

its members derives from a patent issued by the United States or from a conveyance of tideland by the State of Washington. For the purposes of this paragraph, the term "record title" means title documented by identifiable conveyances reflected in those records imparting constructive notice of conveyances according to the laws of the State (RCW chapters 65.04 and 65.08) and the final judgments of State or Federal courts.

(3) Certain land recognized to be owned on August 27, 1988, by the Tribe or the United States in trust for the Tribe within the Indian Addition to the city of Tacoma, Washington, as recorded in book 7 of plats at pages 30 and 31, records of Pierce County, Washington, as follows:

- (A) Land owned on August 27, 1988:
- (i) Portions of tracts 2, 5, 6, 10, and 11.
 - (ii) Tract 7 (school site).
 - (iii) Tract 8 (church site).
 - (iv) Tract 9 (cemetery site).
 - (v) Approximately 38 lots in blocks 8150, 8249, 8350, and 8442, inclusive.

(B) Land, wherever located, added to the above list of parcels on or before December 1, 1988, in accordance with paragraph A.3. of section IX of the Settlement Agreement.

(4) The lands transferred to the Tribe pursuant to the Settlement Agreement.

(5) The rights to underlying lands or the reversionary interest of the Tribe, if any, in the Union Pacific or Burlington Northern rights-of-way across the 1873 Survey Area, where the property over which they were granted belonged, at the time of the grant, to the United States in trust for the Tribe or to the Tribe.

(6) The submerged lands as of August 27, 1988, in the Puyallup River within the 1873 Survey Area below the mean high water line.

(c) Personal claims

Nothing in this section or in the Settlement Agreement shall be construed to impair, eliminate, or in any way affect the title of any individual Indian to land held by such individual in fee or in trust, nor shall it affect the personal claim of any individual Indian as to claims regarding past sales of allotted lands or any claim which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(Pub. L. 101-41, §3, June 21, 1989, 103 Stat. 84.)

EFFECTIVE DATE

Pub. L. 101-41, §13, June 21, 1989, 103 Stat. 90, provided that: "Sections 3 and 9 [this section and section 1773g of this title] shall take effect on the effective date of the Settlement Agreement and when all terms are met as stated under section X of the Settlement Agreement."

§ 1773b. Settlement lands

(a) Acceptance by Secretary

The Secretary shall accept the conveyance of the lands described in subsection (c) of this section, and the Outer Hylebos tidelands property referred to in section VIII, A.1,c of the Settlement Agreement, subject to the terms and conditions of the Settlement Agreement and shall

hold such lands in trust for the benefit of the Tribe.

(b) Contamination

(1) Contamination audits and cleanup of settlement lands shall be carried out in accordance with the Settlement Agreement and document 1 of the Technical Documents.

(2) The Tribe shall not be liable for the cleanup costs or in any other manner for contamination on properties described in subsection (c) of this section except any contamination caused by the Tribe's activities after conveyance of these properties to the Tribe under the terms of the Settlement Agreement and document 1 of the Technical Documents.

(c) Lands described

The lands referred to in subsection (a) of this section, and more particularly described in the Settlement Agreement, are as follows:

(1) The Blair Waterway property, comprised of approximately 43.4 acres.

(2) The Blair Backup property, comprised of approximately 85.2 acres.

(3) The Inner Hylebos property, comprised of approximately 72.9 acres.

(4) The Upper Hylebos property, comprised of approximately 5.9 acres.

(5) The Union Pacific property (Fife), comprised of a parcel of approximately 57 acres, and an adjoining 22-acre parcel if the option relating to the Union Pacific property (Fife) (as described in document 1 of the Technical Documents) is exercised.

(6) The Torre property (Fife), comprised of approximately 27.4 acres, unless the Port elects to provide the cash value of such property.

(7) The Taylor Way and East-West Road properties, two properties totaling approximately 7.4 acres.

(8) The submerged lands in the Puyallup River within the 1873 Survey Area below the mean high water line, as provided in section I. B. of the Settlement Agreement. To the extent that the United States has title to any of the lands described in this subpart,¹ then such lands shall be held by the United States in trust for the use and benefit of the Puyallup Tribe.

(9) The approximately 600 acres of open space, forest, and cultural lands to be acquired by the Tribe with cash received pursuant to section I of the Settlement Agreement or other tribal funds.

(d) Reservation status

Nothing in this subchapter is intended to affect the boundaries of the Puyallup Reservation, except that the lands described in subsection (c) of this section above in paragraphs (1) through (8), and the Outer Hylebos tidelands property referred to in section VIII of the Settlement Agreement, shall have on-reservation status.

(e) Authorization of appropriations

There is authorized to be appropriated \$500,000 for the Federal share for the purchase of the lands referred to in subsection (c)(9) of this section.

¹ So in original. Probably should be "subsection."

(Pub. L. 101-41, § 4, June 21, 1989, 103 Stat. 85.)

§ 1773c. Future trust lands

In accepting lands in trust (other than those described in section 1773b of this title) for the Puyallup Tribe or its members, the Secretary shall exercise the authority provided him in section 465 of this title, and shall apply the standards set forth in part 151 of title 25, Code of Federal Regulations, as those standards now exist or as they may be amended in the future.

(Pub. L. 101-41, § 5, June 21, 1989, 103 Stat. 86.)

§ 1773d. Funds to members of Puyallup Tribe

(a) Payment to individual members

(1) To the extent provided in advance in appropriation Acts or to the extent funds are provided by other parties to the Settlement Agreement, the Secretary shall place with a financial institution the amount of \$24,000,000 in an annuity fund or other investment program (hereafter in this subsection referred to as the "fund"). The selection of the institution or institutions where the funds will be held and the administration of the funds shall be in accordance with section II of the Settlement Agreement and documents 2 and 3 of the Technical Documents. Amounts earned pursuant to any investment of the fund shall be added to, and become part of, the fund.

(2) Upon attaining the age of 21 years, each enrolled member of the Tribe (determined by the Tribe pursuant to its constitution to have been a member as of the date of ratification of the Settlement Agreement by the Tribe) shall receive a one-time payment from the fund. The amount of such payment shall be determined in accordance with section II of the Settlement Agreement and document 2 of the Technical Documents.

(3) A reasonable and customary fee for the administration of the fund may be paid out of the income earned by the fund to the financial institution with which the fund is established.

(4) Upon payment to all eligible members of the Tribe pursuant to paragraph (2), any amount remaining in the fund shall be utilized in the manner determined by a vote of the members of the Tribe.

(5) There is authorized to be appropriated \$22,350,000 for the Federal share of the fund.

(b) Permanent trust fund for tribal members

(1) In order to provide a permanent resource to enhance the ability of the Tribe to provide services to its members, there is established the Puyallup Tribe of Indians Settlement Trust Fund (hereafter in this subsection referred to as the "trust fund").

(2) Upon appropriation by Congress or to the extent funds are provided by other parties to the Settlement Agreement, the Secretary shall deposit \$22,000,000 into the trust fund. The trust fund shall be invested in accordance with section 162a of this title, so as to earn the maximum interest on principal and interest available under that section. No part of the \$22,000,000 principal may be expended for any purpose. Income earned on the principal or interest of the trust fund shall be available for expenditure as provided in paragraph (3).

(3)(A) The trust fund shall be administered and the funds shall be expended in accordance with section III of the Settlement Agreement and document 3 of the Technical Documents. Income from the trust fund may be used only for the following purposes unless modified in accordance with subparagraph (B):

- (i) Housing.
- (ii) Elderly needs.
- (iii) Burial and cemetery maintenance.
- (iv) Education and cultural preservation.
- (v) Supplemental health care.
- (vi) Day care.
- (vii) Other social services.

(B) The purposes of the trust fund may be modified only as provided in document 3 of the Technical Documents.

(4) The fund established under this subsection shall be in perpetuity and inviolate.

(5) There is authorized to be appropriated \$18,800,000 for the Federal share of the trust fund.

(Pub. L. 101-41, § 6, June 21, 1989, 103 Stat. 86.)

USE OF FUNDS TO FULFILL BOARD OF TRUSTEES' FIDUCIARY AND ADMINISTRATIVE RESPONSIBILITIES

Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 1005, provided: "That income earned on funds appropriated by Public Law 101-121, October 23, 1989, 103 Stat. 701, 715[,] for the purposes of section 6(b) of the Puyallup Tribe of Indians Settlement Act of 1989, Public Law 101-41, June 21, 1989, 103 Stat. 83 [25 U.S.C. 1773d(b)], may be utilized by the Permanent Trust Fund Board of Trustees to secure necessary and appropriate financial, auditing, accounting, insurance and other administrative services to fulfill the Board of Trustees' fiduciary and administrative responsibilities: *Provided further*, That no more than 5 per centum of the income in any year may be utilized for such purposes".

Similar provisions were contained in the following prior appropriation act:

Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1931.

§ 1773e. Fisheries

In order to carry out the Federal part of the fisheries aspect of the Settlement Agreement, there is authorized to be appropriated \$100,000 for navigation equipment at Commencement Bay to be used in accordance with section A of document 4 of the Technical Documents.

(Pub. L. 101-41, § 7, June 21, 1989, 103 Stat. 87.)

§ 1773f. Economic development and land acquisition

(a) Economic development and land acquisition fund

To the extent provided in advance in appropriation Acts, the Secretary shall disburse \$10,000,000 to the Tribe of which—

(1) \$9,500,000 shall be available for the Tribe to carry out economic development consistent with section VI of the Settlement Agreement or to acquire lands; and

(2) \$500,000 shall be available only to support and assist the development of business enterprises by members of the Tribe in a manner consistent with the Settlement Agreement.

There is authorized to be appropriated \$10,000,000 to carry out this subsection.

(b) Foreign trade

The Congress recognizes the right of the Tribe to engage in foreign trade consistent with Fed-