

“(4) income accruing on such sums. Income accruing to the White Earth Economic Development and Tribal Government Fund shall, without further appropriation, be available for expenditure as provided in subsection (c).

“(c) Income from the fund may be used by the authorized governing body of the band for band administration. Principal and income may be used by the authorized governing body of the band for economic development, land acquisition, and investments: *Provided, however*, That under no circumstances shall any portion of the moneys described in subsection (b) be used for per capita payments to any members of the band: *Provided further*, That none of the funds described in subsection (b) shall be expended by the governing body of the band until—

“(1) such body has adopted a band financial ordinance and investment plan for the use of such funds; and

“(2) such body has submitted to the Secretary a waiver of liability on the part of the United States for any loss resulting from the use of such funds; and

“(3) the Secretary has approved the band financial ordinance and investment plan. The Secretary shall approve or reject in writing such ordinance and plan within sixty days of the date it is mailed or otherwise submitted to him: *Provided*, That such ordinance and plan shall be deemed approved if, sixty days after submission, the Secretary has not so approved or rejected it. The Secretary shall approve the ordinance and plan if it adequately contains the element specified in this subsection.

“SEC. 13. Notwithstanding any other law to the contrary, the United States grants its permission to the State of Minnesota to transfer land to the White Earth Band as described in section 10(a)(1) which prior to the date of enactment of this Act [Mar. 24, 1986] may have been obtained by the State pursuant to other Federal law or with Federal assistance. Any restrictions or conditions imposed by any other Federal law or regulation on the transfer of such land are hereby waived and removed.

“SEC. 14. Not later than five years, or as soon as possible, after the date of enactment of this Act [Mar. 24, 1986], the Secretary shall make all determinations, provide all notices, and complete the administrative work necessary to accomplish the objectives of this Act. The Secretary shall give priority in making compensation determinations and payments under this Act to original allottees and elderly heirs. The Secretary shall submit a report by January 1 of each year to the chairman of the House of Representatives Committee on Interior and Insular Affairs [now Committee on Natural Resources] and the chairman of the Senate Committee on Indian Affairs, which report shall summarize the administrative progress to date and shall estimate the amount and nature of work left to be done.

“SEC. 15. There are hereby authorized to be appropriated to the White Earth Band \$6,600,000 as a grant to be expended as provided in section 12.

“SEC. 16. None of the moneys which are distributed under this Act shall be subject to Federal or State income taxes or be considered as income or resources in determining eligibility for or the amount of assistance under the Social Security Act [42 U.S.C. 301 et seq.] or any other federally assisted program.

“SEC. 17. The Secretary is authorized, if so requested by the authorized governing body of the White Earth Band, to exchange any of the land which is transferred to the United States as described in section 10(a)(1) for any other land within the exterior boundaries of the White Earth Reservation which is owned by the United States, the State of Minnesota, or any of the State's political subdivisions. Nothing in this section shall be deemed to require an exchange not agreed to by all parties to the exchange.

“SEC. 18. Any lands acquired by the White Earth Band within the exterior boundaries of the White Earth Reservation with funds referred to in section 12, or by the Secretary pursuant to section 17, shall be held in

trust by the United States. Such lands shall be deemed to have been reserved from the date of the establishment of said reservation and to be part of the trust land of the White Earth Band for all purposes.”

#### WINNEBAGO RESERVATION, NEBRASKA

Act Mar. 3, 1925, ch. 431, 43 Stat. 1114, provided: “That the Secretary of the Interior be, and he is hereby, authorized in his discretion, to cancel any restricted fee patents that have been issued to Indians of the Winnebago Reservation in Nebraska, under the provisions of the Act of Congress of February 21, 1863 (Twelfth Statutes at Large, page 658), and to issue in lieu thereof, to the original allottees, or heirs, trust patents of the form and subject to all the provisions set out in the general allotment act of February 8, 1887 (Twenty-fourth Statutes at Large, page 388), as amended: *Provided*, That the trust period shall be ten years from the date of issuance of the lieu trust patents.”

#### §§ 332, 333. Repealed. Pub. L. 106-462, title I, § 106(a)(1), Nov. 7, 2000, 114 Stat. 2007

Section 332, act Feb. 8, 1887, ch. 119, § 2, 24 Stat. 388, related to selection of allotments.

Section 333, acts Feb. 8, 1887, ch. 119, § 3, 24 Stat. 389; June 25, 1910, ch. 431, § 9, 36 Stat. 858; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to making of allotments by agents.

#### § 334. Allotments to Indians not residing on reservations

Where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress, or executive order, 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 quantities and manner as provided in this act for Indians residing upon reservations; 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 patents shall be issued to them for such lands in the manner and with the restrictions as 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. 8, 1887, ch. 119, § 4, 24 Stat. 389; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### REFERENCES IN TEXT

This act, referred to in text, is act Feb. 8, 1887, ch. 119, 24 Stat. 388, as amended, and 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.

The words “provided in sections 348 and 349 of this title”, referred to in text, were in the original “as herein provided”.

## 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.

## 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.

**§ 335. Extension of provisions as to allotments**

Unless otherwise specifically provided, the provisions of the Act of February 8, 1887 (Twenty-fourth Statutes at Large, page 388), as 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.)

## 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.)

## 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.

## 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.

## 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.

**§ 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.

## EFFECTIVE DATE OF REPEAL

Section 702 of Pub. L. 94-579 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 homestead 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.