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Sec.
13f. Tribal priority allocations in Alaska.
14. Money accruing to Indians from Department of Veterans Affairs or other governmental agencies.
14a. Deposit of grant funds received by Bureau from other Federal agencies.
14b. Disposition of funds received from public for goods and services provided by Bureau of Indian Affairs.
15. Utility facilities used in administration of Bureau; contracts for sale, operation, maintenance, repair or relocation of facilities; terms and conditions; exception; Congressional approval.
16. Transportation of Indians in Bureau vehicles.
17. Use of Bureau facilities.

NATIONAL COUNCIL ON INDIAN OPPORTUNITY; APPROPRIATIONS AUTHORIZATION; TERMINATION DATE

Pub. L. 91–125, Nov. 26, 1969, 83 Stat. 220, provided for annual appropriations of $300,000 and a termination date of Nov. 26, 1974 for the National Council on Indian Opportunity which was established by Ex. Ord. 11399.

EXECUTIVE ORDER NO. 11399

Ex. Ord. No. 11399, Mar. 6, 1968, 33 F.R. 4245, as amended by Ex. Ord. 11551, Aug. 11, 1970, 35 F.R. 12885; Ex. Ord. No. 11688, Dec. 1, 1972, 37 F.R. 25815, established the National Council on Indian Opportunity and provided for the functions, compensation, assistance, and meetings with respect to the Council.

§ 1. Commissioner of Indian Affairs

There shall be in the Department of the Interior a Commissioner of Indian Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate.

(R.S. § 462.)

CODIFICATION

R.S. § 462 derived from act July 9, 1832, ch. 174, § 1, 4 Stat. 564.

Provisions of this section relating to compensation of the Commissioner were omitted as obsolete. The position is in level V of the Executive Schedule under section 5316 of Title 5, Government Organization and Employees.

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.

§ 1a. Delegation of powers and duties by Secretary of the Interior and Commissioner of Indian Affairs

For the purpose of facilitating and simplifying the administration of the laws governing Indian affairs, the Secretary of the Interior is authorized to delegate, from time to time, and to the extent and under such regulations as he deems proper, his powers and duties under said laws to the Commissioner of Indian Affairs, insofar as such powers and duties relate to action in individual cases arising under general regulations promulgated by the Secretary of the Interior pursuant to law. Subject to the supervision and direction of the Secretary, the Commissioner is authorized to delegate, in like manner, any powers and duties so delegated to him by the Secretary, or vested in him by law, to the assistant commissioners, or the officer in charge of any branch, division, office, or agency of the Bureau of Indian Affairs, insofar as such powers and duties relate to action in individual cases arising under general regulations promulgated by the Secretary of the Interior or the Commissioner of Indian Affairs pursuant to law. Such delegated powers shall be exercised subject to appeal to the Secretary, under regulations to be prescribed by him, or, as from time to time determined by him, to the Deputy Secretary or to an Assistant Secretary of the Department of the Interior, or to the Commissioner of Indian Affairs. The Secretary or the Commissioner, as the case may be, may at any time revoke the whole or any part of a delegation made pursuant to this section, but no such revocation shall be given retroactive effect. Nothing in this section shall be deemed to abrogate or curtail any authority to make delegations conferred by any other provision of law, nor shall anything in this section be deemed to convey authority to delegate any power to issue regulations.

(Aug. 8, 1946, ch. 907, 60 Stat. 939; Pub. L. 101–509, title V, § 529 [title I, § 112(c)], Nov. 5, 1990, 104 Stat. 1427, 1454.)

AMENDMENTS

1990—Pub. L. 101–509 substituted ''Deputy Secretary'' for ''Under Secretary'' before ''or to an Assistant Secretary''.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–509 effective on first day of first pay period beginning on or after Nov. 5, 1990, with continued service by incumbent Under Secretary of the Interior, see section 529 [title I, § 112(e)(1), (2)(B)] of Pub. L. 101–509, set out as a note under section 3404 of Title 20, Education.

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.

ASSISTANT COMMISSIONERS

An assistant commissioner was authorized by a provision of act July 16, 1914, ch. 141, § 1, 38 Stat. 490.

§ 2. Duties of Commissioner

The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations.

(R.S. § 463.)

CODIFICATION

R.S. § 463 derived from acts July 9, 1832, ch. 174, § 1, 4 Stat. 564; July 27, 1868, ch. 259, § 1, 15 Stat. 228.

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.

All supervisory and appellate powers and duties in regard to Indian affairs theretofore vested in Secretary of the Treasury were thereafter to be exercised and performed by Secretary of the Interior under provisions of section 1 of act July 27, 1868, ch. 259, 15 Stat. 228.

Appointment by President of a Commissioner of Indian Affairs to act under direction of Secretary of War was provided for by section 1 of act July 9, 1832, ch. 174, 4 Stat. 564.

§ 2a. Assistant or deputy commissioners; appointment; powers and duties

Assistant or deputy commissioners of the Bureau of Indian Affairs, in the Department of the Interior, shall be appointed by the Secretary of the Interior, subject to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5. Appointments to these positions shall be considered as made under the authority of section 3101 of title 5. Assistant and deputy commissioners so appointed shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the commissioner of the Bureau of Indian Affairs. The Secretary may designate for the Bureau of Indian Affairs an assistant or deputy commissioner, who shall be authorized to perform the duties of the commissioner in case of the death, resignation, absence, or sickness of the commissioner.

(June 5, 1942, ch. 336, § 1, 56 Stat. 312; 1946 Reorg. Plan No. 3, § 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" and "section 3101 of title 5" substituted in text for "the Classification Act of 1949, as amended" and "section 169 of the Revised Statutes, as amended (5 U.S.C., sec. 43)", respectively, on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section embodies only those provisions of section 1 of act June 5, 1942, which relate to the Bureau of Indian Affairs. Provisions of section 1 of such act relating to the General Land Office were classified to section 3a of Title 43, Public Lands, and were omitted from the Code pursuant to Reorg. Plan No. 3 of 1946.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

REPEAL OF INCONSISTENT LAWS

Section 2 of act June 5, 1942, provided as follows: "All provisions of law inconsistent with this Act [this section] are hereby repealed to the extent of such inconsistency."

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.

ASSISTANT COMMISSIONERS

An assistant commissioner was authorized by a provision of act July 16, 1914, ch. 141, § 1, 38 Stat. 490.

§ 3. Compilation of statutes regulating duties of Indian agents and inspectors

It shall be the duty of the Commissioner of Indian Affairs to cause to be compiled and printed for the use of Indian agents and inspectors the provisions of the statutes regulating the performance of their respective duties, and also to furnish said officers from time to time information of new enactments upon the same subject.

(May 17, 1882, ch. 163, § 7, 22 Stat. 88.)

CODIFICATION

Section is from the Indian Appropriation Act, 1883.

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

There have been no Indian agents since 1908. See note under section 64 of this title.

§ 4. Defective record of deeds and papers legalized

The recording of all deeds and papers prior to July 26, 1892, in the office of the Commissioner of Indian Affairs is confirmed, approved, and legalized; and said record theretofore made shall be deemed, taken, and held to be good and valid and shall have all the force and effect and be entitled to the same credit as if it had been made in pursuance of and in conformity to law. But shall have no effect whatever upon the validity or invalidity of the deed or paper so recorded, and shall be no evidence of constructive notice to any persons not actually knowing the contents.

(July 26, 1892, ch. 256, § 1, 27 Stat. 272.)

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.

§ 5. Record of deeds by Indians requiring approval

The Commissioner of Indian Affairs is hereby empowered and directed to continue to make and keep a record of every deed executed by any Indian, his heirs, representatives, or assigns, which may require the approval of the President of the United States or of the Secretary of the Interior, whenever such approval shall have been given, and the deed so approved returned to said office.