

**Calendar No. 634**

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

**S. 958**

**[Report No. 107-297]**

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

OCTOBER 3, 2002

Reported by Mr. INOUE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Western Shoshone  
3 Claims Distribution Act”.

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

5 The funds appropriated in satisfaction of the judg-  
6 ment award granted to the Western Shoshone Indians in  
7 Docket Number 326-K before the Indian Claims Commis-  
8 sion, including all earned interest, shall be distributed as  
9 follows:

10 (1) The Secretary shall establish a Western  
11 Shoshone Judgment Roll consisting of all Western  
12 Shoshones who—

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

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

16 (C) are living on the date of enactment of  
17 this Act.

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

1           ~~(3)~~ The Secretary shall publish in the Federal  
2       Register rules and regulations governing the estab-  
3       lishment of the Western Shoshone Judgment Roll  
4       and shall utilize any documents acceptable to the  
5       Secretary in establishing proof of eligibility. The  
6       Secretary's determination on all applications for en-  
7       rollment under this paragraph shall be final.

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

13          ~~(5)(A)~~ With respect to the distribution of funds  
14      under this section, the per capita shares of living  
15      competent adults who have reached the age of 19  
16      years on the date of the distribution provided for  
17      under paragraph (4), shall be paid directly to them.

18          ~~(B)~~ The per capita shares of deceased individ-  
19      uals shall be distributed to their heirs and legatees  
20      in accordance with regulations prescribed by the  
21      Secretary.

22          ~~(C)~~ The shares of legally incompetent individ-  
23      uals shall be administered pursuant to regulations  
24      and procedures established by the Secretary under

1       section 3(b)(3) of Public Law 93-134 (25 U.S.C.  
2       1403(b)(3)).

3           (D) The shares of minors and individuals who  
4       are under the age of 19 years on the date of the dis-  
5       tribution provided for under paragraph (4) shall be  
6       held by the Secretary in supervised individual Indian  
7       money accounts. The funds from such accounts shall  
8       be disbursed over a period of 4 years in payments  
9       equaling 25 percent of the principal, plus the inter-  
10      est earned on that portion of the per capita share.  
11      The first payment shall be disbursed to individuals  
12      who have reached the age of 18 years if such indi-  
13      viduals are deemed legally competent. Subsequent  
14      payments shall be disbursed within 90 days of the  
15      individual's following 3 birthdays.

16          (6) All funds distributed under this Act are  
17      subject to the provisions of section 7 of Public Law  
18      93-134 (25 U.S.C. 1407).

19          (7) All per capita shares belonging to living  
20      competent adults certified as eligible to share in the  
21      judgment fund distribution under this section, and  
22      the interest earned on those shares, that remain un-  
23      paid for a period of 6-years shall be added to the  
24      principal funds that are held and invested in accord-  
25      ance with section 3, except that in the case of a

1 minor, such 6-year period shall not begin to run  
 2 until the minor reaches the age of majority.

3 (8) Any other residual principal and interest  
 4 funds remaining after the distribution under para-  
 5 graph (4) is complete shall be added to the principal  
 6 funds that are held and invested in accordance with  
 7 section 3.

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

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

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

22 (1)(A) Not later than 120 days after the date  
 23 of enactment of this Act, the Secretary shall estab-  
 24 lish in the Treasury of the United States a trust  
 25 fund to be known as the “Western Shoshone Edu-

1        eational Trust Fund” for the benefit of the Western  
 2        Shoshone members. There shall be credited to the  
 3        Trust Fund the funds described in the matter pre-  
 4        ceeding this paragraph.

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

9            (C)(i) All accumulated and future interest and  
 10       income from the Trust Fund shall be distributed;  
 11       subject to clause (ii)—

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

18            (II) to pay the reasonable and nec-  
 19       essary expenses of such Administrative  
 20       Committee (as defined in the written rules  
 21       and procedures of such Committee).

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

24            (2)(A) An Administrative Committee to oversee  
 25       the distribution of the educational grants and assist-

1       ance authorized under paragraph (1)(C) shall be es-  
 2       tablished as provided for in this paragraph.

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

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

7           (ii) The Duckwater Shoshone Tribe.

8           (iii) The Yomba Shoshone Tribe.

9           (iv) The Ely Shoshone Tribe.

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

12          (vi) The Fallon Band of Western Sho-  
 13       shone.

14          (vii) The at large community.

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

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

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

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



1 procedures. At the discretion of the Committee, and  
 2 with the approval of the appropriate tribal governing  
 3 body, jurisdiction to hear appeals of the Committee's  
 4 decisions may be exercised by a tribal court, or a  
 5 court of Indian offenses operated under section 11  
 6 of title 25, Code of Federal Regulations.

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

21 **SEC. 4. DEFINITIONS.**

22 In this Act:

23 (1) ADMINISTRATIVE COMMITTEE; COM-  
 24 MITTEE.—The terms “Administrative Committee”

1 and “Committee” mean the Administrative Com-  
 2 mittee established under section 3(2).

3 ~~(2) SECRETARY.—The term “Secretary” means~~  
 4 ~~the Secretary of the Interior.~~

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

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

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

17 ~~(B) fulfills all application requirements es-~~  
 18 ~~tablished by the Committee; and~~

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

23 **SEC. 5. REGULATIONS.**

24 The Secretary may promulgate such regulations as  
 25 are necessary to carry out this Act.

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “Western Shoshone*  
3 *Claims Distribution Act”.*

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

5       *The funds appropriated in satisfaction of the judgment*  
6 *award granted to the Western Shoshone Indians in Docket*  
7 *Number 326-K before the Indian Claims Commission, in-*  
8 *cluding all earned interest, shall be distributed as follows:*

9           (1) *The Secretary shall establish a Western Sho-*  
10 *shone Judgment Roll consisting of all Western Sho-*  
11 *shones who—*

12               (A) *have at least 1/4 degree of Western Sho-*  
13 *shone Blood;*

14               (B) *are citizens of the United States; and*

15               (C) *are living on the date of enactment of*  
16 *this Act.*

17           (2) *Any individual determined or certified as el-*  
18 *igible by the Secretary to receive a per capita pay-*  
19 *ment from any other judgment fund awarded by the*  
20 *Indian Claims Commission, the United States Claims*  
21 *Court, or the United States Court of Federal Claims,*  
22 *that was appropriated on or before the date of enact-*  
23 *ment of this Act, shall not be eligible for enrollment*  
24 *under this Act.*

25           (3) *The Secretary shall publish in the Federal*  
26 *Register rules and regulations governing the establish-*

1        *ment of the Western Shoshone Judgment Roll and*  
 2        *shall utilize any documents acceptable to the Sec-*  
 3        *retary in establishing proof of eligibility. The Sec-*  
 4        *retary's determination on all applications for enroll-*  
 5        *ment under this paragraph shall be final.*

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

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

16           *(B) The per capita shares of deceased individ-*  
 17        *uals shall be distributed to their heirs and legatees in*  
 18        *accordance with regulations prescribed by the Sec-*  
 19        *retary.*

20           *(C) The shares of legally incompetent individuals*  
 21        *shall be administered pursuant to regulations and*  
 22        *procedures established by the Secretary under section*  
 23        *3(b)(3) of Public Law 93-134 (25 U.S.C. 1403(b)(3)).*

24           *(D) The shares of minors and individuals who*  
 25        *are under the age of 19 years on the date of the dis-*

1        *tribution provided for under paragraph (4) shall be*  
 2        *held by the Secretary in supervised individual Indian*  
 3        *money accounts. The funds from such accounts shall*  
 4        *be disbursed over a period of 4 years in payments*  
 5        *equaling 25 percent of the principal, plus the interest*  
 6        *earned on that portion of the per capita share. The*  
 7        *first payment shall be disbursed to individuals who*  
 8        *have reached the age of 18 years if such individuals*  
 9        *are deemed legally competent. Subsequent payments*  
 10       *shall be disbursed within 90 days of the individual's*  
 11       *following 3 birthdays.*

12            *(6) Notwithstanding section 7 of the Indian*  
 13        *Tribal Judgment Funds Use or Distribution Act (25*  
 14        *U.S.C. 1407), the per capita shares (or the avail-*  
 15        *ability of those shares) shall not—*

16            *(A) be subject to Federal or State income*  
 17        *taxation;*

18            *(B) be considered to be income or resources;*

19        *or*

20            *(C) be used as a basis for denying or reduc-*  
 21        *ing financial assistance or any other benefit to*  
 22        *which a household or member would otherwise be*  
 23        *entitled under—*

24            *(i) the Social Security Act (42 U.S.C.*  
 25        *301 et seq.); or*

1                   (ii) any other Federal or federally-as-  
2                   sisted program.

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

12                  (8) Any other residual principal and interest  
13                  funds remaining after the distribution under para-  
14                  graph (4) is complete shall be added to the principal  
15                  funds that are held and invested in accordance with  
16                  section 3.

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

18                  The funds appropriated in satisfaction of the judgment  
19                  awards granted to the Western Shoshone Indians in Docket  
20                  Numbers 326-A-1 and 326-A-3 before the United States  
21                  Court of Claims, and the funds referred to under para-  
22                  graphs (7) and (8) of section 2, together with all earned  
23                  interest, shall be distributed as follows:

24                  (1)(A) Not later than 120 days after the date of  
25                  enactment of this Act, the Secretary shall establish in

1       *the Treasury of the United States a trust fund to be*  
2       *known as the “Western Shoshone Educational Trust*  
3       *Fund” for the benefit of the Western Shoshone mem-*  
4       *bers. There shall be credited to the Trust Fund the*  
5       *funds described in the matter preceding this para-*  
6       *graph.*

7               *(B) The principal in the Trust Fund shall not*  
8       *be expended or disbursed. The Trust Fund shall be in-*  
9       *vested as provided for in section 1 of the Act of June*  
10       *24, 1938 (25 U.S.C. 162a).*

11              *(C)(i) All accumulated and future interest and*  
12       *income from the Trust Fund shall be distributed, sub-*  
13       *ject to clause (ii)—*

14                      *(I) as educational grants and as other*  
15                      *forms of educational assistance determined*  
16                      *appropriate by the Administrative Com-*  
17                      *mittee established under paragraph (2) to*  
18                      *individual Western Shoshone members as*  
19                      *required under this Act; and*

20                      *(II) to pay the reasonable and nec-*  
21                      *essary expenses of such Administrative*  
22                      *Committee (as defined in the written rules*  
23                      *and procedures of such Committee).*

24              *(ii) Funds shall not be distributed under this*  
25       *paragraph on a per capita basis.*

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

5           (B) *The Administrative Committee shall consist*  
6           *of 1 representative from each of the following organi-*  
7           *zations:*

8                     (i) *The Western Shoshone Te-Moak Tribe.*

9                     (ii) *The Duckwater Shoshone Tribe.*

10                    (iii) *The Yomba Shoshone Tribe.*

11                    (iv) *The Ely Shoshone Tribe.*

12                    (v) *The Western Shoshone Committee of the*  
13           *Duck Valley Reservation.*

14                    (vi) *The Fallon Band of Western Shoshone.*

15                    (vii) *The at large community.*

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



1           (D) *The Secretary shall consult with the Com-*  
2           *mittee on the management and investment of the*  
3           *funds subject to distribution under this section.*

4           (E) *The Committee shall have the authority to*  
5           *disburse the accumulated interest fund under this Act*  
6           *in accordance with the terms of this Act. The Com-*  
7           *mittee shall be responsible for ensuring that the funds*  
8           *provided through grants and assistance under para-*  
9           *graph (1)(C) are utilized in a manner consistent with*  
10          *the terms of this Act. In accordance with paragraph*  
11          *(1)(C)(i)(II), the Committee may use a portion of the*  
12          *interest funds to pay all of the reasonable and nec-*  
13          *essary expenses of the Committee, including per diem*  
14          *rates for attendance at meetings that are the same as*  
15          *those paid to Federal employees in the same geo-*  
16          *graphic location.*

17          (F) *The Committee shall develop written rules*  
18          *and procedures that include such matters as oper-*  
19          *ating procedures, rules of conduct, eligibility criteria*  
20          *for receipt of educational grants or assistance (such*  
21          *criteria to be consistent with this Act), application se-*  
22          *lection procedures, appeal procedures, fund disburse-*  
23          *ment procedures, and fund recoupment procedures.*  
24          *Such rules and procedures shall be subject to the ap-*  
25          *proval of the Secretary. A portion of the interest*

1 *funds in the Trust Fund, not to exceed \$100,000, may*  
 2 *be used by the Committee to pay the expenses associ-*  
 3 *ated with developing such rules and procedures. At*  
 4 *the discretion of the Committee, and with the ap-*  
 5 *proval of the appropriate tribal governing body, juris-*  
 6 *diction to hear appeals of the Committee's decisions*  
 7 *may be exercised by a tribal court, or a court of In-*  
 8 *dian offenses operated under section 11 of title 25,*  
 9 *Code of Federal Regulations.*

10 *(G) The Committee shall employ an independent*  
 11 *certified public accountant to prepare an annual fi-*  
 12 *nancial statement that includes the operating ex-*  
 13 *penses of the Committee and the total amount of edu-*  
 14 *cational grants or assistance disbursed for the fiscal*  
 15 *year for which the statement is being prepared under*  
 16 *this section. The Committee shall compile a list of*  
 17 *names of all individuals approved to receive such*  
 18 *grants or assistance during such fiscal year. The fi-*  
 19 *nancial statement and the list shall be distributed to*  
 20 *each organization represented on the Committee and*  
 21 *the Secretary and copies shall be made available to*  
 22 *the Western Shoshone members upon request.*

23 **SEC. 4. DEFINITIONS.**

24 *In this Act:*

1           (1) *ADMINISTRATIVE COMMITTEE; COMMITTEE.*—  
 2           *The terms “Administrative Committee” and “Com-*  
 3           *mittee” mean the Administrative Committee estab-*  
 4           *lished under section 3(2).*

5           (2) *SECRETARY.*—*The term “Secretary” means*  
 6           *the Secretary of the Interior.*

7           (3) *TRUST FUND.*—*The term “Trust Fund”*  
 8           *means the Western Shoshone Educational Trust Fund*  
 9           *established under section 3(1).*

10          (4) *WESTERN SHOSHONE MEMBERS.*—*The term*  
 11          *“Western Shoshone members” means an individual*  
 12          *who appears on the Western Shoshone Judgment Roll*  
 13          *established under section 2(1), or an individual who*  
 14          *is the lineal descendant of an individual appearing*  
 15          *on the roll, and who—*

16                (A) *satisfies all eligibility criteria estab-*  
 17                *lished by the Administrative Committee under*  
 18                *section 3(F);*

19                (B) *fulfills all application requirements es-*  
 20                *tablished by the Committee; and*

21                (C) *agrees to utilize funds distributed in ac-*  
 22                *cordance with section 3(1)(C)(i)(I) in a manner*  
 23                *approved by the Committee for educational pur-*  
 24                *poses.*

1 **SEC. 5. REGULATIONS.**

2       *The Secretary may promulgate such regulations as are*  
3 *necessary to carry out this Act.*



**Calendar No. 634**

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

**S. 958**

**[Report No. 107-297]**

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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.

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OCTOBER 3, 2002

Reported with an amendment