

(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-

eral law and notwithstanding article XII of the treaty with the Nisqually and other bands of Indians entered into on December 26, 1854, and accepted, ratified, and confirmed on March 3, 1855 (11 Stat. 1132).

(c) Blair project

There is authorized to be appropriated to the Secretary the amount of \$25,500,000 for the Federal share of the costs associated with the Blair project, which shall be carried out in accordance with document 6 of the Technical Documents. For the purpose of this subsection, the Secretary shall transfer such amount to the Department of Transportation of the State of Washington. Such amount may only be used by the Department of Transportation of the State of Washington to carry out the Blair project in accordance with document 6 of the Technical Documents. Operation and maintenance of the Blair Waterway channel shall remain the responsibility of the Secretary of the Army, acting through the Chief of Engineers.

(Pub. L. 101-41, § 8, June 21, 1989, 103 Stat. 87.)

§ 1773g. Jurisdiction

The Tribe shall retain and exercise jurisdiction, and the United States and the State and political subdivisions thereof shall retain and exercise jurisdiction, as provided in the Settlement Agreement and Technical Documents and, where not provided therein, as otherwise provided by Federal law.

(Pub. L. 101-41, § 9, June 21, 1989, 103 Stat. 88.)

EFFECTIVE DATE

Section effective on the effective date of the Settlement Agreement and when all terms are met as stated under section X of the Settlement Agreement, see section 13 of Pub. L. 101-41, set out as a note under section 1773a of this title.

§ 1773h. Miscellaneous provisions

(a) Liens and forfeitures, etc.

(1) None of the funds, assets, or income from the trust fund established in section 1773d(b) of this title which are received by the Tribe under the Settlement Agreement shall be subject to levy, execution, forfeiture, garnishment, lien, encumbrance, or seizure.

(2) The annuity fund, or other investment program, established in section 1773d(a) of this title shall not be subject to levy, execution, forfeiture, garnishment, lien, encumbrance, or seizure. Payments from the fund shall be in accordance with the Act of August 2, 1983 (25 U.S.C. 117a et seq.; commonly referred to as the "Per Capita Act").

(b) Eligibility for Federal programs; trust responsibility

Nothing in this subchapter or the Settlement Agreement shall affect the eligibility of the Tribe or any of its members for any Federal program or the trust responsibility of the United States and its agencies to the Tribe and members of the Tribe.

(c) Permanent trust fund not counted for certain purposes

None of the funds, assets, or income from the trust fund established in section 1773d(b) of this

title shall at any time be used as a basis for denying or reducing funds to the Tribe or its members under any Federal, State, or local program.

(d) Tax treatment of funds and assets

None of the funds or assets transferred to the Tribe or its members by the Settlement Agreement of¹ this subchapter, and none of the interest earned or income received on amounts in the funds established under section 1773d(a) and (b) of this title, shall be deemed to be taxable, nor shall such transfers be taxable events.

(Pub. L. 101-41, § 10, June 21, 1989, 103 Stat. 88.)

REFERENCES IN TEXT

Act of August 2, 1983, referred to in subsec. (a)(2), is Pub. L. 98-64, Aug. 2, 1983, 97 Stat. 365, popularly known as the Per Capita Act, which enacted sections 117a to 117c of this title and repealed section 117 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 117a of this title and Tables.

§ 1773i. Actions by Secretary

The Secretary in administering this subchapter shall be aware of the trust responsibility of the United States to the Tribe and shall take such actions as may be necessary or appropriate to carry out this subchapter and the Settlement Agreement.

(Pub. L. 101-41, § 11, June 21, 1989, 103 Stat. 89.)

§ 1773j. Definitions

For the purposes of this subchapter—

(1) the term "1873 Survey Area" means the area which is within the area demarked by the high water line as meandered and the upland boundaries, as shown on the plat map of the 1873 Survey of the Puyallup Indian Reservation, conducted by the United States General Land Office, and filed in 1874;

(2) the term "Secretary" means the Secretary of the Interior;

(3) the term "Settlement Agreement" means the document entitled "Agreement between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and certain private property owners", dated August 27, 1988;

(4) the term "State" means the State of Washington;

(5) the term "Technical Documents" means the 7 documents which comprise the technical appendix to the Settlement Agreement and are dated August 27, 1988;

(6) the term "Tribe" means the Puyallup Tribe of Indians, a tribe of Indians recognized by the United States;

(7) the term "below the mean high water line" in reference to the submerged lands of the Puyallup Riverbed means "below the ordinary high water mark" in that portion of the river not subject to tidal influence and "below the mean high water line" in that portion of the river which is subject to tidal influence; and

(8) the term "on-reservation status" means a status under which Federal laws and regula-

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