

(1) under subsection (a) of this section to rural water supply corporations, cooperatives, or similar entities, or public agencies, that propose to provide water supply or waste disposal services to the residents of those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities; and

(2) under subsection (b) of this section to individuals who reside in a rural subdivision commonly referred to as a colonia, that is characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

**(d) “Cooperative” defined**

For purposes of this section, the term “cooperative” means a cooperative formed specifically for the purpose of the installation, expansion, improvement, or operation of water supply or waste disposal facilities or systems.

**(e) Authorization of appropriations**

**(1) In general**

Subject to paragraph (2), there are authorized to be appropriated—

(A) for grants under this section, \$30,000,000 for each fiscal year;

(B) for loans under this section, \$30,000,000 for each fiscal year; and

(C) in addition to grants provided under subparagraph (A), for grants under this section to benefit Indian tribes (as defined in section 450b of title 25), \$20,000,000 for each fiscal year.

**(2) Exception**

An entity eligible to receive funding through a grant made under section 1926d of this title shall not be eligible for a grant from funds made available under paragraph (1)(C).

**(f) Regulations**

Not later than 30 days after October 28, 1992, the Secretary shall issue interim final regulations, with a request for public comments, implementing this section.

(Pub. L. 87-128, title III, §306C, as added Pub. L. 101-624, title XXIII, §2327, Nov. 28, 1990, 104 Stat. 4015; amended Pub. L. 102-237, title VII, §701(b), Dec. 13, 1991, 105 Stat. 1879; Pub. L. 102-552, title V, §516(l), (m), Oct. 28, 1992, 106 Stat. 4139; Pub. L. 102-554, §24, Oct. 28, 1992, 106 Stat. 4161; Pub. L. 107-171, title VI, §6010, May 13, 2002, 116 Stat. 357.)

AMENDMENTS

2002—Subsec. (e). Pub. L. 107-171 added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “There are authorized to be appropriated—

“(1) for grants under this section, \$30,000,000 for each fiscal year; and

“(2) for loans under this section, \$30,000,000 for each fiscal year.”

1992—Subsec. (a)(2). Pub. L. 102-554 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “(2) CERTAIN COUNTIES TARGETED.—Loans and grants under paragraph (1) shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county—

“(A) the per capita income of the residents of which is not more than 70 percent of the national average

per capita income, as determined by the Department of Commerce; and

“(B) the unemployment rate of the residents of which is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics.”

Subsec. (b)(1). Pub. L. 102-552, §516(l), substituted “, connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems” for “or connecting such systems to the residences of such individuals”.

Subsec. (f). Pub. L. 102-552, §516(m), added subsec. (f).

1991—Subsec. (a)(2). Pub. L. 102-237 realigned margins of subpars. (A) and (B).

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-237 effective as if included in the provision of the Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. 101-624, to which the amendment relates, see section 1101(b)(6) of Pub. L. 102-237, set out as a note under section 1421 of this title.

**§ 1926d. Water systems for rural and Native villages in Alaska**

**(a) In general**

The Secretary may make grants to the State of Alaska for the benefit of rural or Native villages in Alaska to provide for the development and construction of water and wastewater systems to improve the health and sanitation conditions in those villages.

**(b) Matching funds**

To be eligible to receive a grant under subsection (a) of this section, the State of Alaska shall provide 25 percent in matching funds from non-Federal sources.

**(c) Consultation with State of Alaska**

The Secretary shall consult with the State of Alaska on a method of prioritizing the allocation of grants under subsection (a) of this section according to the needs of, and relative health and sanitation conditions in, each village.

**(d) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2008 through 2012.

**(2) Training and technical assistance**

Not more than 2 percent of the amount made available under paragraph (1) for a fiscal year may be used by the State of Alaska for training and technical assistance programs relating to the operation and management of water and waste disposal services in rural and Native villages.

**(3) Availability**

Funds appropriated pursuant to the authorization of appropriations in paragraph (1) shall be available until expended.

(Pub. L. 87-128, title III, §306D, as added Pub. L. 104-127, title VII, §757, Apr. 4, 1996, 110 Stat. 1131; amended Pub. L. 105-277, div. A, §101(a) [title VII, §745], Oct. 21, 1998, 112 Stat. 2681, 2681-32; Pub. L. 106-224, title II, §256, June 20, 2000, 114 Stat. 424; Pub. L. 107-171, title VI, §6011, May 13, 2002, 116 Stat. 357; Pub. L. 110-234, title VI,

§ 6009(a), May 22, 2008, 122 Stat. 1163; Pub. L. 110-246, § 4(a), title VI, § 6009(a), June 18, 2008, 122 Stat. 1664, 1924.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (d)(1). Pub. L. 110-246, § 6009(a), substituted “2008 through 2012” for “2001 through 2007”.

2002—Subsec. (d)(1). Pub. L. 107-171 substituted “through 2007” for “and 2002”.

2000—Subsec. (d). Pub. L. 106-224 added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: “There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 1996 through 2002.”

1998—Subsec. (b). Pub. L. 105-277 substituted “25 percent in matching” for “equal matching”.

Subsec. (d). Pub. L. 105-277 substituted “\$20,000,000” for “\$15,000,000”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### § 1926e. Grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes

#### (a) Definition of eligible individual

In this section, the term “eligible individual” means an individual who is a member of a household the members of which have a combined income (for the most recent 12-month period for which the information is available) that is not more than 100 percent of the median non-metropolitan household income for the State or territory in which the individual resides, according to the most recent decennial census of the United States.

#### (b) Grants

##### (1) In general

The Secretary may make grants to private nonprofit organizations for the purpose of providing loans to eligible individuals for the construction, refurbishing, and servicing of individual household water well systems in rural areas that are or will be owned by the eligible individuals.

##### (2) Terms of loans

A loan made with grant funds under this section—

- (A) shall have an interest rate of 1 percent;
- (B) shall have a term not to exceed 20 years; and

- (C) shall not exceed \$11,000 for each water well system described in paragraph (1).

##### (3) Administrative expenses

A recipient of a grant made under this section may use grant funds to pay administrative expenses associated with providing the assistance described in paragraph (1), as determined by the Secretary.

#### (c) Priority in awarding grants

In awarding grants under this section, the Secretary shall give priority to an applicant that has substantial expertise and experience in promoting the safe and productive use of individually-owned household water well systems and ground water.

#### (d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2008 through 2012.

(Pub. L. 87-128, title III, § 306E, as added Pub. L. 107-171, title VI, § 6012(a), May 13, 2002, 116 Stat. 357; amended Pub. L. 110-234, title VI, § 6010, May 22, 2008, 122 Stat. 1163; Pub. L. 110-246, § 4(a), title VI, § 6010, June 18, 2008, 122 Stat. 1664, 1925.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (b)(2)(C). Pub. L. 110-246, § 6010(1), substituted “\$11,000” for “\$8,000”.

Subsec. (d). Pub. L. 110-246, § 6010(2), substituted “2008 through 2012” for “2003 through 2007”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

#### EFFECTIVE DATE

Pub. L. 107-171, title VI, § 6012(b), May 13, 2002, 116 Stat. 358, provided that: “The amendment made by subsection (a) [enacting this section] takes effect on October 1, 2002.”

### § 1926f. Contracts with not-for-profit third parties

On and after November 10, 2005, notwithstanding the provisions of the Consolidated Farm and Rural Development Act [7 U.S.C. 1921 et seq.] (including the associated regulations) governing the Community Facilities Program, the Secretary may allow all Community Facility Program facility borrowers and grantees to enter into contracts with not-for-profit third parties for services consistent with the requirements of the Program, grant, and/or loan: *Provided*, That the contracts protect the interests of the Government regarding cost, liability, maintenance, and administrative fees.

(Pub. L. 109-97, title VII, § 756, Nov. 10, 2005, 119 Stat. 2157.)

#### REFERENCES IN TEXT

The Consolidated Farm and Rural Development Act, referred to in text, is title III of Pub. L. 87-128, Aug. 8, 1961, 75 Stat. 307, as amended, which is classified principally to this chapter. For complete classification of the Act to the Code, see Short Title note set out under section 1921 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006, and not as part