

ture or circumstance unique to that Indian tribe (including treaty rights or biological, archaeological, historical, or cultural circumstances).

(d) Notice of denial

If the Secretary denies a tribal request under subsection (b)(1), the Secretary may issue a notice of denial to the Indian tribe, which—

- (1) identifies the specific factors that caused, and explains the reasons that support, the denial;
- (2) identifies potential courses of action for overcoming specific issues that led to the denial; and
- (3) proposes a schedule of consultation with the Indian tribe for the purpose of developing a strategy for protecting the Indian forest land or rangeland of the Indian tribe and interests of the Indian tribe in Federal land.

(e) Proposal evaluation and determination factors

In entering into an agreement or contract in response to a request of an Indian tribe under subsection (b)(1), the Secretary may—

- (1) use a best-value basis; and
- (2) give specific consideration to tribally-related factors in the proposal of the Indian tribe, including—
 - (A) the status of the Indian tribe as an Indian tribe;
 - (B) the trust status of the Indian forest land or rangeland of the Indian tribe;
 - (C) the cultural, traditional, and historical affiliation of the Indian tribe with the land subject to the proposal;
 - (D) the treaty rights or other reserved rights of the Indian tribe relating to the land subject to the proposal;
 - (E) the indigenous knowledge and skills of members of the Indian tribe;
 - (F) the features of the landscape of the land subject to the proposal, including watersheds and vegetation types;
 - (G) the working relationships between the Indian tribe and Federal agencies in coordinating activities affecting the land subject to the proposal; and
 - (H) the access by members of the Indian tribe to the land subject to the proposal.

(f) No effect on existing authority

Nothing in this section—

- (1) prohibits, restricts, or otherwise adversely affects the participation of any Indian tribe in stewardship agreements or contracting under the authority of section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105-277) (as amended by section 323 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (117 Stat. 275)) or other authority invoked pursuant to this section; or
- (2) invalidates any agreement or contract under that authority.

(g) Report

Not later than 4 years after July 22, 2004, the Secretary shall submit to Congress a report that describes the Indian tribal requests received and

agreements or contracts that have been entered into under this section.

(Pub. L. 108-278, §2, July 22, 2004, 118 Stat. 868.)

REFERENCES IN TEXT

Section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999, referred to in subsecs. (b)(1) and (f)(1), was section §101(e) [title III, §347] of Pub. L. 105-277, div. A, as amended, which was set out as a note under section 2104 of Title 16, Conservation, prior to repeal by Pub. L. 113-79, title VIII, §8205(b), Feb. 7, 2014, 128 Stat. 921. Provisions similar to §101(e) [title III, §347] of Pub. L. 105-277, div. A, as amended, were enacted by Pub. L. 108-148, title VI, §604, as added Pub. L. 113-79, title VIII, §8205(a), Feb. 7, 2014, 128 Stat. 918 and are classified to section 6591c of Title 16, Conservation.

This section, referred to in subsecs. (f) and (g), was in the original “this Act”, meaning Pub. L. 108-278, July 22, 2004, 118 Stat. 868, which enacted this section and provisions set out as a note under section 3101 of this title.

CODIFICATION

Section was enacted as part of the Tribal Forest Protection Act of 2004, and not as part of the National Indian Forest Resources Management Act which comprises this chapter.

§ 3116. 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 chapter, 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 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 Treasurer of the United States.

(Pub. L. 101-630, title III, §317, Nov. 28, 1990, 104 Stat. 4544.)

§ 3117. Authorization of appropriations

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

(Pub. L. 101-630, title III, §318, Nov. 28, 1990, 104 Stat. 4544.)

§ 3118. Regulations

Except as otherwise provided by this chapter, the Secretary is directed to promulgate final regulations for the implementation of the¹

¹ So in original. Probably should be “this”.