

SUBCHAPTER XLIII—CATAWBA TRIBE OF
SOUTH CAROLINA: DIVISION OF ASSETS

**§§ 931 to 938. Repealed. Pub. L. 103-116, §4(c),
Oct. 27, 1993, 107 Stat. 1121**

Section 931, Pub. L. 86-322, §1, Sept. 21, 1959, 73 Stat. 592, related to publication of notice of agreement to division of assets, closure of roll, preparation of roll, protest against inclusion or omission from roll, finality of determinations, and final publication.

Section 932, Pub. L. 86-322, §2, Sept. 21, 1959, 73 Stat. 592, related to personal property rights of enrolled members and restrictions on alienation.

Section 933, Pub. L. 86-322, §3, Sept. 21, 1959, 73 Stat. 592, related to distribution of tribal assets.

Section 934, Pub. L. 86-322, §4, Sept. 21, 1959, 73 Stat. 593, related to land surveys and execution of conveyances by Secretary and title of grantees.

Section 935, Pub. L. 86-322, §5, Sept. 21, 1959, 73 Stat. 593, related to revocation of tribal constitution, termination of Federal services, application of Federal and State laws, and effect on citizenship status.

Section 936, Pub. L. 86-322, §6, Sept. 21, 1959, 73 Stat. 593, provided that rights, privileges, and obligations under South Carolina laws would be unaffected.

Section 937, Pub. L. 86-322, §7, Sept. 21, 1959, 73 Stat. 593, related to applicability of Federal or State income taxes on distributed property.

Section 938, Pub. L. 86-322, §8, Sept. 21, 1959, 73 Stat. 594, related to education and training program, purposes, subjects, transportation, subsistence, contracts, and other education programs.

EFFECTIVE DATE OF REPEAL

For effective date of repeal, see section 17 of Pub. L. 103-116, set out as an Effective Date note under section 941 of this title.

SUBCHAPTER XLIII-A—CATAWBA INDIAN
TRIBE OF SOUTH CAROLINA; RESTORA-
TION OF FEDERAL TRUST RELATIONSHIP

**§ 941. Declaration of policy, Congressional find-
ings and purpose**

(a) Findings

The Congress declares and finds that:

(1) It is the policy of the United States to promote tribal self-determination and economic self-sufficiency and to support the resolution of disputes over historical claims through settlements mutually agreed to by Indian and non-Indian parties.

(2) There is pending before the United States District Court for the District of South Carolina a lawsuit disputing ownership of approximately 140,000 acres of land in the State of South Carolina and other rights of the Catawba Indian Tribe under Federal law.

(3) The Catawba Indian Tribe initiated a related lawsuit against the United States in the United States Court of Federal Claims seeking monetary damages.

(4) Some of the significant historical events which have led to the present situation include:

(A) In treaties with the Crown in 1760 and 1763, the Tribe ceded vast portions of its aboriginal territory in the present States of North and South Carolina in return for guarantees of being quietly settled on a 144,000-acre reservation.

(B) The Tribe's district court suit contended that in 1840 the Tribe and the State

entered into an agreement without Federal approval or participation whereby the Tribe ceded its treaty reservation to the State, thereby giving rise to the Tribe's claim that it was dispossessed of its lands in violation of Federal law.

(C) In 1943, the United States entered into an agreement with the Tribe and the State to provide services to the Tribe and its members. The State purchased 3,434 acres of land and conveyed it to the Secretary in trust for the Tribe and the Tribe organized under the Indian Reorganization Act [25 U.S.C. 461 et seq.].

(D) In 1959, when Congress enacted the Catawba Tribe of South Carolina Division of Assets Act (25 U.S.C. 931-938), Federal agents assured the Tribe that if the Tribe would release the Government from its obligation under the 1943 agreement and agree to Federal legislation terminating the Federal trust relationship and liquidating the 1943 reservation, the status of the Tribe's land claim would not be jeopardized by termination.

(E) In 1980, the Tribe initiated Federal court litigation to regain possession of its treaty lands and in 1986, the United States Supreme Court ruled in South Carolina against Catawba Indian Tribe that the 1959 Act resulted in the application of State statutes of limitations to the Tribe's land claim. Two subsequent decisions of the United States Court of Appeals for the Fourth Circuit have held that some portion of the Tribe's claim is barred by State statutes of limitations and that some portion is not barred.

(5) The pendency of these lawsuits has led to substantial economic and social hardship for a large number of landowners, citizens and communities in the State of South Carolina, including the Catawba Indian Tribe. Congress recognizes that if these claims are not resolved, further litigation against tens of thousands of landowners would be likely; that any final resolution of pending disputes through a process of litigation would take many years and entail great expenses to all parties; continue economically and socially damaging controversies; prolong uncertainty as to the ownership of property; and seriously impair long-term economic planning and development for all parties.

(6) The 102d Congress has enacted legislation suspending until October 1, 1993, the running of any unexpired statute of limitation applicable to the Tribe's land claim in order to provide additional time to negotiate settlement of these claims.

(7) It is recognized that both Indian and non-Indian parties enter into this settlement to resolve the disputes raised in these lawsuits and to derive certain benefits. The parties' Settlement Agreement constitutes a good faith effort to resolve these lawsuits and other claims and requires implementing legislation by the Congress of the United States, the General Assembly of the State of South Carolina, and the governing bodies of the South Carolina counties of York and Lancaster.