

water supply project under paragraph (1), the Secretary shall evaluate factors for the project area, relative to the State average, including—

- (A) per capita income;
- (B) median household income;
- (C) the poverty rate;
- (D) the ability of the non-Federal project entity to raise tax revenues or assess fees;
- (E) the strength of the balance sheet of the non-Federal project entity; and
- (F) the existing cost of water in the region.

**(3) Indian tribes**

In determining the capability-to-pay of Indian tribe project beneficiaries, the Secretary may consider deferring the collection of all or part of the non-Federal construction costs apportioned to Indian tribe project beneficiaries unless or until the Secretary determines that the Indian tribe project beneficiaries should pay—

- (A) the costs allocated to the beneficiaries; or
- (B) an appropriate portion of the costs.

**(g) Cost-sharing requirement**

**(1) In general**

Except as otherwise provided in this subsection, the Federal share of the cost of a feasibility study carried out under this section shall not exceed 50 percent of the study costs.

**(2) Form**

The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

**(3) Financial hardship**

The Secretary may increase the Federal share of the costs of a feasibility study if the Secretary determines, based on a demonstration of financial hardship, that the non-Federal participant is unable to contribute at least 50 percent of the costs of the study.

**(4) Larger communities**

In conducting a feasibility study of a rural water supply system that includes a community with a population in excess of 50,000 inhabitants, the Secretary may require the non-Federal project entity to pay more than 50 percent of the costs of the study.

**(h) Consultation and cooperation**

In addition to the non-Federal project entity, the Secretary shall consult and cooperate with appropriate Federal, State, tribal, regional, and local authorities during the conduct of each feasibility assessment and development of the feasibility report conducted under this subchapter.

(Pub. L. 109-451, title I, §106, Dec. 22, 2006, 120 Stat. 3351.)

**§ 2406. Miscellaneous**

**(a) Authority of Secretary**

The Secretary may enter into contracts, financial assistance agreements, and such other agreements, and promulgate such regulations, as are necessary to carry out this subchapter.

**(b) Transfer of projects**

Nothing in this subchapter authorizes the transfer of pre-existing facilities or pre-existing components of any water system from Federal to private ownership or from private to Federal ownership.

**(c) Federal reclamation law**

Nothing in this subchapter supersedes or amends any Federal law associated with a project, or portion of a project, constructed under Federal reclamation law.

**(d) Interagency coordination**

The Secretary shall coordinate the Program carried out under this subchapter with existing Federal and State rural water and wastewater programs to facilitate the most efficient and effective solution to meeting the water needs of the non-Federal project sponsors.

**(e) Multiple Indian tribes**

In any case in which a contract is entered into with, or a grant is made, to<sup>1</sup> an organization to perform services benefitting more than 1 Indian tribe under this subchapter, the approval of each such Indian tribe shall be a prerequisite to entering into the contract or making the grant.

**(f) Ownership of facilities**

Title to any facility planned, designed, and recommended for construction under this subchapter shall be held by the non-Federal project entity.

**(g) Expedited procedures**

If the Secretary determines that a community to be served by a proposed rural water supply project has urgent and compelling water needs, the Secretary shall, to the maximum extent practicable, expedite appraisal investigations and reports conducted under section 2404 of this title and feasibility studies and reports conducted under section 2405 of this title.

**(h) Effect on State water law**

**(1) In general**

Nothing in this subchapter preempts or affects State water law or an interstate compact governing water.

**(2) Compliance required**

The Secretary shall comply with State water laws in carrying out this subchapter.

**(i) No additional requirements**

Nothing in this subchapter requires a feasibility study for, or imposes any other additional requirements with respect to, rural water supply projects or programs that are authorized before December 22, 2006.

(Pub. L. 109-451, title I, §107, Dec. 22, 2006, 120 Stat. 3355.)

**§ 2407. Reports**

Beginning in fiscal year 2007, and each fiscal year thereafter through fiscal year 2012, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Rep-

<sup>1</sup> So in original. The comma probably should follow "to".