

ceiving Federal assistance under this subchapter shall be 100 percent.

(b) Plan

On request of the non-Federal borrower, the Secretary may assist in the development of an operation, maintenance, and replacement plan to provide the necessary framework to assist the non-Federal borrower in establishing rates and fees for project beneficiaries.

(Pub. L. 109-451, title II, §206, Dec. 22, 2006, 120 Stat. 3360.)

§ 2426. Title to newly constructed facilities

(a) New projects and facilities

All new projects or facilities constructed in accordance with this subchapter shall remain under the jurisdiction and control of the non-Federal borrower subject to the terms of the repayment agreement.

(b) Existing projects and facilities

Nothing in this subchapter affects the title of—

- (1) reclamation projects authorized prior to December 22, 2006;
- (2) works supplemental to existing reclamation projects; or
- (3) works constructed to rehabilitate existing reclamation projects.

(Pub. L. 109-451, title II, §207, Dec. 22, 2006, 120 Stat. 3360.)

§ 2427. Water rights

(a) In general

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

(b) Compliance required

The Secretary shall comply with State water laws in carrying out this subchapter. Nothing in this subchapter affects or preempts State water law or an interstate compact governing water.

(Pub. L. 109-451, title II, §208, Dec. 22, 2006, 120 Stat. 3360.)

§ 2428. Interagency coordination and cooperation

(a) Consultation

The Secretary shall consult with the Secretary of Agriculture before promulgating criteria with respect to financial appraisal functions and loan guarantee administration for activities carried out under this subchapter.

(b) Memorandum of agreement

The Secretary and the Secretary of Agriculture shall enter into a memorandum of agreement providing for Department of Agriculture financial appraisal functions and loan guarantee administration for activities carried out under this subchapter.

(Pub. L. 109-451, title II, §209, Dec. 22, 2006, 120 Stat. 3360.)

§ 2429. Records; audits

(a) In general

A recipient of a loan guarantee shall keep such records and other pertinent documents as

the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

(b) Access

The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access, for the purpose of audit, to the records and other pertinent documents.

(Pub. L. 109-451, title II, §210, Dec. 22, 2006, 120 Stat. 3360.)

§ 2430. Full faith and credit

The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

(Pub. L. 109-451, title II, §211, Dec. 22, 2006, 120 Stat. 3360.)

§ 2431. Report

Not later than 1 year after the date on which the eligibility criteria are published in the Federal Register under section 2422(a) of this title, and every 2 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the implementation of the loan guarantee program under section 2423 of this title.

(Pub. L. 109-451, title II, §212, Dec. 22, 2006, 120 Stat. 3361.)

§ 2432. Effect on the reclamation laws

(a) Reclamation projects

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

(b) No new or supplemental benefits

Any assistance provided under this subchapter shall not—

- (1) be considered to be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.); or
- (2) affect any contract in existence on December 22, 2006, that is executed under the reclamation laws.

(Pub. L. 109-451, title II, §213, Dec. 22, 2006, 120 Stat. 3361.)

REFERENCES IN TEXT

The Reclamation Reform Act of 1982, referred to in subsec. (b)(1), is title II of Pub. L. 97-293, Oct. 12, 1982, 96 Stat. 1263, which enacted subchapter I-A (§390aa et seq.) of chapter 12 of this title, amended sections 373a, 422e, 425b, and 485h of this title, and repealed section 383 of Title 25, Indians. For complete classification of this Act to the Code, see Tables.

§ 2433. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this subchapter, to remain available until expended.

(Pub. L. 109-451, title II, §214, Dec. 22, 2006, 120 Stat. 3361.)