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Calendar No. 562

107TH CONGRESS
2D SESSION

S. 1308

[Report No. 107–252]

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 SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mrs. MURRAY (for herself and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

SEPTEMBER 3, 2002

Reported by Mr. INOUYE, without amendment

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,*

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Quinault Permanent Fisheries Fund Act''.

SEC. 2. DISTRIBUTION OF JUDGMENT FUNDS.

(a) FUNDS TO BE DEPOSITED INTO SEPARATE ACCOUNTS.—Subject to section 3(c), the funds appropriated on September 19, 1989, in satisfaction of an award granted to the Quinault Indian Nation under Dockets 772–71, 773–71, 774–71, and 775–71 before the United States Claims Court, less attorney fees and litigation expenses, and including all interest accrued to the date of disbursement, shall be disbursed by the Secretary of the Interior and deposited into 3 separate accounts to be established and maintained by the Quinault Indian Nation (hereinafter in this Act referred to as the ''Tribe'') as follows:

(1) An account for the principal amount of the judgment funds. Such funds shall be used to create a Permanent Fisheries Fund. The principal funds may not be expended by the Tribe and shall be invested by the Tribe in accordance with the Tribe's investment policy.

(2) An account for the investment income earned on the Permanent Fisheries Fund from the date that the funds are disbursed under this section. These funds shall be available for fisheries enhancement projects and the costs associated with admin-

istering the Permanent Fisheries Fund. The specific fisheries enhancement projects for which such funds are used shall be specified in the Tribe's approved annual budget.

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

(b) DETERMINATION OF AMOUNT OF FUNDS AVAILABLE.—The Quinault Business Committee, as the governing body of the Tribe, has the discretion to determine the amount of funds available for expenditure under paragraphs (2) and (3) of subsection (a) provided that the amounts are specified in the Tribe's approved annual budget.

(c) ANNUAL AUDIT.—The records and investment activities of the 3 accounts specified in subsection (a) shall be maintained separately by the Tribe and shall be subject to an annual audit.

(d) REPORTING OF INVESTMENT ACTIVITIES AND EXPENDITURES.—Not later than 120 days after the close of the Tribe's fiscal year, a full accounting of the previous

fiscal year's investment activities and expenditures from all funds subject to this Act, which may be in the form of the annual audit, shall be made available to the tribal membership.

SEC. 3. GENERAL PROVISIONS.

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

(b) UNITED STATES LIABILITY.—Upon disbursement to the Tribe of the funds pursuant to this Act, the United States shall no longer have any trust responsibility or liability for the investment, supervision, administration, or expenditure of the judgment funds.

(c) APPLICATION OF OTHER LAW.—All funds distributed under this Act are subject to the provisions of section 7 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407), relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the Court of Claims.

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SEPTEMBER 3, 2002

Reported without amendment