

transferred to the Secretary of the Interior, shall be excluded from the national forest and shall become subject to administration under the same provisions of law as the revested lands in exchange for which they were transferred, and the revested lands, administrative jurisdiction of which is transferred to the Secretary of Agriculture, shall become a part of the national forests subject to administration under the laws applicable to national forests: *Provided further*, That subject to the requirement of approximate equal aggregate value for the overall exchange, the revested lands and the national-forest lands, administrative jurisdiction of which is exchanged in any county, shall be approximately equal in area unless otherwise agreed to by the counties concerned. The exchanges provided for in this section shall in each case be evidenced by an order signed by the Secretary of the Interior and the Secretary of Agriculture and such orders shall be transmitted to the Division of the Federal Register for filing and publication.

(June 24, 1954, ch. 357, § 2, 68 Stat. 271.)

§ 1181i. Designation of national-forest areas within counties; disposition of revenues; approval by court

For the purpose of consolidating and thereby facilitating administration and accounting the Secretary of Agriculture is authorized to designate in the several counties in which the lands described in section 1181g of this title are situated (such designation to be published in the Federal Register), an area of national-forest land of a value substantially equal to the value of the lands in such county from which all revenues shall be disposed of in accordance with the provisions of section 1181f of this title, and upon such designation the provisions of sections 1181a to 1181f of this title shall be applicable to the lands so designated in lieu of the lands described in section 1181g of this title: *Provided, however*, That such designation shall not become effective until approved by the county court of the county in which the lands are located.

(June 24, 1954, ch. 357, § 3, 68 Stat. 271.)

§ 1181j. Appropriations to carry out sections 1181h and 1181i

For the purpose of carrying out the provisions of sections 1181h and 1181i of this title there are authorized to be appropriated such sums as the Congress may from time to time determine to be necessary.

(June 24, 1954, ch. 357, § 4, 68 Stat. 272.)

SUBCHAPTER VI—DISPOSAL OF MATERIALS ON PUBLIC LANDS

§§ 1185 to 1188. Transferred

CODIFICATION

Section 1185, acts July 31, 1947, ch. 406, § 1, 61 Stat. 681; July 23, 1955, ch. 375, § 1, 69 Stat. 367, which related to rules and regulations governing disposal of materials on public lands, was transferred to section 601 of Title 30, Mineral Lands and Mining.

Section 1186, act July 31, 1947, ch. 406, § 2, 61 Stat. 681, which related to bidding, advertisement, conditions for negotiation of contracts and reports to Congress, was transferred to section 602 of Title 30.

Section 1187, acts July 31, 1947, ch. 406, § 3, 61 Stat. 681; Aug. 31, 1950, ch. 830, 64 Stat. 571; July 23, 1955, ch. 375, § 2, 69 Stat. 368, which related to disposition on moneys from disposal of materials, was transferred to section 603 of Title 30.

Section 1188, act July 31, 1947, ch. 406, § 4, as added Aug. 31, 1950, ch. 830, 64 Stat. 572, which related to disposal of sand, gravel, etc., in Alaska and to contracts upon the entry of Alaska into the Union, was transferred to section 604 of Title 30.

SUBCHAPTER VII—EVIDENCES OF TITLE

§§ 1191 to 1193. Repealed. Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section 1191, R.S. § 2471, related to falsely making or altering instruments concerning lands, mines, or minerals in California.

Section 1192, R.S. § 2472, related to falsely dating evidence of title under Mexican authority to lands in California.

Section 1193, R.S. § 2473, related to presenting false or counterfeited evidences of title to lands in California.

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792, provided that the repeal made by section 705(a) is effective on and after Oct. 21, 1976.

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, set out as a note under section 1701 of this title.

SUBCHAPTER VIII—INDIAN LANDS

§ 1195. Negotiations for cession of lands

The Secretary of the Interior is authorized, in his discretion, to negotiate, through any United States Indian inspector, agreements with any Indians for the cession to the United States of portions of their respective reservations or surplus unallotted lands, any agreements thus negotiated to be subject to subsequent ratification by Congress.

(Mar. 3, 1901, ch. 832, § 1, 31 Stat. 1077.)

CODIFICATION

Section was not enacted as part of act July 6, 1954, ch. 463, 68 Stat. 452, which comprises this subchapter.

§ 1196. Classification and appraisal of unallotted and unreserved lands

The Secretary of the Interior is authorized to cause to be classified or reclassified and appraised or reappraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands within any Indian reservation opened to settlement and entry but not classified and appraised in the manner provided for in the Act or Acts opening such reservations to settlement and entry, or where the existing classification or appraisal is, in the opinion of the Secretary of the Interior, erroneous.

(June 6, 1912, ch. 155, 37 Stat. 125.)

CODIFICATION

Section was not enacted as part of act July 6, 1954, ch. 463, 68 Stat. 452, which comprises this subchapter.

§ 1197. Agreements with Indians not affected

Nothing in this act shall change, repeal, or modify any agreements or treaties made with

any Indian tribes for the disposal of their lands, or of land ceded to the United States to be disposed of for the benefit of such tribes, and the proceeds thereof to be placed in the Treasury of the United States; and the disposition of such lands shall continue in accordance with the provisions of such treaties or agreements; except as provided in sections 161 and 162¹ of this title.

(Mar. 3, 1891, ch. 561, §10, 26 Stat. 1099.)

REFERENCES IN TEXT

This act, referred to in text, means act Mar. 3, 1891, ch. 561, 26 Stat. 1095, as amended, which enacted sections 161, 162, 173, 174, 185, 202, 212, 321, 323, 325, 327 to 329, 663, 671, 687a-6, 718, 728, 732, 893, 946 to 949, 989, 1165, 1166, 1181, and 1197 of this title, sections 471, 607, 611, 611a, and 613 of Title 16, Conservation, section 495 of Title 25, Indians, and sections 30, 36, 44, 45, 48, and 52 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables.

Sections 161 and 162 of this title, referred to in text, were repealed by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787.

CODIFICATION

Section was not enacted as part of act July 6, 1954, ch. 463, 68 Stat. 452, which comprises this subchapter.

§ 1198. Condemnation of Sioux lands for dam purposes; negotiation of contracts

The Chief of Engineers, Department of the Army, and the Secretary of the Interior, jointly representing the United States of America are authorized and directed to negotiate separate contracts containing the provisions outlined in this subchapter with the Sioux Indians of the Lower Brule Reservation, South Dakota, and with the Sioux Indians of the Crow Creek Reservation, South Dakota, acting through representatives of each tribe appointed for such purpose by its tribal council.

(July 6, 1954, ch. 463, §1, 68 Stat. 452.)

§ 1199. Provisions to be included in contracts for condemnation of Sioux lands for dam purposes

The contract with each tribe negotiated pursuant to section 1198 of this title shall—

(a) convey to the United States title to all tribal, allotted, assigned, and inherited lands or interests therein belonging to the Indians of the tribe, and title to all undivided interests in such allotted or inherited lands owned by non-Indians or by Indian nonmembers of the tribe, required by the United States for the reservoir to be created by the construction of the dams across the Missouri River in South Dakota, to be known as Fort Randall Dam, including such lands along the margins as may be required by the Chief of Engineers, Department of the Army, for the protection, development, and use of said reservoir: *Provided*, That the contract may provide for retention by the owners of any oil and gas rights in such lands that are not needed by the United States for the protection of such dam and reservoir;

(b) provide for the payment of—

(1) just compensation for the lands and improvements and interests therein conveyed by the contract;

(2) costs of relocating the tribe and its members who reside upon the lands conveyed by the contract in a manner that will reestablish and protect their economic, social, religious, and community life;

(3) costs of relocating Indian cemeteries, tribal monuments, and shrines located upon the lands conveyed by the contract.

(c) Provide a schedule of dates for the orderly removal of the Indians and their personal property from the taking area of the Fort Randall Reservoir within the reservation; and

(d) State that the payments authorized to be made shall be in full and complete settlement of all claims by the tribe and its members against the United States arising because of the construction of the Fort Randall project.

(July 6, 1954, ch. 463, §2, 68 Stat. 452.)

CHANGE OF NAME

Fort Randall Reservoir redesignated Lake Francis Case by Pub. L. 88-97, Aug. 15, 1963, 77 Stat. 124.

§ 1200. Judicial determination where compensation for condemnation of Sioux lands for dam purposes rejected

The just compensation payable for the individual property of any person conveyed pursuant to subsection (a) of section 1199 of this title shall be judicially determined, if such person rejects the compensation specified in the contract with the tribe, in proceedings instituted for such purpose by the Department of the Army in the United States district court for the district in which the lands are situated.

(July 6, 1954, ch. 463, §3, 68 Stat. 453.)

§ 1200a. Preparation of appraisal schedule in determining just compensation for condemnation of Sioux lands for dam purposes; contents; transmittal to tribal representatives

To assist the negotiators in arriving at the amount of just compensation payable for the property conveyed pursuant to subsection (a) of section 1199 of this title, the Secretary of the Interior and the Chief of Engineers, Department of the Army, shall cause to be prepared an appraisal schedule on an individual tract basis of the tribal, allotted, and assigned lands, including heirship interests therein, located within the taking area in each reservation. The appraisal schedule shall show the fair market value of the lands, giving full and proper weight to the following elements of appraisal, among others: Improvements, severance damage, standing timber, mineral rights, and the uses to which the lands are reasonably adapted. The appraisal schedule shall be transmitted to the representatives of the tribe appointed to negotiate a contract, and shall be used, together with any other appraisals which may be available, as a basis for determining the amount of just compensation to be included in the contract.

(July 6, 1954, ch. 463, §4, 68 Stat. 453.)

§ 1200b. Inclusion of other provisions in contracts for condemnation of Sioux lands for dam purposes

The specification in section 1199 of this title of certain provisions to be included in each con-

¹ See References in Text note below.