

shall obtain the concurrence of the Administrator in the determination of relative severity made under paragraph (1)(B).

**(b) Assistance**

Upon completion of the activities required to be performed pursuant to subsection (a) of this section, the Director shall, subject to subsection (c) of this section, provide financial and technical assistance to the Indian tribal government or Alaska Native entity to carry out the activities necessary to—

- (1) close such dumps; and
- (2) provide for postclosure maintenance of such dumps.

**(c) Conditions**

All assistance provided pursuant to subsection (b) of this section shall be made available on a site-specific basis in accordance with priorities developed by the Director. Priorities on specific Indian lands or Alaska Native lands shall be developed in consultation with the Indian tribal government or Alaska Native entity. The priorities shall take into account the relative severity of the threat to public health and the environment posed by each open dump and the availability of funds necessary for closure and postclosure maintenance.

(Pub. L. 103-399, § 5, Oct. 22, 1994, 108 Stat. 4166.)

**§ 3905. Contract authority**

**(a) Authority of Director**

To the maximum extent feasible, the Director shall carry out duties under this chapter through contracts, compacts, or memoranda of agreement with Indian tribal governments or Alaska Native entities pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), section 2004a of title 42, or section 1632 of this title.

**(b) Cooperative agreements**

The Director is authorized, for purposes of carrying out the duties of the Director under this chapter, to contract with or enter into such cooperative agreements with such other Federal agencies as is considered necessary to provide cost-sharing for closure and postclosure activities, to obtain necessary technical and financial assistance and expertise, and for such other purposes as the Director considers necessary.

(Pub. L. 103-399, § 6, Oct. 22, 1994, 108 Stat. 4167.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (a), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

**§ 3906. Tribal demonstration project**

**(a) In general**

The Director may establish and carry out a program providing for demonstration projects involving open dumps on Indian land or Alaska Native land. It shall be the purpose of such projects to determine if there are unique cost factors involved in the cleanup and maintenance

of open dumps on such land, and the extent to which advanced closure planning is necessary. Under the program, the Director is authorized to select no less than three Indian tribal governments or Alaska Native entities to participate in such demonstration projects.

**(b) Criteria**

Criteria established by the Director for the selection and participation of an Indian tribal government or Alaska Native entity in the demonstration project shall provide that in order to be eligible to participate, an Indian tribal government or Alaska Native entity must—

- (1) have one or more existing open dumps on Indian lands or Alaska Native lands which are under its authority;
- (2) have developed a comprehensive solid waste management plan for such lands; and
- (3) have developed a closure and postclosure maintenance plan for each dump located on such lands.

**(c) Duration of funding for project**

No demonstration project shall be funded for more than three fiscal years.

(Pub. L. 103-399, § 7, Oct. 22, 1994, 108 Stat. 4167.)

**§ 3907. Authorization of appropriations**

**(a) General authorization**

There are authorized to be appropriated such sums as may be necessary to carry out this chapter.

**(b) Coordination**

The activities required to be performed by the Director under this chapter shall be coordinated with activities related to solid waste and sanitation facilities funded pursuant to other authorizations.

(Pub. L. 103-399, § 8, Oct. 22, 1994, 108 Stat. 4168.)

**§ 3908. Disclaimers**

**(a) Authority of Director**

Nothing in this chapter shall be construed to alter, diminish, repeal, or supersede any authority conferred on the Director pursuant to section 1632 of this title, and section 2004a of title 42.

**(b) Exempted lands and facilities**

This chapter shall not apply to open dump sites on Indian lands or Alaska Native lands—

- (1) that comprise an area of one-half acre or less and that are used by individual families on lands to which they hold legal or beneficial title;
- (2) of any size that have been or are being operated for a profit; or
- (3) where solid waste from an industrial process is being or has been routinely disposed of at a privately owned facility in compliance with applicable Federal laws.

**(c) Rules of construction**

(1) Nothing in this chapter shall be construed to amend or modify the authority or responsibility of the Administrator of the Environmental Protection Agency under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).