

Union Calendar No. 217

108TH CONGRESS
1ST SESSION

H. R. 2425

[Report No. 108-367]

To provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772-71, 773-71, 774-71, and 775-71, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2003

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

NOVEMBER 17, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 11, 2003]

A BILL

To provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772-71, 773-71, 774-71, and 775-71, and for other purposes.

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

1 **SECTION 1. DISTRIBUTION OF JUDGMENT FUNDS.**

2 (a) *FUNDS TO BE DEPOSITED INTO SEPARATE AC-*
 3 *COUNTS.—*

4 (1) *IN GENERAL.—Subject to section 2, not later*
 5 *than 30 days after the date of enactment of this Act,*
 6 *the funds appropriated on September 19, 1989, in*
 7 *satisfaction of an award granted to the Quinault In-*
 8 *dian Nation under Dockets 772–71, 773–71, 774–71,*
 9 *and 775–71 before the United States Claims Court,*
 10 *less attorney fees and litigation expenses, and includ-*
 11 *ing all interest accrued to the date of disbursement,*
 12 *shall be distributed by the Secretary and deposited*
 13 *into 3 separate accounts to be established and main-*
 14 *tained by the Quinault Indian Nation (referred to in*
 15 *this Act as the “Tribe”) in accordance with this sub-*
 16 *section.*

17 (2) *ACCOUNT FOR PRINCIPAL AMOUNT.—*

18 (A) *IN GENERAL.—The Tribe shall—*

19 (i) *establish an account for the prin-*
 20 *cipal amount of the judgment funds; and*

21 (ii) *use those funds to establish a Per-*
 22 *manent Fisheries Fund.*

23 (B) *USE AND INVESTMENT.—The principal*
 24 *amount described in subparagraph (A)(i)—*

1 (i) except as provided in subparagraph
 2 (A)(ii), shall not be expended by the Tribe;
 3 and

4 (ii) shall be invested by the Tribe in
 5 accordance with the investment policy of the
 6 Tribe.

7 (3) ACCOUNT FOR INVESTMENT INCOME.—

8 (A) IN GENERAL.—The Tribe shall establish
 9 an account for, and deposit in the account, all
 10 investment income earned on amounts in the
 11 Permanent Fisheries Fund established under
 12 paragraph (2)(A)(ii) after the date of distribu-
 13 tion of the funds to the Tribe under paragraph
 14 (1).

15 (B) USE OF FUNDS.—Funds deposited in
 16 the account established under subparagraph (A)
 17 shall be available to the Tribe—

18 (i) subject to subparagraph (C), to
 19 carry out fisheries enhancement projects;
 20 and

21 (ii) pay expenses incurred in admin-
 22 istering the Permanent Fisheries Fund es-
 23 tablished under paragraph (2)(A)(ii).

24 (C) SPECIFICATION OF PROJECTS.—Each
 25 fisheries enhancement project carried out under

1 subparagraph (B)(i) shall be specified in the ap-
 2 proved annual budget of the Tribe.

3 (4) ACCOUNT FOR INCOME ON JUDGMENT
 4 FUNDS.—

5 (A) IN GENERAL.—The Tribe shall establish
 6 an account for, and deposit in the account, all
 7 investment income earned on the judgment funds
 8 described in subsection (a) during the period be-
 9 ginning on September 19, 1989, and ending on
 10 the date of distribution of the funds to the Tribe
 11 under paragraph (1).

12 (B) USE OF FUNDS.—

13 (i) IN GENERAL.—Subject to clause
 14 (ii), funds deposited in the account estab-
 15 lished under subparagraph (A) shall be
 16 available to the Tribe for use in carrying
 17 out tribal government activities.

18 (ii) SPECIFICATION OF ACTIVITIES.—
 19 Each tribal government activity carried out
 20 under clause (i) shall be specified in the ap-
 21 proved annual budget of the Tribe.

22 (b) DETERMINATION OF AMOUNT OF FUNDS AVAIL-
 23 ABLE.—Subject to compliance by the Tribe with paragraphs
 24 (3)(C) and (4)(B)(ii) of subsection (a), the Quinault Busi-
 25 ness Committee, as the governing body of the Tribe, may

1 *determine the amount of funds available for expenditure*
2 *under paragraphs (3) and (4) of subsection (a).*

3 (c) *ANNUAL AUDIT.—The records and investment ac-*
4 *tivities of the 3 accounts established under subsection (a)*
5 *shall—*

6 (1) *be maintained separately by the Tribe; and*

7 (2) *be subject to an annual audit.*

8 (d) *REPORTING OF INVESTMENT ACTIVITIES AND EX-*
9 *PENDITURES.—Not later than 120 days after the date on*
10 *which each fiscal year of the Tribe ends, the Tribe shall*
11 *make available to members of the Tribe a full accounting*
12 *of the investment activities and expenditures of the Tribe*
13 *with respect to each fund established under this section*
14 *(which may be in the form of the annual audit described*
15 *in subsection (c)) for the fiscal year.*

16 **SEC. 2. CONDITIONS FOR DISTRIBUTION.**

17 (a) *UNITED STATES LIABILITY.—On disbursement to*
18 *the Tribe of the funds under section 1(a), the United States*
19 *shall bear no trust responsibility or liability for the invest-*
20 *ment, supervision, administration, or expenditure of the*
21 *funds.*

22 (b) *APPLICATION OF OTHER LAW.—All funds distrib-*
23 *uted under this Act shall be subject to section 7 of the In-*
24 *dian Tribal Judgment Funds Use or Distribution Act (25*
25 *U.S.C. 1407).*

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