

or claim to lands or natural resources, to the extent that such right, title, interest, or claim is an excepted interest, as defined under section 1(a) of the State Agreement.

(2) Personal claims

Nothing in this section may be construed to offset or eliminate the personal claim of any individual Indian if the individual Indian pursues such claim under any law of general applicability.

(Pub. L. 103-377, § 4, Oct. 19, 1994, 108 Stat. 3502.)

REFERENCES IN TEXT

The Indian Gaming Regulatory Act, referred to in subsec. (a)(1), is Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, as amended, which is classified principally to chapter 29 (§2701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

The Trade and Intercourse Act of 1790, referred to in subsecs. (c)(2)(B) and (d)(2), is act July 22, 1790, ch. 33, 1 Stat. 137, which is not classified to the Code.

§ 1775c. Conveyance of lands to United States to be held in trust for Mohegan Tribe

(a) In general

Subject to the environmental requirements that apply to land acquisitions covered under part 151 of title 25, Code of Federal Regulations (or any subsequent similar regulation), the Secretary shall take such action as may be necessary to facilitate the conveyance to the United States of title to lands described in exhibits A and B of the State Agreement. Such lands shall be held by the United States in trust for the use and benefit of the Mohegan Tribe as the initial Indian reservation of the Mohegan Tribe.

(b) Consultation

(1) In general

The Secretary shall consult with the appropriate official of the town of Montville concerning any tract of land subject to exhibit B of the State Agreement but not specifically identified in such exhibit with respect to the impact on the town resulting from—

- (A) the removal of the land from taxation by the town;
- (B) problems concerning the determination of jurisdiction; and
- (C) potential land use conflicts.

(2) Statutory construction

Nothing in this subchapter may affect the right of the town of Montville to participate, under any applicable law, in decisionmaking processes concerning the acquisition of any lands by the Federal Government to be held in trust for the Mohegan Tribe.

(Pub. L. 103-377, § 5, Oct. 19, 1994, 108 Stat. 3504.)

§ 1775d. Consent of United States to State assumption of criminal jurisdiction

(a) In general

Subject to subsection (b) of this section, the consent of the United States is hereby given to the assumption of jurisdiction by the State of Connecticut over criminal offenses committed

by or against Indians on the reservation of the Mohegan Tribe. The State shall have such jurisdiction to the same extent as the State has jurisdiction over such offenses committed elsewhere within the State. The criminal laws of the State shall have the same force within such reservation and Indian country as such laws have elsewhere within the State.

(b) Statutory construction

(1) Effect on concurrent jurisdiction of the Mohegan Tribe

The assumption of criminal jurisdiction by the State pursuant to subsection (a) of this section shall not affect the concurrent jurisdiction of the Mohegan Tribe over matters concerning such criminal offenses.

(2) Statutory construction

The assumption of criminal jurisdiction by the State pursuant to subsection (a) of this section shall not be construed as a waiver of the jurisdiction of the United States under section 1153 of title 18.

(Pub. L. 103-377, § 6, Oct. 19, 1994, 108 Stat. 3505.)

§ 1775e. Ratification of Town Agreement

(a) In general

Notwithstanding any other provision of law, the consent of the United States is hereby given to the Town Agreement and the Town Agreement shall be in full force and effect.

(b) Approval of Town Agreement

The Secretary shall approve any subsequent amendments made to the Town Agreement after October 19, 1994, that are—

- (1) mutually agreed on by the parties to the Town Agreement; and
- (2) consistent with applicable law.

(Pub. L. 103-377, § 7, Oct. 19, 1994, 108 Stat. 3505.)

§ 1775f. General discharge and release of obligations of State of Connecticut

Except as expressly provided in this subchapter, the State Agreement, or the Town Agreement, this subchapter shall constitute a general discharge and release of all obligations of the State of Connecticut and the political subdivisions, agencies, departments, officers, or employees of the State of Connecticut arising from any treaty or agreement with, or on behalf of, the Mohegan Tribe or the United States as trustee for the Mohegan Tribe.

(Pub. L. 103-377, § 8, Oct. 19, 1994, 108 Stat. 3505.)

§ 1775g. Effect of revocation of State Agreement

(a) In general

If, during the 15-year period beginning on the date on which the Secretary publishes a determination pursuant to section 1775b(b) of this title, the State Agreement is invalidated by a court of competent jurisdiction, or if the gaming compact described in section 1775b(a)(1) of this title or any agreement between the State of Connecticut and the Mohegan Tribe to implement the compact is invalidated by a court of competent jurisdiction—

- (1) the transfers, waivers, releases, relinquishments, and other commitments made by

the Mohegan Tribe under section 1(a) of the State Agreement shall cease to be of any force or effect;

(2) section 1775b of this title shall not apply to the lands or interests in lands or natural resources of the Mohegan Tribe or any of its members, and the title to the lands or interests in lands or natural resources shall be determined as if such section were never enacted; and

(3) the approval by the United States of prior transfers and the extinguishment of claims and aboriginal title of the Mohegan Tribe otherwise made under section 1775b of this title shall be void.

(b) Right of Mohegan Tribe to reinstate claim

(1) In general

If a State Agreement or compact or agreement described in subsection (a) of this section is invalidated by a court of competent jurisdiction, the Mohegan Tribe or its members shall have the right to reinstate a claim to lands or interests in lands or natural resources to which the Tribe or members are entitled as a result of the invalidation, within a reasonable time, but not later than the later of—

(A) 180 days after the Mohegan Tribe receives written notice of such determination of an invalidation described in subsection (a) of this section; or

(B) if the determination of the invalidation is subject to an appeal, 180 days after the court of last resort enters a judgment.

(2) Defenses

Notwithstanding any other provision of law, if a party to an action described in paragraph (1) reinstates the action during the period described in paragraph (1)(B)—

(A) no defense, such as laches, statute of limitations, law of the case, res judicata, or prior disposition may be asserted based on the withdrawal of the action and reinstatement of the action; and

(B) the substance of any discussions leading to the State Agreement may not be admissible in any subsequent litigation, except that, if any such action is reinstated, any defense that would have been available to the State of Connecticut at the time the action was withdrawn—

(i) may be asserted; and

(ii) is not waived by anything in the State Agreement or by subsequent events occurring between the withdrawal action and commencement of the reinstated action.

(Pub. L. 103-377, § 9, Oct. 19, 1994, 108 Stat. 3506.)

§ 1775h. Judicial review

(a) Jurisdiction

Notwithstanding any other provision of law, during the period beginning on October 19, 1994, and ending on the date that is 180 days after October 19, 1994, the United States District Court for the Southern District of Connecticut shall have exclusive jurisdiction over any action to contest the constitutionality of this subchapter or the validity of any agreement entered into

under the authority of this subchapter or approved by this subchapter.

(b) Deadline for filing

Effective with the termination of the period specified in subsection (a) of this section, no court shall have jurisdiction over any action to contest the constitutionality of this subchapter or the validity of any agreement entered into under the authority of this subchapter or approved by this subchapter, unless such action was filed prior to the date of termination of the period specified in subsection (a) of this section.

(Pub. L. 103-377, § 10, Oct. 19, 1994, 108 Stat. 3507.)

SUBCHAPTER X—CROW LAND CLAIMS
SETTLEMENT

§ 1776. Findings and purpose

(a) Findings

Congress finds the following:

(1) Under the treaty between the United States of America and the Crow Tribe of Indians concluded May 7, 1868 (commonly known as the “Fort Laramie Treaty of 1868”; 15 Stat. 649), the eastern boundary of the Crow Indian Reservation was established as the 107th meridian for approximately 90 miles from the Yellowstone River to the boundary between Montana and Wyoming.

(2) Under Executive orders issued in 1884 and 1900, the western boundary of the Northern Cheyenne Reservation was established as the 107th meridian. The 107th meridian was intended to be the common boundary between the Crow Reservation and Northern Cheyenne Reservation for approximately 25 miles.

(3) From 1889 through 1891, a survey was conducted of the eastern boundary of the Crow Reservation. The 1891 survey line strayed to the west, and resulted in the exclusion from the Crow Indian Reservation of a strip of land of approximately 36,164 acres. Approximately 12,964 acres of such strip of land were included in the Northern Cheyenne Reservation. Deposits of low sulphur coal underlie the land excluded from the Crow Indian Reservation, including the land included in the Northern Cheyenne Indian Reservation.

(4)(A) The erroneous nature of the survey was not discovered for several decades. Meanwhile, the areas along the 107th meridian to the north and south of the Northern Cheyenne Indian Reservation were opened to settlement in the late nineteenth century and early part of the twentieth century. Patents were issued to non-Indian persons and to the State of Montana for most of the surface land and a significant portion of the minerals in these areas between the 107th meridian and the 1891 survey line.

(B) The 12,964 acres included in the Northern Cheyenne Reservation have been treated as part of the Northern Cheyenne Reservation and occupied by the Northern Cheyenne Tribe and the Northern Cheyenne allottees, and their successors in interest.

(5) Legislation to resolve the 107th meridian boundary dispute was introduced in Congress in the 1960’s and 1970’s, and again in 1992, but no such legislation was enacted into law.