

residents of the town of Charlestown by clouding the titles to much of the land in the town, including lands not involved in the lawsuits;

(c) the Congress shares with the State of Rhode Island and the parties to the lawsuits a desire to remove all clouds on titles resulting from such Indian land claims within the State of Rhode Island; and

(d) the parties to the lawsuits and others interested in the settlement of Indian land claims within the State of Rhode Island have executed a Settlement Agreement which requires implementing legislation by the Congress of the United States and the legislature of the State of Rhode Island.

(Pub. L. 95-395, § 2, Sept. 30, 1978, 92 Stat. 813.)

SHORT TITLE

Pub. L. 95-395, § 1, Sept. 30, 1978, 92 Stat. 813, provided: "That this Act [enacting this subchapter] may be cited as the 'Rhode Island Indian Claims Settlement Act'."

For short title of Pub. L. 96-420, which enacted subchapter II of this chapter, as the "Maine Indian Claims Settlement Act of 1980", see section 1 of Pub. L. 96-420, set out as a note under section 1721 of this title.

For short title of Pub. L. 97-399, which enacted subchapter III of this chapter, as the "Florida Indian Land Claims Settlement Act of 1982", see section 1 of Pub. L. 97-399, set out as a note under section 1741 of this title.

For short title of Pub. L. 98-134, which enacted subchapter IV of this chapter, as the "Mashantucket Pequot Indian Claims Settlement Act", see section 1 of Pub. L. 98-134, set out as a note under section 1751 of this title.

For short title of Pub. L. 100-95, which enacted subchapter V of this chapter, as the "Wampanoag Tribal Council of Gay Head, Inc., Indian Claims Settlement Act of 1987", see section 1 of Pub. L. 100-95, set out as a note under section 1771 of this title.

For short title of Pub. L. 100-228, which enacted subchapter VI of this chapter, as the "Seminole Indian Land Claims Settlement Act of 1987", see section 1 of Pub. L. 100-228, set out as a note under section 1772 of this title.

For short title of Pub. L. 101-41, which enacted subchapter VII of this chapter, as the "Puyallup Tribe of Indians Settlement Act of 1989", see section 1 of Pub. L. 101-41, set out as a note under section 1773 of this title.

For short title of Pub. L. 101-503, which enacted subchapter VIII of this chapter, as the "Seneca Nation Settlement Act of 1990", see section 1 of Pub. L. 101-503, set out as a note under section 1774 of this title.

For short title of Pub. L. 103-377, which enacted subchapter IX of this chapter, as the "Mohegan Nation of Connecticut Land Claims Settlement Act of 1994", see section 1 of Pub. L. 103-377, set out as a note under section 1775 of this title.

For short title of Pub. L. 103-444, which enacted subchapter X of this chapter, as the "Crow Boundary Settlement Act of 1994", see section 1 of Pub. L. 103-444, set out as a note under section 1776 of this title.

For short title of Pub. L. 106-425, which enacted subchapter XI of this chapter, as the "Santo Domingo Pueblo Claims Settlement Act of 2000", see section 1 of Pub. L. 106-425, set out as a note under section 1777 of this title.

For short title of title VI of Pub. L. 106-568, which enacted subchapter XII of this chapter, as the "Torres-Martinez Desert Cahuilla Indians Claims Settlement Act", see section 601 of Pub. L. 106-568, set out as a note under section 1778 of this title.

For short title of title VI of Pub. L. 107-331, which enacted subchapter XIII of this chapter, as the "Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act", see section 601 of Pub. L. 107-331, set out as a note under section 1779 of this title.

For short title of Pub. L. 109-286, which enacted subchapter XIV of this chapter, as the "Pueblo de San Ildefonso Claims Settlement Act of 2005", see section 1 of Pub. L. 109-286, set out as a note under section 1780 of this title.

§ 1702. Definitions

For the purposes of this subchapter, the term—

(a) "Indian Corporation" means the Rhode Island nonbusiness corporation known as the "Narragansett Tribe of Indians";

(b) "land or natural resources" means any real property or natural resources, or any interest in or right involving any real property or natural resource, including but not limited to, minerals and mineral rights, timber and timber rights, water and water rights, and rights to hunt and fish;

(c) "lawsuits" means the actions entitled "Narragansett Tribe of Indians v. Southern Rhode Island Land Development Co., et al., C.A. No. 75-0006 (D.R.I.)" and "Narragansett Tribe of Indians v. Rhode Island Director of Environmental Management, C.A. No. 75-0005 (D.R.I.)";

(d) "private settlement lands" means approximately nine hundred acres of privately held land outlined in red in the map marked "Exhibit A" attached to the Settlement Agreement that are to be acquired by the Secretary from certain private landowners pursuant to sections 1704 and 1707 of this title;

(e) "public settlement lands" means the lands described in paragraph 2 of the Settlement Agreement that are to be conveyed by the State of Rhode Island to the State Corporation pursuant to legislation as described in section 1706 of this title;

(f) "settlement lands" means those lands defined in subsections (d) and (e) of this section;

(g) "Secretary" means the Secretary of the Interior;

(h) "settlement agreement" means the document entitled "Joint Memorandum of Understanding Concerning Settlement of the Rhode Island Indian Land Claims", executed as of February 28, 1978, by representatives of the State of Rhode Island, of the town of Charlestown, and of the parties to the lawsuits, as filed with the Secretary of the State of Rhode Island;

(i) "State Corporation" means the corporation created or to be created by legislation enacted by the State of Rhode Island as described in section 1706 of this title; and

(j) "transfer" includes but is not limited to any sale, grant, lease, allotment, partition, or conveyance, any transaction the purpose of which was to effect a sale, grant, lease, allotment, partition, or conveyance, or any event or events that resulted in a change of possession or control of land or natural resources.

(Pub. L. 95-395, § 3, Sept. 30, 1978, 92 Stat. 813.)

§ 1703. Rhode Island Indian Claims Settlement Fund; establishment

There is hereby established in the United States Treasury a fund to be known as the Rhode Island Indian Claims Settlement Fund

into which \$3,500,000 shall be deposited following the appropriation authorized by section 1710 of this title.

(Pub. L. 95-395, § 4, Sept. 30, 1978, 92 Stat. 814.)

§ 1704. Option agreements to purchase private settlement lands

(a) Acceptance of option agreement assignments; reasonableness of terms and conditions

The Secretary shall accept assignment of reasonable two-year option agreements negotiated by the Governor of the State of Rhode Island or his designee for the purchase of the private settlement lands: *Provided*, That the terms and conditions specified in such options are reasonable and that the total price for the acquisition of such lands, including reasonable costs of acquisition, will not exceed the amount specified in section 1703 of this title. If the Secretary does not determine that any such option agreement is unreasonable within sixty days of its submission, the Secretary will be deemed to have accepted the assignment of the option.

(b) Amount of payment

Payment for any option entered into pursuant to subsection (a) of this section shall be in the amount of 5 per centum of the fair market value of the land or natural resources as of the date of the agreement and shall be paid from the fund established by section 1703 of this title.

(c) Limitation on option fees

The total amount of the option fees paid pursuant to subsection (b) of this section shall not exceed \$175,000.

(d) Application of option fee

The option fee for each option agreement shall be applied to the agreed purchase price in the agreement if the purchase of the defendant's land or natural resources is completed in accordance with the terms of the option agreement.

(e) Retention of option payment

The payment for each option may be retained by the party granting the option if the property transfer contemplated by the option agreement is not completed in accordance with the terms of the option agreement.

(Pub. L. 95-395, § 5, Sept. 30, 1978, 92 Stat. 814.)

§ 1705. Publication of findings

(a) Prerequisites; consequences

If the Secretary finds that the State of Rhode Island has satisfied the conditions set forth in section 1706 of this title, he shall publish such findings in the Federal Register and upon such publication—

(1) any transfer of land or natural resources located anywhere within the United States from, by, or on behalf of the Indian Corporation or any other entity presently or at any time in the past known as the Narragansett Tribe of Indians, or any predecessor or successor in interest, member or stockholder thereof, and any transfer of land or natural resources located anywhere within the town of Charlestown, Rhode Island, by, from, or on be-

half of any Indian, Indian nation, or tribe of Indians, including but not limited to a transfer pursuant to any statute of any State, shall be deemed to have been made in accordance with the Constitution and all laws of the United States that are specifically applicable to transfers of land or natural resources from, by, or on behalf of any Indian, Indian nation or tribe of Indians (including but not limited to the Trade and Intercourse Act of 1790, Act of July 22, 1790, ch. 33, sec. 4, 1 Stat. 137, and all amendments thereto and all subsequent versions thereof), and Congress does hereby approve any such transfer effective as of the date of said transfer;

(2) 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 Indian Corporation or any other entity presently or at any time in the past known as the Narragansett Tribe of Indians, or any predecessor or successor in interest, member or stockholder thereof, or any other Indian, Indian nation, or tribe of Indians, had aboriginal title, subsection (a) of this section shall be regarded as an extinguishment of such aboriginal title as of the date of said transfer; and

(3) by virtue of the approval of a transfer of land or natural resources effected by this section, or an 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 Indian Corporation or any other entity presently or at any time in the past known as the Narragansett Tribe of Indians, or any predecessor or successor in interest, member or stockholder thereof, or any other Indian, Indian nation, or tribe of Indians, arising subsequent to the transfer and based upon any interest in or right involving such land or natural resources (including but not limited to claims for trespass damages or claims for use and occupancy) shall be regarded as extinguished as of the date of the transfer.

(b) Maintenance of action; remedy

Any Indian, Indian nation, or tribe of Indians (other than the Indian Corporation or any other entity presently or at any time in the past known as the Narragansett Tribe of Indians, or any predecessor or successor in interest, member or stockholder thereof) whose transfer of land or natural resources was approved or whose aboriginal title or claims were extinguished by subsection (a) of this section may, within a period of one hundred and eighty days after publication of the Secretary's findings pursuant to this section, bring an action against the State Corporation in lieu of an action against any other person against whom a cause may have existed in the absence of this section. In any such action, the remedy shall be limited to a right of possession of the settlement lands.

(Pub. L. 95-395, § 6, Sept. 30, 1978, 92 Stat. 815.)

REFERENCES IN TEXT

The Trade and Intercourse Act of 1790, Act of July 22, 1790, ch. 33, sec. 4, 1 Stat. 137, referred to in subsec. (a)(1), was not classified to the Code. See sections 177,