a reasonable number of farm out-

buildings located on the adjoining land that are useful to the occupants of the homestead, and no more than 10 acres of adjoining land that is used to maintain the family of the individual.

(5) The term "Secretary" means the Secretary of Agriculture.

#### (b) Occupancy of homestead upon foreclosure, bankruptcy, or liquidation; appraisal; period of occupancy

(1) The Secretary or the Administrator shall, on application by a borrower-owner who meets the eligibility requirements of subsection (c)(1), permit the borrower-owner to retain possession and occupancy of homestead property under the terms set forth, and until the action described in this section has been completed, if—

(A) the Secretary forecloses, holds in inventory on January 6, 1988, or takes into inventory, property securing a loan made or insured under this chapter;

(B) the Administrator forecloses, holds in inventory on January 6, 1988, or takes into inventory, property securing a farm program loan made under the Small Business Act (15 U.S.C. 631 et seq.); or

(C) the borrower-owner of a loan made or insured by the Secretary or the Administrator files a petition in bankruptcy that results in the conveyance of the homestead property to the Secretary or the Administrator, or agrees to voluntarily liquidate or convey such property in whole or in part.

(2) The value of the homestead property shall be determined insofar as possible by an independent appraisal made within six months from the date of the borrower-owner's application to retain possession and occupancy of the homestead property.

(3) The period of occupancy of homestead property under this subsection may not exceed five years, but in no case shall the Secretary or the Administrator grant a period of occupancy less than three years, subject to compliance with the requirements of subsection (c).

#### (c) Terms and conditions

(1) To be eligible to occupy homestead property, a borrower-owner of a loan made or insured by the Secretary or the Administrator shall—

(A) apply for such occupancy not later than 30 days after the property is acquired by the Secretary or Administrator, or for property in inventory on January 6, 1988, the borrower-owner shall apply for occupancy not later than 30 days after January 6, 1988;

(B) have received from farming or ranching operations gross farm income reasonably commensurate with—

(i) the size and location of the farming unit of the borrower-owner; and

(ii) local agricultural conditions (including natural and economic conditions), in at least 2 calendar years during the 6-year period preceding the calendar year in which the application is made;

(C) have received from farming or ranching operations at least 60 percent of the gross annual income of the borrower-owner and any spouse of the borrower-owner in at least 2 cal-

<sup>1</sup> So in original. Probably should be "subchapter".