

(2) The offers, and any acceptances thereof, referred to in subsection (a) of this section, and the relinquishment of claims against the State, the city, the congressional villages, and all prior lessees for payment of annual rents referred to in subsection (b) of this section shall not be binding on the Seneca Nation until after the later of the dates on which (1) Congress, or (2) the legislature of the State appropriates the amount of funds set forth in section 1774d of this title or the Seneca Nation and the State agree upon a schedule and mechanism for payments for funds pursuant to section 1774d(c) of this title. Such agreement shall render the offers, acceptances and the relinquishment effective so long as the payments are made as agreed upon by the Seneca Nation and the State.

(Pub. L. 101-503, § 4, Nov. 3, 1990, 104 Stat. 1294.)

#### **§ 1774c. Responsibilities and restrictions**

##### **(a) Seneca Nation**

The Congress finds that the Seneca Nation is solely responsible for negotiation of the leases under the Agreement in its own interest and approval of any such lease by the United States is not required.

##### **(b) Lessees**

The Congress finds that—

(1) the lessees of leases with the Seneca Nation are responsible for representing their own interest in lease negotiations with the Seneca Nation; and

(2) nothing in this subchapter shall be construed to prevent the lessees from collectively negotiating with the Seneca Nation regarding such leases, whether through informal groups or as delegations formally sanctioned by either the State or local governments.

##### **(c) United States**

(1) The United States shall not serve in a capacity to approve leases of the Seneca Nation.

(2) Federal funds may not be obligated or expended, directly or indirectly, for annual payments under any such lease, except for funds that may be available under a conventional, nationwide program.

##### **(d) State**

(1) The State shall not serve in a capacity to approve leases of the Seneca Nation.

(2) State funds may not be obligated or expended, directly or indirectly, for annual payments under any such lease.

(Pub. L. 101-503, § 5, Nov. 3, 1990, 104 Stat. 1295.)

#### **§ 1774d. Settlement funds**

##### **(a) In general**

In recognition of the findings and purposes specified in section 1774 of this title, the settlement funds provided pursuant to this subchapter shall be provided by the United States and the State. The Secretary may not obligate or expend funds provided under subsection (b) of this section until the Secretary determines that there is an agreed upon and signed memorandum of understanding.

##### **(b) Funds provided by United States**

###### **(1) Cash payment**

The Secretary shall pay to the Seneca Nation the amount of \$30,000,000, which is the

Federal share of the cash payment to be managed, invested, and used by the Nation to further specific objectives of the Nation and its members, all as determined by the Nation in accordance with the Constitution and laws of the Nation.

##### **(2) Economic development**

(A) In addition to the amount provided under paragraph (1), the Secretary shall pay to the Seneca Nation the amount of \$5,000,000 to be used for the economic and community development of the Seneca Nation, including the city of Salamanca, which is an integral part of the Seneca Nation's Allegany Reservation. Such amount shall be deposited by the Secretary, administered, and disbursed in accordance with subparagraph (B).

(B)(i) The sum of \$2,000,000 shall be deposited in a separate interest bearing account of the Seneca Nation. The account shall be administered, and the principal and interest thereon disbursed, by the Seneca Nation in accordance with a plan approved by the Council of the Seneca Nation to promote the economic and community development of the Seneca Nation. Until the principal is expended pursuant to such plan, the income accruing from such sum shall be disbursed to the treasurer of the Seneca Nation on a quarterly basis to fund tribal government operations and to provide for the general welfare of the Seneca Nation and its members. The Seneca Nation may in its discretion add the accrued income to the principal.

(ii) The sum of \$3,000,000 shall be deposited in an escrow account which shall be owned by the Seneca Nation. The escrow agent shall be selected by agreement of the Seneca Nation and the city. The escrow account shall remain in existence for a period of ten years from the date on which the principal is deposited or until all payments provided for under section V.D. of the Agreement have been made. The escrow account shall be held and disbursed for economic and community development as set forth in section V.D. of the Agreement. Upon the expiration of the ten-year period, the \$3,000,000 principal shall be disbursed in accordance with a plan approved by the Council of the Seneca Nation to promote the economic and community development of the Seneca Nation.

##### **(c) Funds to be provided by State**

The State, in accordance with its laws and regulations, shall provide the sum of \$16,000,000 in cash payments and \$9,000,000 for economic or community development subject to the provisions of the memorandum of understanding.

##### **(d) Time of payments**

The payments required by this section on the part of the United States shall be made within 30 days of the Secretary's determination that the Seneca Nation has complied with section 1774b of this title, or upon the availability of the amounts necessary to carry out this subchapter, if such determination has previously been made. If the Secretary determines that the Seneca Nation has not complied with section 1774b of this title, he shall advise the Seneca Nation in writing of all steps it must take to comply.