

107TH CONGRESS  
1ST SESSION

# S. 958

To provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-K, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 24, 2001

Mr. REID (for himself and Mr. ENSIGN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-K, 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 “Western Shoshone  
5       Claims Distribution Act”.

6       **SEC. 2. DISTRIBUTION OF DOCKET 326-K FUNDS.**

7       The funds appropriated in satisfaction of the judg-  
8       ment award granted to the Western Shoshone Indians in

1 Docket Number 326–K before the Indian Claims Commis-  
2 sion, including all earned interest, shall be distributed as  
3 follows:

4 (1) The Secretary shall establish a Western  
5 Shoshone Judgment Roll consisting of all Western  
6 Shoshones who—

7 (A) have at least  $\frac{1}{4}$  degree of Western  
8 Shoshone Blood;

9 (B) are citizens of the United States; and

10 (C) are living on the date of enactment of  
11 this Act.

12 (2) Any individual determined or certified as el-  
13 igible by the Secretary to receive a per capita pay-  
14 ment from any other judgment fund awarded by the  
15 Indian Claims Commission, the United States  
16 Claims Court, or the United States Court of Federal  
17 Claims, that was appropriated on or before the date  
18 of enactment of this Act, shall not be eligible for en-  
19 rollment under this Act.

20 (3) The Secretary shall publish in the Federal  
21 Register rules and regulations governing the estab-  
22 lishment of the Western Shoshone Judgment Roll  
23 and shall utilize any documents acceptable to the  
24 Secretary in establishing proof of eligibility. The

1 Secretary's determination on all applications for en-  
2 rollment under this paragraph shall be final.

3 (4) Upon completing the Western Shoshone  
4 Judgment Roll under paragraph (1), the Secretary  
5 shall make a per capita distribution of 100 percent  
6 of the funds described in this section, in a sum as  
7 equal as possible, to each person listed on the Roll.

8 (5)(A) With respect to the distribution of funds  
9 under this section, the per capita shares of living  
10 competent adults who have reached the age of 19  
11 years on the date of the distribution provided for  
12 under paragraph (4), shall be paid directly to them.

13 (B) The per capita shares of deceased individ-  
14 uals shall be distributed to their heirs and legatees  
15 in accordance with regulations prescribed by the  
16 Secretary.

17 (C) The shares of legally incompetent individ-  
18 uals shall be administered pursuant to regulations  
19 and procedures established by the Secretary under  
20 section 3(b)(3) of Public Law 93-134 (25 U.S.C.  
21 1403(b)(3)).

22 (D) The shares of minors and individuals who  
23 are under the age of 19 years on the date of the dis-  
24 tribution provided for under paragraph (4) shall be  
25 held by the Secretary in supervised individual Indian

1 money accounts. The funds from such accounts shall  
2 be disbursed over a period of 4 years in payments  
3 equaling 25 percent of the principal, plus the inter-  
4 est earned on that portion of the per capita share.  
5 The first payment shall be disbursed to individuals  
6 who have reached the age of 18 years if such indi-  
7 viduals are deemed legally competent. Subsequent  
8 payments shall be disbursed within 90 days of the  
9 individual's following 3 birthdays.

10 (6) All funds distributed under this Act are  
11 subject to the provisions of section 7 of Public Law  
12 93-134 (25 U.S.C. 1407).

13 (7) All per capita shares belonging to living  
14 competent adults certified as eligible to share in the  
15 judgment fund distribution under this section, and  
16 the interest earned on those shares, that remain un-  
17 paid for a period of 6-years shall be added to the  
18 principal funds that are held and invested in accord-  
19 ance with section 3, except that in the case of a  
20 minor, such 6-year period shall not begin to run  
21 until the minor reaches the age of majority.

22 (8) Any other residual principal and interest  
23 funds remaining after the distribution under para-  
24 graph (4) is complete shall be added to the principal

1 funds that are held and invested in accordance with  
2 section 3.

3 (9) Receipt of a share of the judgment funds  
4 under this section shall not be construed as a waiver  
5 of any existing treaty rights pursuant to the “1863  
6 Treaty of Ruby Valley”, inclusive of all Articles I  
7 through VIII, and shall not prevent any Western  
8 Shoshone Tribe or Band or individual Shoshone In-  
9 dian from pursuing other rights guaranteed by law.

10 **SEC. 3. DISTRIBUTION OF DOCKETS 326-A-1 AND 326-A-3.**

11 The funds appropriated in satisfaction of the judg-  
12 ment awards granted to the Western Shoshone Indians in  
13 Docket Numbers 326-A-1 and 326-A-3 before the  
14 United States Court of Claims, and the funds referred to  
15 under paragraphs (7) and (8) of section 2, together with  
16 all earned interest, shall be distributed as follows:

17 (1)(A) Not later than 120 days after the date  
18 of enactment of this Act, the Secretary shall estab-  
19 lish in the Treasury of the United States a trust  
20 fund to be known as the “Western Shoshone Edu-  
21 cational Trust Fund” for the benefit of the Western  
22 Shoshone members. There shall be credited to the  
23 Trust Fund the funds described in the matter pre-  
24 ceding this paragraph.

1           (B) The principal in the Trust Fund shall not  
2           be expended or disbursed. The Trust Fund shall be  
3           invested as provided for in section 1 of the Act of  
4           June 24, 1938 (25 U.S.C. 162a).

5           (C)(i) All accumulated and future interest and  
6           income from the Trust Fund shall be distributed,  
7           subject to clause (ii)—

8                       (I) as educational grants and as other  
9                       forms of educational assistance determined  
10                      appropriate by the Administrative Com-  
11                      mittee established under paragraph (2) to  
12                      individual Western Shoshone members as  
13                      required under this Act; and

14                     (II) to pay the reasonable and nec-  
15                     essary expenses of such Administrative  
16                     Committee (as defined in the written rules  
17                     and procedures of such Committee).

18           (ii) Funds shall not be distributed under this  
19           paragraph on a per capita basis.

20           (2)(A) An Administrative Committee to oversee  
21           the distribution of the educational grants and assist-  
22           ance authorized under paragraph (1)(C) shall be es-  
23           tablished as provided for in this paragraph.

1           (B) The Administrative Committee shall consist  
2 of 1 representative from each of the following orga-  
3 nizations:

4           (i) The Western Shoshone Te-Moak Tribe.

5           (ii) The Duckwater Shoshone Tribe.

6           (iii) The Yomba Shoshone Tribe.

7           (iv) The Ely Shoshone Tribe.

8           (v) The Western Shoshone Business Coun-  
9 cil of the Duck Valley Reservation.

10          (vi) The Fallon Band of Western Sho-  
11 shone.

12          (vii) The at large community.

13           (C) Each member of the Committee shall serve  
14 for a term of 4 years. If a vacancy remains unfilled  
15 in the membership of the Committee for a period in  
16 excess of 60 days, the Committee shall appoint a re-  
17 placement from among qualified members of the or-  
18 ganization for which the replacement is being made  
19 and such member shall serve until the organization  
20 to be represented designates a replacement.

21           (D) The Secretary shall consult with the Com-  
22 mittee on the management and investment of the  
23 funds subject to distribution under this section.

24           (E) The Committee shall have the authority to  
25 disburse the accumulated interest fund under this

1 Act in accordance with the terms of this Act. The  
2 Committee shall be responsible for ensuring that the  
3 funds provided through grants and assistance under  
4 paragraph (1)(C) are utilized in a manner consistent  
5 with the terms of this Act. In accordance with para-  
6 graph (1)(C)(i)(II), the Committee may use a por-  
7 tion of the interest funds to pay all of the reasonable  
8 and necessary expenses of the Committee, including  
9 per diem rates for attendance at meetings that are  
10 the same as those paid to Federal employees in the  
11 same geographic location.

12 (F) The Committee shall develop written rules  
13 and procedures that include such matters as oper-  
14 ating procedures, rules of conduct, eligibility criteria  
15 for receipt of educational grants or assistance (such  
16 criteria to be consistent with this Act), application  
17 selection procedures, appeal procedures, fund dis-  
18 bursement procedures, and fund recoupment proce-  
19 dures. Such rules and procedures shall be subject to  
20 the approval of the Secretary. A portion of the inter-  
21 est funds in the Trust Fund, not to exceed  
22 \$100,000, may be used by the Committee to pay the  
23 expenses associated with developing such rules and  
24 procedures. At the discretion of the Committee, and  
25 with the approval of the appropriate tribal governing



1 body, jurisdiction to hear appeals of the Committee's  
2 decisions may be exercised by a tribal court, or a  
3 court of Indian offenses operated under section 11  
4 of title 25, Code of Federal Regulations.

5 (G) The Committee shall employ an inde-  
6 pendent certified public accountant to prepare an  
7 annual financial statement that includes the oper-  
8 ating expenses of the Committee and the total  
9 amount of educational grants or assistance dis-  
10 bursed for the fiscal year for which the statement is  
11 being prepared under this section. The Committee  
12 shall compile a list of names of all individuals ap-  
13 proved to receive such grants or assistance during  
14 such fiscal year. The financial statement and the list  
15 shall be distributed to each organization represented  
16 on the Committee and the Secretary and copies shall  
17 be made available to the Western Shoshone members  
18 upon request.

19 **SEC. 4. DEFINITIONS.**

20 In this Act:

21 (1) ADMINISTRATIVE COMMITTEE; COM-  
22 MITTEE.—The terms “Administrative Committee”  
23 and “Committee” mean the Administrative Com-  
24 mittee established under section 3(2).

1           (2) SECRETARY.—The term “Secretary” means  
2 the Secretary of the Interior.

3           (3) TRUST FUND.—The term “Trust Fund”  
4 means the Western Shoshone Educational Trust  
5 Fund established under section 3(1).

6           (4) WESTERN SHOSHONE MEMBERS.—The term  
7 “Western Shoshone members” means an individual  
8 who appears on the Western Shoshone Judgment  
9 Roll established under section 2(1), or an individual  
10 who is the lineal descendant of an individual appear-  
11 ing on the roll, and who—

12                   (A) satisfies all eligibility criteria estab-  
13 lished by the Administrative Committee under  
14 section 3(F);

15                   (B) fulfills all application requirements es-  
16 tablished by the Committee; and

17                   (C) agrees to utilize funds distributed in  
18 accordance with section 3(1)(C)(i)(I) in a man-  
19 ner approved by the Committee for educational  
20 purposes.

21 **SEC. 5. REGULATIONS.**

22           The Secretary may promulgate such regulations as  
23 are necessary to carry out this Act.

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