

106TH CONGRESS
2D SESSION

S. 2795

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.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2000

Mr. REID introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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 on December 19, 1979, in
8 satisfaction of an award granted to the Western Shoshone

1 Indians in Docket Number 326–K before the Indian
2 Claims Commission, including all earned interest shall be
3 distributed as 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 residual principal and interest funds re-
14 maining after the distribution under paragraph (4)
15 is complete shall be added to the principal funds
16 that are held and invested under section 3(1).

17 (8) All per capita shares belonging to living
18 competent adults certified as eligible to share in the
19 judgment fund distribution under this section, and
20 the interest earned on those shares, that remain un-
21 paid for a period of 6-years shall be added to the
22 principal funds that are held and invested under sec-
23 tion 3(1), except that in the case of a minor, such
24 6-year period shall not begin to run until the minor
25 reaches the age of majority.

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

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

9 The funds appropriated on March 23, 1992, and Au-
10 gust 21, 1995, in satisfaction of the awards granted to
11 the Western Shoshone Indians in Docket Numbers 326-
12 A-1 and 326-A-2 before the United States Court of
13 Claims, and the funds referred to under section 2, to-
14 gether with all earned interest, shall be distributed as fol-
15 lows:

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

24 (B) The principal amount in the Trust Fund
25 shall not be expended or disbursed. Other amounts

1 in the Trust Fund shall be invested as provided for
2 in section 1 of the Act of June 24, 1938 (25 U.S.C.
3 162a).

4 (C) All accumulated and future interest and in-
5 come from the Trust Fund shall be distributed as
6 educational and other grants, and as other forms of
7 assistance determined appropriate, to individual
8 Western Shoshone members as required under this
9 Act and to pay the reasonable and necessary ex-
10 penses of the Administrative Committee established
11 under paragraph (2) (as defined in the written rules
12 and procedures of such Committee). Funds under
13 this paragraph shall not be distributed on a per cap-
14 ita basis.

15 (2)(A) An Administrative Committee to oversee
16 the distribution of the education grants authorized
17 under paragraph (1) shall be established as provided
18 for in this paragraph.

19 (B) The Administrative Committee shall consist
20 of 1 representative from each of the following orga-
21 nizations:

- 22 (i) The Western Shoshone Te-Moak Tribe.
23 (ii) The Duckwater Shoshone Tribe.
24 (iii) The Yomba Shoshone Tribe.
25 (iv) The Ely Shoshone Tribe.

1 (v) The Western Shoshone Business Coun-
2 cil of the Duck Valley Reservation, Fallon Band
3 of Western Shoshone.

4 (vi) The at large community.

5 (C) Each member of the Committee shall serve
6 for a term of 4-years. If a vacancy remains unfilled
7 in the membership of the Committee for a period in
8 excess of 60 days, the Committee shall appoint a re-
9 placement from among qualified members of the or-
10 ganization for which the replacement is being made
11 and such member shall serve until the organization
12 to be represented designates a replacement.

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

16 (E) The Committee shall have the authority to
17 disburse the accumulated interest fund under this
18 Act in accordance with the terms of this Act. The
19 Committee shall be responsible for ensuring that the
20 funds provided through grants under paragraph (1)
21 are utilized in a manner consistent with the terms
22 of this Act. In accordance with paragraph (1)(C),
23 the Committee may use a portion of the interest
24 funds to pay all of the reasonable and necessary ex-
25 penses of the Committee, including per diem rates

1 for attendance at meetings that are the same as for
2 those paid to Federal employees in the same geo-
3 graphic location.

4 (F) The Committee shall develop written rules
5 and procedures that include such matters as oper-
6 ating procedures, rules of conduct, scholarship fund
7 eligibility criteria (such criteria to be consistent with
8 this Act), application selection procedures, appeals
9 procedures, fund disbursement procedures, and fund
10 recoupment procedures. Such rules and procedures
11 shall be subject to the approval of the Secretary. A
12 portion of the interest funds, not to exceed
13 \$100,000, under this Act may be used by the Com-
14 mittee to pay the expenses associated with devel-
15 oping such rules and procedures. At the discretion of
16 the Committee, and with the approval of the appro-
17 priate tribal governing body, jurisdiction to hear ap-
18 peals of the Committee's decisions may be exercised
19 by a tribal court, or a court of Indian offenses oper-
20 ated under section 11 of title 25, Code of Federal
21 Regulations.

22 (G) The Committee shall employ an inde-
23 pendent certified public accountant to prepare an
24 annual financial statement that includes the oper-
25 ating expenses of the Committee and the total

1 amount of scholarship fund disbursements for the
2 fiscal year for which the statement is being prepared
3 under this section. The Committee shall compile a
4 list of names of all individuals approved to receive
5 scholarship funds during such fiscal year. The finan-
6 cial statement and the list shall be distributed to
7 each organization referred to in this section and cop-
8 ies shall be made available to the Western Shoshone
9 members upon request.

10 **SEC. 4. DEFINITIONS.**

11 In this Act:

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

14 (2) TRUST FUND.—The term “Trust Fund”
15 means the Western Shoshone Educational Trust
16 Fund established under section 3(1).

17 (3) WESTERN SHOSHONE MEMBERS.—The term
18 “Western Shoshone members” means an individual
19 who appears on the Western Shoshone Judgment
20 Roll established under section 2(1), or an individual
21 who is the lineal descendant of an individual appear-
22 ing on the roll, and who—

23 (A) satisfies all eligibility criteria estab-
24 lished by the Administrative Committee under
25 section 3;

1 (B) fulfills all application requirements es-
2 tablished by the Administrative Committee; and

3 (C) agrees to utilize tile funds in a manner
4 approved by the Administrative Committee for
5 educational or vocational training purposes.

6 **SEC. 5. REGULATIONS.**

7 The Secretary shall prescribe the enrollment regula-
8 tions necessary to carry out this Act.

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