

108TH CONGRESS  
1ST SESSION

# H. R. 2489

To provide for the distribution of judgment funds to the Cowlitz Indian  
Tribe.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2003

Mr. BAIRD introduced the following bill; which was referred to the Committee  
on Resources

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## A BILL

To provide for the distribution of judgment funds to the  
Cowlitz Indian Tribe.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. COWLITZ INDIAN TRIBE DISTRIBUTION OF**  
4       **JUDGMENT FUNDS ACT.**

5       This Act shall be known as the “Cowlitz Indian Tribe  
6       Distribution of Judgment Funds Act”.

7       **SEC. 2. DEFINITIONS.**

8       For the purpose of this Act—

9               (1) The term “current judgment fund” means  
10       the funds awarded by the Indian Claims Commission

1 Docket No. 218 and all interest accrued thereon as  
2 of the date of the enactment of this Act.

3 (2) The term “initial interest” means the inter-  
4 est on the funds awarded by the Indian Claims Com-  
5 mission Docket No. 218 accrued during the time pe-  
6 riod from one year before the date of the enactment  
7 of this Act through the date of the enactment of this  
8 Act.

9 (3) The term “principal” means the funds  
10 awarded by the Indian Claims Commission Docket  
11 No. 218 and all interest accrued thereon as of one  
12 year before the date of the enactment of this Act.

13 (4) The term “Secretary” means the Secretary  
14 of the Interior.

15 (5) The term “tribe” means the Cowlitz Indian  
16 Tribe of Washington, which was extended Federal  
17 acknowledgment by the United States Department  
18 of the Interior on December 31, 2001, pursuant to  
19 part 83 of title 25, Code of Federal Regulations.

20 (6) The term “tribal member” means an indi-  
21 vidual who is an enrolled member of the Cowlitz In-  
22 dian Tribe pursuant to tribal enrollment procedures  
23 and requirements.

1           (7) The term “tribe’s governing body” means  
2           the Cowlitz Tribal Council, which is the tribe’s gov-  
3           erning body under the tribe’s Constitution.

4           (8) The term “tribal elder” means any tribal  
5           member who was 62 years of age or older as of Feb-  
6           ruary 14, 2000.

7   **SEC. 3. JUDGMENT DISTRIBUTION PLAN.**

8           Notwithstanding the Indian Tribal Judgment Funds  
9   Use or Distribution Act (25 U.S.C. 1401, et seq.), or any  
10   plan prepared or promulgated by the Secretary pursuant  
11   to that Act, the judgment funds awarded in Indian Claims  
12   Commission Docket No. 218 and interest accrued thereon  
13   as of the date of the enactment of this Act shall be distrib-  
14   uted and used in accordance with this Act.

15   **SEC. 4. DISTRIBUTION AND USE OF FUNDS.**

16           (a) PRINCIPAL PRESERVED AFTER ELDERLY AS-  
17   SISTANCE AND TRIBAL ADMINISTRATION PAYMENTS.—

18   (1) Except as provided in subsection (b), the principal  
19   shall not be distributed under this Act. Only the interest  
20   earned on the undistributed principal may be used to fund  
21   such programs. There will be no distribution of any funds  
22   other than as specified in this Act.

23           (2) The Secretary shall—

1 (A) maintain undistributed current judgment  
2 funds in an interest-bearing account in trust for the  
3 tribe; and

4 (B) disburse principal or interest in accordance  
5 with this Act not later than 30 days after receipt by  
6 the Northwest Regional Director, Bureau of Indian  
7 Affairs, of a request by the tribe's governing body  
8 for such disbursement of funds.

9 (b) ELDERLY ASSISTANCE PROGRAM.—(1) From the  
10 current judgment fund, the Secretary shall set aside 20  
11 percent for an elderly assistance payment. The Secretary  
12 shall provide one elderly assistance payment to each en-  
13 rolled tribal elder not later than 30 days after all of the  
14 following have occurred:

15 (A) The tribe's governing body has compiled  
16 and reviewed for accuracy a list of all enrolled tribal  
17 members that are both a minimum of one-sixteenth  
18 Cowlitz blood and 62 years of age or older as of  
19 February 14, 2000.

20 (B) The Secretary has verified the blood quan-  
21 tum and age of the tribal members identified on the  
22 list prepared pursuant to subparagraph (A).

23 (C) The tribe's governing body has made a re-  
24 quest for disbursement of judgment funds for the el-  
25 derly assistance payment.

1       (2) If a tribal elder eligible for an elderly assistance  
2 payment dies before receiving payment under this sub-  
3 section, the money which would have been paid to that  
4 individual shall be added to and distributed in accordance  
5 with the emergency assistance program under subsection  
6 (c).

7       (3) The Secretary shall pay all costs of distribution  
8 under this subsection out of the amount set aside under  
9 paragraph (1).

10       (c) EMERGENCY ASSISTANCE PROGRAM.—From the  
11 principal, the Secretary shall set aside 10.01 percent for  
12 the Emergency Assistance Program. Beginning the second  
13 year after the date of the enactment of this Act, interest  
14 earned on such sum shall be distributed annually in a  
15 lump sum to the tribe's governing body and will be used  
16 to provide emergency assistance for tribal members. 10.01  
17 percent of the initial interest shall be available upon the  
18 date of the enactment of this Act to fund the program  
19 for the first year after the date of the enactment of this  
20 Act.

21       (d) EDUCATION, VOCATIONAL, AND CULTURAL  
22 TRAINING PROGRAM.—From the principal, the Secretary  
23 shall set aside 10.01 percent for an Education, Vocational  
24 and Cultural Training Program. Beginning the second  
25 year after the date of the enactment of this Act, interest

1 earned on such sum shall be distributed annually in a  
2 lump sum to the tribe's governing body and will be used  
3 to provide scholarships to tribal members pursuing edu-  
4 cational advancement, including cultural and vocational  
5 training. 10.01 percent of the initial interest shall be avail-  
6 able upon the date of the enactment of this Act to fund  
7 the program for the first year after the date of the enact-  
8 ment of this Act.

9       (e) HOUSING ASSISTANCE PROGRAM.—From the  
10 principal, the Secretary shall set aside 5.01 percent for  
11 the Housing Assistance Program. Beginning the second  
12 year after the date of the enactment of this Act, interest  
13 earned on such sum shall be disbursed annually in a lump  
14 sum to the tribe's governing body and may be added to  
15 any existing tribal housing improvements programs to  
16 supplement them or it may be used in a separate Housing  
17 Assistance Program to be established by the tribe's gov-  
18 erning body. 5.01 percent of the initial interest shall be  
19 available upon the date of the enactment of this Act to  
20 fund the program for the first year after the date of the  
21 enactment of this Act.

22       (f) ECONOMIC DEVELOPMENT, TRIBAL, AND CUL-  
23 TURAL CENTERS.—From the principal, the Secretary  
24 shall set aside 21.45 percent for economic development  
25 and, if other funding is not available or not adequate (as

1 determined by the tribe), for the construction and mainte-  
2 nance of tribal and cultural centers. Beginning the second  
3 year after the date of the enactment of this Act, interest  
4 earned on such sum shall be disbursed annually in a lump  
5 sum to the tribe's governing body and shall be used for  
6 the following, with 21.45 percent of the initial interest  
7 available upon the date of the enactment of this Act to  
8 fund the program for the first year after the date of the  
9 enactment of this Act:

10 (1) Property acquisition for business or other  
11 activities which are likely to benefit the tribe eco-  
12 nomically or provide employment for tribal members.

13 (2) Business development for the tribe, includ-  
14 ing collateralization of loans for the purchase or op-  
15 eration of businesses, matching funds for economic  
16 development grants, joint venture partnerships, and  
17 other similar ventures, which are likely to produce  
18 profits for the tribe. All business loans shall pay  
19 principal and interest back to the Economic Devel-  
20 opment program for reinvestments and business  
21 profits shall go to the tribe's general fund for uses  
22 to be determined by the tribe's governing body.

23 (3) Design, construction, maintenance, and op-  
24 eration of tribal and cultural centers.

1       (g) NATURAL RESOURCES.—From the principal, the  
2 Secretary shall set aside 8.43 percent for natural re-  
3 sources. Beginning the second year after the date of the  
4 enactment of this Act, interest earned on such sum shall  
5 be disbursed annually in a lump sum to the tribe’s gov-  
6 erning body and may be added to any existing tribal nat-  
7 ural resource program to enhance the tribe’s use and en-  
8 joyment of existing and renewable natural resources with-  
9 in the tribe’s lands. 8.43 percent of the initial interest  
10 shall be available upon the date of the enactment of this  
11 Act to fund the program for the first year after the date  
12 of the enactment of this Act.

13       (h) CULTURAL RESOURCES.—From the principal, the  
14 Secretary shall set aside 4.33 percent for cultural re-  
15 sources. Beginning the second year after the date of the  
16 enactment of this Act, interest earned on such sum shall  
17 be distributed annually in a lump sum to the tribe’s gov-  
18 erning body and shall be used to maintain artifacts, collect  
19 documents, archive, and identify cultural sites of tribal  
20 significance. 4.33 percent of the initial interest shall be  
21 available upon the date of the enactment of this Act to  
22 fund the program for the first year after the date of the  
23 enactment of this Act.

24       (i) HEALTH.—From the principal, the Secretary shall  
25 set aside 20.73 percent for health. Beginning the second

1 year after the date of the enactment of this Act, interest  
2 earned on such sum shall be disbursed annually in a lump  
3 sum to the tribe's governing body and shall be used for  
4 the health needs of the tribe. 20.73 percent of the initial  
5 interest shall be available upon the date of the enactment  
6 of this Act to fund the program for the first year after  
7 the date of the enactment of this Act.

8 (j) TRIBAL ADMINISTRATION PROGRAM.—From the  
9 principal, the Secretary shall set aside 20.03 percent for  
10 tribal administration. 20.03 of the initial interest and such  
11 of the principal sum set aside for this program as required  
12 to fund the first year of this program at \$150,000, the  
13 sum of \$150,000 shall be immediately disbursed to the  
14 tribe for the purposes of funding tribal administration for  
15 the first year after the date of the enactment of this Act.  
16 Beginning the second year after the date of the enactment  
17 of this Act, interest earned on the remaining principal set  
18 aside under this subsection shall be disbursed annually in  
19 a lump sum to the tribe's governing body for operating  
20 costs of the tribe's governing body, including travel, tele-  
21 phone, cultural, and other expenses incurred in the con-  
22 duct of the tribe's affairs, and legal fees as approved by  
23 the tribe's governing body.

1       (k) GENERAL CONDITIONS.—The following condi-  
2 tions will apply to the management and use of all funds  
3 available under this Act by the tribe’s governing body:

4           (1) No amount greater than 10 percent of the  
5 interest earned on the principal designated for any  
6 program under this Act may be used for the admin-  
7 istrative costs of any of that program, except those  
8 programs operated pursuant to subsections (i) and  
9 (j).

10          (2) No service area is implied or imposed under  
11 any program under this Act. If the costs of admin-  
12 istering any program under this Act for the benefit  
13 of tribal members living outside the tribe’s Indian  
14 Health Service area are greater than 10 percent of  
15 the interest earned on the principal designated for  
16 that program, the tribe’s governing body may au-  
17 thorize the expenditure of such funds for that pro-  
18 gram.

19          (3) Before any expenditures, the tribe’s gov-  
20 erning body must approve all programs and shall  
21 publish in a publication of general circulation regula-  
22 tions which provide standards and priorities for pro-  
23 grams established in this Act.

1           (4) Section 7 of the Indian Tribal Judgment  
2       Funds Use or Distribution Act (25 U.S.C. 1407)  
3       shall apply to funds available under this Act.

4           (5) Any tribal member who feels he or she has  
5       been unfairly denied the right to take part in any  
6       program under this Act may appeal to the tribal sec-  
7       retary. The tribal secretary shall bring the appeal to  
8       the tribe's governing body for resolution. The resolu-  
9       tion shall be made in a timely manner and the tribal  
10      secretary at that time shall respond to the tribal  
11      member.

