

US Code

(Unofficial compilation from the Legal Information Institute)

TITLE 25 - INDIANS

CHAPTER 2—OFFICERS OF INDIAN AFFAIRS

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TITLE 25 INDIANS

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2010 (see <http://www.law.cornell.edu/uscode/uscp.html>).

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64. Services of agents dispensed with.

65. Discontinuance of agents, subagents, and interpreters.

66. Duties of agency devolved on superintendent of Indian school.

67 to 68a. Repealed.

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§§ 21, 22. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 642

Section 21, R.S. § 2039, related to the Board of Indian Commissioners.

Section 22, act Aug. 24, 1912, ch. 388, § 1, 37 Stat. 521, authorized the Board of Indian Commissioners to employ and pay a secretary.

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§§ 23, 24. Omitted

Codification

Section 23, act May 17, 1882, ch. 163, § 1, 22 Stat. 70, related to the powers and duties of the Board of Indian Commissioners, and was omitted as superseded by Ex. Ord. No. 6145 of May 25, 1933, which abolished the Board and transferred its records, property, and personnel to the supervision of the Secretary of the Interior.

Section 24, R.S. § 2042, related to the investigations by a member of the Board of Indian Commissioners, and was omitted as superseded by Ex. Ord. No. 6145 of May 25, 1933.

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§ 25. Superintendent for Five Civilized Tribes

The offices of the Commissioner of the Five Civilized Tribes and superintendent of Union Agency, in Oklahoma, are abolished as of September 1, 1914, and in lieu thereof there shall be appointed by the President, by and with the advice and consent of the Senate, a Superintendent for the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of \$5,000 per annum, and said superintendent shall exercise the authority and perform the duties exercised prior to September 1, 1914, by the Commissioner to the Five Civilized Tribes and the superintendent of the Union Agency, with authority to reorganize the department and to eliminate all unnecessary clerks, subject to the approval of the Secretary of the Interior.

(Aug. 1, 1914, ch. 222, § 17, 38 Stat. 598.)

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.

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§ 25a. Application of civil service laws

The position of Superintendent of the Five Civilized Tribes is included within the competitive classified civil service and shall be subject to civil service laws and rules.

(Mar. 4, 1929, ch. 705, 45 Stat. 1583.)

References in Text

The civil service laws, referred to in text, are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

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.

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§ 26. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632

Section, R.S. § 2052, provided for appointment of Indian Agents by the President.

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§ 27. Omitted

Codification

Section, R.S. 2062; acts July 13, 1892, ch. 164, § 1, 27 Stat. 120; July 1, 1898, ch. 545, § 1, 30 Stat. 573, authorized the President to require that military officers perform the duties of Indian agents. The services of Indian agents have been dispensed with since 1908. See section 64 of this title and notes thereunder.

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§§ 28 to 31. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 634

Section 28, R.S. § 2056; act May 17, 1882, ch. 163, § 1, 22 Stat. 87, fixed term of office for Indian Agents.

Section 29, R.S. § 2057, provided for a bond by Indian Agents.

Section 30, R.S. § 2060, prescribed limits of residence of Indian Agents.

Section 31, R.S. § 2058, related to duties of Indian Agents.

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§ 32. Omitted

Codification

Section, act July 1, 1898, ch. 545, § 1, 30 Stat. 595, required Indian agents to account for funds received and to be responsible for such funds under their official bonds. The services of Indian agents have been dispensed with since 1908. See section 64 of this title and note set out thereunder.

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§ 33. Superintendents in charge of reservations; administration of oath of office

Superintendents and acting superintendents in charge of Indian reservations, schools, irrigation and allotment projects are authorized and empowered to administer the oath of office required of employees placed under their jurisdiction.

(June 30, 1913, ch. 4, § 1, 38 Stat. 80.)

Codification

Section is from the Indian Appropriation Act, 1914.

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.

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§§ 34, 35. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 642, 650

Section 34, acts Aug. 24, 1912, ch. 355, § 8, 37 Stat. 487; June 6, 1939, ch. 185, 53 Stat. 810, authorized the superintendent, acting superintendent, and principal clerks of the different Indian superintendencies or Indian agencies to administer oaths to expense accounts.

Section 35, R.S. § 2064, authorized Indian Agents to take acknowledgements of deeds and to administer oaths.

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§ 36. Special agents and other officers to administer oaths

Each special agent, supervisor of schools, or other official charged with the investigation of Indian agencies and schools, in the pursuit of his official duties shall have power to administer oaths and to examine on oath all officers and persons employed in the Indian Service, and all such other persons as may be deemed necessary and proper.

(Mar. 1, 1899, ch. 324, § 1, 30 Stat. 927.)

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.

Indian Agents

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

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§ 37. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 633, 641

Section, acts Mar. 3, 1875, ch. 132, § 10, 18 Stat. 450; Mar. 3, 1909, ch. 263, 35 Stat. 784, related to keeping of books by Indian agents and penalties for the falsification thereof.

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§ 38. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section, R.S. § 2061, related to visits to Washington, D.C., by agents in California.

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§ 39. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632

Section, R.S. § 2063, related to compensation for extra services rendered by Indian Agents.

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§ 40. Limits of superintendencies, agencies, and subagencies

The limits of each superintendency, agency, and subagency shall be established by the Secretary of the Interior, either by tribes or geographical boundaries.

(R.S. § 2066.)

Codification

R.S. § 2066 derived from acts June 30, 1834, ch. 162, § 7, 4 Stat. 736; Mar. 3, 1847, ch. 66, § 1, 9 Stat. 203.

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.

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§ 41. Special agents and commissioners

All special agents and commissioners not appointed by the President shall be appointed by the Secretary of the Interior.

(R.S. § 2067.)

Codification

R.S. § 2067 derived from act Mar. 3, 1863, ch. 99, § 1, 12 Stat. 792.

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.

Indian Agents

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

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§ 41a. Indian inspectors

Indian inspectors shall on and after March 4, 1909 be termed inspectors, and shall be included in the classified service.

(Mar. 4, 1909, ch. 297, § 1, 35 Stat. 888.)

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.

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§ 42. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632

Section, R.S. § 2068, provided for interpreters for Indian agencies under Department of the Interior.

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§ 43. Persons paid for other services not paid for interpreting

No person employed by the United States and paid for any other service shall be paid for interpreting.

(Apr. 4, 1910, ch. 140, § 2, 36 Stat. 272.)

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§ 44. Employment of Indians

In the Indian Service Indians shall be employed as herders, teamsters, and laborers, and where practicable in all other employments in connection with the agencies and the Indian Service. And it shall be the duty of the Secretary of the Interior and the Commissioner of Indian Affairs to enforce this provision.

(Aug. 15, 1894, ch. 290, § 10, 28 Stat. 313.)

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.

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§ 45. Preference to Indians qualified for duties

In all cases of the appointments of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties.

(R.S. § 2069.)

Codification

R.S. § 2069 derived from act June 30, 1834, ch. 162, § 9, 4 Stat. 737.

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.

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§ 46. Preference to Indians in employment of clerical, mechanical, and other help

Preference shall at all times, as far as practicable, be given to Indians in the employment of clerical, mechanical, and other help on reservations and about agencies.

(May 17, 1882, ch. 163, § 6, 22 Stat. 88; July 4, 1884, ch. 180, § 6, 23 Stat. 97.)

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.

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§ 47. Employment of Indian labor and purchase of products of Indian industry; participation in Mentor-Protege Program

So far as may be practicable Indian labor shall be employed, and purchases of the products (including, but not limited to printing, notwithstanding any other law) of Indian industry may be made in open market in the discretion of the Secretary of the Interior. Participation in the Mentor-Protege Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) or receipt of assistance pursuant to any developmental assistance agreement authorized under such program shall not render Indian labor or Indian industry ineligible to receive any assistance authorized under this section. For the purposes of this section—

- (1) no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protege firm pursuant to a mentor-protege agreement any form of developmental assistance described in subsection (f) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note); and

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(2) the terms “protege firm” and “mentor firm” have the meaning given such terms in subsection (c) of such section 831.

(June 25, 1910, ch. 431, § 23, 36 Stat. 861; Pub. L. 100–581, title II, § 206, Nov. 1, 1988, 102 Stat. 2940; Pub. L. 103–435, § 14, Nov. 2, 1994, 108 Stat. 4572.)

References in Text

Section 831 of the National Defense Authorization Act for Fiscal Year 1991, referred to in text, is section 831 of Pub. L. 101–510, which is set out as a note under section 2302 of Title 10, Armed Forces.

Codification

Section is based on proviso of first sentence of section 23 of act of June 25, 1910. Remainder of first sentence of section 23 was classified to section 93 of this title prior to repeal by act Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1112.

Prior Provisions

Provisions similar to those in this section were contained in act Apr. 30, 1908, ch. 153, 35 Stat. 71, making appropriations for the Indian Department.

Amendments

1994—Pub. L. 103–435 inserted at end “Participation in the Mentor-Protege Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) or receipt of assistance pursuant to any developmental assistance agreement authorized under such program shall not render Indian labor or Indian industry ineligible to receive any assistance authorized under this section. For the purposes of this section—

“(1) no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protege firm pursuant to a mentor-protege agreement any form of developmental assistance described in subsection (f) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note); and

“(2) the terms ‘protege firm’ and ‘mentor firm’ have the meaning given such terms in subsection (c) of such section 831.”

1988—Pub. L. 100–581 inserted “(including, but not limited to printing, notwithstanding any other law)” after “products”.

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.

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§ 47a. Security required by Secretary; contracts with Indian-owned economic enterprise; public work

The Secretary, in his discretion, may require security other than bonds required by sections 3131 and 3133 of title 40 when entering into a contract with an Indian-owned economic enterprise pursuant to the provisions of the Act of June 25, 1910 (25 U.S.C. 47), for the construction, alteration, or repair of any public work of the United States: Provided, That, the alternative form of security provides the United States with adequate security for performance and payment.

(Pub. L. 98–449, § 11, Oct. 4, 1984, 98 Stat. 1726.)

Codification

“Sections 3131 and 3133 of title 40” substituted in text for “the Miller Act (40 U.S.C. 270a)” on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

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§ 48. Right of tribes to direct employment of persons engaged for them

Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe.

(R.S. § 2072.)

Codification

R.S. § 2072 derived from act June 30, 1834, ch. 162, § 9, 4 Stat. 737.

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.

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§ 49. Repealed. June 30, 1932, ch. 317, 47 Stat. 421

Section, act May 25, 1918, ch. 86, § 1, 40 Stat. 565, related to qualifications of farmers.

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§ 50. Repealed. Pub. L. 88–448, title IV, § 402(a)(2), Aug. 19, 1964, 78 Stat. 492

Section, R.S. § 2074, related to holding of two offices. See section 5533 of Title 5, Government Organization and Employees.

Effective Date of Repeal

Repeal effective on first day of first month which begins later than the 90th day following Aug. 19, 1964, see section 403 of Pub. L. 88–448.

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§§ 51 to 52a. Repealed. Pub. L. 92–310, title II, § 229(a), (c)(2), (e), June 6, 1972, 86 Stat. 208

Section 51, R.S. § 2075, empowered President to require additional security from persons charged with disbursement of money or goods.

Section 52, act Apr. 30, 1908, ch. 153, 35 Stat. 71, empowered Secretary of the Interior to require new bonds from disbursing officers.

Section 52a, act Apr. 21, 1904, ch. 1402, 33 Stat. 191, related to special bonds for large per capita payments.

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§ 53. Disbursing officers; acting clerks

Any disbursing agent of the Indian Service, with the approval of the Commissioner of Indian Affairs, may authorize a clerk employed in his office to act in his place and discharge all the duties devolved upon him by law or regulations during such time as he may be unable to perform the duties of his position because of absence, physical disability, or other disqualifying circumstances: Provided, That such clerk, while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law for official misconduct of disbursing agents.

(Feb. 14, 1920, ch. 75, § 1, 41 Stat. 414; Pub. L. 92–310, title II, § 229(f), June 6, 1972, 86 Stat. 209.)

Amendments

1972—Pub. L. 92–310 struck out provisions which related to official bond of disbursing agent.

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.

Disbursement functions of all Government agencies, except Departments of the Army, Navy, and Air Force and the Panama Canal, transferred to Division of Disbursements, Department of the Treasury, by Ex. Ord. No. 6166, § 4, June 10, 1933, and Ex. Ord. No. 6728, May 29, 1934. Division subsequently consolidated with other agencies into Fiscal Service in Department of the Treasury by Reorg. Plan No. III of 1940, § 1(a)(1), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231. See section 306 of Title 31, Money and Finance.

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§§ 54, 55. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 634

Section 54, R.S. § 2077, related to traveling expenses.

Section 55, act May 17, 1882, ch. 163, § 1, 22 Stat. 86, related to expenses of clerks detailed on special duty.

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§ 56. Quarters, fuel, and light for employees

The Secretary of the Interior, in his discretion, may allow quarters, fuel, and light to employees of the Indian Service whose compensation is not prescribed by law, the salaries of such employees to be fixed on this basis and the cost of providing quarters, fuel, and light to be paid from any funds which are applicable and available therefor: Provided, That this authorization shall be retroactive to the extent of approving any expenditures for such purposes authorized by the Secretary of the Interior prior to June 7, 1924.

(June 7, 1924, ch. 328, 43 Stat. 634.)

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.

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§ 57. Omitted

Codification

Section, act Mar. 3, 1925, ch. 462, 43 Stat. 1147, which authorized the Secretary of the Interior to allow employees in the Indian Service heat and light for quarters without charge, was not repeated in subsequent appropriation acts.

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§ 58. Limitation on number and kind of employment

The number and kind of employees at each agency shall be prescribed by the Secretary of the Interior and none other shall be employed.

(June 7, 1897, ch. 3, 30 Stat. 90.)

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.

Salary Restrictions

Act Apr. 18, 1912, ch. 83, § 10, 37 Stat. 88, as amended by act May 25, 1918, ch. 86, § 17, 40 Stat. 578, excluded the Osage Agency from the provisions of act June 7, 1897, limiting the amount of money to be expended for salaries of regular employees at any one agency.

Act Feb. 26, 1929, ch. 323, 45 Stat. 1307, which repealed a provision of act Aug. 24, 1912, ch. 388, § 1, 37 Stat. 521, imposing a salary limitation of \$15,000 at any one agency and \$20,000 at a consolidated agency, was itself repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 647.

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§ 59. Transfer of funds for payment of employees; details for other service

When not required for the purpose for which appropriated, the funds provided for the pay of specified employees at any Indian agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged.

(Mar. 1, 1907, ch. 2285, 34 Stat. 1016.)

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.

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§ 60. Compensation prescribed to be in full

The several compensations prescribed by title 28 of the Revised Statutes shall be in full of all emoluments or allowances whatsoever. But where necessary, a reasonable allowance or provision may be made for offices and office contingencies.

(R.S. § 2076.)

References in Text

Title 28 of the Revised Statutes, referred to in text, was in the original “this title”, meaning title 28 of the Revised Statutes, consisting of R.S. §§ 2039 to 2157. For complete classification of R.S. §§ 2039 to 2157 to the Code, see Tables.

Codification

R.S. § 2076 derived from act June 30, 1834, ch. 162, § 10, 4 Stat. 737.

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§ 61. Estimates for personal services in Indian Office

Annual estimates in detail shall be submitted for all personal services required in the Indian Office, and it shall not be lawful to employ in said office any personal services other than those specifically appropriated for in the legislative, executive, and judicial appropriation Acts, except temporary details of field employees for service connected solely with their respective employments.

(Aug. 23, 1912, ch. 350, § 1, 37 Stat. 396.)

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.

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§ 62. Discontinuance and transfer of agencies

The President shall, whenever he may judge it expedient, discontinue any Indian agency, or transfer the same, from the place or tribe designated by law, to such other place or tribe as the public service may require.

(R.S. § 2059.)

Codification

R.S. § 2059 derived from act June 30, 1834, ch. 162, § 4, 4 Stat. 735.

Delegation of Functions

For delegation to Secretary of the Interior of authority vested in President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

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§ 63. Consolidation of agencies

The President may, in his discretion, consolidate two or more agencies into one, and where Indians are located on reservations created by Executive order he may, with the consent of the tribes to be affected thereby, expressed in the usual manner, consolidate one or more tribes, and abolish such agencies as are thereby rendered unnecessary.

(May 17, 1882, ch. 163, § 6, 22 Stat. 88; July 4, 1884, ch. 180, § 6, 23 Stat. 97.)

Delegation of Functions

For delegation to Secretary of the Interior of authority vested in President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

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§ 64. Services of agents dispensed with

It shall be the duty of the President to dispense with the services of such Indian agents and superintendents as may be practicable; and where it is practicable he shall require the same person to perform the duties of two agencies or superintendencies for one salary.

(R.S. § 2053; June 22, 1874, ch. 389, § 1, 18 Stat. 147; Mar. 3, 1875, ch. 132, § 1, 18 Stat. 421.)

Codification

R.S. § 2053 derived from act Feb. 14, 1873, ch. 138, § 1, 17 Stat. 437.

Indian Agents

In a communication, dated November 29, 1940, from the Office of Indian Affairs of the Department of the Interior, it was stated that there have been no Indian agents since 1908, all of the agencies and schools having been placed under the supervision of superintendents.

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§ 65. Discontinuance of agents, subagents, and interpreters

The Secretary of the Interior shall, under the direction of the President, cause to be discontinued the services of such agents, subagents, interpreters, and mechanics as may from time to time become unnecessary, in consequence of the emigration of the Indians, or other causes.

(R.S. § 2073; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 244.)

Codification

R.S. § 2073 derived from act July 9, 1832, ch. 174, § 5, 4 Stat. 564.

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.

Indian Agents

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

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§ 66. Duties of agency devolved on superintendent of Indian school

The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency.

The pay of any superintendent who performs agency duties in addition to those of his superintendency may be increased by the Commissioner of Indian Affairs, in his discretion, to an extent not exceeding \$300 per annum.

(Mar. 1, 1907, ch. 2285, 34 Stat. 1020; Pub. L. 92–310, title II, § 229(d), June 6, 1972, 86 Stat. 208.)

Amendments

1972—Pub. L. 92–310 struck out provisions which required the superintendent of the Indian school to give a bond as other Indian agents.

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.

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§ 67. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 636

Section, act Mar. 3, 1893, ch. 209, § 1, 27 Stat. 614, provided that the superintendent of the training school at Cherokee Agency was to act as an agent.

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§§ 68, 68a. Repealed. Pub. L. 96–277, § 2, June 17, 1980, 94 Stat. 545

Section 68, R.S. § 2078, prohibited employees in Indian affairs from trading with Indians and made offenders liable to a penalty of \$5,000 and removal from office.

Section 68a, act June 19, 1939, ch. 210, 53 Stat. 840, authorized Federal employees, including Indian Service employees, under rules and regulations of Secretary of the Interior to purchase from Indians and Indian organizations arts and crafts, or other products, services, or commodities, produced, rendered, owned, controlled, or furnished by Indians or Indian organizations, but prohibited employee purchases for purpose of engaging directly or indirectly in commercial selling, reselling, trading, or bartering of such purchases.

Effective Date of Repeal

Section 4 of Pub. L. 96–277 provided that: “The provisions of this Act [amending former section 437 of Title 18, Crimes and Criminal Procedure, repealing sections 68, 68a, 87a, and 441 of this title, and enacting provisions formerly set out as a note under section 437 of Title 18] shall take effect sixty days after the date of enactment of this Act [June 17, 1980].”