

Code, is not required to take a new oath upon his appointment in a higher grade.

80 Stat. 424.

“§ 798. Rear admiral; maximum service in grade

“A Reserve rear admiral, unless retained in or removed from an active status under other provisions of law, shall be removed from an active status on the date he completes five years of service in the permanent grade of rear admiral.”

SEC. 2. (a) Reserve officers in each grade who have been recommended as qualified for promotion under laws and regulations in effect the day before the effective date of this Act but not promoted to the grade for which they were recommended shall be placed on a list in the order of their precedence, and they shall be promoted as if they had been selected for promotion in the approved report of a selection board convened under the provisions of title 14, United States Code, as amended by this Act.

63 Stat. 496.

(b) Reserve officers who have failed of selection for promotion to the next higher grade under laws and regulations in effect the day before the effective date of this Act shall be deemed to have failed of selection for promotion to the next higher grade under the provisions of title 14, United States Code, as amended by this Act.

(c) The enactment of this Act does not terminate the appointment of any officer.

Approved September 18, 1970.

Public Law 91-403

AN ACT

To reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes.

September 18, 1970
[H. R. 16416]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to reimburse the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah for tribal funds that have been used for the construction, operation, and maintenance of the Uintah Indian irrigation project, Utah, computed and adjusted as follows:

Uintah Indian
irrigation project,
Utah.
Construction
costs, reimburse-
ment.

(a) With respect to construction charges, the tribal funds originally involved amounted to \$920,112.74. From that sum there shall be deducted the amount of \$275,864.25, which represents a reimbursement of tribal construction funds under a judgment of the United States Court of Claims for the portion of the construction costs chargeable against non-Indian lands. From the balance so calculated, there shall be deducted an amount equal to the construction charges against irrigable land (determined according to the approved designation of 1964) which were collected from the proceeds of sales of land and deposited in the tribal accounts. From the balance so calculated there shall be deducted \$1,250, which represents the tribal funds used to purchase the following described lands, title to which was taken in the name of the United States and which hereafter shall be held by the United States in trust for the tribe:

- west half southwest quarter southeast quarter southeast quarter section 18, township 1 south, range 1 east, containing 5 acres;
- south half southeast quarter northeast quarter northeast quarter section 36, township 1 south, range 4 west, containing 5 acres;
- northeast quarter northeast quarter southwest quarter section 32, township 1 north, range 1 west, containing 10 acres; and

southwest quarter southwest quarter southwest quarter southwest quarter section 12, township 1 south, range 4 west, containing 2.5 acres, all in Uinta special base and meridian, Utah.

The balance so calculated shall be increased by adding interest on the amounts that comprise the \$920,112.74 from the end of the year in which each amount was originally used for the project to January 28, 1958, the date of the Court of Claims judgment, and interest from January 28, 1958, to the date of this Act on \$920,112.74 adjusted by the deductions provided for in the foregoing provisions of this subsection.

(b) With respect to operation and maintenance charges, the tribal funds originally involved amounted to \$529,828.20. From that sum there shall be deducted the amount of \$158,856.17, which represents a reimbursement of tribal operation and maintenance funds under a judgment of the United States Court of Claims for the portion of the operation and maintenance costs chargeable against non-Indian lands. From the balance so calculated, there shall be deducted an amount equal to the operation and maintenance charges against irrigable land (determined according to the approved designation of 1964) which were collected from the proceeds of sales of land and other sources and deposited in the tribal accounts. The balance so calculated shall be increased by adding interest on the amounts that comprise the \$529,828.20 from the end of the year in which each amount was originally used for the project to January 28, 1958, the date of the Court of Claims judgment, and interest on the amounts that comprise the balance calculated pursuant to the first three sentences of this subsection, from January 28, 1958, or the end of the year in which each amount was used for the project to the date of this Act.

SEC. 2. The Secretary of the Interior is authorized to reimburse Indians and former members of the Ute Indian Tribe of the Uintah and Ouray Reservation terminated by the Act of August 27, 1954 (68 Stat. 868) who sold project lands that were nonirrigable (determined according to the approved designation of 1964) for the construction, operation, and maintenance charges which were collected from the proceeds of such sales.

SEC. 3. Twenty-seven and one hundred and sixty-two one-thousandths per centum (27.162 per centum) of the sum determined to be due the tribe under section 1 hereof shall be paid by the Secretary of the Interior, notwithstanding any other provision of law, to the persons whose names appear on the roll of mixed-blood members that was prepared pursuant to section 8 of the Act of August 27, 1954, or to their heirs or legatees, under such rules as the Secretary may prescribe. All claims for payment by mixed-bloods shall be filed not later than three years from the date of this Act. Thereafter, all claims and the right to file the same shall be forever barred and the unclaimed shares shall revert to the Ute Indian Tribe of the Uintah and Ouray Reservation.

SEC. 4. No part of any of the funds appropriated in accordance with the provisions of this Act shall be subject to attorneys' fees.

SEC. 5. Reimbursement of the Ute Indian Tribe, its members, or its former members, as provided in this Act shall be regarded as a gratuity, shall not be regarded as the settlement of a claim against the United States, shall not be recognized as the basis for any claim against the United States, and shall not prejudice any litigation now pending.

Approved September 18, 1970.

70 Stat. 936;
76 Stat. 597.
25 USC 677.

Mixed-blood
members, pay-
ment.

Conditions.