

VETO OF H.R. 5036

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

VETOING

H.R. 5036, AN ACT TO REQUIRE THE SECRETARY OF THE INTERIOR
TO CONVEY A PARCEL OF LAND LOCATED IN COLORADO TO THE
UTE MOUNTAIN UTE TRIBE AND TO PAY AN AMOUNT TO SUCH
TRIBE FOR ECONOMIC DEVELOPMENT



JUNE 9, 1980.—Message and accompanying act referred to the Committee on
Interior and Insular Affairs and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

To the House of Representatives:

I am returning, without my approval, H.R. 5036, a bill that would accord certain land and monetary benefits upon the Ute Mountain Ute Tribe, Colorado and New Mexico.

Specifically, the enrolled bill would require the Secretary of the Interior (1) to convey approximately 3,000 acres (estimated value of \$1,800,000) of public domain land in Colorado to the Ute Mountain Ute Tribe, and (2) to pay \$5,840,000 to the tribe for economic development purposes. These benefits would be considered compensation to the tribe for the loss of oil and gas revenues allegedly resulting from an incorrect land survey by the United States Government.

The central issue raised by H.R. 5036 involves a land dispute in New Mexico between the Ute Mountain Ute Tribe and the Navajo Tribe. Both tribes claimed ownership of the same lands which formed a common boundary between their respective reservations. However, pursuant to the Navajo-Ute Boundary Dispute Act of 1968, the Supreme Court reviewed the case and ruled in favor of the Navajo Tribe in 1972. In addition, there is no legal claim against the United States and in light of the Supreme Court decision, I do not believe this legislation should be approved.

This legislative relief is unwarranted because of the preferential treatment and special advantage it would accord the Ute Mountain Ute Tribe vis-a-vis other tribes whose circumstances may be similar.

JIMMY CARTER.

THE WHITE HOUSE, *June 6, 1980.*

(1)

Ninety-sixth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Thursday, the third day of January,
one thousand nine hundred and eighty*

An Act

To require the Secretary of the Interior to convey a parcel of land located in Colorado to the Ute Mountain Ute Tribe and to pay an amount to such tribe for economic development.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within the thirty-day period beginning on the date of the enactment of this Act the Secretary of the Interior shall convey, without consideration, to the Ute Mountain Ute Tribe, all right, title, and interest of the United States in and to the parcel of land located in the State of Colorado described in section 3 and all mineral interest of the United States in and to the parcel of land located in the State of Colorado, county of Gunnison, commonly known as the Pinecrest Ranch, and more fully described in a warranty deed, book 325, pages 6-8 (reception numbered 234174) on file in the Office of the County Clerk and Recorder for Gunnison County. The parcel of land described in section 3 shall not be considered Indian country for any purpose and shall be subject to State and local governmental jurisdiction and taxation.

SEC. 2. The Secretary of the Interior shall pay to the Ute Mountain Ute Tribe for the economic development of lands owned by such tribe, from sums appropriated therefor, the sum of \$5,840,000 in accordance with an economic development program submitted to the Secretary by the Ute Mountain Ute Tribe and approved by the Secretary.

SEC. 3. The parcel of land conveyed pursuant to the first section consists of—

(1) in township 48 north, range 3 west, New Mexico principal meridian—

(A) the northwest quarter, the west half of the northeast quarter, and the west half of the southeast quarter, in section 19; and

(B) the north half of the northwest quarter and the northwest quarter of the northeast quarter, in section 30;

(2) in township 48 north, range 4 west, New Mexico principal meridian—

(A) the east half of the northwest quarter, the south half of the northeast quarter, and the north half of the southeast quarter, in section 9;

(B) the south half, the northwest quarter of the northeast quarter, and the southeast quarter of the northeast quarter, in section 10;

(C) the south half of the northeast quarter, the northeast quarter of the southeast quarter, and the south half of the southeast quarter, in section 11;

(D) the north half of the northwest quarter, the northeast quarter, and the east half of the southeast quarter, in section 13;

(E) the east half of the southeast quarter and the southwest quarter of the northwest quarter, in section 14;

(F) the west half of the northeast quarter and the south half of the southwest quarter, in section 15;

(G) the northeast quarter of the southeast quarter in section 16;

(H) the southeast quarter of the southeast quarter in section 17;

(I) the northeast quarter of the northeast quarter in section 20;

(J) the northeast quarter of the southeast quarter in section 21;

(K) the northeast quarter of the northeast quarter and the north half of the southwest quarter, in section 23;

(L) the west half of the northeast quarter, the southeast quarter of the northeast quarter, the west half of the southeast quarter, and the northeast quarter of the southeast quarter, in section 26; and

(M) the east half of the northeast quarter in section 29; and
(3) in township 47 north, range 4 west, New Mexico principal meridian—

(A) the northeast quarter of the northwest quarter in section 10;

(B) the west half of the northwest quarter in section 15;

(C) the east half of the southeast quarter and the southeast quarter of the northeast quarter, in section 16;

(D) the southeast quarter of the southeast quarter in section 20;

(E) the north half of the northeast quarter, the southwest quarter of the northeast quarter, the northwest quarter of the southeast quarter, the northeast quarter of the southwest quarter, and the south half of the southwest quarter, in section 21;

(F) the northwest quarter of the southeast quarter in section 27; and

(G) the northeast quarter of the northeast quarter in section 29.

SEC. 4. The enactment of this Act shall fully satisfy all claims against the United States by the Ute Mountain Ute Tribe relating to the dispute over ownership of lands located in New Mexico and described as townships 31 and 32, range 16 west of the New Mexico principal meridian.

SEC. 5. Effective October 1, 1980, there is authorized to be appropriated to the Secretary of the Interior the sum of \$5,840,000 to carry out section 2. Any sums appropriated under the authority contained in this section shall remain available until expended by the Secretary.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

