

Code, see Short Title note set out under section 1441 of Title 42 and Tables.

AMENDMENTS

1996—Subsec. (b)(2), (3). Pub. L. 104-127 redesignated par. (3) as (2), substituted “section 2008d of this title” for “sections 2008 through 2008d of this title”, and struck out former par. (2) which read as follows: “Programs and activities authorized under section 1932(i) of this title and related provisions of law.”

§ 6944. Rural Business and Cooperative Development Service

(a) Establishment authorized

Notwithstanding any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Business and Cooperative Development Service and to assign to the Service such functions as the Secretary considers appropriate.

(b) Functions

If the Secretary establishes the Rural Business and Cooperative Development Service under subsection (a), the Secretary is authorized to assign to the Service jurisdiction over the following:

(1) Section 313 and title V of the Rural Electrification Act of 1936 (7 U.S.C. 940c and 950aa et seq.).

(2) Subtitle G¹ of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990.

(3) Sections 306(a)(1) and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1) and 1932).

(4) Section 1323 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1932 note).

(5) The Act of July 2, 1926 (44 Stat. 802, chapter 725; 7 U.S.C. 451 et seq.).

(Pub. L. 103-354, title II, §234, Oct. 13, 1994, 108 Stat. 3220.)

Editorial Notes

REFERENCES IN TEXT

The Rural Electrification Act of 1936, referred to in subsec. (b)(1), is act May 20, 1936, ch. 432, 49 Stat. 1363. Title V of the Act is classified generally to subchapter V (§950aa et seq.) of chapter 31 of this title. For complete classification of this Act to the Code, see section 901 of this title and Tables.

The Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (b)(2), is Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359, as amended. Subtitle G of title XVI of the Act, known as the Alternative Agricultural Research and Commercialization Act of 1990, was classified generally to subchapter VI (§5901 et seq.) of chapter 88 of this title prior to repeal by Pub. L. 107-171, title VI, §6201(a), May 13, 2002, 116 Stat. 418. For complete classification of this Act to the Code, see Short Title of 1990 Amendments note set out under section 1421 of this title and Tables.

Act of July 2, 1926, referred to in subsec. (b)(5), is act July 2, 1926, ch. 725, 44 Stat. 802, which is classified generally to chapter 18 (§451 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

§ 6945. Rural Development Disaster Assistance Fund

(a) Rural Development Disaster Assistance Fund

On and after September 30, 2008, there is established in the Treasury a fund entitled the “Rural Development Disaster Assistance Fund”.

¹ See References in Text note below.

(b) Purpose and availability of Fund

Subject to subsection (d), amounts in the Rural Development Disaster Assistance Fund shall be available to the Secretary of Agriculture, until expended, to provide additional amounts, in the form of loans, grants, loan guarantees, or cooperative agreements, for any authorized activity of agencies of the Rural Development Mission Area in areas affected by a disaster declared by the President, the Secretary of Agriculture, or the Governor of a State or Territory. The cost of such direct and guaranteed loans, including the cost of modifying loans, shall be as defined in section 661a of title 2. Amounts so provided shall be in addition to any other amounts available to carry out the activity, but shall not be limited to the original form of assistance, if any. In carrying out this section, the Secretary may transfer funds into existing or new accounts as determined by the Secretary.

(c) Waiver of activity or project limitations

For any activity or project for which amounts in the Rural Development Disaster Assistance Fund will be obligated under subsection (b)—

(1) the Secretary of Agriculture may waive any limits on population, income, age, and duplication with respect to replacement of damaged or destroyed utilities, or cost-sharing otherwise applicable, except that, if the amounts proposed to be obligated in connection with the disaster would exceed the amount specified in subsection (h), the notification required by that subsection shall include information and justification with regard to any waivers to be granted under this subsection;

(2) the Secretary of Agriculture may use alternative sources of income data provided by local, regional, State, or Federal government sources to determine program eligibility; and

(3) with respect to grants authorized by 7 U.S.C. 1926(a)(19),¹ the Secretary of Agriculture shall not require the applicant to demonstrate that it is unable to finance the proposed project from its own resources, or through commercial credit at reasonable rates and terms, or other funding sources without grant assistance.

(d) Treatment of certain amounts in Fund

Amounts appropriated directly to the Rural Development Disaster Assistance Fund by this Act or any subsequent Act for a specific purpose shall be available only for that purpose until such time as the transfer authority provided by subsection (f) takes effect with regard to the amounts. Only subsection (c), including the notification requirements of such subsection, and subsections (g) and (i) apply to amounts described in this subsection.

(e) Transfer of prior appropriations to Fund

The Secretary of Agriculture may transfer to the Rural Development Disaster Assistance Fund, and merge with other amounts generally appropriated to the Fund, the available unobligated balance of any amounts that were appropriated before September 30, 2008, for programs

¹ See References in Text note below.