

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1308

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2002

Referred to the Committee on Resources

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## AN ACT

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,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Quinault Permanent  
5 Fisheries Fund Act”.

1 **SEC. 2. DISTRIBUTION OF JUDGMENT FUNDS.**

2 (a) FUNDS TO BE DEPOSITED INTO SEPARATE AC-  
3 COUNTS.—Subject to section 3(c), the funds appropriated  
4 on September 19, 1989, in satisfaction of an award grant-  
5 ed to the Quinault Indian Nation under Dockets 772–71,  
6 773–71, 774–71, and 775–71 before the United States  
7 Claims Court, less attorney fees and litigation expenses,  
8 and including all interest accrued to the date of disburse-  
9 ment, shall be disbursed by the Secretary of the Interior  
10 and deposited into 3 separate accounts to be established  
11 and maintained by the Quinault Indian Nation (herein-  
12 after in this Act referred to as the “Tribe”) as follows:

13 (1) An account for the principal amount of the  
14 judgment funds. Such funds shall be used to create  
15 a Permanent Fisheries Fund. The principal funds  
16 may not be expended by the Tribe and shall be in-  
17 vested by the Tribe in accordance with the Tribe’s  
18 investment policy.

19 (2) An account for the investment income  
20 earned on the Permanent Fisheries Fund from the  
21 date that the funds are disbursed under this section.  
22 These funds shall be available for fisheries enhance-  
23 ment projects and the costs associated with admin-  
24 istering the Permanent Fisheries Fund. The specific  
25 fisheries enhancement projects for which such funds

1 are used shall be specified in the Tribe's approved  
2 annual budget.

3 (3) An account for the investment income  
4 earned on the judgment funds from September 19,  
5 1989, to the date of the disbursement of the funds  
6 to the Tribe under this section. These funds shall be  
7 available to the Tribe for tribal government activi-  
8 ties. The specific tribal government activities shall  
9 be specified in the Tribe's approved annual budget.

10 (b) DETERMINATION OF AMOUNT OF FUNDS AVAIL-  
11 ABLE.—The Quinault Business Committee, as the gov-  
12 erning body of the Tribe, has the discretion to determine  
13 the amount of funds available for expenditure under para-  
14 graphs (2) and (3) of subsection (a) provided that the  
15 amounts are specified in the Tribe's approved annual  
16 budget.

17 (c) ANNUAL AUDIT.—The records and investment ac-  
18 tivities of the 3 accounts specified in subsection (a) shall  
19 be maintained separately by the Tribe and shall be subject  
20 to an annual audit.

21 (d) REPORTING OF INVESTMENT ACTIVITIES AND  
22 EXPENDITURES.—Not later than 120 days after the close  
23 of the Tribe's fiscal year, a full accounting of the previous  
24 fiscal year's investment activities and expenditures from  
25 all funds subject to this Act, which may be in the form

1 of the annual audit, shall be made available to the tribal  
2 membership.

3 **SEC. 3. GENERAL PROVISIONS.**

4 (a) DEADLINE FOR DISBURSEMENT OF FUNDS.—  
5 Not later than 30 days after the date of the enactment  
6 of this Act, all funds subject to this Act shall be disbursed  
7 to the Tribe.

8 (b) UNITED STATES LIABILITY.—Upon disburse-  
9 ment to the Tribe of the funds pursuant to this Act, the  
10 United States shall no longer have any trust responsibility  
11 or liability for the investment, supervision, administration,  
12 or expenditure of the judgment funds.

13 (c) APPLICATION OF OTHER LAW.—All funds distrib-  
14 uted under this Act are subject to the provisions of section  
15 7 of the Indian Tribal Judgment Funds Use or Distribu-  
16 tion Act (25 U.S.C. 1407), relating to the use or distribu-  
17 tion of certain judgment funds awarded by the Indian  
18 Claims Commission or the Court of Claims.

Passed the Senate September 18, 2002.

Attest:

JERI THOMSON,

*Secretary.*