

§ 925. Loan feasibility

The Secretary may not, as a condition of making a telephone loan to an applicant therefor, require the applicant to—

- (1) increase the rates charged to the applicant's customers or subscribers; or
- (2) increase the applicant's ratio of—
 - (A) net income or margins before interest; to
 - (B) the interest requirements on all of the applicant's outstanding and proposed loans.

(May 20, 1936, ch. 432, title II, § 204, as added Pub. L. 101-624, title XXIII, § 2355, Nov. 28, 1990, 104 Stat. 4039; amended Pub. L. 103-354, title II, § 235(a)(13), Oct. 13, 1994, 108 Stat. 3221; Pub. L. 115-334, title VI, § 6602(b)(2), Dec. 20, 2018, 132 Stat. 4776.)

AMENDMENTS

2018—Pub. L. 115-334 struck out “and the Governor of the telephone bank” after “The Secretary” in introductory provisions.

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

§ 926. Certain rural development investments by qualified telephone borrowers not treated as dividends or distributions**(a) In general**

The Secretary shall not—

- (1) treat any amount invested by any qualified telephone borrower for any purpose described in section 2204b(c)(2) of this title (including any investment in, or extension of credit, guarantee, or advance made to, an affiliated company of the borrower, that is used by such company for such a purpose) as a dividend or distribution of capital to the extent that, immediately after such investment, the aggregate of such investments does not exceed $\frac{1}{3}$ of the net worth of the borrower; or
- (2) require a qualified telephone borrower to obtain the approval of the Secretary in order to make an investment described in paragraph (1).

(b) “Qualified telephone borrower” defined

As used in subsection (a), the term “qualified telephone borrower” means a person—

- (1) to whom a telephone loan has been made or guaranteed under this chapter; and
- (2) whose net worth is at least 20 percent of the total assets of such person.

(May 20, 1936, ch. 432, title II, § 205, as added Pub. L. 101-624, title XXIII, § 2356, Nov. 28, 1990, 104 Stat. 4039; amended Pub. L. 103-354, title II, § 235(a)(13), Oct. 13, 1994, 108 Stat. 3221; Pub. L. 115-334, title VI, § 6602(b)(3), Dec. 20, 2018, 132 Stat. 4776.)

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-334, § 6602(b)(3)(A), struck out “and the Governor of the telephone bank” after “The Secretary” in introductory provisions.

Subsec. (a)(2). Pub. L. 115-334, § 6602(b)(3)(B), struck out “or the Governor of the telephone bank” after “the Secretary”.

1994—Subsec. (a). Pub. L. 103-354 substituted “Secretary” for “Administrator” in two places.

§ 927. General duties and prohibitions**(a) Duties**

The Secretary shall—

(1) in evaluating the feasibility of a telephone loan to be made to a borrower for telephone services, use—

(A) with respect to items for which the regulatory authority with jurisdiction over the provision of such services has approved the depreciation rates used by the borrower, such approved rates; and

(B) with respect to other items, the average of the depreciation rates used by borrowers of telephone loans made under this chapter;

(2) annually determine and publish the average described in paragraph (2)(B); and

(3) make loans for all purposes for which telephone loans are authorized under section 922 of this title, to the extent of qualifying applications therefor.

(b) Prohibitions

The Secretary shall not—

(1) rescind an insured telephone loan made under this chapter without the consent of the borrower, unless all of the purposes for which telephone loans have been made to the borrower under this chapter have been accomplished with funds provided under this chapter;

(2) regulate the order or sequence of advances of funds under telephone loans made under this chapter to any borrower who has received any combination of telephone loans from the Secretary or the Federal Financing Bank; or

(3) deny a loan or advance to, or take any other adverse action against, an applicant for, or a borrower of, a telephone loan under this chapter for any reason that is not based on a rule, regulation, bulletin, or other written policy standard that has not been published pursuant to section 553 of title 5.

(May 20, 1936, ch. 432, title II, § 206, as added Pub. L. 101-624, title XXIII, § 2357, Nov. 28, 1990, 104 Stat. 4040; amended Pub. L. 103-354, title II, § 235(a)(7), (13), Oct. 13, 1994, 108 Stat. 3221; Pub. L. 115-334, title VI, § 6602(b)(4), (5), Dec. 20, 2018, 132 Stat. 4776.)

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-334, § 6602(b)(4)(A), struck out “and the Governor of the telephone bank” after “The Secretary” in introductory provisions.

Subsec. (a)(1), (2). Pub. L. 115-334, § 602(b)(4)(B), (D), redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out par. (1) which read as follows: “notwithstanding section 553(a)(2) of title 5, cause to be published in the Federal Register, in accordance with subsections (b) through (e) of section 553 of such title, all rules, regulations, bulletins, and other written policy standards governing the operations of the telephone loan and loan guarantee programs administered under this chapter other than those relating to agency management and personnel;”.

Subsec. (a)(3), (4). Pub. L. 115-334, § 6602(b)(4)(C), (D), redesignated par. (4) as (3) and struck out “or 948” after “section 922”. Former par. (3) redesignated (2).

Subsec. (b). Pub. L. 115-334, § 6602(b)(5)(A), struck out “and the Governor of the telephone bank” after “The Secretary” in introductory provisions.

Subsec. (b)(1). Pub. L. 115-334, § 6602(b)(5)(B), struck out “, or a Rural Telephone Bank loan,” after “an insured telephone loan”.

Subsec. (b)(2). Pub. L. 115-334, § 6602(b)(5)(C), struck out “, the Rural Telephone Bank,” after “from the Secretary”.