

merging bank for cooperatives (including allocated, but not unallocated, surplus and reserves) held by those stockholders or subscribers to the guaranty fund of the bank voting.

**(b) Powers and capitalization**

Sections 2279a-2 and 2279a-3 of this title shall apply to banks merged under this section.

**(c) Board of directors**

**(1) In general**

After a merger under subsection (a), a board of directors shall be created for the resulting bank.

**(2) Composition**

The board shall be composed of—

(A) two directors elected by each of the bank boards, with at least one such director from each bank being elected by the eligible stockholders of, or subscribers to, the guaranty fund of the merging banks; and

(B) one outside director elected by the directors elected under subparagraph (A).

**(3) Outside director**

**(A) Qualifications**

The outside director elected under paragraph (2)(B) shall be experienced in financial services and credit, and within the 2-year period prior to such election, shall not have been a borrower from, shareholder in, or director, officer, employee, or agent of any institution of the Farm Credit System.

**(B) Failure to elect**

If the other members of the board fail to elect an outside director, the Farm Credit Administration Board shall appoint a qualified person to serve on the board of directors until such member is so elected.

**(4) Bylaws**

Notwithstanding paragraph (2), the bylaws of the merged bank may, with the approval of the Farm Credit Administration, provide for a different number of directors to be selected in a different manner, except that the bylaws shall provide for at least one outside director.

(Pub. L. 92-181, title VII, §7.12, as added Pub. L. 100-233, title IV, §416, Jan. 6, 1988, 101 Stat. 1652; amended Pub. L. 100-399, title IV, §408(q), (r), Aug. 17, 1988, 102 Stat. 1002, 1003.)

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-399, §408(q), substituted “Powers and capitalization” for “Procedures” in heading and, in amending text generally, substituted “Sections 2279a-2 and 2279a-3 of this title” for “The provisions of sections 2279a-2 through 2279a-4 of this title”.

Subsec. (c)(2)(B). Pub. L. 100-399, §408(r), substituted “directors” for “members”.

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.

**§ 2279f-1. Merger of similar associations**

**(a) In general**

Associations may voluntarily merge with other like associations if the plan of merger is approved by—

(1) the Farm Credit Administration Board;

(2) the respective Boards of Directors of the associations involved;

(3) a majority vote of the stockholders of each association voting, in person or by proxy, at a duly authorized stockholders’ meeting; and

(4) the Farm Credit Banks involved.

**(b) Procedures**

The provisions of subsections (b) and (c) of section 2279c-1 of this title shall apply to associations merged under this section.

(Pub. L. 92-181, title VII, §7.13, as added Pub. L. 100-233, title IV, §416, Jan. 6, 1988, 101 Stat. 1653; amended Pub. L. 100-399, title IV, §408(s), (t), Aug. 17, 1988, 102 Stat. 1003.)

AMENDMENTS

1988—Subsec. (a)(4). Pub. L. 100-399, §408(s), substituted “the Farm Credit Banks involved” for “the Farm Credit Bank”.

Subsec. (b). Pub. L. 100-399, §408(t), substituted “subsections (b) and (c)” for “subsections (b), (c), and (d)”.

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.

PART E—TAXATION OF MERGER TRANSACTIONS

**§ 2279g. Transactions to accomplish mergers exempt from certain State taxes**

No State or political subdivision thereof may treat the merger or consolidation of two or more institutions of the Farm Credit System under this subchapter or title IV of the Agricultural Credit Act of 1987 as resulting in a change of ownership of any property owned by any of such merging or consolidating institutions, for purposes of any law of such State or political subdivision providing for reassessment of property on the occurrence of a change of ownership or imposing a tax on the ownership or transfer of property.

(Pub. L. 92-181, title VII, §7.14, as added Pub. L. 100-399, title IV, §408(u), Aug. 17, 1988, 102 Stat. 1003.)

REFERENCES IN TEXT

The Agricultural Credit Act of 1987, referred to in text, is Pub. L. 100-233, Jan. 6, 1988, 101 Stat. 1568, as amended. Title IV of that Act amended this chapter. For complete classification of this Act to the Code see Short Title of 1988 Amendment note set out under section 2001 of this title and Tables.

EFFECTIVE DATE

Section 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 an Effective Date of 1988 Amendment note under section 2002 of this title.

SUBCHAPTER VIII—AGRICULTURAL MORTGAGE SECONDARY MARKET

**§ 2279aa. Definitions**

For purposes of this subchapter:

**(1) Agricultural real estate**

The term “agricultural real estate” means—

(A) a parcel or parcels of land, or a building or structure affixed to the parcel or parcels, that—

(i) is used for the production of one or more agricultural commodities or products; and

(ii) consists of a minimum acreage or is used in producing minimum annual receipts, as determined by the Corporation; or

(B) a principal residence that is a single family, moderate-priced residential dwelling located in a rural area, excluding—

(i) any community having a population in excess of 2,500 inhabitants; and

(ii) any dwelling, excluding the land to which the dwelling is affixed, with a value exceeding \$100,000 (as adjusted for inflation).

**(2) Board**

The term “Board” means the board of directors established under section 2279aa-2 of this title.

**(3) Certified facility**

The term “certified facility” means—

(A) an agricultural mortgage marketing facility that is certified under section 2279aa-5 of this title; or

(B) the Corporation and any affiliate thereof.

**(4) Corporation**

The term “Corporation” means the Federal Agricultural Mortgage Corporation established in section 2279aa-1 of this title.

**(5) Guarantee**

The term “guarantee” means the guarantee of timely payment of the principal and interest on securities representing interests in, or obligations backed by, pools of qualified loans, in accordance with this subchapter.

**(6) Originator**

The term “originator” means any Farm Credit System institution, bank, insurance company, business and industrial development company, savings and loan association, association of agricultural producers, agricultural cooperative, commercial finance company, trust company, credit union, or other entity that originates and services agricultural mortgage loans.

**(7) Qualified loan**

The term “qualified loan” means an obligation—

(A)(i) that is secured by a fee-simple or leasehold mortgage with status as a first lien, on agricultural real estate located in the United States that is not subject to any legal or equitable claims deriving from a preceding fee-simple or leasehold mortgage; (ii) of—

(I) a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States; or

(II) a private corporation or partnership whose members, stockholders, or partners holding a majority interest in the corpora-

tion or partnership are individuals described in subclause (I); and

(iii) of a person, corporation, or partnership that has training or farming experience that, under criteria established by the Corporation, is sufficient to ensure a reasonable likelihood that the loan will be repaid according to its terms;

(B) that is the portion of a loan guaranteed by the Secretary of Agriculture pursuant to the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), except that—

(i) subsections (b) and (c) of section 2279aa-6 of this title, and sections 2279aa-8 and 2279aa-9 of this title, shall not apply to the portion of a loan guaranteed by the Secretary or to an obligation, pool, or security representing an interest in or obligation backed by a pool of obligations relating to the portion of a loan guaranteed by the Secretary; and

(ii) the portion of a loan guaranteed by the Secretary shall be considered to meet all standards for qualified loans for all purposes under this chapter; or

(C) that is a loan, or an interest in a loan, for an electric or telephone facility by a cooperative lender to a borrower that has received, or is eligible to receive, a loan under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).

**(8) State**

The term “State” has the meaning given such term in section 2277a of this title.

(Pub. L. 92-181, title VIII, §8.0, as added Pub. L. 100-233, title VII, §702, Jan. 6, 1988, 101 Stat. 1686; amended Pub. L. 100-399, title VI, §601(a), Aug. 17, 1988, 102 Stat. 1005; Pub. L. 101-624, title XVIII, §1839, Nov. 28, 1990, 104 Stat. 3834; Pub. L. 104-105, title I, §§101, 102, 108(c)(1), 109(b)(1), Feb. 10, 1996, 110 Stat. 163-165; Pub. L. 110-234, title V, §5406(a), May 22, 2008, 122 Stat. 1158; Pub. L. 110-246, §4(a), title V, §5406(a), June 18, 2008, 122 Stat. 1664, 1920; Pub. L. 115-334, title V, §5411(42), Dec. 20, 2018, 132 Stat. 4683.)

REFERENCES IN TEXT

The Consolidated Farm and Rural Development Act, referred to in par. (7)(B), is title III of Pub. L. 87-128, Aug. 8, 1961, 75 Stat. 307, as amended, which is classified principally to chapter 50 (§1921 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1921 of Title 7 and Tables.

The Rural Electrification Act of 1936, referred to in par. (7)(C), is act May 20, 1936, ch. 432, 49 Stat. 1363, which is classified generally to chapter 31 (§901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 901 of Title 7 and Tables.

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

2018—Par. (2). Pub. L. 115-334, §5411(42)(A), substituted “means the board of directors established under section 2279aa-2 of this title.” for “means—

“(A) the interim board of directors established in section 2279aa-2(a) of this title; and

“(B) the permanent board of directors established in section 2279aa-2(b) of this title; as the case may be.”

Par. (6). Pub. L. 115-334, § 5411(42)(B), (C), redesignated par. (7) as (6) and struck out former par. (6) which defined “interim board” to mean the interim board of directors established in section 2279aa-2(a) of this title.

Par. (7). Pub. L. 115-334, § 5411(42)(C), (D), redesignated par. (9) as (7) and substituted “(b) and (c)” for “(b) through (d)” in subpar. (B)(i). Former par. (7) redesignated (6).

Par. (8). Pub. L. 115-334, § 5411(42)(B), (C), redesignated par. (10) as (8) and struck out former par. (8) which defined “permanent board” to mean the permanent board of directors established in section 2279aa-2(b) of this title.

Pars. (9), (10). Pub. L. 115-334, § 5411(42)(C), redesignated pars. (9) and (10) as (7) and (8), respectively.

2008—Par. (9)(C). Pub. L. 110-246, § 5406(a), added subpar. (C).

1996—Par. (1)(B)(ii). Pub. L. 104-105, § 101, substituted “, excluding the land to which the dwelling is affixed, with a value” for “with a purchase price”.

Par. (3)(A). Pub. L. 104-105, § 102(1), substituted “an agricultural mortgage marketing” for “a secondary marketing agricultural loan”.

Par. (3)(B). Pub. L. 104-105, § 102(2), struck out “, but only with respect to qualified loans described in paragraph (9)(B)” after “thereof”.

Par. (9)(B)(i). Pub. L. 104-105, §§ 108(c)(1), 109(b)(1), substituted “(d)” for “(f)” and “2279aa-8” for “2279aa-7, 2279aa-8”.

1990—Par. (3). Pub. L. 101-624, § 1839(a), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “The term ‘certified facility’ means a secondary marketing agricultural loan facility that is certified under section 2279aa-5 of this title.”

Par. (9). Pub. L. 101-624, § 1839(b), amended par. (9) generally. Prior to amendment, par. (9) read as follows: “The term ‘qualified loan’ means an obligation that—

“(A) is secured by a fee-simple or leasehold mortgage with status as a first lien on agricultural real estate located in the United States that is not subject to any legal or equitable claims deriving from a preceding fee-simple or leasehold mortgage;

“(B) is an obligation of—

“(i) a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States; or

“(ii) a private corporation or partnership whose members, stockholders, or partners holding a majority interest in the corporation or partnership are individuals described in clause (i); and

“(C) is an obligation of a person, corporation, or partnership that has training or farming experience that, under criteria established by the Corporation, is sufficient to ensure a reasonable likelihood that the loan will be repaid according to its terms.”

1988—Par. (9)(B)(ii). Pub. L. 100-399 substituted “holding” for “hold” and struck out “and” before “are”.

#### 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 Title 7, Agriculture.

#### 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.

#### STATEMENT OF PURPOSE

Pub. L. 100-233, title VII, § 701, Jan. 6, 1988, 101 Stat. 1686, provided that: “It is the purpose of this subtitle

[subtitle A (§§ 701-705) of title VII of Pub. L. 100-233, enacting this subchapter, amending sections 2012, 2033, 2072, and 2093 of this title and section 9105 of Title 31, Money and Finance, and enacting provisions set out as a note below]—

“(1) to establish a corporation chartered by the Federal Government;

“(2) to authorize the certification of agricultural mortgage marketing facilities by the corporation;

“(3) to provide for a secondary marketing arrangement for agricultural real estate mortgages that meet the underwriting standards of the corporation—

“(A) to increase the availability of long-term credit to farmers and ranchers at stable interest rates;

“(B) to provide greater liquidity and lending capacity in extending credit to farmers and ranchers; and

“(C) to provide an arrangement for new lending to facilitate capital market investments in providing long-term agricultural funding, including funds at fixed rates of interest; and

“(4) to enhance the ability of individuals in small rural communities to obtain financing for moderate-priced homes.”

#### GAO STUDIES

Pub. L. 100-233, title VII, § 704, Jan. 6, 1988, 101 Stat. 1706, as amended by Pub. L. 100-399, title VI, § 603, Aug. 17, 1988, 102 Stat. 1006, directed Comptroller General of United States to conduct studies of (1) implementation of amendments made by subtitle A (§§ 701-705) of title VII of Pub. L. 100-233 (which enacted this subchapter and amended sections 2012, 2033, 2072, and 2093 of this title and section 9105 of Title 31, Money and Finance) by Federal Agricultural Mortgage Corporation and effect of operations of Corporation on producers, Farm Credit System, and other lenders, and capital markets, (2) feasibility and appropriateness of promoting establishment of a secondary market for securities representing interests in, or obligations backed by, pools of agricultural real estate loans for which a guarantee had not been provided by Federal Agricultural Mortgage Corporation, and (3) feasibility of expanding authority granted under amendments made by such subtitle A to authorize sale of securities based on or backed by a trust or pool consisting of loans made to farm-related and rural small businesses, and required, not later than Jan. 6, 1990, Comptroller General to transmit to Congress a report on the studies, including therein such recommendations for administrative action and legislation as might be appropriate.

#### PART A—ESTABLISHMENT AND ACTIVITIES OF FEDERAL AGRICULTURAL MORTGAGE CORPORATION

#### § 2279aa-1. Federal Agricultural Mortgage Corporation

##### (a) Establishment

##### (1) In general

There is hereby established a corporation to be known as the Federal Agricultural Mortgage Corporation, which shall be a federally chartered instrumentality of the United States.

##### (2) Institution within Farm Credit System

The Corporation shall be an institution of the Farm Credit System.

##### (3) Liability

##### (A) Corporation

The Corporation shall not be liable for any debt or obligation of any other institution of the Farm Credit System.