

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”.

chapter within eighteen months from November 28, 1990. All regulations promulgated pursuant to this chapter shall be developed by the Secretary with the participation of the affected Indian tribes.

(Pub. L. 101-630, title III, §319, Nov. 28, 1990, 104 Stat. 4544.)

§ 3119. 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. 101-630, title III, §320, Nov. 28, 1990, 104 Stat. 4544.)

§ 3120. Trust responsibility

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

(Pub. L. 101-630, title III, §321, Nov. 28, 1990, 104 Stat. 4544.)

CHAPTER 34—INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION

Sec.	
3201.	Findings and purpose.
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3203.	Reporting procedures.
3204.	Central registry.
3205.	Confidentiality.
3206.	Waiver of parental consent.
3207.	Character investigations.
3208.	Indian Child Abuse Treatment Grant Program.
3209.	Indian Child Resource and Family Services Centers.
3210.	Indian Child Protection and Family Violence Prevention Program.
3211.	Repealed.

§ 3201. Findings and purpose

(a) Findings

The Congress, after careful review of the problem of child abuse on Indian reservations and the historical and special relationship of the Federal Government with Indian people,

- (1) finds that—
 - (A) incidents of abuse of children on Indian reservations are grossly underreported;
 - (B) such underreporting is often a result of the lack of a mandatory Federal reporting law;
 - (C) multiple incidents of sexual abuse of children on Indian reservations have been perpetrated by persons employed or funded by the Federal Government;
 - (D) Federal Government investigations of the background of Federal employees who care for, or teach, Indian children are often deficient;
 - (E) funds spent by the United States on Indian reservations or otherwise spent for the benefit of Indians who are victims of child abuse or family violence are inadequate to meet the growing needs for mental health

treatment and counseling for victims of child abuse or family violence and their families; and

(F) there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and the United States has a direct interest, as trustee, in protecting Indian children who are members of, or are eligible for membership in, an Indian tribe; and

(2) declares that two major goals of the United States are to—

- (A) identify the scope of incidents of abuse of children and family violence in Indian country and to reduce such incidents; and
- (B) provide funds for mental health treatment for Indian victims of child abuse and family violence on Indian reservations.

(b) Purpose

The purposes of this chapter are to—

- (1) require that reports of abused Indian children are made to the appropriate authorities in an effort to prevent further abuse;
- (2) establish a reliable data base for statistical purposes and to authorize a study to determine the need for a central registry for reported incidents of abuse;
- (3) authorize such other actions as are necessary to ensure effective child protection in Indian country;
- (4) establish the Indian Child Abuse Prevention and Treatment Grant Program to provide funds for the establishment on Indian reservations of treatment programs for victims of child sexual abuse;
- (5) provide for technical assistance and training related to the investigation and treatment of cases of child abuse and neglect;
- (6) establish Indian Child Resource and Family Services Centers in each Bureau of Indian Affairs Area Office which will consist of multidisciplinary teams of personnel with experience and training in the prevention, identification, investigation, and treatment of child abuse and neglect;
- (7) provide for the treatment and prevention of incidents of family violence;
- (8) establish tribally operated programs to protect Indian children and reduce the incidents of family violence in Indian country; and
- (9) authorize other actions necessary to ensure effective child protection on Indian reservations.

(Pub. L. 101-630, title IV, §402, Nov. 28, 1990, 104 Stat. 4544.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this title”, meaning title IV of Pub. L. 101-630, Nov. 28, 1990, 104 Stat. 4544, known as the Indian Child Protection and Family Violence Prevention Act, which is classified principally to this chapter. For complete classification of title IV to the Code, see Short Title note below and Tables.

SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114-165, §1, June 3, 2016, 130 Stat. 415, provided that: “This Act [amending section 3207 of this title] may be cited as the ‘Native American Children’s Safety Act’.”