

amended, are extended to all lands heretofore purchased or which may be purchased by authority of Congress for the use or benefit of any individual Indian or band or tribe of Indians.

(Feb. 14, 1923, ch. 76, 42 Stat. 1246.)

#### Editorial Notes

##### REFERENCES IN TEXT

Act of February 8, 1887, referred to in text, is popularly known as the Indian General Allotment Act. For classification of this Act to the Code, see Short Title note set out under section 331 of this title and Tables.

#### § 336. Allotments to Indians making settlement

Where any Indian entitled to allotment under existing laws shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her and to his or her children in manner as provided by law for allotments to Indians residing upon reservations, and such allotments to Indians on the public domain as herein provided shall be made in such areas as the President may deem proper, not to exceed, however, forty acres of irrigable land or eighty acres of nonirrigable agricultural land or one hundred sixty acres of nonirrigable grazing land to any one Indian; and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto, and patent shall be issued to them for such lands in the manner and with the restrictions provided in sections 348 and 349 of this title. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Secretary of the Interior or such officer as he may designate, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

(Feb. 28, 1891, ch. 383, § 4, 26 Stat. 795; June 25, 1910, ch. 431, §17, 36 Stat. 860; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### Editorial Notes

##### REFERENCES IN TEXT

Words "restrictions provided in sections 348 and 349 of this title", referred to in text, were in the original "restrictions provided in the Act of which this is amendatory". That Act is act Feb. 8, 1887 (24 Stat. 388), popularly known as the Indian General Allotment Act. For classification of that Act to the Code, see Short Title note set out under section 331 of this title and Tables.

#### Statutory Notes and Related Subsidiaries

##### PERMANENT APPROPRIATION; REPEALS

Effective July 1, 1935, the permanent appropriation provided for in the last sentence of this section was repealed by act June 26, 1934, ch. 756, §1, 48 Stat. 1225.

#### Executive Documents

##### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

"Secretary of the Interior or such officer as he may designate" substituted in text for "Commissioner of the General Land Office" on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5.

#### § 337. Allotments in national forests

The Secretary of the Interior is authorized, in his discretion, to make allotments within the national forests in conformity with the general allotment laws, to any Indian occupying, living on, or having improvements on land included within any such national forest who is not entitled to an allotment on any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof. All applications for allotments under the provisions of this section shall be submitted to the Secretary of Agriculture who shall determine whether the lands applied for are more valuable for agricultural or grazing purposes than for the timber found thereon; and if it be found that the lands applied for are more valuable for agricultural or grazing purposes, then the Secretary of the Interior shall cause allotment to be made as herein provided.

(June 25, 1910, ch. 431, §31, 36 Stat. 863.)

#### § 337a. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section, act Mar. 1, 1933, ch. 160, §1, 47 Stat. 1418, related to Indian allotments in San Juan County, Utah.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, provided that this section is repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the home-stead laws apply to public lands in Alaska.

##### SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a note under section 1701 of Title 43, Public Lands.

#### § 338. Repealed. May 29, 1928, ch. 901, § 1(64), 45 Stat. 991

Section, act Apr. 4, 1910, ch. 140, §1, 36 Stat. 270, required Secretary of the Interior to submit to Congress a cost account of survey and allotment work.

#### § 339. Tribes excepted from certain provisions

The provisions of this act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osage, Miamies and Peorias, and Sacs and Foxes, in Oklahoma, nor to any of the reservations of the