

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

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3801. Findings.

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#### § 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.)