

107TH CONGRESS
2D SESSION

S. 958

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2002

Referred to the Committee on Resources

AN ACT

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”.

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

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

7 (1) The Secretary shall establish a Western
8 Shoshone Judgment Roll consisting of all Western
9 Shoshones who—

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

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

13 (C) are living on the date of enactment of
14 this Act.

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

23 (3) The Secretary shall publish in the Federal
24 Register rules and regulations governing the estab-
25 lishment of the Western Shoshone Judgment Roll
26 and shall utilize any documents acceptable to the

1 Secretary in establishing proof of eligibility. The
2 Secretary's determination on all applications for en-
3 rollment under this paragraph shall be final.

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

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

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

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

23 (D) The shares of minors and individuals who
24 are under the age of 19 years on the date of the dis-
25 tribution provided for under paragraph (4) shall be

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

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

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

17 (B) be considered to be income or re-
18 sources; or

19 (C) be used as a basis for denying or re-
20 ducing financial assistance or any other benefit
21 to which a household or member would other-
22 wise be entitled under—

23 (i) the Social Security Act (42 U.S.C.
24 301 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
9 accordance with section 3, except that in the case of
10 a minor, such 6-year period shall not begin to run
11 until 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 judg-
19 ment awards granted to the Western Shoshone Indians in
20 Docket Numbers 326-A-1 and 326-A-3 before the
21 United States Court of Claims, and the funds referred to
22 under paragraphs (7) and (8) of section 2, together with
23 all earned interest, shall be distributed as follows:

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

lish in the Treasury of the United States a trust fund to be known as the “Western Shoshone Educational Trust Fund” for the benefit of the Western Shoshone members. There shall be credited to the Trust Fund the funds described in the matter preceding this paragraph.

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

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

(I) as educational grants and as other forms of educational assistance determined appropriate by the Administrative Committee established under paragraph (2) to individual Western Shoshone members as required under this Act; and

(II) to pay the reasonable and necessary expenses of such Administrative Committee (as defined in the written rules and procedures of such Committee).

(ii) Funds shall not be distributed under this 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 orga-
7 nizations:

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
13 the Duck Valley Reservation.

14 (vi) The Fallon Band of Western Sho-
15 shone.

16 (vii) The at large community.

17 (C) Each member of the Committee shall serve
18 for a term of 4 years. If a vacancy remains unfilled
19 in the membership of the Committee for a period in
20 excess of 60 days, the Committee shall appoint a re-
21 placement from among qualified members of the or-
22 ganization for which the replacement is being made
23 and such member shall serve until the organization
24 to be 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
6 Act in accordance with the terms of this Act. The
7 Committee shall be responsible for ensuring that the
8 funds provided through grants and assistance under
9 paragraph (1)(C) are utilized in a manner consistent
10 with the terms of this Act. In accordance with para-
11 graph (1)(C)(i)(II), the Committee may use a por-
12 tion of the interest funds to pay all of the reasonable
13 and necessary expenses of the Committee, including
14 per diem rates for attendance at meetings that are
15 the same as those paid to Federal employees in the
16 same geographic 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
22 selection procedures, appeal procedures, fund dis-
23 bursement procedures, and fund recoupment proce-
24 dures. Such rules and procedures shall be subject to
25 the approval of the Secretary. A portion of the inter-

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

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

24 **SEC. 4. DEFINITIONS.**

25 In this Act:

1 (1) ADMINISTRATIVE COMMITTEE; COM-
2 MITTEE.—The terms “Administrative Committee”
3 and “Committee” mean the Administrative Com-
4 mittee established 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
9 Fund 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
13 Roll established under section 2(1), or an individual
14 who is the lineal descendant of an individual appear-
15 ing 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
22 accordance with section 3(1)(C)(i)(I) in a man-
23 ner approved by the Committee for educational
24 purposes.

1 **SEC. 5. REGULATIONS.**

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

Passed the Senate November 13, 2002.

Attest:

JERI THOMSON,

Secretary.