

§ 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Act Feb. 26, 1929, ch. 323, 45 Stat. 1307, which repealed a provision of act Aug. 24, 1912, ch. 388, §1, 37 Stat. 521, imposing a salary limitation of \$15,000 at any one agency and \$20,000 at a consolidated agency, was itself repealed by Pub.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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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 In-

terior, 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.

§ 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.

§ 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.

§ 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.

§§ 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]."

CHAPTER 2A—INDIAN CLAIMS COMMISSION

CLAIMS ACCRUING AFTER AUGUST 13, 1946

This chapter related only to claims accruing before Aug. 13, 1946. For jurisdiction of Indian claims against the United States accruing after that date, see section 1505 of Title 28, Judiciary and Judicial Procedure.

§§ 70 to 70n-2. Omitted

CODIFICATION

The Indian Claims Commission terminated on Sept. 30, 1978, pursuant to section 70v of this title.

Section 70, act Aug. 13, 1946, ch. 959, §1, 60 Stat. 1049, established Indian Claims Commission.

Section 70a, acts Aug. 13, 1946, ch. 959, §2, 60 Stat. 1050; Oct. 27, 1974, Pub. L. 93-494, §2, 88 Stat. 1499, related to jurisdiction of claims considered by Commission.

Section 70b, acts Aug. 13, 1946, ch. 959, §3, 60 Stat. 1050; Apr. 10, 1967, Pub. L. 90-9, §§2, 3, 81 Stat. 11; Oct. 12, 1978, Pub. L. 95-453, 92 Stat. 1110, related to members of Commission.

Section 70c, act Aug. 13, 1946, ch. 959, §4, 60 Stat. 1051, related to staff and oath of Commission.

Section 70d, act Aug. 13, 1946, ch. 959, §5, 60 Stat. 1051, related to principal office of Commission.

Section 70e, acts Aug. 13, 1946, ch. 959, §6, 60 Stat. 1051; Apr. 10, 1967, Pub. L. 90-9, §4, 81 Stat. 11; Mar. 30, 1972, Pub. L. 92-265, §5, 86 Stat. 115, related to itemized vouchers and authorized appropriations for Commission.

Section 70f, act Aug. 13, 1946, ch. 959, §7, 60 Stat. 1051, related to time of meetings of Commission.

Section 70g, act Aug. 13, 1946, ch. 959, §8, 60 Stat. 1051, related to record of proceedings and public inspection of records of Commission.

Section 70h, act Aug. 13, 1946, ch. 959, §9, 60 Stat. 1051, related to control of procedure of Commission.

Section 70i, act Aug. 13, 1946, ch. 959, §10, 60 Stat. 1052, related to presentation of claims before Commission.

Section 70j, act Aug. 13, 1946, ch. 959, §11, 60 Stat. 1052, related to forbidden transfer of suits in Court of Claims under prior Acts and offsets and counterclaims before Commission.

Section 70k, act Aug. 13, 1946, ch. 959, §12, 60 Stat. 1052, related to limitation of time for presenting claims before Commission.

Section 70l, act Aug. 13, 1946, ch. 959, §13, 60 Stat. 1052, related to notice to tribes, investigation of claims, and availability of data by Commission.

Section 70m, act Aug. 13, 1946, ch. 959, §14, 60 Stat. 1052, related to information from governmental departments and official records as evidence before Commission.

Section 70n, act Aug. 13, 1946, ch. 959, §15, 60 Stat. 1053, related to attorneys of claimants and representation of United States by Attorney General before Commission.