

§ 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The Termination Act is repealed.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-

fectured by this section, or the extinguishment of aboriginal title effected thereby, all claims against the United States, any State or subdivision thereof, or any other person or entity, by the Tribe, any of its Members, or anyone purporting to be a Member, or any predecessors or successors in interest thereof or any other Indian, Indian Nation, or tribe or band of Indians, arising at the time of or subsequent to the transfer and based on any interest in or right involving such land or natural resources, including without limitation claims for trespass damages or claims for use and occupancy, shall be deemed extinguished as of the date of the transfer.

(d) Extinguishment of title

(1) All claims and all right, title, and interest that the Tribe, its Members, or any person or group of persons purporting to be Catawba Indians may have to aboriginal title, recognized title, or title by grant, patent, or treaty to the lands located anywhere in the United States are hereby extinguished.

(2) This extinguishment of claims shall also extinguish title to any hunting, fishing, or water rights or rights to any other natural resource claimed by the Tribe or a Member based on aboriginal or treaty recognized title, and all trespass damages and other damages associated with use, occupancy or possession, or entry upon such lands.

(e) Bar to future claims

The United States is hereby barred from asserting by or on behalf of the Tribe or any of its Members, or anyone purporting to be a Member, any claim arising before the effective date of this subchapter from the transfer of any land or natural resources by deed or other grant, or by treaty, compact, or act of law, on the grounds that such transfer was not made in accordance with the laws of South Carolina or the Constitution or laws of the United States.

(f) No derogation of fee simple in Existing Reservation, or effect on Members' fee interests

Nothing in this subchapter shall be construed to diminish or derogate from the Tribe's estate in the Existing Reservation; or to divest or disturb title in any land conveyed to any person or entity as a result of the Termination Act and the liquidation and partition of tribal lands; or to divest or disturb the right, title and interest of any Member in any fee simple, leasehold or remainder estate or any equitable or beneficial right or interest any such Member may own individually and not as a Member of the Tribe.

(g) Costs and attorneys' fees

The parties to the Suits shall bear their own costs and attorneys' fees. As provided by section 6.4 of the Settlement Agreement, the Secretary shall pay to the Tribe's attorneys in the Suits attorneys' fees and expenses from, and not to exceed 10 percent of, the \$50,000,000 obligated for payment to the Tribe by Federal, State, local, and private parties pursuant to section 5 of the Settlement Agreement.

(h) Personal claims not affected

Nothing in this section shall be deemed to affect, diminish, or eliminate the personal claim

of any individual Indian which is pursued under any law of general applicability (other than Federal common law fraud) that protects non-Indians as well as Indians.

(i) Federal payment

In the event any of the Federal payments are not paid as set forth in section 941c of this title, such failure to pay shall give rise to a cause of action by the Tribe against the United States for money damages for the amount authorized to be paid to the Tribe in section 941c(a) of this title in settlement of the Tribe's claim, and the Tribe is authorized to bring an action in the United States Court of Claims for such funds plus applicable interest. The United States hereby waives any affirmative defense to such action.

(j) State payment

In the event any of the State payments are not paid as set forth in section 941c of this title, such failure to pay shall give rise to a cause of action in the United States District Court for the District of South Carolina by the Tribe against the State of South Carolina for money damages for the amount authorized to be paid to the Tribe by the State in §27-16-50(A) of the State Act in settlement of the Tribe's claim. Pursuant to §27-16-50(E) of the State Act, the State of South Carolina waives any Eleventh Amendment immunity to such action.

(Pub. L. 103-116, §6, Oct. 27, 1993, 107 Stat. 1122.)

REFERENCES IN TEXT

For the effective date of this subchapter, referred to in subsec. (e), see Effective Date note set out under section 941 of this title.

§ 941e. Base membership roll

(a) Base membership roll criteria

Within one year after October 27, 1993, the Tribe shall submit to the Secretary, for approval, its base membership roll. An individual is eligible for inclusion on the base membership roll if that individual is living on October 27, 1993, and—

(1) is listed on the membership roll published by the Secretary in the Federal Register on February 25, 1961 (26 FR 1680-1688, "Notice of Final Membership Roll"), and is not excluded under the provisions of subsection (c) of this section;

(2) the Executive Committee determines, based on the criteria used to compile the roll referred to in paragraph (1), that the individual should have been included on the membership roll at that time, but was not; or

(3) is a lineal descendant of a Member whose name appeared or should have appeared on the membership roll referred to in paragraph (1).

(b) Base membership roll notice

Within 90 days after October 27, 1993, the Secretary shall publish in the Federal Register, and in three newspapers of general circulation in the Tribe's service area, a notice stating—

(1) that a base membership roll is being prepared by the Tribe and that the current membership roll is open and will remain open for a period of 90 days;