

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 of<sup>1</sup> 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-

<sup>1</sup> So in original. Probably should be "or".

tions, treaty rights, and rights of sovereignty, which define the rights and responsibilities on trust or restricted lands (including rights-of-way and easements running through such lands within a Federal Indian reservation) apply: *Provided*, That such application is not inconsistent with any provision of the Settlement Agreement.

(Pub. L. 101-41, §12, June 21, 1989, 103 Stat. 89.)

SUBCHAPTER VIII—SENECA NATION (NEW YORK) LAND CLAIMS SETTLEMENT

§ 1774. Findings and purposes

(a) City of Salamanca and congressional villages

The Congress finds and declares that:

(1) Disputes concerning leases of tribal lands within the city of Salamanca and the congressional villages, New York, have strained relations between the Indian and non-Indian communities and have resulted in adverse economic impacts affecting both communities.

(2) Some of the significant historical events which have led to the present situation include—

(A) beginning in the mid-nineteenth century, several railroads obtained grants or leases of rights of way through the Allegany Reservation without Federal authorization or approval and on terms which did not adequately protect the interests of the Seneca Nation;

(B) after construction of these railroads, Allegany Reservation lands were leased to railroad employees, persons associated with the railroads, residents of the city and farmers without Federal authorization or approval and on terms which did not adequately protect the interests of the Seneca Nation;

(C) none of these leases had Federal authorization or approval and, after the courts ruled these leases invalid, Congress enacted the Act of February 19, 1875 (18 Stat. 330), confirming existing leases of Allegany Reservation lands, authorizing further leasing by the Seneca Nation, and making the confirmed leases renewable for a twelve year period;

(D) the Act of September 30, 1890 (26 Stat. 558), amended the 1875 Act by substituting a renewal term of “not exceeding ninety-nine years” for the original renewal term of twelve years; and

(E) in 1952 the Seneca Nation filed a claim with the Indian Claims Commission against the United States for use of improper lease fees, and in 1977 a settlement was reached regarding such claim, providing for the payment of \$600,000 to the Seneca Nation covering the period beginning in 1870 to the end of 1946.

(3) An analysis of historic land values indicates that the payments made under the original lease agreement and under the settlement described in paragraph (2)(E) were well below the actual lease value of the property.

(4) The approaching expiration of the Salamanca and congressional village leases on February 19, 1991, has created significant un-

certainty and concern on the part of the city of Salamanca and Salamanca residents, and among the residents of the congressional villages, many of whose families have resided on leased lands for generations.

(5) The future economic success of the Seneca Nation, city, and congressional villages is tied to the securing of a future lease agreement.

(6) The Federal and State governments have agreed that there is a moral responsibility on the part of both governments to help secure a fair and equitable settlement for past inequities.

(b) Purpose

It is the purpose of this subchapter—

(1) to effectuate and support the Agreement between the city and the Seneca Nation, and facilitate the negotiation of new leases with lessees in the congressional villages;

(2) to assist in resolving the past inequities involving the 1890 leases and to secure fair and equitable compensation for the Seneca Nation based on the impact of these leases on the economy and culture of the Seneca Nation;

(3) to provide a productive environment between the Seneca Nation and lessees for negotiating the leases provided for under the Agreement;

(4) to provide stability and security to the city and the congressional villages, their residents, and businesses;

(5) to promote the economic growth of the city and the congressional villages;

(6) to promote economic self-sufficiency for the Seneca Nation and its members;

(7) to promote cooperative economic and community development efforts on the part of the Seneca Nation and the city; and

(8) to avoid the potential legal liability on the part of the United States that could be a direct consequence of not reaching a settlement.

(Pub. L. 101-503, §2, Nov. 3, 1990, 104 Stat. 1292.)

REFERENCES IN TEXT

Act of February 19, 1875 (18 Stat. 330), referred to in subsec. (a)(2)(C), is act Feb. 19, 1875, ch. 90, 18 Stat. 330, as amended, which is not classified to the Code.

Act of September 30, 1890 (26 Stat. 558), referred to in subsec. (a)(2)(D), is act Sept. 30, 1890, ch. 1132, 26 Stat. 558, which is not classified to the Code.

SHORT TITLE

Pub. L. 101-503, §1, Nov. 3, 1990, 104 Stat. 1292, provided that: “This Act [enacting this subchapter] may be cited as the ‘Seneca Nation Settlement Act of 1990.’”

§ 1774a. Definitions

For the purposes of this subchapter—

(1) the term “1890 lease” means a lease made by the Seneca Nation which is subject to—

(A) the Act entitled “An Act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany Reservations, and to confirm existing leases” approved February 19, 1875 (chap. 90, 18 Stat. 330); and

(B) the Act entitled “An Act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Alle-