

by majority vote the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(3) Secondary Acquisition Area

(A) In general

Not more than 640 acres of land may be acquired pursuant to paragraph (1) from those certain lands located in the Secondary Acquisition Area, as defined in the Settlement Agreement.

(B) Effect of objection

Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote—

- (i) the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within; or
- (ii) the governing body of Riverside County, California, in the event that such lands are located within an unincorporated area,

formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(4) Contiguous lands

The Secretary shall not take any lands into trust for the Tribe under generally applicable Federal statutes or regulations where such lands are both—

- (A) contiguous to any lands within the Secondary Acquisition Area that are taken into trust pursuant to the terms of the Settlement Agreement and this subchapter; and
- (B) situated outside the Secondary Acquisition Area.

(b) Restrictions on gaming

The Tribe may conduct gaming on only one site within the lands acquired pursuant to subsection 6(a)(1)¹ as more particularly provided in the Settlement Agreement.

(c) Water rights

All lands acquired by the Tribe under subsection (a) of this section shall—

- (1) be subject to all valid water rights existing at the time of tribal acquisition, including (but not limited to) all rights under any permit or license issued under the laws of the State of California to commence an appropriation of water, to appropriate water, or to increase the amount of water appropriated;

(2) be subject to the paramount rights of any person who at any time recharges or stores water in a ground water basin to recapture or recover the recharged or stored water or to authorize others to recapture or recover the recharged or stored water; and

(3) continue to enjoy all valid water rights appurtenant to the land existing immediately prior to the time of tribal acquisition.

(Pub. L. 106-568, title VI, § 606, Dec. 27, 2000, 114 Stat. 2909.)

EFFECTIVE DATE

Section effective on date on which the Secretary determines that certain conditions with respect to the Settlement Agreement and provisions of title VI of Pub. L. 106-568 have been met, see section 611(b) of Pub. L. 106-568, set out as a note under section 1778 of this title.

§ 1778e. Permanent flowage easements

(a) Conveyance of easement to Coachella Valley Water District

(1) Tribal interest

The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall convey to the Coachella Valley Water District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) United States interest

The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, convey to the Coachella Valley Water District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(b) Conveyance of easement to Imperial Irrigation District

(1) Tribal interest

The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) United States

The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) lo-

¹ So in original. Probably should be subsection "(a)(1)".

cated within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(Pub. L. 106-568, title VI, §607, Dec. 27, 2000, 114 Stat. 2911.)

EFFECTIVE DATE

Section effective on date on which the Secretary determines that certain conditions with respect to the Settlement Agreement and provisions of title VI of Pub. L. 106-568 have been met, see section 611(b) of Pub. L. 106-568, set out as a note under section 1778 of this title.

§ 1778f. Satisfaction of claims, waivers, and releases

(a) Satisfaction of claims

The benefits available to the Tribe and the allottees under the terms and conditions of the Settlement Agreement and the provisions of this subchapter shall constitute full and complete satisfaction of the claims by the Tribe and the allottees arising from or related to the inundation and lack of drainage of tribal and allottee lands described in section 1778 of this title and further defined in the Settlement Agreement.

(b) Approval of waivers and releases

The United States hereby approves and confirms the releases and waivers required by the Settlement Agreement and this subchapter.

(Pub. L. 106-568, title VI, §608, Dec. 27, 2000, 114 Stat. 2912.)

EFFECTIVE DATE

Section effective on date on which the Secretary determines that certain conditions with respect to the Settlement Agreement and provisions of title VI of Pub. L. 106-568 have been met, see section 611(b) of Pub. L. 106-568, set out as a note under section 1778 of this title.

§ 1778g. Miscellaneous provisions

(a) Eligibility for benefits

Nothing in this subchapter or the Settlement Agreement shall affect the eligibility of the Tribe or its members for any Federal program or diminish the trust responsibility of the United States to the Tribe and its members.

(b) Eligibility for other services not affected

No payment pursuant to this subchapter shall result in the reduction or denial of any Federal services or programs to the Tribe or to members of the Tribe, to which they are entitled or eligible because of their status as a federally recognized Indian tribe or member of the Tribe.

(c) Preservation of existing rights

Except as provided in this subchapter or the Settlement Agreement, any right to which the Tribe is entitled under existing law shall not be affected or diminished.

(d) Amendment of Settlement Agreement

The Settlement Agreement may be amended from time to time in accordance with its terms and conditions to the extent that such amendments are not inconsistent with the trust land

acquisition provisions of the Settlement Agreement, as such provisions existed on—

(1) December 27, 2000, in the case of Modifications One and Three; and

(2) September 14, 2000, in the case of Modification Four.

(Pub. L. 106-568, title VI, §609, Dec. 27, 2000, 114 Stat. 2912.)

§ 1778h. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this subchapter.

(Pub. L. 106-568, title VI, §610, Dec. 27, 2000, 114 Stat. 2912.)

SUBCHAPTER XIII—CHEROKEE, CHOCTAW, AND CHICKASAW NATIONS CLAIMS SETTLEMENT

§ 1779. Findings

The Congress finds the following:

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

(2) There are pending before the United States Court of Federal Claims certain lawsuits against the United States brought by the Cherokee, Choctaw, and Chickasaw Nations seeking monetary damages for the alleged use and mismanagement of tribal resources along the Arkansas River in eastern Oklahoma.

(3) The Cherokee Nation, a federally recognized Indian tribe with its present tribal headquarters south of Tahlequah, Oklahoma, having adopted its most recent constitution on June 26, 1976, and having entered into various treaties with the United States, including but not limited to the Treaty at Hopewell, executed on November 28, 1785 (7 Stat. 18), and the Treaty at Washington, D.C., executed on July 19, 1866 (14 Stat. 799), has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union.

(4) The Choctaw Nation, a federally recognized Indian tribe with its present tribal headquarters in Durant, Oklahoma, having adopted its most recent constitution on July 9, 1983, and having entered into various treaties with the United States of America, including but not limited to the Treaty at Hopewell, executed on January 3, 1786 (7 Stat. 21), and the Treaty at Washington, D.C., executed on April 28, 1866 (7 Stat. 21),¹ has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union.

(5) The Chickasaw Nation, a federally recognized Indian tribe with its present tribal headquarters in Ada, Oklahoma, having adopted its most recent constitution on August 27, 1983, and having entered into various treaties with the United States of America, including but not limited to the Treaty at Hopewell, exe-

¹ So in original. Probably should be "(14 Stat. 769)".