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 Repealed.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 Repealed.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 70*l*, 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.

Section 70n–1, Pub. L. 88–168, § 1, Nov. 4, 1963, 77 Stat. 301; Pub. L. 89–592, Sept. 19, 1966, 80 Stat. 814; Pub. L. 93–37, § 2, May 24, 1973, 87 Stat. 73, related to revolving fund for expert assistance for preparation and trial of claims before Commission.

Section 70n–2, Pub. L. 88–168, § 2, Nov. 4, 1963, 77 Stat. 301, related to inability of applicants to pay for assistance required and denial of loans in cases of unreasonable fees.

INDIAN SELF-DETERMINATION CONFLICT OF INTEREST REQUIREMENT INAPPLICABLE TO COMMISSIONER NOT IN OFFICE

Section 1 of Pub. L. 95–453 provided in part that section 105(j) of the Indian Self-Determination Act (sec-

tion 450i(f) of this title) was not to apply to members of the Indian Claims Commission affected by Pub. L. 95–453 (which amended subsec. (c) of section 70b of this title).

§ 70n–3. Repealed. Pub. L. 93–608, § 1(16), Jan. 2, 1975, 88 Stat. 1970

Section, Pub. L. 88–168, § 3, Nov. 4, 1963, 77 Stat. 301, required a report to Committees on Interior and Insular Affairs of Senate and House of Representatives on every loan made under sections 70n–1 to 70n–7 of this title.

§§ 70n–4 to 70v–3. Omitted

CODIFICATION

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

Section 70n–4, Pub. L. 88–168, § 4, Nov. 4, 1963, 77 Stat. 301, related to payment of interest and repayment from judgments.

Section 70n–5, Pub. L. 88–168, § 5, Nov. 4, 1963, 77 Stat. 301, related to crediting to revolving fund of repayments and interest.

Section 70n–6, Pub. L. 88–168, § 6, Nov. 4, 1963, 77 Stat. 301, related to liability of the United States.

Section 70n–7, Pub. L. 88–168, § 7, Nov. 4, 1963, 77 Stat. 301, prohibited approval of contingent fee contracts for witness before Commission.

Section 70*o*, act Aug. 13, 1946, ch. 959, § 16, 60 Stat. 1053, forbade a member of Congress from practicing before Commission.

Section 70p, act Aug. 13, 1946, ch. 959, § 17, 60 Stat. 1053, related to hearings by Commission.

Section 70q, acts Aug. 13, 1946, ch. 959, § 18, 60 Stat. 1054; Apr. 10, 1967, Pub. L. 90–9, § 4, 81 Stat. 11, related to testimony of witnesses before Commission.

Section 70r, act Aug. 13, 1946, ch. 959, § 19, 60 Stat. 1054, related to final determinations of Commission.

Section 70s, acts Aug. 13, 1946, ch. 959, § 20, 60 Stat. 1054; Sept. 8, 1960, Pub. L. 86–722, 74 Stat. 829; Mar. 13, 1978, Pub. L. 95–243, 92 Stat. 153, related to judicial review of questions or determinations of Commission.

Section 70t, act Aug. 13, 1946, ch. 959, § 21, 60 Stat. 1055, related to a report of determination of claim to Congress by Commission.

Section 70u, act Aug. 13, 1946, ch. 959, § 22, 60 Stat. 1055, related to payment of claim after final determination and an adverse determination as a bar to further claims against United States.

Section 70v, acts Aug. 13, 1946, ch. 959, § 23, 60 Stat. 1055; July 24, 1956, ch. 679, 70 Stat. 624; June 16, 1961, Pub. L. 87–48, 75 Stat. 92; Apr. 10, 1967, Pub. L. 90–9, § 1, 81 Stat. 11; Mar. 30, 1972, Pub. L. 92–265, § 1, 86 Stat. 114; Oct. 8, 1976, Pub. L. 94–465, § 2, 90 Stat. 1990, provided for dissolution of Commission.

Section 70v–1, act Aug. 13, 1946, ch. 959, § 27, as added Apr. 10, 1967, Pub. L. 90–9, § 5, 81 Stat. 11; amended Mar. 30, 1972, Pub. L. 92–265, §§ 2, 3, 86 Stat. 115, related to trial calendar of Commission.

Section 70v–2, act Aug. 13, 1946, ch. 959, § 28, as added Mar. 30, 1972, Pub. L. 92–265, § 4, 86 Stat. 115; amended Oct. 8, 1976, Pub. L. 94–465, § 3, 90 Stat. 1990, related to status reports to Congress by Commission.

Section 70v–3, act Aug. 13, 1946, ch. 959, § 29, as added July 20, 1977, Pub. L. 95–69, § 2, 91 Stat. 273; amended Apr. 2, 1982, Pub. L. 97–164, title I, § 149, 96 Stat. 46, related to cases transferred to United States Claims Court from Commission.

§ 70w. Repealed. May 24, 1949, ch. 139, § 142, 63 Stat. 110

Section, act Aug. 13, 1946, ch. 959, § 24, 60 Stat. 1055, related to Indian claims accruing after Aug. 13, 1946. See section 1505 of Title 28, Judiciary and Judicial Procedure.

CHAPTER 3—AGREEMENTS WITH INDIANS

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SUBCHAPTER II—CONTRACTS WITH INDIANS

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SUBCHAPTER I—TREATIES

§ 71. Future treaties with Indian tribes

No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired. Such treaties, and any Executive orders and Acts of Congress under which the rights of any Indian tribe to fish are secured, shall be construed to prohibit (in addition to any other prohibition) the imposition under any law of a State or political subdivision thereof of any tax on any income derived from the exercise of rights to fish secured by such treaty, Executive order, or Act of Congress if section 7873 of title 26 does not permit a like Federal tax to be imposed on such income.

(R.S. § 2079; Pub. L. 100–647, title III, § 3042, Nov. 10, 1988, 102 Stat. 3641.)

CODIFICATION

R.S. § 2079 derived from act Mar. 3, 1871, ch. 120, § 1, 16 Stat. 566.

AMENDMENTS

1988—Pub. L. 100–647 inserted sentence at end relating to State tax treatment of income derived by Indians from exercise of fishing rights secured by treaties, Executive orders, or Acts of Congress.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–647 applicable to all periods beginning before, on, or after Nov. 10, 1988, with no inference created as to existence or nonexistence or scope of any income tax exemption derived from fishing rights secured as of Mar. 17, 1988, by any treaty, law, or Executive order, see section 3044 of Pub. L. 100–647, set out as an Effective Date note under section 7873 of Title 26, Internal Revenue Code.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–179, § 1, Mar. 14, 2000, 114 Stat. 46, provided that: ''This Act [amending sections 81 and 476 of this title] may be cited as the 'Indian Tribal Economic Development and Contract Encouragement Act of 2000'.''