

**(b) Postgraduate intergovernmental internships**

For the purposes of training, skill development and orientation of Indian and Federal agricultural management personnel, and the enhancement of tribal and Bureau agricultural resource programs, the Secretary shall establish and actively conduct a program for the cooperative internship of Federal and Indian agricultural resource personnel. Such program shall—

(1) for agencies within the Department of the Interior—

(A) provide for the internship of Bureau and Indian agricultural resource employees in the agricultural resource related programs of other agencies of the Department of the Interior, and

(B) provide for the internship of agricultural resource personnel from the other Department of the Interior agencies within the Bureau, and, with the consent of the tribe, within tribal agricultural resource programs;

(2) for agencies not within the Department of the Interior, provide, pursuant to an inter-agency agreement, internships within the Bureau and, with the consent of the tribe, within a tribal agricultural resource program of other agricultural resource personnel of such agencies who are above their sixth year of Federal service;

(3) provide for the continuation of salary and benefits for participating Federal employees by their originating agency;

(4) provide for salaries and benefits of participating Indian agricultural resource employees by the host agency; and

(5) provide for a bonus pay incentive at the conclusion of the internship for any participant.

**(c) Continuing education and training**

The Secretary shall maintain a program within the Trust Services Division of the Bureau for Indian agricultural resource personnel which shall provide for—

(1) orientation training for Bureau agricultural resource personnel in tribal-Federal relations and responsibilities;

(2) continuing technical agricultural resource education for Bureau and Indian agricultural resource personnel; and

(3) development training of Indian agricultural resource personnel in agricultural resource based enterprises and marketing.

(Pub. L. 103-177, title II, §202, Dec. 3, 1993, 107 Stat. 2020.)

**§ 3733. Cooperative agreement between Department of the Interior and Indian tribes****(a) Cooperative agreements**

(1)(A) To facilitate the administration of the programs and activities of the Department of the Interior, the Secretary may negotiate and enter into cooperative agreements with Indian tribes to—

(i) engage in cooperative manpower and job training,

(ii) develop and publish cooperative agricultural education and resource planning materials, and

(iii) perform land and facility improvements and other activities related to land and natural resource management and development.

(B) The Secretary may enter into these agreements when the Secretary determines the interest of Indians and Indian tribes will be benefited.

(2) In cooperative agreements entered into under paragraph (1), the Secretary may advance or reimburse funds to contractors from any appropriated funds available for similar kinds of work or by furnishing or sharing materials, supplies, facilities, or equipment without regard to the provisions of section 3324 of title 31 relating to the advance of public moneys.

**(b) Supervision**

In any agreement authorized by this section, Indian tribes and their employees may perform cooperative work under the supervision of the Department of the Interior in emergencies or otherwise as mutually agreed to, but shall not be deemed to be Federal employees other than for the purposes of sections 2671 through 2680 of title 28 and sections 8101 through 8193 of title 5.

**(c) Savings clause**

Nothing in this chapter shall be construed to limit the authority of the Secretary to enter into cooperative agreements otherwise authorized by law.

(Pub. L. 103-177, title II, §203, Dec. 3, 1993, 107 Stat. 2021.)

**§ 3734. Obligated service; breach of contract****(a) Obligated service**

Where an individual enters into an agreement for obligated service in return for financial assistance under any provision of this subchapter, the Secretary shall adopt such regulations as are necessary to provide for the offer of employment to the recipient of such assistance as required by such provision. Where an offer of employment is not reasonably made, the regulations shall provide that such service shall no longer be required.

**(b) Breach of contract; repayment**

Where an individual fails to accept a reasonable offer of employment in fulfillment of such obligated service or unreasonably terminates or fails to perform the duties of such employment, the Secretary shall require a repayment of the financial assistance provided, prorated for the amount of time of obligated service that was performed, together with interest on such amount which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury.

(Pub. L. 103-177, title II, §204, Dec. 3, 1993, 107 Stat. 2022.)

**SUBCHAPTER III—GENERAL PROVISIONS****§ 3741. Regulations**

Except as otherwise provided by this chapter, the Secretary shall promulgate final regulations for the implementation of this chapter within 24 months after December 3, 1993. All regulations

promulgated pursuant to this chapter shall be developed by the Secretary with the participation of the affected Indian tribes.

(Pub. L. 103-177, title III, § 301, Dec. 3, 1993, 107 Stat. 2022.)

#### § 3742. Trust responsibility

Nothing in this chapter shall be construed to diminish or expand the trust responsibility of the United States toward Indian trust lands or natural resources, or any legal obligation or remedy resulting therefrom.

(Pub. L. 103-177, title III, § 302, Dec. 3, 1993, 107 Stat. 2022.)

#### § 3743. Severability

If any provision of this chapter, or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision or circumstance and the remainder of this chapter shall not be affected thereby.

(Pub. L. 103-177, title III, § 303, Dec. 3, 1993, 107 Stat. 2022.)

#### § 3744. Federal, State and local authority

##### (a) Disclaimer

Nothing in this chapter shall be construed to supersede or limit the authority of Federal, State or local agencies otherwise authorized by law to provide services to Indians.

##### (b) Duplication of services

The Secretary shall work with all appropriate Federal departments and agencies to avoid duplication of programs and services currently available to Indian tribes and landowners from other sources.

(Pub. L. 103-177, title III, § 304, Dec. 3, 1993, 107 Stat. 2022.)

#### § 3745. Authorization of appropriations

##### (a) General authorization

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

##### (b) Funding source

The activities required under subchapter II may only be funded from appropriations made pursuant to this chapter. To the greatest extent possible, such activities shall be coordinated with activities funded from other sources.

(Pub. L. 103-177, title III, § 305, Dec. 3, 1993, 107 Stat. 2023.)

#### § 3746. Tribal immunity

Nothing in this chapter shall be construed to affect, modify, diminish, or otherwise impair the sovereign immunity from suit enjoyed by Indian tribes.

(Pub. L. 103-177, title III, § 306, as added Pub. L. 103-435, § 12(b), Nov. 2, 1994, 108 Stat. 4572.)

### CHAPTER 40—INDIAN DAMS SAFETY

Sec.  
3801. Findings.

Sec.  
3802. Definitions.  
3803. Dam Safety Maintenance and Repair Program.  
3804. Authorization of appropriations.  
3805. Indian dam safety.

#### § 3801. Findings

The Congress finds that—

(1) the Secretary of the Interior has identified 53 dams on Indian lands that present a threat to human life in the event of a failure;

(2) because of inadequate attention in the past to problems stemming from structural deficiencies and regular maintenance requirements for dams operated by the Bureau of Indian Affairs, unsafe Bureau dams continue to pose an imminent threat to people and property;

(3) many Bureau dams have maintenance deficiencies regardless of their current safety condition classification and the deficiencies must be corrected to avoid future threats to human life and property;

(4) safe working dams on Indian lands are necessary to supply irrigation water, to provide flood control, to provide water for municipal, industrial, domestic, livestock, and recreation uses, and for fish and wildlife habitats; and

(5) it is necessary to institute a regular dam maintenance and repair program, utilizing the expertise in the Bureau, Indian tribes, and other Federal agencies.

(Pub. L. 103-302, § 2, Aug. 23, 1994, 108 Stat. 1560.)

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Pub. L. 103-302, § 1, Aug. 23, 1994, 108 Stat. 1560, provided that: "This Act [enacting this chapter] may be cited as the 'Indian Dams Safety Act of 1994'."

#### § 3802. Definitions

As used in this chapter:

(1) The term "Bureau" means the Bureau of Indian Affairs.

(2) The term "dam" has the same meaning given such term by section 467 of title 33.

(3) The term "Secretary" means the Secretary of the Interior.

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

(Pub. L. 103-302, § 3, Aug. 23, 1994, 108 Stat. 1560; Pub. L. 104-303, title II, § 215(d), Oct. 12, 1996, 110 Stat. 3694.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (4), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§ 1601 et seq.)