

Editorial Notes

REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in subsec. (d)(1)(C), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Safe Drinking Water Act, referred to in subsec. (d)(1)(C), is title XIV of act July 1, 1944, as added Dec. 16, 1974, Pub. L. 93-523, § 2(a), 88 Stat. 1660, which is classified generally to subchapter XII (§300f et seq.) of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

This chapter, referred to in subsec. (h)(2)(B), was in the original “this title”, meaning title III of Pub. L. 87-128, Aug. 8, 1961, 75 Stat. 307, known as the Consolidated Farm and Rural Development Act, which is classified principally to this chapter. For complete classification of title III to the Code, see Short Title note set out under section 1921 of this title and Tables.

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 L. 110-234 were repealed by section 4(a) of Pub.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

2018—Subsec. (b)(1). Pub. L. 115-334, § 6407(a)(1), substituted “, particularly to projects to address contamination that—” for “; and” and added subpars. (A) and (B).

Subsec. (d)(1)(D). Pub. L. 115-334, § 6407(a)(2), inserted before period at end “, other than those covered above for not to exceed 120 days when a more permanent solution is not feasible in a shorter time frame. Where drinking water supplies are inadequate due to an event, as determined by the Secretary, including drought, severe weather, or contamination, the Secretary may provide potable water for an additional period of time not to exceed an additional 120 days in order to protect public health”.

Subsec. (e)(1)(B). Pub. L. 115-334, § 6407(a)(3), struck out “according to the most recent decennial census of the United States” before period at end.

Subsec. (f)(1). Pub. L. 115-334, § 6407(a)(4), substituted “\$1,000,000” for “\$500,000”.

Subsec. (i)(1)(A). Pub. L. 115-334, § 6407(a)(5)(A)(i), substituted “5 percent and not more than 7” for “3 nor more than 5”.

Subsec. (i)(1)(B). Pub. L. 115-334, § 6407(a)(5)(A)(ii), added subpar. (B) and struck out former subpar. (B). Prior to amendment, text read as follows: “Funds reserved under subparagraph (A) for a fiscal year shall be reserved only until July 1 of the fiscal year.”

Subsec. (i)(2). Pub. L. 115-334, § 6407(a)(5)(B), substituted “\$50,000,000 for each of fiscal years 2019 through 2023” for “\$35,000,000 for each of fiscal years 2008 through 2018”.

2014—Subsec. (i)(2). Pub. L. 113-79 substituted “2018” for “2012”.

2008—Subsec. (i)(2). Pub. L. 110-246, § 6008, substituted “2008 through 2012” for “2003 through 2007”.

2002—Pub. L. 107-171, § 6009(1), inserted “and imminent” before “community water assistance” in section catchline.

Subsec. (a)(1). Pub. L. 107-171, § 6009(2)(A), inserted “, or when such a decline is imminent” before semicolon at end.

Subsec. (a)(2)(A). Pub. L. 107-171, § 6009(2)(B)(i), substituted “acute, or imminent,” for “acute”.

Subsec. (a)(2)(B). Pub. L. 107-171, § 6009(2)(B)(ii), substituted “decline, or imminent decline,” for “decline”.

Subsec. (c)(2). Pub. L. 107-171, § 6009(3), substituted “occurred, or will occur,” for “occurred”.

Subsec. (d)(1). Pub. L. 107-171, § 6009(4), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “Grants made under this section may be used for waterline extensions from existing systems, laying of new waterlines, repairs, significant maintenance, digging of new wells, equipment replacement, hook and tap fees, and any other appropriate purpose associated with developing sources of, or treating, storing, or distributing water, and to assist communities in complying with the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.).”

Subsec. (f)(2). Pub. L. 107-171, § 6009(5), substituted “\$150,000” for “\$75,000”.

Subsec. (h)(1). Pub. L. 107-171, § 6009(6)(A), substituted “decline, or imminent decline,” for “decline” in second sentence.

Subsec. (h)(2). Pub. L. 107-171, § 6009(6)(B), added par. (2) and struck out heading and text of former par. (2). Text read as follows: “The Secretary shall make every effort to review and act on applications within 60 days of the date that such applications are submitted.”

Subsec. (i). Pub. L. 107-171, § 6009(7), added subsec. (i) and struck out heading and text of former subsec. (i). Text read as follows: “There are authorized to be appropriated to carry out this section \$35,000,000 for each of fiscal years 1996 through 2002.”

1996—Subsec. (e)(1)(A). Pub. L. 104-127, § 742(1)(A), substituted “10,000” for “15,000”.

Subsec. (e)(2). Pub. L. 104-127, § 742(1)(B), substituted “3,000” for “5,000”.

Subsec. (i). Pub. L. 104-127, § 742(2), added subsec. (i) and struck out heading and text of former subsec. (i). Text read as follows: “There are authorized to be appropriated to carry out this section, \$35,000,000 for each of the fiscal years 1990 and 1991, such sums to remain authorized until fully appropriated.”

Statutory Notes and Related Subsidiaries

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.

IMPLEMENTATION

Pub. L. 101-82, title V, § 501(b), Aug. 14, 1989, 103 Stat. 585, provided that:

“(1) REGULATIONS.—The Secretary of Agriculture shall publish—

“(A) interim final regulations to carry out section 306A of the Consolidated Farm and Rural Development Act [7 U.S.C. 1926a] (as added by subsection (a) of this section) not later than 45 days after the date of enactment of this Act [Aug. 14, 1989]; and

“(B) final regulations to carry out section 306A of such Act not later than 90 days after the date of enactment of this Act.

“(2) FUNDS.—

“(A) OBLIGATION.—The Secretary shall designate 70 percent of the funds made available for the first fiscal year for which appropriations are made under section 306A(i) of the Consolidated Farm and Rural Development Act not later than 5 months after the date such funds are appropriated.

“(B) RELEASE.—The Secretary may release funds prior to the issuance of final regulations under paragraph (1)(B) for grants under section 306A(a)(1) of the Consolidated Farm and Rural Development Act.”

§ 1926b. Repealed. Pub. L. 104-127, title VII, § 743, Apr. 4, 1996, 110 Stat. 1125

Section, Pub. L. 87-128, title III, § 306B, as added Pub. L. 101-624, title XXIII, § 2326(a), Nov. 28, 1990, 104 Stat.

4014, related to emergency community water assistance grant program, including general provisions and provisions relating to priority, eligibility, uses, restrictions, maximum grants, full funding, application, and limitations on authorization of appropriations.

§ 1926c. Water and waste facility loans and grants to alleviate health risks

(a) Loans and grants to persons other than individuals

(1) In general

The Secretary shall make or insure loans and make grants to rural water supply corporations, cooperatives, or similar entities, Indian tribes on Federal and State reservations and other federally recognized Indian tribes, and public agencies, to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems), and the installation or improvement of drainage or waste disposal facilities and essential community facilities including necessary related equipment. Such loans and grants shall be available only to provide such water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the community's residents do not have access to, or are not served by, adequate affordable—

- (A) water supply systems; or
- (B) waste disposal facilities.

(2) Certain areas targeted

(A) In general

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—

- (i) 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
- (ii) 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.

(B) Exception

Notwithstanding subparagraph (A), loans and grants under paragraph (1) may also be made if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a rural area that was recognized as a colonia as of October 1, 1989.

(b) Loans and grants to individuals

(1) In general

The Secretary shall make or insure loans and make grants to individuals who reside in a community described in subsection (a)(1) for the purpose of extending water supply and waste disposal systems, 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. Such loans shall be at a rate of interest

no greater than the Federal Financing Bank rate on loans of a similar term at the time such loans are made. The repayment of such loans shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

(2) Manner in which loans and grants are to be made

Loans and grants to individuals under paragraph (1) shall be made—

- (A) directly to such individuals by the Secretary; or
- (B) to such individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing such water supply or waste disposal services, pursuant to regulations issued by the Secretary.

(c) Preference

The Secretary shall give preference in the awarding of loans and grants—

- (1) under subsection (a) 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) 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 5304 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.