### DEPARTMENT OF THE INTERIOR

## **Bureau of Indian Affairs**

### Plan for the Use of the Mission Indian Judgment Funds in Docket No. 80 A– 2 Before the United States Court of Federal Claims

AGENCY: Bureau of Indian Affairs, Interior.

### ACTION: Notice.

**EFFECTIVE DATE:** This plan was effective as of March 9, 1995.

FOR FURTHER INFORMATION CONTACT: Terry Lamb, Historian, Bureau of Indian Affairs, Division of Tribal Government Services, MS 2611–MIB, 1849 C Street, N.W., Washington, D.C. 20240. SUPPLEMENTARY INFORMATION: The Act of

October 19, 1973, (Pub.L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use and distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on October 26, 1993, in satisfaction of the award granted to the Mission Indians before the United States Court of Federal Claims in Docket 80 A-2. The plan for the use of the funds was submitted to Congress with a letter dated October 20, 1994, and was received (as recorded in the Congressional Record) by the Senate on December 1, 1994, and by the House of Representatives on December 1, 1994. The plan became effective March 9, 1995, as provided by the 1973 Act, as amended by Pub.L. 97–458, since a joint resolution disapproving it was not enacted. The plan reads as follows:

### PLAN—for the Use and Distribution of the Cuyapaipe Band of Mission Indians, et al. in Docket 80–A–2 before the United States Court of Federal Claims

The funds appropriated October 26, 1993, in satisfaction of the award granted in Docket 80–A–2, granted to the Cuyapaipe Band of Mission Indians, et al. before the United States Court of Federal Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as follows.

The Secretary of the Interior (Secretary) shall divide the funds between the six respective Mission Bands of Indians of California, according to the settlement and judgment in Docket 80–2–A. The division of the funds is as follows: Cuyapaipe, \$257,995; Santa Rosa, \$517,880; Morongo Band, \$6,066,375; Pechanga Band, \$439,420; La Posta \$118,330; and San Luis Rey \$100,000. Interest and investment income accrued shall be proportionately divided in accordance with the appropriate investments made prior to the effective date of the plan.

### **Cuyapaipe Band**

The Cuyapaipe Band of Mission Indians share of the award in Docket 80–A–2 shall be distributed and used as follows.

#### Per Capita Aspect

The Secretary shall make per capita distributions in sums as equal as possible of thirty percent (30%) of the Band's share. The membership roll of the Cuyapaipe Band shall be brought current, pursuant to the Band's Constitution and By-Laws, to include all band members born on or prior to and living on the effective date of this Plan. The per capita distributions shall be made in accordance with the wishes of the General Council. Any remaining amount after the per capita payments have been distributed to the members shall revert to the tribe for use in the programming aspect of this plan.

#### Programming Aspect

Seventy percent (70%) of the funds allocated to the Cuyapaipe Band shall be invested by the Cuyapaipe General Council in a permanent investment program. Until such time as the Cuyapaipe Council presents an investment plan to the Secretary for approval, the Secretary shall continue to invest the funds of this aspect. Should the Council undertake to invest the funds in the future it shall present an investment plan to the Secretary for approval.

The investment plan will contain or be subject to the requirements of sound investments, responsible accounting and adequate controls to obtain maximum benefit for the Cuyapaipe Band of Mission Indians.

Upon the Secretary's approval of the investment plan, the invested funds will be transferred to the Cuyapaipe Band at a mutually agreed upon time. All responsibility of the United States for the judgment funds or the investment or use of the funds so transferred shall cease at the time the funds are transferred.

### La Posta Band

The La Posta Band of Mission Indians share of the award in Docket 80–A–2 shall be distributed and used as follows.

#### Programming Aspect

Seventy percent (70%) of the funds allocated to the La Posta Band, including principal, interest and investment income accrued shall be invested by the Secretary, to be used by the tribal governing body on a budgetary basis on programs which may include, but are not limited to: tribal administrative costs, economic development, tribal educational and burial fund priorities.

# Tribal Investment and Dividend Aspect

Thirty percent (30%) of the funds allocated to the La Posta Band shall be transferred to the Band to be invested by the Band in an investment program. Until such time as the La Posta Band presents an investment plan to the Secretary for approval, the Secretary shall continue to invest the funds of this aspect.

The investment plan will contain or be subject to the requirements of sound investments, responsible accounting and adequate controls to obtain maximum benefit for the La Posta Band.

Upon the Secretary's approval of the investment plan, the invested funds will be transferred to the La Posta Band at a mutually agreed upon time. All responsibility of the United States for the judgment funds or the investment or use of the funds so transferred shall cease at the time the funds are transferred.

The principal of the investment plan will remain continually invested until such time as the governing body of the La Posta Band authorizes the use of the principal for tribal programs. The interest on the principal shall be distributed by the Band in the form of dividend payments to all eligible tribal members born on or prior to and living on the dates such dividend payments are declared by the tribal governing body.

#### **Morongo Band**

#### Per Capita Aspect

The Secretary of the Interior (Secretary) shall make a per capita distribution of eighty percent (80%) of the Band's share of the principal, interest, and investment income accrued, in sums as equal as possible, pursuant to the custom and tradition practices of the Band. The membership roll of the Morongo Band shall be brought current, pursuant to Amended Ordinance No. 3 of the Morongo Band. Such per capita payments shall include all eligible Band members born on or prior to and living on the effective date of this Plan.

Any remaining amount after the per capita payments to the members shall revert to the band for use in the programming aspect of this plan.