

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 either 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 any property right or obligation or any contractual right or obligation in existence before the effective date of this subchapter, or any obligation for taxes levied before that date.

(e) Extent of jurisdiction

This subchapter shall not be construed to empower the Tribe with special jurisdiction or to deprive the State of jurisdiction other than as expressly provided by this subchapter or by the State Act. The jurisdiction and governmental powers of the Tribe shall be solely those set forth in this subchapter and the State Act.

(Pub. L. 103-116, § 4, Oct. 27, 1993, 107 Stat. 1121.)

REFERENCES IN TEXT

For the effective date of this subchapter, referred to in subsecs. (a), (b), and (d), see Effective Date note set out under section 941 of this title.

§ 941c. Settlement funds**(a) Authorization for appropriation**

There is hereby authorized to be appropriated \$32,000,000 for the Federal share which shall be deposited in the trust funds established pursuant to section 941i of this title or paid pursuant to section 941d(g) of this title.

(b) Disbursement in accordance with Settlement Agreement

The Federal funds appropriated pursuant to this subchapter shall be disbursed in four equal annual installments of \$8,000,000 beginning in the fiscal year following October 27, 1993. Funds transferred to the Secretary from other sources shall be deposited in the trust funds established pursuant to section 941i of this title or paid pursuant to section 941d(g) of this title within 30 days of receipt by the Secretary.

(c) Federal, State, local and private contributions held in trust by Secretary

The Secretary shall, on behalf of the Tribe, collect those contributions toward settlement appropriated or received by the State pursuant to section 5.2 of the Settlement Agreement and shall either hold such funds totalling \$18,000,000, together with the Federal funds appropriated pursuant to this subchapter, in trust for the Tribe pursuant to the provisions of section 941i of this title or pay such funds pursuant to section 941d(g) of this title.

(d) Nonpayment of State, local, or private contributions

The Secretary shall not be accountable or incur any liability for the collection, deposit, or management of the non-Federal contributions made pursuant to section 5.2 of the Settlement Agreement, or payment of such funds pursuant to section 941d(g) of this title, until such time as such funds are received by the Secretary.

(Pub. L. 103-116, § 5, Oct. 27, 1993, 107 Stat. 1122.)

§ 941d. Ratification of prior transfers; extinguishment of aboriginal title, rights and claims**(a) Ratification of transfers**

Any transfer of land or natural resources located anywhere within the United States from, by, or on behalf of the Tribe, any one or more of its Members, or anyone purporting to be a Member, including but without limitation any transfer pursuant to any treaty, compact, or statute of any State, shall be deemed to have been made in accordance with the Constitution and all laws of the United States, and Congress hereby approves and ratifies any such transfer effective as of the date of such transfer. Nothing in this section shall be construed to affect, eliminate, or revive the personal claim of any individual Member (except for any Federal common law fraud claim) which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(b) Aboriginal title

To the extent that any transfer of land or natural resources described in subsection (a) of this section may involve land or natural resources to which the Tribe, any of its Members, or anyone purporting to be a Member, or any other Indian, Indian nation, or Tribe or band of Indians had aboriginal title, subsection (a) of this section shall be regarded as an extinguishment of aboriginal title as of the date of such transfer.

(c) Extinguishment of claims

By virtue of the approval and ratification of any transfer of land or natural resources ef-