

in land that, as determined by the Secretary or the Secretary of Agriculture—

- (1) contains a hazardous substance or is otherwise contaminated; or
- (2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

(e) Land and Water Conservation Fund Act

Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 4601-4 et seq.).

(f) Termination

On termination of activities under section 2304 of this title—

- (1) the Federal Land Disposal Account shall be terminated; and
- (2) any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601-6).

(Pub. L. 106-248, title II, §206, July 25, 2000, 114 Stat. 616.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act” and was translated as reading “this title”, meaning title II of Pub. L. 106-248, which enacted this chapter, to reflect the probable intent of Congress.

The Land and Water Conservation Fund Act, referred to in subsec. (e), probably means the Land and Water Conservation Fund Act of 1965, Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§4601-4 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of Title 16 and Tables.

§ 2306. Special provisions

(a) In general

Nothing in this chapter provides an exemption from any limitation on the acquisition of land or interest in land under any Federal law in effect on July 25, 2000.

(b) Other law

This chapter shall not apply to land eligible for sale under—

- (1) Public Law 96-568¹ (commonly known as the “Santini-Burton Act”) (94 Stat. 3381); or
- (2) the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343).

(c) Exchanges

Nothing in this chapter precludes, preempts, or limits the authority to exchange land under authorities providing for the exchange of Federal lands, including but not limited to—

- (1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or
- (2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

(d) No new right or benefit

Nothing in this chapter¹ creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United

States, its agencies, its officers, or any other person.

(Pub. L. 106-248, title II, §207, July 25, 2000, 114 Stat. 617.)

REFERENCES IN TEXT

Public Law 96-568 (commonly known as the “Santini-Burton Act”) (94 Stat. 3381), referred to in subsec. (b)(1), probably means Pub. L. 96-586, Dec. 23, 1980, 94 Stat. 3381, which repealed sections 467a and 467a-1 of Title 16, Conservation and enacted provisions set out as notes under sections 461 and 467a of Title 16. For complete classification of this Act to the Code, see Tables.

The Southern Nevada Public Land Management Act of 1998, referred to in subsec. (b)(2), is Pub. L. 105-263, Oct. 19, 1998, 112 Stat. 2343, which amended section 460ccc-1 of Title 16, Conservation, and section 6901 of Title 31, Money and Finance, and enacted provisions set out as a note under section 6901 of Title 31. For complete classification of this Act to the Code, see Short Title of 1998 Amendment note set out under section 6901 of Title 31 and Tables.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (c)(1), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

The Federal Land Exchange Facilitation Act of 1988, referred to in subsec. (c)(2), is Pub. L. 100-409, Aug. 20, 1988, 102 Stat. 1086, as amended, which enacted section 1723 of this title, amended section 1716 of this title and sections 505a, 505b, and 521b of Title 16, Conservation, and enacted provisions set out as notes under sections 751 and 1716 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 1701 of this title and Tables.

This chapter, referred to in subsec. (d), was in the original “this Act” and was translated as reading “this title”, meaning title II of Pub. L. 106-248, which enacted this chapter, to reflect the probable intent of Congress.

CHAPTER 42—RURAL WATER SUPPLY

SUBCHAPTER I—RECLAMATION RURAL WATER SUPPLY

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¹ See References in Text note below.

SUBCHAPTER I—RECLAMATION RURAL
WATER SUPPLY

§ 2401. Definitions

In this subchapter:

(1) Construction

The term “construction” means the installation of infrastructure and the upgrading of existing facilities in locations in which the infrastructure or facilities are associated with the new infrastructure of a rural water project recommended by the Secretary pursuant to this subchapter.

(2) Federal reclamation law

The term “Federal reclamation law” means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) Indian

The term “Indian” means an individual who is a member of an Indian tribe.

(4) Indian tribe

The term “Indian tribe” has the meaning given the term in section 450b of title 25.

(5) Non-Federal project entity

The term “non-Federal project entity” means a State, regional, or local authority, Indian tribe or tribal organization, or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

(6) Operations, maintenance, and replacement costs

(A) In general

The term “operations, maintenance, and replacement costs” means all costs for the operation of a rural water supply project that are necessary for the safe, efficient, and continued functioning of the project to produce the benefits described in a feasibility study.

(B) Inclusions

The term “operations, maintenance, and replacement costs” includes—

- (i) repairs of a routine nature that maintain a rural water supply project in a well kept condition;
- (ii) replacement of worn-out project elements; and
- (iii) rehabilitation activities necessary to bring a deteriorated project back to the original condition of the project.

(C) Exclusion

The term “operations, maintenance, and replacement costs” does not include construction costs.

(7) Program

The term “Program” means the rural water supply program carried out under section 2402 of this title.

(8) Reclamation States

The term “Reclamation States” means the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

(9) Rural water supply project

(A) In general

The term “rural water supply project” means a project that is designed to serve a community or group of communities, each of which has a population of not more than 50,000 inhabitants, which may include Indian tribes and tribal organizations, dispersed homesites, or rural areas with domestic, industrial, municipal, and residential water.

(B) Inclusion

The term “rural water supply project” includes—

- (i) incidental noncommercial livestock watering and noncommercial irrigation of vegetation and small gardens of less than 1 acre; and
- (ii) a project to improve rural water infrastructure, including—
 - (I) pumps, pipes, wells, and other diversions;
 - (II) storage tanks and small impoundments;
 - (III) water treatment facilities for potable water supplies, including desalination facilities;
 - (IV) equipment and management tools for water conservation, groundwater recovery, and water recycling; and
 - (V) appurtenances.

(C) Exclusion

The term “rural water supply project” does not include—

- (i) commercial irrigation; or
- (ii) major impoundment structures.

(10) Secretary

The term “Secretary” means the Secretary of the Interior.

(11) Tribal organization

The term “tribal organization” means—

- (A) the recognized governing body of an Indian tribe; and
- (B) any legally established organization of Indians that is controlled, sanctioned, or chartered by the governing body or democratically elected by the adult members of the Indian community to be served by the organization.

(Pub. L. 109-451, title I, §102, Dec. 22, 2006, 120 Stat. 3346.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388, chapter 1093), referred to in par. (2), is popularly known as the Reclamation Act and is classified generally to chapter 12 (§371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

SHORT TITLE

Pub. L. 109-451, §1(a), Dec. 22, 2006, 120 Stat. 3345, provided that: “This Act [enacting this chapter] may be cited as the ‘Rural Water Supply Act of 2006’.”

Pub. L. 109-451, title I, §101, Dec. 22, 2006, 120 Stat. 3346, provided that: “This title [enacting this subchapter] may be cited as the ‘Reclamation Rural Water Supply Act of 2006’.”

Pub. L. 109-451, title II, §201, Dec. 22, 2006, 120 Stat. 3356, provided that: “This title [enacting subchapter II