

# Union Calendar No. 174

108<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 884

[Report No. 108-299]

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, and 326-K, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2003

Mr. GIBBONS introduced the following bill; which was referred to the Committee on Resources

OCTOBER 7, 2003

Additional sponsor: Mr. PORTER

OCTOBER 7, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on February 25, 2003]

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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, and 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 judgment*  
8 *award granted to the “Western Shoshone Identifiable*  
9 *Group” of the Shoshone Nation, under Docket Number 326-*  
10 *K before the Indian Claims Commission, including all*  
11 *earned interest, shall be distributed as follows:*

12            (1) *JUDGMENT ROLL.—The Secretary shall iden-*  
13 *tify and allocate the resources necessary to establish*  
14 *a Western Shoshone Judgment Roll consisting of all*  
15 *Western Shoshones who—*

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

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

19                    (C) *are living on the date of enactment of*  
20 *this Act.*

21            (2) *CERTAIN INDIVIDUALS INELIGIBLE.—Any in-*  
22 *dividual determined or certified as eligible by the Sec-*  
23 *retary to receive a per capita payment from any*  
24 *other judgment fund, based upon an aboriginal land*  
25 *claim, awarded by the Indian Claims Commission,*

1 *the United States Claims Court, or the United States*  
2 *Court of Federal Claims, that was appropriated on or*  
3 *before the date of enactment of this Act, shall not be*  
4 *eligible for enrollment under this Act.*

5 (3) *PUBLICATION OF ROLL.*—*Not later than 120*  
6 *days after the date of enactment of this Act, the Sec-*  
7 *retary shall publish in the Federal Register rules and*  
8 *regulations governing the establishment of the Western*  
9 *Shoshone Judgment Roll and shall use any documents*  
10 *acceptable to the Secretary in establishing proof of eli-*  
11 *gibility. The Secretary's determination on all appli-*  
12 *cations for enrollment under this paragraph shall be*  
13 *final.*

14 (4) *PER CAPITA PAYMENTS.*—*Upon completing*  
15 *the Western Shoshone Judgment Roll under para-*  
16 *graph (1), the Secretary shall make a per capita dis-*  
17 *tribution of 100 percent of the funds described in this*  
18 *section, in a sum as equal as possible, to each person*  
19 *listed on the judgment roll.*

20 (5) *CONDITIONS OF PER CAPITA PAYMENTS.*—

21 (A) *With respect to the distribution of funds*  
22 *under this section, the per capita shares of living*  
23 *competent adults who have reached the age of 19*  
24 *years on the date of the distribution provided for*

1           *under paragraph (4), shall be paid directly to*  
2           *them.*

3           *(B) The per capita shares of deceased indi-*  
4           *viduals shall be distributed to their heirs and*  
5           *legatees in accordance with regulations pre-*  
6           *scribed by the Secretary.*

7           *(C) The shares of legally incompetent indi-*  
8           *viduals shall be administered pursuant to regu-*  
9           *lations and procedures established by the Sec-*  
10          *retary under section 3(b)(3) of Public Law 93-*  
11          *134 (25 U.S.C. 1403(b)(3)).*

12          *(D) The shares of minors and individuals*  
13          *who are under the age of 19 years on the date*  
14          *of the distribution provided for under paragraph*  
15          *(4) shall be held by the Secretary in supervised*  
16          *individual Indian money accounts. The funds*  
17          *from such accounts shall be disbursed over a pe-*  
18          *riod of 4 years in payments equaling 25 percent*  
19          *of the principal, plus the interest earned on that*  
20          *portion of the per capita share. The first pay-*  
21          *ment shall be disbursed to individuals who have*  
22          *reached the age of 18 years if such individuals*  
23          *are deemed legally competent. Subsequent pay-*  
24          *ments shall be disbursed within 90 days of the*  
25          *individual's following 3 birthdays.*

1           (6) *APPLICABLE LAW.*—All funds distributed  
2 under this Act, are subject to the provisions of section  
3 7 of Public Law 93–134 (25 U.S.C. 1407).

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

13           (8) *RESIDUAL AMOUNTS.*—Any other residual  
14 principal and interest funds remaining after the dis-  
15 tribution under paragraph (4) is complete shall be  
16 added to the principal funds that are held and in-  
17 vested in accordance with section 3.

18           (9) *NOT A WAIVER OF TREATY RIGHTS.*—Receipt  
19 of a share of the judgment funds under this section  
20 shall not be construed as a waiver of any existing  
21 treaty rights pursuant to the “1863 Treaty of Ruby  
22 Valley”, inclusive of all Articles I through VIII, and  
23 shall not prevent any Western Shoshone Tribe or  
24 Band or individual Shoshone Indian from pursuing  
25 other rights guaranteed by law.

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

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

8 (1) *ESTABLISHMENT OF TRUST FUND.—(A) not*  
9 *later than 120 days after the date of enactment of this*  
10 *Act, the Secretary shall establish in the Treasury of*  
11 *the United States a trust fund to be known as the*  
12 *“Western Shoshone Educational Trust Fund” for the*  
13 *benefit of the Western Shoshone members. There shall*  
14 *be credited to the Trust Fund the funds described in*  
15 *the matter preceding this paragraph.*

16 (B) *The principal in the Trust Fund shall not*  
17 *be expended or disbursed. The Trust Fund shall be in-*  
18 *vested as provided for in section 1 of the Act of June*  
19 *24, 1938 (25 U.S.C. 162a).*

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

23 (I) *as educational grants and as other*  
24 *forms of educational assistance determined*  
25 *appropriate by the Administrative Com-*  
26 *mittee established under paragraph (2) to*

1           *individual Western Shoshone members as*  
2           *required under this Act; and*

3                   *(II) to pay the reasonable and nec-*  
4                   *essary expenses of such Administrative*  
5                   *Committee (as defined in the written rules*  
6                   *and procedures of such Committee).*

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

9                   (2) *ADMINISTRATIVE COMMITTEE.*—(A) *An Ad-*  
10           *ministrative Committee, exclusively comprised of*  
11           *Western Shoshone, to oversee the distribution of the*  
12           *educational grants and assistance authorized under*  
13           *section (3)(2) shall be established as provided for in*  
14           *this paragraph.*

15                   (B) *The Western Shoshone Administrative Com-*  
16           *mittee shall consist of 1 representative from each of*  
17           *the following organizations:*

18                           (i) *The Te-Moak Tribes of Western Shoshone*  
19           *Indians.*

20                           (ii) *The Duckwater Shoshone Tribe.*

21                           (iii) *The Yomba Shoshone Tribe.*

22                           (iv) *The Ely Shoshone Tribe.*

23                           (v) *The Western Shoshone Committee of the*  
24           *Duck Valley Reservation.*

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

1                   (vii) *The at-large community.*

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

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

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

1           (F) *The Committee shall develop written rules*  
2 *and procedures that include such matters as oper-*  
3 *ating procedures, appeals procedures, rules of conduct,*  
4 *eligibility criteria for receipt of educational grants or*  
5 *assistance (such criteria to be consistent with this*  
6 *Act), application selection procedures, fund disburse-*  
7 *ment procedures, and fund recoupment procedures.*  
8 *Such rules and procedures shall be subject to the ap-*  
9 *proval of the Secretary. A portion of the interest*  
10 *funds in the Trust Fund, not to exceed \$100,000, may*  
11 *be used by the Committee to pay the expenses associ-*  
12 *ated with developing such rules and procedures. At*  
13 *the discretion of the Committee, and with the ap-*  
14 *proval of the appropriate tribal governing body or or-*  
15 *ganization, jurisdiction to hear appeals of the Com-*  
16 *mittee's decisions may be exercised by a tribal court,*  
17 *or a court of Indian offenses operated under section*  
18 *11 of title 25, Code of Federal Regulations.*

19           (G) *The Committee shall employ an independent*  
20 *certified public accountant to prepare an annual fi-*  
21 *nancial statement that includes the operating ex-*  
22 *penses of the Committee and the total amount of edu-*  
23 *cational grants or assistance disbursed for the fiscal*  
24 *year for which the statement is being prepared under*  
25 *this section. The Committee shall compile a list of*

1       *names of all individuals approved to receive such*  
2       *grants or assistance during such fiscal year. The fi-*  
3       *nancial statement and the list shall be distributed to*  
4       *each organization represented on the Committee and*  
5       *the Secretary and copies shall be made available to*  
6       *the Western Shoshone members upon request.*

7       **SEC. 4. DEFINITIONS.**

8       *In this Act the following definitions apply:*

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

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

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

18              (4) *WESTERN SHOSHONE MEMBERS.—The term*  
19       *“Western Shoshone member” means an individual*  
20       *who appears on a Western Shoshone Band or Tribe*  
21       *Base Roll or an individual who is the lineal descend-*  
22       *ant of an individual appearing on the base roll of one*  
23       *of the Western Bands of the Shoshone Nation of Indi-*  
24       *ans, who meets the criteria of section 2(1) under this*  
25       *Act and for purposes of the trust funds, who—*

1           (A) satisfies all eligibility criteria estab-  
2           lished by the Administrative Committee under  
3           section 3(F);

4           (B) fulfills all application requirements es-  
5           tablished by the Committee; and

6           (C) agrees to utilize funds distributed in ac-  
7           cordance with section 3(1)(C)(i)(I) in a manner  
8           approved by the Committee for educational pur-  
9           poses.

10          (5) WESTERN SHOSHONE IDENTIFIABLE  
11          GROUP.—The term “Western Shoshone Identifiable  
12          Group” means those individual Western Shoshones  
13          identified as claimants by the Indian Claims Com-  
14          mission in Dockets 326–K, 326–A–1, and 326–A–3,  
15          distinct and severed from the claims of the North-  
16          western, Eastern, and Mixed Bands of Shoshones and  
17          Bannocks, Lemhi, or Goshute bands of the Shoshone  
18          Nation.

19          (6) ABORIGINAL LAND CLAIM.—The term “ab-  
20          original land claim” means a claim derived from  
21          land where the band, tribe or identifiable group  
22          claimed a right of occupancy based on their immemo-  
23          rial possession of the area.

1           (7) *BASE ROLL.*—*The term “base roll” means the*  
2           *originating census (list) compiled by the Federal Gov-*  
3           *ernment that established tribal membership.*

4 **SEC. 5. REGULATIONS.**

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



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108TH CONGRESS  
1ST SESSION

**H. R. 884**

**[Report No. 108-299]**

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**A BILL**

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OCTOBER 7, 2003

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