

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.).

(2) Nothing in this chapter is intended to amend, repeal, or supersede any provision of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.). (Pub. L. 103-399, §9, Oct. 22, 1994, 108 Stat. 4168.)

REFERENCES IN TEXT

The Solid Waste Disposal Act, referred to in subsec. (c), is title II of Pub. L. 89-272, Oct. 20, 1965, 79 Stat. 997, as amended generally by Pub. L. 94-580, §2, Oct. 21, 1976, 90 Stat. 2795, which is classified generally to chapter 82 (§6901 et seq.) 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 6901 of Title 42 and Tables.

CHAPTER 42—AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM

Sec.

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4061. Authorization of appropriations.

§ 4001. Definitions

For the purposes of this chapter:

(1) The term “Special Trustee” means the Special Trustee for American Indians appointed under section 4042 of this title.

(2) The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) The term “Secretary” means the Secretary of the Interior.

(4) The term “Office” means the Office of Special Trustee for American Indians established by section 4042 of this title.

(5) The term “Bureau” means the Bureau of Indian Affairs within the Department of the Interior.

(6) The term “Department” means the Department of the Interior. (Pub. L. 103-412, §2, Oct. 25, 1994, 108 Stat. 4239.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 103-412, Oct. 25, 1994, 108 Stat. 4239, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

The Alaska Native Claims Settlement Act, referred to in par. (2), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

SHORT TITLE

Section 1(a) of Pub. L. 103-412 provided that: “This Act [enacting this chapter, amending sections 161a and 162a of this title, and enacting provisions set out as a note under section 161a of this title] may be cited as the ‘American Indian Trust Fund Management Reform Act of 1994.’”

SUBCHAPTER I—RECOGNITION OF TRUST RESPONSIBILITY

§ 4011. Responsibility of Secretary to account for daily and annual balances of Indian trust funds

(a) Requirement to account

The Secretary shall account for the daily and annual balance of all funds held in trust by the United States for the benefit of an Indian tribe or an individual Indian which are deposited or invested pursuant to section 162a of this title.

(b) Periodic statement of performance

Not later than 20 business days after the close of a calendar quarter, the Secretary shall provide a statement of performance to each Indian tribe and individual with respect to whom funds are deposited or invested pursuant to section 162a of this title. The statement, for the period concerned, shall identify—

- (1) the source, type, and status of the funds;
- (2) the beginning balance;
- (3) the gains and losses;
- (4) receipts and disbursements; and
- (5) the ending balance.

(c) Annual audit

The Secretary shall cause to be conducted an annual audit on a fiscal year basis of all funds held in trust by the United States for the benefit of an Indian tribe or an individual Indian which are deposited or invested pursuant to section 162a of this title, and shall include a letter relating to the audit in the first statement of performance provided under subsection (b) of this section after the completion of the audit.

(Pub. L. 103-412, title I, §102, Oct. 25, 1994, 108 Stat. 4240.)

PERFORMANCE AND ACCOUNT STATEMENTS FOR INACTIVE ACCOUNTS

Provisions stating that the Secretary was not required to provide a quarterly statement of performance for any Indian trust account that had not had activity