

States v. Dann, Civil No. R-74-60, BRT, (D. Nev.). The Association also petitioned for leave to file an amended claim in Docket 326-K. The Association asserted that Indian title to the greater portion of the aboriginal lands of the Western Shoshone had not been extinguished. It also asserted that an award of damages in Docket 326-K would extinguish the Western Shoshone claim to lands.

In the Dann case, the government argued that any title that the Western Shoshone ever had to the land in question had been extinguished, and that this fact had been conclusively established in proceedings brought before the ICC on behalf of the Western Shoshone.

To 1975, the District Court accepted the government's arguments in the Dann case and granted summary judgment against the Danns.

On February 20, 1975, the ICC denied the petition to stay the proceeding and for leave to present an amended claim. In 1976 and 1977, the Te-Moak Bands of Western Shoshone filed several motions before the ICC to stay the proceedings in Docket 326-K. The motions were denied by the ICC on August 15, 1977. The claims in Docket 326-K were transferred to the United States Claims Court (Claims Court) prior to the termination of the ICC on September 30, 1978. On December 6, 1979, the Claims Court certified the award of \$26,145,189.89 and the funds were appropriated under 31 U.S.C. 1304.

On March 11, 1980, the BIA issued its first results of research report in Docket 326-K. The report described the difficulties in identifying the beneficiary. The Western Shoshone entities were described as being extremely scattered. The report found that "It is not possible to describe the Western Shoshone in terms of forming a tribe or a group of organized tribes, particularly in view of the Shoshone-Paiute combined organizations and the very real possibility that many Western Shoshone descendants (including those who strongly identify as Shoshone people) are not and never have been associated with any reservation entity." On that basis, the report identified those Western Shoshone people, and their descendants, who derive from the census and other rolls of twelve identified Shoshone and Shoshone-Paiute entities, and other descendants who prove Western Shoshone ancestry on the basis of rolls and records to the satisfaction of the Secretary of the Interior, to be the beneficiaries of the award in Docket 326-K.

The Bureau of Indian Affairs (BIA) held a hearing of record on July 26, 1980, in Elko, Nevada. Approximately 425 people attended the meeting to hear about the proposed plan for the use and distribution of the funds awarded in the Docket 326-K funds. Those in attendance were given the opportunity to testify at the hearing. A three-minute time limitation for testimony was established because a large number of those present wished to testify. The meeting was dominated by those opposed to the judgment fund plan. Many of those in favor of the plan felt intimidated and submitted written testimony with the request that it not be read publicly. At the conclusion of the meeting it appeared that the majority were opposed to the plan and wanted the funds invested until the Dann litigation was settled. Once the written comments were tallied it showed a different sentiment. The results of the written and oral comments were 75 against the fund distribution and 154 for the distribution of the funds with most asking for 100 percent per capita to individuals with at least 1/4 degree Western Shoshone Indian blood.

The BIA issued an amended Results of Research Report on January 22, 1982, for Docket 326-K. The report was amended to bring it in line with the BIA's "overall policy to designate successor tribes as beneficiaries of claims awards whenever possible in order that there might be maximum opportunity for those tribes that so wish to develop programming proposals for the use of judgment funds." In that report, four tribes were designated as the tribal successors to the Western Shoshone entity of the period of 1843 to 1872. Those tribes are 1) Te-Moak, 2) Duckwater, 3) Yomba, and 4) Ely. The remaining beneficiaries consist of all other persons of Western Shoshone ancestry, in their individual capacity who otherwise meet the criteria detailed in the March 11, 1980 Results of Research Report.

On May 19, 1983, the Ninth Circuit Court of Appeals ruled in favor of the Danns. The Ninth Circuit held that the lower court was correct

in concluding that the Western Shoshone title was not extinguished as a matter of law by application or administration of the public land laws, but reversed the lower court's holding that the funds were barred by res judicata or collateral estoppel from asserting aboriginal title as a defense to the claim of trespass. This ruling was reversed by the United States Supreme Court on February 29, 1985. The Supreme Court held that "to hold, as the court below has, that payment does not occur until after the final plan of distribution has been approved by Congress would frustrate the purpose of finality . . . while subjecting the United States to continued liability for claims and demands that 'touch' the matter previously litigated and resolved by the Indian Claims Commission."

Since 1982 the Department of the Interior has been meeting with Western Shoshone organizations for the purpose of negotiating a legislative settlement to the land claims issue. In 1985, the Western Shoshone National Council received a grant from the Administration for Native Americans so that they could develop an inventory and historical analysis of the Western Shoshone aboriginal lands and other natural resources subject to the 1863 Treaty of Ruby Valley. Meetings were held in 1985 and 1986 with the Western Shoshone leadership for the purpose of developing a plan for the distribution of the judgment funds, and to identify lands that could be transferred to the Western Shoshone tribes to increase the reservation land base. Nothing was accomplished due to the dynamics of tribal politics and power struggles within the leadership.

A legislative proposal was drafted by an attorney representing the organization called the "Western Shoshone Distribution Association." The legislative proposal was used as the basis for H.R. 3384 that was introduced on September 18, 1989. This bill provided for the establishment of a Western Shoshone roll and the apportionment and distribution of the funds. A hearing was held on April 26, 1990, but no action was taken because the tribal governments, the Western Shoshone National Council, and the Administration opposed the bill. An attempt was made to revise the bill to address Interior's concerns but the Chairman of the Committee on Interior and Insular Affairs advised the Department in September 1990 that the bill would not be scheduled for full committee consideration because all of the tribal governments adamantly opposed the bill and wished to begin negotiations with BIA to develop a plan to distribute the funds.

In November 1990, legislation was drafted regarding the use of rangeland resources in Nevada, but never introduced. In January 1991, the Buckwater Shoshone Tribe drafted proposed legislation concerning the Tribe's asserted claim to the lands of the Western Shoshone nation. This proposal was never introduced. Another legislative proposal was drafted by the attorney for the Western Shoshone Distribution Association. It was used as the basis for H.R. 3897, which was introduced on November 22, 1991. Although a hearing was scheduled for April 30, 1992, it was never held and this caused the bill to die without action.

On January 22, 1994, the Western Shoshone leaders met with the Secretary of the Interior in Denver, Colorado. As a result of that meeting, efforts were made to establish another Federal/Tribal negotiation team. Efforts were made to provide the members of the successor Tribes of the Western Shoshone with an inventory of public lands that were available for transfer to the tribes. The Bureau of Land Management continues to meet with some of the tribal governments, but to date no tangible results have been achieved.  
Docket 326-A-1 and A-2

The claims in Docket 326-A-1 called for an accounting of two funds. The first was the \$100,000 annuity to be paid to the Western Shoshone Indians under Article VII of the 1863 Treaty of Ruby Valley. In the Opinion of the ICC, dated April 29, 1970, 23 Ind. Cl. Comm. 74, the ICC found that the Government had not paid 516,392.76 of the Treaty funds to the Western Shoshone. The ICC also found that the Government improperly disbursed \$9,930.74 of the Treaty funds. Those two amounts total \$26,323.50, which could have potentially been awarded to the Western Shoshone. The subsequent ICC and Claims Court decisions never discussed the Treaty accounting claims again. It was inadvertently

omitted from the award.

The second fund was the Indian Monies Proceeds of Labor (IMPL) fund for the Western Shoshone Indians. The time-period of the accounting spanned from 1886 to 1951. The plaintiffs asked the government to allocate the funds in the IMPL account between the various Western Shoshone Reservations. The government said that it could not allocate the funds because the records did not have sufficient information to allow such an allocation. The reports do show that the bulk of the funds were collected from the Duck Valley Reservation between 1919 and the mid to late 1930's.

On December 3, 1991, the United States Claims Court entered a final judgment of \$823,752.64, in Docket 326-A-1, on behalf of the Te-Mook Bands of Western Shoshone Indians of Nevada, suing on behalf of the Western Shoshone Nation of Indians. On June 16, 1995, in Docket 326-A-3, the Court of Federal Claims awarded \$29,396.60 in interest on the award previously entered in Docket 326-A-1. The funds to satisfy these awards were appropriated under 31 U.S.C. Sec. 1304 on March 23, 1992, and August 21, 1995, respectively.

In 1992, the BIA issued a Results of Research Report that erroneously identified the Te-Mook Band of Western Shoshone as the sole beneficiary of the funds awarded in Dockets 326-A-1 and A-3. On April 29, 1997, the report was withdrawn.

The BIA extended invitations to the Tribal leaders at Duck Valley<sup>1</sup>, Duckwater, Ely, Yomba, Te-Mook, and the Death Valley Timbi-She Shoshone Band of California asking them to attend a meeting scheduled for May 22, 1997, at Elko, Nevada, to discuss the disposition of the funds. The Chairperson from Ely informed the BIA that she would not be able to attend. The attorney representing the Timbi-She Shoshone informed us that they would not attend because they did not believe they had an interest in the judgment fund. No acknowledgment or response was received from the Chairman at Yomba. Representatives from Te-Mook, Duckwater and Duck Valley attended, as well as the Shoshone representatives from the Fallon Reservation<sup>2</sup>. During the meeting we asked the tribal representatives to make recommendations on how the funds could be divided. They were advised that the record did not contain sufficient information for the government to allocate the funds between the reservations. The tribal representatives arrived at recommendations on how the funds could best be expended for the benefit of the Western Shoshone people by establishing a perpetual fund utilizing the interest to fund scholarship grants. This recommendation is contained in the legislative proposal.

1) The Business Council of the Shoshone-Paiute Tribes of the Duck Valley Reservation (Business Council) enacted Resolution No. 97-SPR-63 dated February 11, 1997. The resolution granted recognition to the organization of Western Shoshone descendants called the "Western Shoshone of Duck Valley Reservation" for the purpose of handling all matters relating to the Western Shoshone claims until negotiations are finalized. The Business Council withdrew its recognition of the Western Shoshone organization and rescinded Resolution No. 97-SPR-63 four years later by Resolution No. 2002-SPR-012 dated November 13, 2001. The second resolution was enacted six months after S. 958 was introduced in Congress.

2) The Business Council of the Fallon Paiute-Shoshone Tribes enacted Resolution No. 97-7015, dated February 11, 1997, and amended it with Resolution No. 97-F-062, dated May 27, 1997. The resolution granted official recognition of the Fallon Shoshone Claims Committee to represent, negotiate, and make decisions on behalf of the Fallon Band of Western Shoshone in all matters relating to the claims issue.

Members of the Western Shoshone Claims Steering Committee,

Te-Mook Tribe:

1. WSSC Co-Chair Lela Jim, Vice-Chairperson, Te-Mook Tribal Council Member, and Elko Band Council Member
2. WSSC Co-Chair Larry Piffere, Te-Mook Tribal Council Member, and Elko Band Council Member

3. Wilbur Woods, Chairman, Elko Band Council
  4. Grace Begay, Wells Band Council Member
  5. Lydia Sam, Chairperson, Battle Mountain Band
  6. Larsen Bill, Tribal Representative, South Fork Band Council  
Duckwater Tribe:
  7. Henry Blackeye, Jr., Chairman, Duckwater Tribal Council
  8. Tim Thompson, Vice-Chairman, Duckwater Tribal Council
  9. Henry Blackeye, Sr., Secretary, Duckwater Tribal Council
  10. Jerry Millell, Member, Duckwater Tribal Council
  11. Douglas George, Sr., Member, Duckwater Tribal Council
  - Ely Area: None
  - Yomba Area:
  12. Glen Hooper, Tribal Representative, Yomba Area
  - Owyhee Area:
  13. Eliane Fremo, Chairperson, Western Shoshone Council at the  
Duck Valley Reservation
  14. Mildred Seizeons, Member, Western Shoshone Council at the  
Duck Valley Reservation
  15. David Jones, Member, Western Shoshone Council at the Duck  
Valley Reservation
  - Fallon Area:
  16. Nancy Stewart, Co-Chairperson, Fallon Shoshone Claims  
Committee
  17. Ernest Nihon, Co-Chairman, Fallon Shoshone Claims Committee
  18. Iola Byers, Member, Fallon Shoshone Claims Committee
  19. Betty Robison, Interpreter for the Fallon Shoshone Claims  
Committee
  20. Nevada Iverson, Member, Fallon Shoshone Claims Committee
  21. Kaley Bowen-Cur'cy, Member, Fallon Shoshone Claims Committee
  22. Steven Amick, Member, Fallon Shoshone Claims Committee
  23. Francine Zehannic, Secretary for the Fallon Shoshone Claims  
Committee
  24. Ernest Hooper, Interpreter for the Fallon Shoshone Claims  
Committee
  25. Nila Stanley, Member, Fallon Shoshone Claims Committee
  26. Winford Graham, Member, Fallon Shoshone Claims Committee
  27. Wayne Ellison, Member, Fallon Shoshone Claims Committee
  28. Lynette Fisherman, Member, Fallon Shoshone Claims Committee
  29. Vero Roman, Member, Fallon Shoshone Claims Committee
  30. Corcellia Nordwall, Member, Fallon Shoshone Claims Committee
  31. Barbara Culbertson, Member, Fallon Shoshone Claims Committee
  - Fort Hall Area:
  32. Everett Cim, Tribal Representative, Fort Hall Western Shoshone
- Data Concerning the Western Shoshone Reservations and Tribal Enrollment:
- \* Treaty of Ruby Valley entered into on October 1, 1863,  
with the Western Shoshone Indians.
  - First Western Shoshone Reservation was established  
outside the aboriginal territory at Duck Valley by Executive Order  
dated April 16, 1877, for all Western Shoshone. Carlin Reserve Farm was  
established the same year, but it was later abolished.
  - In 1885 Paddy Cap's Band of Paiute were sent to the Duck  
Valley Reservation. By Executive Order of May 4, 1886, approximately  
69,000 acres were added to the Duck Valley Reservation for them and  
other such Indians as the Secretary of the Interior may see fit to  
settle thereon.
  - In 1917, a reservation was established at Battle Mountain  
for homeless Shoshone.
  - In 1918, 160 acres were reserved at Elko, Nevada for  
Shoshone and Paiute Indians living near Elko.
  - The Act of June 27, 1930, authorized the purchase of 10  
acres at Ely for the Shoshone already living there.
  - The Act of June 18, 1934, authorized the purchase of  
lands for Yomba Shoshone. The Proclamation is dated October 27, 1938.
  - Proclamation dated February 8, 1941, proclaimed a total  
of 9,548.46 acres within Elko County, Nevada to be an Indian  
Reservation for the use and benefit of the Te-Moak Bands of Western  
Shoshone.
  - South Fork Indian Colony was established under the 1941

proclamation.

\* White Colony was established under the Act of October 15, 1977.

(GRAPHIC) (TEXT OMITTED) T7772.013

(GRAPHIC) (TEXT OMITTED) T7772.014

The Chairman. Thank you, Mr. Olsen. I just have a couple of questions for you.

On H.R. 1439, I have not had the opportunity to visit the site yet, but in the pictures that I have seen, it appears that the land that the tribe is trying to obtain has electrical lines going across it. It has had some development over the years that has occurred on that site even though there is not a lot there right now other than electrical lines and such. And the land that they would exchange appears to be pristine lands that have some value in terms of protection and adding to the park site.

Would it not make sense to you and the Department of Interior to have the pristine lands in the park and protected from development and to take the other lands that have had development and are crisscrossed with power lines, to use that as the school site?

Mr. Olsen. Well, I think that the Park Service as a result of the exchange would be, as you say, receiving land that is in much more pristine condition than the land that the tribe would be acquiring, the Ravensford tract. And, in fact, it is also home of two endangered species that would be coming under National Park Service protection. Whereas, as you have pointed out, the land that the tribe would be obtaining is not in that pristine condition.

In addition, as was pointed out before, the tribe is giving up 218 acres versus the 143 that it would be acquiring. So the tribe is able to accomplish what it is aiming for through the legislation, but the Park Service as well comes out not in terrible shape.

The Chairman. Further, under the current rules that we operate under in terms of the relationship between Native Americans and the Federal Government, don't we have a responsibility to try to help improve the conditions on the reservations and provide better facilities for education on those reservations?

Mr. Olsen. Indeed we do. We have certainly a trust responsibility to the Eastern Band of Cherokee as we do to other tribes, and we certainly take that responsibility seriously. And, in fact, one of the goals of this administration is to improve the education and educational facilities that Indian students attend. In fact, President Bush has made it a priority to do that, and we feel very strongly about that.

The Chairman. I just wonder -and I know this may be--you may not be able to answer this question, but I wonder if we don't do this, if we don't make this exchange and provide this particular piece of property for them to build the school on, is the Park Service or someone else at Interior willing to step forward and provide a different piece of property that is suitable for them to build on?

Mr. Olsen. I am not certain that I can answer that. I don't know that there is another suitable piece of property. I am accompanied by Randy Jones, who is the Deputy Director of the Park Service, who may be able to answer that question. My understand is that the tribe has gone to great lengths in the past to determine or to find or to come up with property that would be suitable for construction, ideally flat land, and has been unable to find any other property that would work.

The Chairman. That fits with what I have been told. I have had the opportunity to talk to both the chairman of the tribe and the staff, and this is apparently an issue that has been kicking around for a number of years. And from what I have been able to gather, there has not been another site which has been identified that would be acceptable not only to the tribe but to anybody else. And I just think that at this point in time, we have an obligation to move forward with this, and I appreciate your testimony here today because I do think this is something that is extremely important, so thank you.

At this time I would like to recognize Mr. Kildee.

Mr. Kildee. Thank you, Mr. Chairman.

Mike, I have always enjoyed working with you in your other capacity and look forward to working with you in your new responsibilities.

Mr. Olsen. Thank you.

Mr. Kildee. This legislation, 1409, specifically bans gaming on these lands. Has the tribe talked to the BIA about using these lands for anything other than a school?

Mr. Olsen. Not that we are aware of. There has not been any discussion between the tribe and the Bureau regarding use other than for education.

Mr. Kildee. And that is my understanding, too. I have been talking to the tribe for quite some time. I just wanted to make sure that was part of the record.

Would the BIA anticipate any problems taking this land into trust on behalf of the tribe? Would you anticipate any problems at all taking this land into trust?

Mr. Olsen. Pursuant to the legislation?

Mr. Kildee. Yes.

Mr. Olsen. No. We feel that it is in the best interest of the tribe for this to go through, and, no, I do not believe so. I don't know if I am addressing your question, but this--

Mr. Kildee. Yes, you are. This legislation, you support. This legislation and this legislation would clear the way for you to accept this.

Mr. Olsen. The Department does not objection to the legislation moving forward, and we feel that it is in the best interest of the tribe for the Congress to act on it.

Mr. Kildee. How would you describe just briefly the basic condition of schools in Indian country?

Mr. Olsen. Well, we certainly have an amount of work to do. There is approximately a \$600 million backlog in replacement construction, and like I said before, it is a priority of this administration to correct those problems. It is a priority of President Bush to do that.

We recognize that there is work to be done, and we are committed to doing that.

Mr. Kildee. And this certainly dates back to many administrations. I can recall--I have been in Congress now 27 years. About 25 years ago, I began to travel to various schools, particularly in the Western part of the United States. After a while, I would get a call from a BIA principal saying, "Would you come and visit my school or just tell the BIA you are coming?" because a week ahead of time, they are, you know, fixing things up before we get there. So this condition certainly has gone through many administrations, and I think anything we can do to encourage construction of proper schools is a step in the right direction. I appreciate your position on that.

Let me ask another question. Could you explain to the Committee the process in H.R. 884 used to name the four tribes as the successor tribes for these Shoshone lands?

Mr. Olsen. So that you know, I am accompanied also on this legislation as well by Daisy West, who is a Tribal Relations officer. And I am going to ask her to come up and answer that question for you.

Mr. Kildee. I will repeat the question. Could you explain

the process used to name the four tribes as the successor tribes?

Ms. West. Historical research was done by a historian back in the 1970's to identify the tribal groups that were at the time of taking, which at the time of taking was in, I think, 1870-something, 1872, I think. And then they traced the migration of those groups to where they are presently today. They identified that the majority of the Shoshone are with four present-day tribal governments: To-Mock, Yomba, Fly, and Duckwater. And those tribal governments are composed primarily of Shoshone people, Western Shoshone people.

They also identified other groups, which I think goes to around 17 or so, that are mixed with Paiute and Shoshone. And the Western Shoshone that are with those groups would also be eligible to participate under this distribution.

Mr. Kildee. Thank you. I am always interested in both genealogical and geographical studies that are made here, and I appreciate your response. Thank you very much.

The Chairman. The gentleman's time has expired. I would like to ask our witness, if you are going to answer any more questions, I am going to have to swear you in. But I would like you to state your name and your position for the record.

Ms. West. My name is Daisy West, and I am Tribal Relations officer with the Bureau of Indian Affairs in the Office of Tribal Services.

The Chairman. There may be other questions for you, and the gentleman from the Park Service, if you could just come up, and both of you, I am just going to swear you in right now. That way if there are any questions for you, I do not have to stop.

[Witnesses sworn.]

The Chairman. Let the record show that both answered in the affirmative. Thank you.

Mr. Gibbons?

Mr. Gibbons. Thank you very much, Mr. Chairman. I would like to welcome our guests here today as well as these two very important bills. I am fully in support of H.R. 1409 and its effects on the Cherokee Tribe. I also would like to ask a question to focus on Mr. Olson with regard to 884.

Mr. Olson, what is the current status of the Indian Claims Commission?

Mr. Olson. My understanding is the Indian Claims Commission no longer exists. In fact, in the legislation forming the Commission, there was a provision that said after a certain period of time, the Commission would go away.

Mr. Gibbons. Do you know the date that the Commission dissolved?

Mr. Olson. I don't know the exact date.

September 1978, I am being told.

Mr. Gibbons. OK.

Mr. Olson. But we can certainly check on that and make sure we get you the accurate answer.

Mr. Gibbons. OK. So any requirement of a defunct or dissolved commission to perform an act would be very difficult, at best, since the Commission no longer exists. Is that correct?

Mr. Olson. Right.

Mr. Gibbons. One of the requirements under the finality of the Supreme Court decision was a report that was due from the Indian Claims Commission. If the Indian Claims Commission is no longer in existence and has not been in existence for some number of decades, it would be impossible for that report to Congress to be submitted. Is that correct?

Mr. Olson. If the commission does not exist, it would be difficult for it to put together a report.

Mr. Gibbons. OK. Is there an alternative body within the Bureau of Indian Affairs or another similar organization that could substitute that report?

Mr. Olson. I am not aware of one, no.

Mr. Gibbons. Mr. Olsen, the money that is in the account for the distribution to the Western Shoshone tribes has been there for a number of decades as well, since the late 1890's when the Supreme Court ruled on a final decision on the distribution of the money for the claims that were made in that Supreme Court case. Is that correct?

Mr. Olsen. That is right.

Mr. Gibbons. That money has not yet been distributed to these tribal members, has it?

Mr. Olsen. That is correct.

Mr. Gibbons. And as it sits there today and, if this bill does not pass, will sit there tomorrow and day on and day on after that, without being distributed or used by these members as well. So this bill simply takes what the Supreme Court ordered back in 1992 and actually divests the Bureau of Indian Affairs of that money and gives the money as it now stands to the tribes as a result of that Court decision.

Mr. Olsen. That is correct.

Mr. Gibbons. Mr. Chairman, I have an opening statement on H.R. 884 which I would like to submit for the record on this as well.

The Chairman. Without objection, it will be included.

[The prepared statement of Mr. Gibbons follows:]

Statement of The Honorable Jim Gibbons, a Representative in Congress  
from the State of Nevada, on H.R. 884

Mr. Chairman, thank you for holding this hearing today to discuss the Western Shoshone Claims Distribution Act.

H.R. 884 requires the Secretary of the Interior to establish a judgement roll consisting of all Western Shoshones who have at least 1/4 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 the \$1.43 million from Docket 526-K to each person on the judgement roll through a per-capita share.

Second, using the \$1.4 million awarded under Docket Numbers 326-A-1 and 326-A-3, the Secretary would 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.

It is important for the members of this Committee to understand that my constituents--the Western Shoshone people-- have expressed to me in 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% 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.

Just last year, in 2002, 1,647 Western Shoshone members voted in favor of the distribution while only 156 voted against it.

These numbers account for approximately 65% of the eligible Shoshone voters.

It is overwhelmingly obvious that the tribe wants these funds distributed.

It is very disturbing to me to see the will of this Tribe thwarted by a small minority who have a very loud voice.

There is one point that the opposition makes in their testimony that I would like to respond to--that is that the Indians Claim Commission (ICC) has not filed a report to Congress.

This report is one of two criteria required for final judgment of the Western Shoshone Claim.

I would like to point out that the Indian Claims Commission no longer exists, therefore making it impossible for this report to be issued.

It is also important for this Committee to understand that the U.S.