

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

Sec.	
2401.	Definitions.
2402.	Rural water supply program.
2403.	Rural water programs assessment.
2404.	Appraisal investigations.
2405.	Feasibility studies.
2406.	Miscellaneous.
2407.	Reports.
2408.	Authorization of appropriations.
2409.	Termination of authority.

### SUBCHAPTER II—TWENTY-FIRST CENTURY WATER WORKS

2421.	Definitions.
2422.	Project eligibility.
2423.	Loan guarantees.
2424.	Defaults.
2425.	Operations, maintenance, and replacement costs.
2426.	Title to newly constructed facilities.
2427.	Water rights.
2428.	Interagency coordination and cooperation.
2429.	Records; audits.
2430.	Full faith and credit.
2431.	Report.
2432.	Effect on the reclamation laws.
2433.	Authorization of appropriations.
2434.	Termination of authority.

### 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 of this chapter] may be cited as the ‘Twenty-First Century Water Works Act.’”

**§ 2402. Rural water supply program**

**(a) In general**

The Secretary, in cooperation with non-Federal project entities and consistent with this subchapter, may carry out a rural water supply program in Reclamation States to—

- (1) investigate and identify opportunities to ensure safe and adequate rural water supply projects for domestic, municipal, and industrial use in small communities and rural areas of the Reclamation States;
- (2) plan the design and construction, through the conduct of appraisal investigations and feasibility studies, of rural water supply projects in Reclamation States; and
- (3) oversee, as appropriate, the construction of rural water supply projects in Reclamation States that are recommended by the Secretary in a feasibility report developed pursuant to section 2405 of this title and subsequently authorized by Congress.

**(b) Non-Federal project entity**

Any activity carried out under this subchapter shall be carried out in cooperation with a quali-

fying non-Federal project entity, consistent with this subchapter.

**(c) Eligibility criteria**

Not later than 1 year after December 22, 2006, the Secretary shall, consistent with this subchapter, develop and publish in the Federal Register criteria for—

- (1) determining the eligibility of a rural community for assistance under the Program; and
- (2) prioritizing requests for assistance under the Program.

**(d) Factors**

The criteria developed under subsection (c) shall take into account such factors as whether—

- (1) a rural water supply project—
  - (A) serves—
    - (i) rural areas and small communities; or
    - (ii) Indian tribes; or
  - (B) promotes and applies a regional or watershed perspective to water resources management;
- (2) there is an urgent and compelling need for a rural water supply project that would—
  - (A) improve the health or aesthetic quality of water;
  - (B) result in continuous, measurable, and significant water quality benefits; or
  - (C) address current or future water supply needs;
- (3) a rural water supply project helps meet applicable requirements established by law; and
- (4) a rural water supply project is cost effective.

**(e) Inclusions**

The Secretary may include—

- (1) to the extent that connection provides a reliable water supply, a connection to pre-existing infrastructure (including impoundments and conveyance channels) as part of a rural water supply project; and
- (2) notwithstanding the limitation on population under section 2401(9)(A) of this title, a town or community with a population in excess of 50,000 inhabitants in an area served by a rural water supply project if, at the discretion of the Secretary, the town or community is considered to be a critical partner in the rural supply project.

(Pub. L. 109-451, title I, §103, Dec. 22, 2006, 120 Stat. 3347.)

**§ 2403. Rural water programs assessment**

**(a) In general**

In consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, the Director of the Indian Health Service, the Secretary of Housing and Urban Development, and the Secretary of the Army, the Secretary shall develop an assessment of—

- (1) the status of all rural water supply projects under the jurisdiction of the Secretary authorized but not completed prior to December 22, 2006, including appropriation