

## TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior relating to compliance with rights-of-way across Indian lands, issued under section 321 et seq. of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, set out in the Appendix to Title 5, Government Organization and Employees, effective July 1, 1979, pursuant to Ex. Ord. No. 12142, §1-101, June 21, 1979, 44 F.R. 36927, set out as a note under section 719e of Title 15, Commerce and Trade. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

**§ 326. Laws unaffected**

Sections 323 to 328 of this title shall not in any manner amend or repeal the provisions of the Federal Water Power Act of June 10, 1920 (41 Stat. 1063), as amended by the Act of August 26, 1935 (49 Stat. 838) [16 U.S.C. 791a et seq.], nor shall any existing statutory authority empowering the Secretary of the Interior to grant rights-of-way over Indian lands be repealed.

(Feb. 5, 1948, ch. 45, §4, 62 Stat. 18.)

## REFERENCES IN TEXT

The Federal Water Power Act, referred to in text, is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, now known as the Federal Power Act, which is classified generally to chapter 12 (§791a et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Tables.

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**§ 327. Application for grant by department or agency**

Rights-of-way for the use of the United States may be granted under sections 323 to 328 of this

title upon application by the department or agency having jurisdiction over the activity for which the right-of-way is to be used.

(Feb. 5, 1948, ch. 45, §5, 62 Stat. 18.)

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**§ 328. Rules and regulations**

The Secretary of the Interior is authorized to prescribe any necessary regulations for the purpose of administering the provisions of sections 323 to 328 of this title.

(Feb. 5, 1948, ch. 45, §6, 62 Stat. 18.)

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**CHAPTER 9—ALLOTMENT OF INDIAN LANDS**

Sec.

- 331 to 333. Repealed.
- 334. Allotments to Indians not residing on reservations.
- 335. Extension of provisions as to allotments.
- 336. Allotments to Indians making settlement.
- 337. Allotments in national forests.
- 337a, 338. Repealed.
- 339. Tribes excepted from certain provisions.

- Sec.  
 340. Extension of certain provisions.  
 341. Power to grant rights-of-way not affected.  
 342. Removal of Southern Utes to new reservation.  
 343. Correction of errors in allotments and patents.  
 344. Cancellation of allotment of unsuitable land.  
 344a. Repealed.  
 345. Actions for allotments.  
 346. Proceedings in actions for allotments.  
 347. Limitations of actions for lands patented in severalty under treaties.  
 348. Patents to be held in trust; descent and partition.  
 348a. Extension of trust period for Indians of Klamath River Reservation.  
 349. Patents in fee to allottees.  
 350. Surrender of patent, and selection of other land.  
 351. Patents with restrictions for lots in villages in Washington.  
 352. Cancellation of trust patents within power or reservoir sites.  
 352a. Cancellation of patents in fee simple for allotments held in trust.  
 352b. Partial cancellation; issuance of new trust patents.  
 352c. Reimbursement of allottees or heirs for taxes paid on lands patented in fee before end of trust.  
 353. Sections inapplicable to certain tribes.  
 354. Lands not liable for debts prior to final patent.  
 355. Laws applicable to lands of full-blooded members of Five Civilized Tribes.  
 356. Allowance of undisputed claims of restricted allottees of Five Civilized Tribes.  
 357. Condemnation of lands under laws of States.  
 358. Repeal of statutory provisions relating to survey, classification, and allotments which provide for repayment out of Indian moneys.

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

Section, acts Feb. 8, 1887, ch. 119, §1, 24 Stat. 388; Feb. 28, 1891, ch. 383, §1, 26 Stat. 794; June 25, 1910, ch. 431, §17, 36 Stat. 859, related to allotments of irrigable and nonirrigable land on reservations.

CODIFICATION

Section was based on section 1 of act Feb. 8, 1887, as amended generally by section 1 of act Feb. 28, 1891, which was amended generally, by act June 25, 1910. The amendment by act June 25, 1910, to section 1 of act Feb. 28, 1891, was treated as an amendment to section 1 of act Feb. 8, 1887, to reflect the probable intent of Congress, and this section was based on the text of section 1 of act Feb. 28, 1891, as so amended. The repeal by Pub. L. 106-462 of section 1 of act Feb. 8, 1887, was executed by repealing this section, to reflect the probable intent of Congress.

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-153, §1, Nov. 5, 1987, 101 Stat. 886, provided that: "This Act [amending sections 373, 1401, and 2301 of this title and section 4421 of Title 20, Education, and amending provisions set out as a note under this section] may be cited as the 'Indian Law Technical Amendments of 1987'."

SHORT TITLE

Act Feb. 8, 1887, ch. 119, 24 Stat. 388, as amended, enacted this section and sections 332 to 334, 339, 341, 342, 348, 349, 354, and 381 of this title, is popularly known as the "Indian General Allotment Act".

BLACKFEET RESERVATION, MONTANA

Act June 30, 1919, ch. 4, §10, 41 Stat. 16, which provided for the allotment of lands within the Blackfeet

Indian Reservation in Montana, was amended by act June 4, 1953, ch. 99, §1, 67 Stat. 42, in order to remove the restrictions on alienation of the homestead allotments by making 80 acres of each allotment subject to sale, partition, issuance of patent in fee, or other disposition in accordance with the laws relating to the other allotments on the Reservation.

Act June 30, 1919, had provided that the 80-acre homestead allotment should remain inalienable. This restriction was removed on the alienation of homestead allotments after the death of the original allottee by act June 2, 1924, ch. 231, 43 Stat. 252, formerly set out as a note under this section. The restriction was completely removed by section 1 of act June 4, 1953. Section 2 of act June 4, 1953, repealed act June 2, 1924.

CREEK NATION

Act Mar. 2, 1917, ch. 146, §18, 39 Stat. 986, provided in part as follows: "Hereafter no allotments of land shall be made to members of the Creek Nation".

CROW INDIAN RESERVATION

Act June 4, 1920, ch. 224, §6, 41 Stat. 753, as amended by acts May 25, 1926, ch. 403, 44 Stat. 658; Sept. 16, 1959, Pub. L. 96-283, 73 Stat. 565; May 17, 1968, Pub. L. 90-308, 82 Stat. 123, provided for a reservation in perpetuity, for the benefit of the Crow Indian Tribe, of the minerals on or underlying the allotted lands on the Crow Indian Reservation.

Act Aug. 15, 1953, ch. 502, §4, 67 Stat. 587, repealed act June 4, 1920, ch. 224, §9, 41 Stat. 754, formerly set out as a note under this section. The act June 4, 1920, provided for allotment of lands of the Crow Tribe and section 9 of the act had provided that lands of the Crow Reservation should "be subject to all laws of the United States prohibiting the introduction of intoxicating liquors into the Indian country until otherwise provided by Congress".

Act June 4, 1953, ch. 100, 67 Stat. 42, permitted the Indian owners of homestead, irrigable, or agricultural land on the Crow Indian Reservation in Montana to sell such land, upon application in writing and subject to the approval of the Secretary of the Interior or his authorized representative. Restrictions against such sales were contained in act June 4, 1920, ch. 224, 41 Stat. 751. The act of June 4, 1920, set out as a note below, provided for the allotment of lands on the Crow Reservation.

Provisions for the allotment of lands of the Crow Tribe of Indians within the Crow Indian Reservation in Montana, and for the distribution of tribal funds, were made by act June 4, 1920, ch. 224, 41 Stat. 751. The time for making allotments on the Crow Reservation, Montana, as provided by this act was extended for a period of two years from Dec. 4, 1921, by act Sept. 21, 1922, ch. 367, 42 Stat. 994.

EASTERN BAND OF CHEROKEE INDIANS OF NORTH CAROLINA

Act June 4, 1924, ch. 253, 43 Stat. 376, provided: "That the Eastern Band of Cherokee Indians of North Carolina is hereby authorized, pursuant to the resolution of its council adopted the 6th day of November 1919, to convey to the United States of America, in trust, all land, money, and other property of said band for final disposition thereof as hereinafter provided; and the United States will accept such conveyance when approved by the Secretary of the Interior.

"SEC. 2. That upon approval of such conveyance the Secretary of the Interior shall cause to be prepared a roll of the members of said band, to contain the names of all living on the date of this Act, and no person born after that date shall be entitled to enrollment.

"The roll shall show the name, age, sex, and degree of Cherokee Indian blood, and separately of that derived from any other Indian ancestor, of each member. The day of the month indicating the birthday of each member shall also be shown upon said roll: *Provided*, That if such date is unknown and cannot be ascer-