

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 Representatives 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)—

7 (3) ACCOUNT FOR INVESTMENT INCOME.—

(ii) pay expenses incurred in administering the Permanent Fisheries Fund established 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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