

108TH CONGRESS
2D SESSION

H. R. 2489

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2004

Received

AN ACT

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,*

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

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

5 **SEC. 2. DEFINITIONS.**

6 For the purpose of this Act—

7 (1) The term “current judgment fund” means
8 the funds awarded by the Indian Claims Commission
9 Docket No. 218 and all interest accrued thereon as
10 of the date of the enactment of this Act.

11 (2) The term “initial interest” means the inter-
12 est on the funds awarded by the Indian Claims Com-
13 mission Docket No. 218 during the time period from
14 one year before the date of the enactment of this Act
15 through the date of the enactment of this Act.

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

20 (4) The term “Secretary” means the Secretary
21 of the Interior.

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

1 (6) The term “tribal member” means an indi-
2 vidual who is an enrolled member of the Cowlitz In-
3 dian Tribe pursuant to tribal enrollment procedures
4 and requirements.

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

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

11 **SEC. 3. JUDGMENT DISTRIBUTION PLAN.**

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

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

20 (a) **PRINCIPAL PRESERVED AFTER ELDERLY AS-**
21 **SISTANCE AND TRIBAL ADMINISTRATION PAYMENTS.—**

22 (1) Except as provided in subsection (b), the principal
23 shall not be distributed under this Act. Only the interest
24 earned on the undistributed principal may be used to fund

1 such programs. There will be no distribution of any funds
2 other than as specified in this Act.

3 (2) The Secretary shall—

4 (A) maintain undistributed current judgment
5 funds in an interest-bearing account in trust for the
6 tribe; and

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

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

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

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

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

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

10 (3) The Secretary shall pay all costs of distribution
11 under this subsection out of the amount set aside under
12 paragraph (1).

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

24 (d) EDUCATION, VOCATIONAL, AND CULTURAL
25 TRAINING PROGRAM.—From the principal, the Secretary

1 shall set aside 10 percent for an Education, Vocational
2 and Cultural Training Program. Beginning the second
3 year after the date of the enactment of this Act, interest
4 earned on such sum shall be distributed annually in a
5 lump sum to the tribe's governing body and will be used
6 to provide scholarships to tribal members pursuing edu-
7 cational advancement, including cultural and vocational
8 training. 10 percent of the initial interest shall be available
9 upon the date of the enactment of this Act to fund the
10 program for the first year after the date of the enactment
11 of this Act.

12 (e) HOUSING ASSISTANCE PROGRAM.—From the
13 principal, the Secretary shall set aside 5 percent for the
14 Housing Assistance Program. Beginning the second year
15 after the date of the enactment of this Act, interest earned
16 on such sum shall be disbursed annually in a lump sum
17 to the tribe's governing body and may be added to any
18 existing tribal housing improvements programs to supple-
19 ment them or it may be used in a separate Housing Assist-
20 ance Program to be established by the tribe's governing
21 body. 5 percent of the initial interest shall be available
22 upon the date of the enactment of this Act to fund the
23 program for the first year after the date of the enactment
24 of this Act.

1 (f) ECONOMIC DEVELOPMENT, TRIBAL, AND CUL-
2 TURAL CENTERS.—From the principal, the Secretary
3 shall set aside 21.5 percent for economic development and,
4 if other funding is not available or not adequate (as deter-
5 mined by the tribe), for the construction and maintenance
6 of tribal and cultural centers. Beginning the second year
7 after the date of the enactment of this Act, interest earned
8 on such sum shall be disbursed annually in a lump sum
9 to the tribe’s governing body and shall be used for the
10 following, with 21.5 percent of the initial interest available
11 upon the date of the enactment of this Act to fund the
12 program for the first year after the date of the enactment
13 of this Act:

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

17 (2) Business development for the tribe, includ-
18 ing collateralization of loans for the purchase or op-
19 eration of businesses, matching funds for economic
20 development grants, joint venture partnerships, and
21 other similar ventures, which are likely to produce
22 profits for the tribe. All business loans shall pay
23 principal and interest back to the Economic Devel-
24 opment program for reinvestments and business

1 profits shall go to the tribe's general fund for uses
2 to be determined by the tribe's governing body.

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

5 (g) NATURAL RESOURCES.—From the principal, the
6 Secretary shall set aside 7.5 percent for natural resources.
7 Beginning the second year after the date of the enactment
8 of this Act, interest earned on such sum shall be disbursed
9 annually in a lump sum to the tribe's governing body and
10 may be added to any existing tribal natural resource pro-
11 gram to enhance the tribe's use and enjoyment of existing
12 and renewable natural resources within the tribe's lands.
13 7.5 percent of the initial interest shall be available upon
14 the date of the enactment of this Act to fund the program
15 for the first year after the date of the enactment of this
16 Act.

17 (h) CULTURAL RESOURCES.—From the principal, the
18 Secretary shall set aside 4 percent for cultural resources.
19 Beginning the second year after the date of the enactment
20 of this Act, interest earned on such sum shall be distrib-
21 uted annually in a lump sum to the tribe's governing body
22 and shall be used to maintain artifacts, collect documents,
23 archive, and identify cultural sites of tribal significance.
24 4 percent of the initial interest shall be available upon the
25 date of the enactment of this Act to fund the program

1 for the first year after the date of the enactment of this
2 Act.

3 (i) HEALTH.—From the principal, the Secretary shall
4 set aside 21 percent for health. Beginning the second year
5 after the date of the enactment of this Act, interest earned
6 on such sum shall be disbursed annually in a lump sum
7 to the tribe’s governing body and shall be used for the
8 health needs of the tribe. 21 percent of the initial interest
9 shall be available upon the date of the enactment of this
10 Act to fund the program for the first year after the date
11 of the enactment of this Act.

12 (j) TRIBAL ADMINISTRATION PROGRAM.—From the
13 principal, the Secretary shall set aside 21 percent for trib-
14 al administration. 21 percent of the initial interest and
15 such of the principal sum set aside for this program as
16 required to fund the first year of this program at
17 \$150,000, the sum of \$150,000 shall be immediately dis-
18 bursed to the tribe for the purposes of funding tribal ad-
19 ministration for the first year after the date of the enact-
20 ment of this Act. Beginning the second year after the date
21 of the enactment of this Act, interest earned on the re-
22 maining principal set aside under this subsection shall be
23 disbursed annually in a lump sum to the tribe’s governing
24 body for operating costs of the tribe’s governing body, in-
25 cluding travel, telephone, cultural, and other expenses in-

1 curred in the conduct of the tribe's affairs, and legal fees
2 as approved by the tribe's governing body.

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

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

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

21 (3) Before any expenditures, the tribe's gov-
22 erning body must approve all programs and shall
23 publish in a publication of general circulation regula-
24 tions which provide standards and priorities for pro-
25 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.

Passed the House of Representatives March 23,
2004.

Attest:

JEFF TRANDAHL,

Clerk.

By GERASIMOS C. VANS,

Deputy Clerk.

1 secretary at that time shall respond to the tribal
2 member.

Passed the House of Representatives March 23,
2004.

Attest: JEFF TRANDAHL,
Clerk.

Passed the House of Representatives , 2004.

Attest: JEFF TRANDAHL,
Clerk.

Passed the Senate (legislative day,),
2004.

Attest: EMILY J. REYNOLDS,
Secretary.

Passed the House of Representatives , 2004.

Attest: JEFF TRANDAHL,
Clerk.

By GERASIMOS C. VANS,
Deputy Clerk.