

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.

(8) To advance the goals of the Federal policy of Indian self-determination and restoration of terminated Indian Tribes, and in recognition of the United States obligation to the Tribe and the Federal policy of settling historical Indian claims through comprehensive settlement agreements, it is appropriate that the United States participate in the funding and implementation of the Settlement Agreement.

(b) Purpose

It is the purpose of this subchapter—

(1) to approve, ratify, and confirm the Settlement Agreement entered into by the non-Indian settlement parties and the Tribe, except as otherwise provided by this subchapter;

(2) to authorize and direct the Secretary to implement the terms of such Settlement Agreement;

(3) to authorize the actions and appropriations necessary to implement the provisions of the Settlement Agreement and this subchapter;

(4) to remove the cloud on titles in the State of South Carolina resulting from the Tribe's land claim; and

(5) to restore the trust relationship between the Tribe and the United States.

(Pub. L. 103-116, §2, Oct. 27, 1993, 107 Stat. 1118.)

REFERENCES IN TEXT

The Indian Reorganization Act, referred to in subsec. (a)(4)(C), is act June 18, 1934, ch. 576, 48 Stat. 984, as amended, which is classified generally to subchapter V (§461 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

The Catawba Tribe of South Carolina Division of Assets Act and the 1959 Act, referred to in subsec. (a)(4)(D), (E), probably mean Pub. L. 86-322, Sept. 21, 1959, 73 Stat. 592, which was classified generally to subchapter XLIII (§931 et seq.) of this chapter prior to repeal by Pub. L. 103-116, §4(c), Oct. 27, 1993, 107 Stat. 1121.

Legislation suspending until October 1, 1993, the running of any unexpired statute of limitation applicable to the Tribe's land claim, referred to in subsec. (a)(6), is Pub. L. 102-339, §3, Aug. 11, 1992, 106 Stat. 869, which is not classified to the Code.

This subchapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 103-116, Oct. 27, 1993, 107 Stat. 1118, known as the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE

Pub. L. 103-116, §17, Oct. 27, 1993, 107 Stat. 1138, provided that: "Except for sections 7, 8, and 12 [enacting sections 941e, 941f and 941j of this title], the provisions of this Act [see Short Title note below] shall become effective upon the transfer of the Existing Reservation under section 12 [enacting section 941j of this title] to the Secretary."

[In accordance with the provisions of Pub. L. 103-116, a quitclaim deed transferring the existing reservation to the United States as Trustee for the Tribe was executed on Nov. 29, 1993. This conveyance was accepted on behalf of the United States, in trust, on Jan. 19, 1994. The deed was recorded Jan. 20, 1994.]

SHORT TITLE

Pub. L. 103-116, §1, Oct. 27, 1993, 107 Stat. 1118, provided that: "This Act [enacting this subchapter and repealing subchapter XLIII (§931 et seq.) of this chapter] may be cited as the 'Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993'."

§ 941a. Definitions

For purposes of this subchapter:

(1) The term "Tribe" means the Catawba Indian Tribe of South Carolina as constituted in aboriginal times, which was party to the Treaty of Pine Tree Hill in 1760 as confirmed by the Treaty of Augusta in 1763, which was party also to the Treaty of Nation Ford in 1840, and which was the subject of the Termination Act, and all predecessors and successors in interest, including the Catawba Indian Tribe of South Carolina, Inc.

(2) The term "claim" or "claims" means any claim which was asserted by the Tribe in ei-

ther Suit, and any other claim which could have been asserted by the Tribe or any Catawba Indian of a right, title or interest in property, to trespass or property damages, or of hunting, fishing or other rights to natural resources, if such claim is based upon aboriginal title, recognized title, or title by grant, patent, or treaty including the Treaty of Pine Tree Hill of 1760, the Treaty of Augusta of 1763, or the Treaty of Nation Ford of 1840.

(3) The term "Executive Committee" means the body of the Tribe composed of the Tribe's executive officers as selected by the Tribe in accordance with its constitution.

(4) The term "Existing Reservation" means that tract of approximately 630 acres conveyed to the State in trust for the Tribe by J.M. Doby on December 24, 1842, by deed recorded in York County Deed Book N, pp. 340-341.

(5) The term "General Council" means the membership of the Tribe convened as the Tribe's governing body for the purpose of conducting tribal business pursuant to the Tribe's constitution.

(6) The term "Member" means individuals who are currently members of the Tribe or who are enrolled in accordance with this subchapter.

(7) The term "Reservation" or "Expanded Reservation" means the Existing Reservation and the lands added to the Existing Reservation in accordance with section 941j of this title, which are to be held in trust by the Secretary in accordance with this subchapter.

(8) The term "Secretary" means the Secretary of the Interior.

(9) The term "service area" means the area composed of the State of South Carolina and Cabarrus, Cleveland, Gaston, Mecklenburg, Rutherford, and Union counties in the State of North Carolina.

(10) The term "Settlement Agreement" means the document entitled "Agreement in Principle" between the Tribe and the State of South Carolina and attached to the copy of the State Act and filed with the Secretary of State of the State of South Carolina, as amended to conform to this subchapter and printed in the Congressional Record.

(11) The term "State" means, except for section 941d(a) through (f) of this title, the State of South Carolina.

(12) The term "State Act" means the Act enacted into law by the State of South Carolina on June 14, 1993, and codified as S.C. Code Ann., sections 27-16-10 through 27-16-140, to implement the Settlement Agreement.

(13) The term "Suit" or "Suits" means Catawba Indian Tribe of South Carolina v. State of South Carolina, et al., docketed as Civil Action No. 80-2050 and filed in the United States District Court for the District of South Carolina; and Catawba Indian Tribe of South Carolina v. The United States of America, docketed as Civil Action No. 90-553L and filed in the United States Court of Federal Claims.

(14) The term "Termination Act" means the Act entitled "An Act to provide for the division of the tribal assets of the Catawba Indian Tribe of South Carolina among the members of the Tribe and for other purposes", approved

September 21, 1959 (73 Stat. 592; 25 U.S.C. 931-938).

(15) The term "transfer" includes (but is not limited to) any voluntary or involuntary sale, grant, lease, allotment, partition, or other conveyance; any transaction the purpose of which was to effect a sale, grant, lease, allotment, partition, or conveyance; and any act, event or circumstance that resulted in a change in title to, possession of, dominion over, or control of land, water, minerals, timber, or other natural resources.

(16) The term "Trust Funds" means the trust funds established by section 941i of this title.

(Pub. L. 103-116, §3, Oct. 27, 1993, 107 Stat. 1120.)

REFERENCES IN TEXT

The Agreement in Principle, referred to in par. (10), is set out at Cong. Rec., vol. 139, part 16, p. 22583.

The Act entitled "An Act to provide for the division of the tribal assets of the Catawba Indian Tribe of South Carolina among the members of the Tribe and for other purposes", approved September 21, 1959, referred to in par. (14), is Pub. L. 86-322, Sept. 21, 1959, 73 Stat. 592, which was classified generally to subchapter XLIII (§931 et seq.) of this chapter prior to repeal by Pub. L. 103-116, §4(c), Oct. 27, 1993, 107 Stat. 1121.

§ 941b. Restoration of Federal trust relationship

(a) Restoration of Federal trust relationship and approval, ratification, and confirmation of Settlement Agreement

On the effective date of this subchapter—

(1) the trust relationship between the Tribe and the United States is restored; and

(2) the Settlement Agreement and the State Act are approved, ratified, and confirmed by the United States to effectuate the purposes of this subchapter, and shall be complied with in the same manner and to the same extent as if they had been enacted into Federal law.

(b) Eligibility for Federal benefits and services

Notwithstanding any other provision of law, on the effective date of this subchapter, the Tribe and the Members shall be eligible for all benefits and services furnished to federally recognized Indian tribes and their members because of their status as Indians. On the effective date of this subchapter, the Secretary shall enter the Tribe on the list of federally recognized bands and tribes maintained by the Department of the Interior; and its members shall be eligible to special services, educational benefits, medical care, and welfare assistance provided by the United States to Indians because of their status as Indians, and the Tribe shall be eligible to the special services performed by the United States for tribes because of their status as Indian tribes. For the purpose of eligibility for Federal services made available to members of federally recognized Indian tribes because of their status as Indian tribal members, Members of the Tribe in the Tribe's service area shall be deemed to be residing on or near a reservation.

(c) Repeal of Termination Act

The Termination Act is repealed.

(d) Effect on property rights and other obligations

Except as otherwise specifically provided in this subchapter, this subchapter shall not affect