

and infectious personality to catch the attention of coach Larry Brown, who also gave Mama Ham a hug after the final horn.

Ham earned extended playing time in early-season games, and two starting assignments, based on his work ethic and defense in practice, an attitude Brown was trying to instill in the rest of his team.

"I earned my minutes and recognition through the practice floor," he said.

"Darv is such a good-hearted person and they told me he is the joy of the team," Mama Ham said. "He's the mover and the shaker, 'Hey, we can do it. We can work through it.'"

In 370 career NBA games, Ham's averaged 3.0 points and 2.5 rebounds in 13.3 minutes per game, and he's had to bang a lot of bodies in practice to earn those minutes. In Detroit this season, he averaged 1.8 points and 1.7 rebounds in 54 games.

"It's just being focused and competing," Darwin Ham said. "Everybody matters. We all pushed . . . Darko (Milicic) pushed our big guys every day in practice. That's stuff not written about in the papers and people don't get to see it. The thing I love the most is they recognize that around here."

The fans will recognize that over the next few days when Ham and his teammates have a slate of parties, parades and rallies planned beginning Thursday morning.

"I'm not sleeping until Labor Day," Darwin Ham said.

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Ms. KILPATRICK. Mr. Speaker, congratulations to the Detroit Pistons and their Coach, Larry Brown, for winning the 2004 National Basketball Association Championship, defeating the Los Angeles Lakers, four games to one.

Congratulations for Most Valuable Player Chauncey Billups, Richard "Rip" Hamilton who was the high scorer for the Pistons in game five with 21 points, leading rebounder Ben "Fear the Fro" Wallace with 22 rebounds, Tayshaun Prince with his great defense against Kobe Bryant, and Rasheed Wallace who helped neutralize Shaquille O'Neal and scored 11 points.

The Detroit team displayed unstoppable teamwork, determination and perseverance to bring this championship to Detroit. I credit former Detroit "Bad Boy" and President of the Detroit Pistons' organization, Joe Dumars for assembling this team. He traded Grant Hill for Ben Wallace and acquired Rasheed Wallace in a trade in February. Dumars was on the Detroit Pistons' Championship teams in 1989 and 1990.

The Las Vegas betting lines had the Pistons the 6-1 underdogs going into the finals against the Lakers. I suppose a lot of people lost a lot of money after this team pulled off the biggest upset in NBA finals history.

This is a great year for Pistons' owner Bill Davidson whose Detroit Shock won the WNBA Championship last season, Tampa Bay Lightning won the Stanley Cup this season and now the Detroit Pistons winning the NBA Championship.

This team believed in themselves and the Detroit fans knew they could win it all. Go Pistons—National Basketball Association World Champions 2004.

Mr. DINGELL. Mr. Speaker, I rise today to congratulate the Detroit Pistons on winning the 2004 National Basketball Association Championship. After only five games, the Detroit Pistons won their third NBA title June 15, with

a 100-87 victory over the heavily favored Los Angeles Lakers. The Pistons showed great strength under pressure and proved that desire, perseverance and teamwork could triumph over talent, experience and individual play. I applaud their hard work and their championship.

I would like to offer my personal congratulations to Chauncey Billups, Ben Wallace, Mike James, Darvin Ham, Lindsey Hunter, Mehmet Okur, Tayshaun Prince, Rasheed Wallace, Darko Milicic, Richard Hamilton, Corliss Williamson and Elden Campbell.

Furthermore, I also want to congratulate Pistons owner William Davidson, team executives Tom Wilson and Joe Dumars and Coach Larry Brown. Their vision has once again returned the Larry O' Brien Trophy home to Detroit where it rightfully belongs.

The Detroit Pistons has made Metro Detroit and the State of Michigan proud. Their teamwork has taught Michiganders that you do not need stars to win a championship, you need unity. Once again, I congratulate the Detroit Pistons and their leaders on winning the 2004 NBA Championship.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 679 congratulating the Detroit Pistons on winning the 2004 National Basketball Association championship on June 15, 2004. We must always recognize honor where honor is due. The Pistons' win against the Lakers in the 5th game of the series this year is admirable and therefore, must be honored.

This commemoration will go a long way. In celebrating this win, we congratulate the players. They are more than just athletes, but they are also role models, fathers, brothers, sons, and husbands. Under the leadership of Coach Larry Brown these players came together to form the most outstanding team of 2004.

Indeed, the Pistons are outstanding off the court as well. We must acknowledge the Pistons' work in the Detroit community. From establishing 4 reading and learning centers, holding an essay contest, and running book drives and clothing drives for needy children in the winter, the team shows that it is committed to giving back to the community that gives so much to them.

And certainly the citizens of Detroit must be commended for their support of the Pistons. At Pistons' games, the love of team abounds. Families, friends, and fans pack bleachers at every game and show the Pistons what love is all about. This year the Pistons and the citizens of Detroit are reaping the rewards of hard work. In Texas, we recognize when hard work pays off. Today, we ask that Washington do the same.

Mrs. Miller of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 679.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## WESTERN SHOSHONE CLAIMS DISTRIBUTION ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 884) 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, as amended.

The Clerk read as follows:

H.R. 884

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Shoshone Claims Distribution Act".

### SEC. 2. DEFINITIONS.

In this Act:

(1) COMMITTEE.—The term "Committee" means the administrative committee established under section 4(c)(1).

(2) WESTERN SHOSHONE JOINT JUDGMENT FUNDS.—The term "Western Shoshone joint judgment funds" means—

(A) the funds appropriated in satisfaction of the judgment awards granted to the Western Shoshone Indians in Docket Numbers 326-A-1 and 326-A-3 before the United States Court of Claims; and

(B) all interest earned on those funds.

(3) WESTERN SHOSHONE JUDGMENT FUNDS.—The term "Western Shoshone judgment funds" means—

(A) the funds appropriated in satisfaction of the judgment award granted to the Western Shoshone Indians in Docket Number 326-K before the Indian Claims Commission; and

(B) all interest earned on those funds.

(4) JUDGMENT ROLL.—The term "judgment roll" means the Western Shoshone judgment roll established by the Secretary under section 3(b)(1).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) TRUST FUND.—The term "Trust Fund" means the Western Shoshone Educational Trust Fund established under section 4(b)(1).

(7) WESTERN SHOSHONE MEMBER.—The term "Western Shoshone member" means an individual who—

(A)(i) appears on the judgment roll; or

(ii) is the lineal descendant of an individual appearing on the roll; and

(B)(i) satisfies all eligibility criteria established by the Committee under section 4(c)(4)(D)(iii);

(ii) meets any application requirements established by the Committee; and

(iii) agrees to use funds distributed in accordance with section 4(b)(2)(B) for educational purposes approved by the Committee.

### SEC. 3. DISTRIBUTION OF WESTERN SHOSHONE JUDGMENT FUNDS.

(a) IN GENERAL.—The Western Shoshone judgment funds shall be distributed in accordance with this section.

(b) JUDGMENT ROLL.—

(1) IN GENERAL.—The Secretary shall establish a Western Shoshone judgment roll consisting of all individuals who—

(A) have at least ¼ degree of Western Shoshone blood;

(B) are citizens of the United States; and

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

(2) INELIGIBLE INDIVIDUALS.—Any individual that is certified by the Secretary to be eligible to receive a per capita payment from any other judgment fund based on an aboriginal land claim awarded by the Indian Claims Commission, the United States

Claims Court, or the United States Court of Federal Claims, that was appropriated on or before the date of enactment of this Act, shall not be listed on the judgment roll.

(3) **REGULATIONS REGARDING JUDGMENT ROLL.**—The Secretary shall—

(A) publish in the Federal Register all regulations governing the establishment of the judgment roll; and

(B) use any documents acceptable to the Secretary in establishing proof of eligibility of an individual to—

(i) be listed on the judgment roll; and  
(ii) receive a per capita payment under this Act.

(4) **FINALITY OF DETERMINATION.**—The determination of the Secretary on an application of an individual to be listed on the judgment roll shall be final.

(c) **DISTRIBUTION.**—

(1) **IN GENERAL.**—On establishment of the judgment roll, the Secretary shall make a per capita distribution of 100 percent of the Western Shoshone judgment funds, in shares as equal as practicable, to each person listed on the judgment roll.

(2) **REQUIREMENTS FOR DISTRIBUTION PAYMENTS.**—

(A) **LIVING COMPETENT INDIVIDUALS.**—The per capita share of a living, competent individual who is 19 years or older on the date of distribution of the Western Shoshone judgment funds under paragraph (1) shall be paid directly to the individual.

(B) **LIVING, LEGALLY INCOMPETENT INDIVIDUALS.**—The per capita share of a living, legally incompetent individual shall be administered in accordance with regulations promulgated and procedures established by the Secretary under section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)).

(C) **DECEASED INDIVIDUALS.**—The per capita share of an individual who is deceased as of the date of distribution of the Western Shoshone judgment funds under paragraph (1) shall be paid to the heirs and legatees of the individual in accordance with regulations promulgated by the Secretary.

(D) **INDIVIDUALS UNDER THE AGE OF 19.**—The per capita share of an individual who is not yet 19 years of age on the date of distribution of the Western Shoshone judgment funds under paragraph (1) shall be—

(i) held by the Secretary in a supervised individual Indian money account; and  
(ii) distributed to the individual—  
(I) after the individual has reached the age of 18 years; and

(II) in 4 equal payments (including interest earned on the per capita share), to be made—

(aa) with respect to the first payment, on the eighteenth birthday of the individual (or, if the individual is already 18 years of age, as soon as practicable after the date of establishment of the Indian money account of the individual); and

(bb) with respect to the 3 remaining payments, not later than 90 days after each of the 3 subsequent birthdays of the individual.

(3) **APPLICABLE LAW.**—Notwithstanding section 7 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407), a per capita share (or the availability of that share) paid under this section shall not—

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

(B) be considered to be income or resources for any purpose; or

(C) be used as a basis for denying or reducing financial assistance or any other benefit to which a household or Western Shoshone member would otherwise be entitled to receive under—

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

(ii) any other Federal or federally-assisted program.

(4) **UNPAID FUNDS.**—The Secretary shall add to the Western Shoshone joint judgment funds held in the Trust Fund under section 4(b)(1)—

(A) all per capita shares (including interest earned on those shares) of living competent adults listed on the judgment roll that remain unpaid as of the date that is—

(i) 6 years after the date of distribution of the Western Shoshone judgment funds under paragraph (1); or

(ii) in the case of an individual described in paragraph (2)(D), 6 years after the date on which the individual reaches 18 years of age; and

(B) any other residual principal and interest funds remaining after the distribution under paragraph (1) is complete.

#### **SEC. 4. DISTRIBUTION OF WESTERN SHOSHONE JOINT JUDGMENT FUNDS.**

(a) **IN GENERAL.**—The Western Shoshone joint judgment funds shall be distributed in accordance with this section.

(b) **WESTERN SHOSHONE EDUCATIONAL TRUST FUND.**—

(1) **ESTABLISHMENT.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish in the Treasury of the United States, for the benefit of Western Shoshone members, a trust fund to be known as the “Western Shoshone Educational Trust Fund”, consisting of—

(A) the Western Shoshone joint judgment funds; and

(B) the funds added under section 3(b)(4).

(2) **AMOUNTS IN TRUST FUND.**—With respect to amounts in the Trust fund—

(A) the principal amount—

(i) shall not be expended or disbursed; and  
(ii) shall be invested in accordance with section 1 of the Act of June 24, 1938 (25 U.S.C. 162a); and

(B) all interest income earned on the principal amount after the date of establishment of the Trust fund—

(i) shall be distributed by the Committee—

(I) to Western Shoshone members in accordance with this Act, to be used as educational grants or for other forms of educational assistance determined appropriate by the Committee; and

(II) to pay the reasonable and necessary expenses of the Committee (as defined in the written rules and procedures of the Committee); but

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

(c) **ADMINISTRATIVE COMMITTEE.**—

(1) **ESTABLISHMENT.**—There is established an administrative committee to oversee the distribution of educational grants and assistance under subsection (b)(2).

(2) **MEMBERSHIP.**—The Committee shall be composed of 7 members, of which—

(A) 1 member shall represent the Western Shoshone Te-Moak Tribe and be appointed by that Tribe;

(B) 1 member shall represent the Duckwater Shoshone Tribe and be appointed by that Tribe;

(C) 1 member shall represent the Yomba Shoshone Tribe and be appointed by that Tribe;

(D) 1 member shall represent the Ely Shoshone Tribe and be appointed by that Tribe;

(E) 1 member shall represent the Western Shoshone Committee of the Duck Valley Reservation and be appointed by that Committee;

(F) 1 member shall represent the Fallon Band of Western Shoshone and be appointed by that Band; and

(G) 1 member shall represent the general public and be appointed by the Secretary.

(3) **TERM.**—

(A) **IN GENERAL.**—Each member of the Committee shall serve a term of 4 years.

(B) **VACANCIES.**—If a vacancy remains unfilled in the membership of the Committee for a period of more than 60 days—

(i) the Committee shall appoint a temporary replacement from among qualified members of the organization for which the replacement is being made; and

(ii) that member shall serve until such time as the organization (or, in the case of a member described in paragraph (2)(G), the Secretary) designates a permanent replacement.

(4) **DUTIES.**—The Committee shall—

(A) distribute interest funds from the Trust Fund under subsection (b)(2)(B)(i);

(B) for each fiscal year, compile a list of names of all individuals approved to receive those funds;

(C) ensure that those funds are used in a manner consistent with this Act;

(D) develop written rules and procedures, subject to the approval of the Secretary, that cover such matters as—

(i) operating procedures;  
(ii) rules of conduct;  
(iii) eligibility criteria for receipt of funds under subsection (b)(2)(B)(i);  
(iv) application selection procedures;  
(v) procedures for appeals to decisions of the Committee;

(vi) fund disbursement procedures; and

(vii) fund recoupment procedures;

(E) carry out financial management in accordance with paragraph (6); and

(F) in accordance with subsection

(b)(2)(C)(ii), use a portion of the interest funds from the Trust Fund to pay the reasonable and necessary expenses of the Committee (including per diem rates for attendance at meetings that are equal to those paid to Federal employees in the same geographic location), except that not more than \$100,000 of those funds may be used to develop written rules and procedures described in subparagraph (D).

(5) **JURISDICTION OF TRIBAL COURTS.**—At the discretion of the Committee and with the approval of the appropriate tribal government, a tribal court, or a court of Indian offenses operated under section 11 of title 25, Code of Federal Regulations (or a successor regulation), shall have jurisdiction to hear an appeal of a decision of the Committee.

(6) **FINANCIAL MANAGEMENT.**—

(A) **FINANCIAL STATEMENT.**—The Committee shall employ an independent certified public accountant to prepare a financial statement for each fiscal year that discloses—

(i) the operating expenses of the Committee for the fiscal year; and

(ii) the total amount of funds disbursed under subsection (b)(2)(B)(i) for the fiscal year.

(B) **DISTRIBUTION OF INFORMATION.**—For each fiscal year, the Committee shall provide to the Secretary, to each organization represented on the Committee, and, on the request of a Western Shoshone member, to the Western Shoshone member, a copy of—

(i) the financial statement prepared under subparagraph (A); and

(ii) the list of names compiled under paragraph (4)(B).

(d) **CONSULTATION.**—The Secretary shall consult with the Committee on the management and investment of the funds distributed under this section.

#### **SEC. 5. REGULATIONS.**

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

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Today I rise in support of H.R. 884, the Western Shoshone Claims Distribution Act.

Mr. Speaker, in the 1970s the Indian Claims Commission awarded the Western Shoshone Tribe over \$26 million in compensation for lands and resources throughout much of the western States, including my home State of Nevada. Funds were appropriated by Congress in 1979. And since that time the money has been left untouched.

For nearly 3 decades, the men and women of the Shoshone Tribe have waited for access to these funds. H.R. 884 is a much-needed piece of legislation that accomplishes a simple yet vital task.

This bill requires the Secretary of Interior to establish a judgment roll consisting of all Western Shoshones, who have at least one quarter degree of Western Shoshone blood, are citizens of the United States, and are living at the date of enactment of this legislation. The Secretary would then distribute and use the funds in two ways.

First, the Secretary would distribute over \$145 million from Docket 326-K to each person on the judgment roll through a per-capita share.

Secondly, nearly \$1.5 million awarded under Docket Numbers 326-A-1 and 326-A-3 would be used to establish the "Western Shoshone Educational Trust Fund" and an administrative committee to oversee the distribution of accumulated and future interest and income for educational grants.

Simply stated, Mr. Speaker, this bill allows the rightful funds of the Shoshones to be properly distributed. My constituents, the Western Shoshone people, have expressed to me an overwhelming majority, their desire to see these funds distributed. In fact, the Western Shoshone have voted not once, but twice, on this issue. In both instances, over 90 percent of the voters favored the distribution reflected in this legislation.

The vast majority of the Western Shoshone people have formed a cohesive group which operates under a democratic process to express the will of the tribal members. These numbers account for approximately 65 percent of the eligible Shoshone voters.

□ 1530

It is overwhelmingly obvious that the tribe wants these funds distributed. It is important to note that H.R. 884

specifically ensures that the funds distribution is not a waiver of existing treaty rights, nor will it prevent the tribe, band or individual Shoshone Indians from pursuing other rights guaranteed by law.

I want to thank Senator HARRY REID and Senator JOHN ENSIGN of Nevada for introducing this bill in the Senate, and I applaud the Members of the Senate who voted unanimously to pass this measure in October of last year.

I urge my colleagues to support the Western Shoshone people in their endeavor to put this issue to rest once and for all by voting in favor of H.R. 884.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RAHALL asked and was given permission to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, when this legislation was considered by the Committee on Resources, the majority of Democratic Members opposed it after an amendment I sought to offer was not made in order. That amendment would have made two important changes to the bill. First, it would have provided that amounts distributed to the Western Shoshone would not be treated as income and subjected to Federal or State taxes.

Second, it would have directed the Interior Secretary to devise a list in consultation with the Western Shoshone of lands that may be suitable to be held in trust for the tribes.

Today we are considering a modified version of that legislation, which contains the language of the Senate-passed version, S. 618, and I am pleased to note it contains a provision I sought to exempt, the claims distribution from Federal and State income taxes. That is a very important change.

It must be stated that while this legislation would distribute over \$130 million to the Western Shoshone, there is not consensus among the tribes on this issue.

While we do not have an exact count, there is a segment of the Western Shoshone who are opposed to this legislation. They believe that if the claims award is distributed, they would then be precluded from expanding the land base of the various Western Shoshone Indian tribes.

The ancestral lands of the Western Shoshone are rich with natural resources and minerals. Some have put mining receipts on these lands in the tens of billions of dollars since 1960s. Yet, there are no Western Shoshone billionaires and, to date, no moves to give back some of these rich lands to the tribes.

In that regard, I would report that the Senate sponsor of the pending legislation has personally advised me that he would pursue legislation to deal with the land issue. Based on that commitment, I find that I am able to vote for the pending measure.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I would like to thank my friend and colleague, the gentleman from West Virginia (Mr. RAHALL) for the courtesies and professionalism he has shown with regard to the consideration of the bill now presently before us, ask all Members to vote in the affirmative on this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 884, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### TRIBAL FOREST PROTECTION ACT OF 2004

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3846) to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian Tribes meeting certain criteria to carry out projects to protect Indian forest land, as amended.

The Clerk read as follows:

H.R. 3846

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Tribal Forest Protection Act of 2004".*

#### SEC. 2. TRIBAL FOREST ASSETS PROTECTION.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) INDIAN FOREST LAND OR RANGELAND.—The term "Indian forest land or rangeland" means land that—

(A) is held in trust by, or with a restriction against alienation by, the United States for an Indian tribe or a member of an Indian tribe; and

(B)(i)(I) is Indian forest land (as defined in section 304 of the National Indian Forest Resources Management Act (25 U.S.C. 3103)); or

(II) has a cover of grasses, brush, or any similar vegetation; or

(ii) formerly had a forest cover or vegetative cover that is capable of restoration.

(3) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) SECRETARY.—The term "Secretary" means—