

all programing funds. The Commissioner shall report the deficient performance of any aspect of a plan to the Secretary, together with the corrective measures he has taken or intends to take.

PART 88—RECOGNITION OF ATTORNEYS AND AGENTS TO REPRESENT CLAIMANTS

Sec.

88.1 Employment of attorneys.

88.2 Employment by tribes or individual claimants.

AUTHORITY: 5 U.S.C. 301.

CROSS REFERENCES: For law and order regulations on Indian reservations, see part 11 of this chapter. For probate procedure, see part 15 of this chapter. For regulations governing the admission of attorneys to practice before the Department of the Interior and the offices and bureaus thereof, see 43 CFR part 1. For regulations governing the execution of attorney contracts with Indians, see part 89 of this subchapter.

§ 88.1 Employment of attorneys.

(a) Indian tribes organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461-479), as amended, may employ legal counsel. The choice of counsel and the fixing of fees are subject under 25 U.S.C. 476 to the approval of the Secretary of the Interior or his authorized representative.

(b) Attorneys may be employed by Indian tribes not organized under the Act of June 18, 1934, under contracts subject to approval under 25 U.S.C. 81 and the Reorganization Plan No. 3 of 1950, 5 U.S.C. 481, note, by the Secretary of the Interior or his authorized representative.

(c) Any action of the authorized representative of the Secretary of the Interior which approves, disapproves or conditionally approves a contract pursuant to paragraph (a) or (b) of this section shall be final.

(d) Practice of such attorneys before the Bureau of Indian Affairs and the Department of the Interior is subject to the requirements of 43 CFR 1.1 through 1.7.

[27 FR 11548, Nov. 24, 1962. Redesignated at 47 FR 13327, Mar. 30, 1982]

§ 88.2 Employment by tribes or individual claimants.

All such attorneys or agents seeking approval of their employment by Indian tribes or desiring to represent individual claimants before the Indian Bureau shall be required to comply fully with the regulations of the Department promulgated September 27, 1917, governing admission to practice, and to take the oath of allegiance and to support the Constitution of the United States, as required by section 3478 of the United States Revised Statutes (31 U.S.C. 204).

[22 FR 10538, Dec. 24, 1957. Redesignated at 47 FR 13327, Mar. 30, 1982]

PART 89—ATTORNEY CONTRACTS WITH INDIAN TRIBES

TRIBES ORGANIZED UNDER THE INDIAN REORGANIZATION ACT

Sec.

- 89.1 Contracts with organized tribes.
- 89.2 Admission to practice.
- 89.3 Tentative form of contract.
- 89.4 Report of Superintendent.
- 89.5 Fees and expenses.
- 89.6 Funds in Federal Treasury.

TRIBES NOT ORGANIZED UNDER THE INDIAN REORGANIZATION ACT

- 89.7 Statutes governing.
- 89.8 Selection of counsel.
- 89.9 Record of council proceedings.
- 89.10 Resolution required.
- 89.11 Authentication of resolution.
- 89.12 Negotiation by tribal business committee.
- 89.13 Limitation of authority.
- 89.14 Employment by tribal business committees.
- 89.15 Vote by secret ballot.
- 89.16 Notice from the tribe.
- 89.17 Notice from attorneys.
- 89.18 Tentative form of contract.
- 89.19 Execution in quintuplicate.
- 89.20 Report of superintendent.
- 89.21 Copies of approved contracts.
- 89.22 Qualifications of attorneys.
- 89.24 Fees and expenses.
- 89.25 Invalid contracts.
- 89.26 Governing bodies without express authority to contract.

FIVE CIVILIZED TRIBES

- 89.30 Contents and approval of contracts.
- 89.31 Negotiation of contract.
- 89.32 Notice from the principal officer.
- 89.33 Notice from attorney.