

Eligibility Criteria in 7 CFR 764.101

§ 764.101 General eligibility requirements. The following requirements must be met unless otherwise provided in the eligibility requirements for the particular type of loan.

(a) Controlled substances. The **applicant, and anyone who will sign the promissory note**, must not be ineligible for loans as a result of a conviction for controlled substances according to 7 CFR part 718 of this chapter.

(b) Legal capacity. The **applicant, and anyone who will sign the promissory note**, must possess the legal capacity to incur the obligation of the loan. A Youth loan applicant will incur full personal liability upon execution of the promissory note without regard to the applicant's minority status.

(c) Citizenship. **The applicant, and anyone who will sign the promissory note**, must be a citizen of the United States, United States non-citizen national, or a qualified alien under applicable Federal immigration laws.

(d) Credit history. **The applicant** must have an acceptable credit history demonstrated by debt repayment . . .

(e) Availability of credit elsewhere. **The applicant, and all entity members in the case of an entity**, must be unable to obtain sufficient credit elsewhere to finance actual needs at reasonable rates and terms. The Agency will evaluate the ability to obtain credit based on factors including, but not limited to . . .

(f) Not in delinquent status on Federal debt. As provided in 31 CFR part 285, except for EM loan applicants, **the applicant, and anyone who will sign the promissory note**, must not be in delinquent status on any Federal debt, other than a debt under the Internal Revenue Code of 1986 at the time of loan closing. All delinquent debts, however, will be considered in determining credit history and ability to repay under this part.

(g) Outstanding judgments. **The applicant, and anyone who will sign the promissory note**, must have no outstanding unpaid judgments obtained by the United States in any court. Such judgments do not include those filed as a result of action in the United States Tax Courts.

(h) Federal crop insurance violation. **The applicant, and all entity members in the case of an entity**, must not be ineligible due to disqualification resulting from Federal Crop Insurance violation according to 7 CFR part 718.

(i) Managerial ability. **The applicant** must have sufficient managerial ability to assure reasonable prospects of loan repayment, as determined by the Agency. The applicant must demonstrate this managerial ability by . . .

(j) Borrower training. **The applicant** must agree to meet the training requirements in subpart J of this part.

(k) Operator of a family farm. (1) **The applicant** must be the operator of a family farm after the loan is closed . . .