

(1) the number of applications received and accepted, including any special loan terms or conditions for which the Secretary provided additional assistance to unserved areas;

(2)(A) the communities proposed to be served in each application submitted for the fiscal year; and

(B) the communities served by projects funded by broadband assistance programs;

(3) the period of time required to approve each loan application under broadband programs;

(4) any outreach activities carried out by the Secretary to encourage entities in rural areas without broadband service to submit applications under this chapter;

(5) the method by which the Secretary determines that a service enables a subscriber to originate and receive high-quality voice, data, graphics, and video for purposes of providing broadband service under this chapter;

(6) each broadband service, including the type and speed of broadband service, for which assistance was sought, and each broadband service for which assistance was provided, under this chapter; and

(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

(A) the number of residences and businesses receiving new broadband services;

(B) network improvements, including facility upgrades and equipment purchases;

(C) average broadband speeds and prices on a local and statewide basis;

(D) any changes in broadband adoption rates; and

(E) any specific activities that increased high speed broadband access for educational institutions, health care providers, and public safety service providers.

(e) Limitations on reservation of funds

Not less than 3 but not more than 5 percent of program level amounts available pursuant to amounts appropriated to carry out subchapter VI shall be set aside to be used for—

(1) conducting oversight under such subchapter;

(2) implementing accountability measures and related activities authorized under such subchapter; and

(3) carrying out this section.

(May 20, 1936, ch. 432, title VII, §701, as added Pub. L. 115-334, title VI, §6207, Dec. 20, 2018, 132 Stat. 4740.)

§ 950cc-1. Environmental reviews

The Secretary may obligate, but not disperse, funds under this chapter before the completion of otherwise required environmental, historical, or other types of reviews if the Secretary determines that a subsequent site-specific review shall be adequate and easily accomplished for the location of towers, poles, or other broadband facilities in the service area of the borrower without compromising the project or the required reviews.

(May 20, 1936, ch. 432, title VII, §702, as added Pub. L. 115-334, title VI, §6208, Dec. 20, 2018, 132 Stat. 4743.)

§ 950cc-2. Use of loan proceeds to refinance loans for deployment of broadband service

Notwithstanding any other provision of this chapter, the proceeds of any loan made or guaranteed by the Secretary under this chapter may be used by the recipient of the loan for the purpose of refinancing an outstanding obligation of the recipient on another telecommunications loan made under this chapter, or on any other loan if that loan would have been for an eligible telecommunications purpose under this chapter.

(May 20, 1936, ch. 432, title VII, §703, as added Pub. L. 115-334, title VI, §6209, Dec. 20, 2018, 132 Stat. 4743.)

CHAPTER 31A—TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS

Sec.	Purpose.
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TERMINATION OF CHAPTER

For termination of chapter by section 1(b) of Pub. L. 102-551, see note set out under section 950aaa of this title.

§ 950aaa. Purpose

The purpose of this chapter is to encourage and improve telemedicine services and distance learning services in rural areas through the use of telecommunications, computer networks, and related advanced technologies by students, teachers, medical professionals, and rural residents.

(Pub. L. 101-624, title XXIII, §2331, as added Pub. L. 104-127, title VII, §704, Apr. 4, 1996, 110 Stat. 1108.)

TERMINATION OF SECTION

For termination of section by section 1(b) of Pub. L. 102-551, see Termination of Chapter note set out below.

PRIOR PROVISIONS

A prior section 950aaa, Pub. L. 101-624, title XXIII, §2331, Nov. 28, 1990, 104 Stat. 4017, provided purposes of chapter, prior to the general amendment of this chapter by Pub. L. 104-127.

TERMINATION OF CHAPTER

Pub. L. 102-551, §1(b), Oct. 28, 1992, 106 Stat. 4100, as amended by Pub. L. 107-171, title VI, §6203(b), May 13, 2002, 116 Stat. 421; Pub. L. 110-234, title VI, §6201(c), May 22, 2008, 122 Stat. 1206, and Pub. L. 110-246, §4(a), title VI, §6201(c), June 18, 2008, 122 Stat. 1664, 1967; Pub. L. 113-79, title VI, §6201(b), Feb. 7, 2014, 128 Stat. 856; Pub. L. 115-334, title VI, §6102(b), Dec. 20, 2018, 132 Stat. 4728, provided that: “Notwithstanding any other provision of law, chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 950aaa et seq.), including the amendments made by this section [enacting section 950aaa-5 of this title and amending section 950aaa-4 of this title], shall be effective until September 30, 2023.”

§ 950aaa-1. Definitions

In this chapter:

(1) Construct

The term “construct” means to construct, acquire, install, improve, or extend a facility or system.

(2) Cost of money loan

The term “cost of money loan” means a loan made under this chapter bearing interest at a rate equal to the then current cost to the Federal Government of loans of similar maturity.

(3) Secretary

The term “Secretary” means the Secretary of Agriculture.

(4) Rural area

The term “rural area” has the meaning given the term in section 950bb(b)(3) of this title.

(Pub. L. 101-624, title XXIII, §2332, as added Pub. L. 104-127, title VII, §704, Apr. 4, 1996, 110 Stat. 1108; amended Pub. L. 115-334, title VI, §6301(c), Dec. 20, 2018, 132 Stat. 4748.)

TERMINATION OF SECTION

For termination of section by section 1(b) of Pub. L. 102-551, see Termination of Chapter note set out under section 950aaa of this title.

PRIOR PROVISIONS

A prior section 950aaa-1, Pub. L. 101-624, title XXIII, §2332, Nov. 28, 1990, 104 Stat. 4017; Pub. L. 102-237, title VII, §702(g), Dec. 13, 1991, 105 Stat. 1880, provided goal of Federal Government to make affordable advanced telecommunications available to rural residents, prior to the general amendment of this chapter by Pub. L. 104-127.

AMENDMENTS

2018—Par. (4). Pub. L. 115-334 added par. (4).

§ 950aaa-2. Telemedicine and distance learning services in rural areas**(a) Services to rural areas**

The Secretary may provide financial assistance for the purpose of financing the construction of facilities and systems to provide telemedicine services and distance learning services in rural areas.

(b) Financial assistance**(1) In general**

Financial assistance shall consist of grants or cost of money loans, or both.

(2) Form

The Secretary shall determine the portion of the financial assistance provided to a recipient that consists of grants and the portion that consists of cost of money loans so as to result in the maximum feasible repayment to the Federal Government of the financial assistance, based on the ability to repay of the recipient and full utilization of funds made available to carry out this chapter.

(c) Recipients**(1) In general**

The Secretary may provide financial assistance under this chapter to—

- (A) entities using telemedicine services or distance learning services;

- (B) entities providing or proposing to provide telemedicine service or distance learning service to other persons at rates calculated to ensure that the benefit of the financial assistance is passed through to the other persons;¹
- (C) libraries.

(2) Electric or telecommunications borrowers**(A) Loans to borrowers**

Subject to subparagraph (B), the Secretary may provide a cost of money loan under this chapter to a borrower of an electric or telecommunications loan under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.). A borrower receiving a cost of money loan under this paragraph shall—

- (i) make the funds provided available to entities that qualify under paragraph (1) for projects satisfying the requirements of this chapter;
- (ii) use the funds provided to acquire, install, improve, or extend a system referred to in subsection (a); or
- (iii) use the funds provided to install, improve, or extend a facility referred to in subsection (a).

(B) Limitations

A borrower of an electric or telecommunications loan under the Rural Electrification Act of 1936 [7 U.S.C. 901 et seq.] shall—

- (i) make a system or facility funded under subparagraph (A) available to entities that qualify under paragraph (1); and
- (ii) neither retain from the proceeds of a loan provided under subparagraph (A), nor assess a qualifying entity under paragraph (1), any amount except as may be required to pay the actual costs incurred in administering the loan or making the system or facility available.

(3) Appeal

If the Secretary rejects the application of a borrower who applies for a cost of money loan or grant under this section, the borrower may appeal the decision to the Secretary not later than 10 days after the borrower is notified of the rejection.

(4) Assistance to provide or improve services

Financial assistance may be provided under this chapter for a facility regardless of the location of the facility if the Secretary determines that the assistance is necessary to provide or improve telemedicine services or distance learning services in a rural area.

(d) Priority

The Secretary shall establish procedures to prioritize financial assistance under this chapter considering—

- (1) the need for the assistance in the affected rural area;
- (2) the financial need of the applicant;
- (3) the population sparsity of the affected rural area;
- (4) the local involvement in the project serving the affected rural area;

¹ So in original. Probably should be followed by “and”.