

collected: *Provided*, That where an account contains more than one voucher the foregoing shall apply only to such vouchers as contain the misrepresentation: *And provided further*, That the officers and persons by and between whom the business is transacted shall, in all civil actions in settlement of accounts, be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim: *And provided further*, That the foregoing shall be in addition to the penalties prescribed by law, and in no way affect proceedings under existing law for like offenses. Where practicable this section shall be printed on the blank forms of vouchers provided for general use.

(July 4, 1884, ch. 180, § 8, 23 Stat. 97.)

TRANSFER OF FUNCTIONS

Transfer of disbursement functions of all Government agencies with certain exceptions to Fiscal Service, Department of the Treasury, see note set out under section 53 of this title.

**CHAPTER 4—PERFORMANCE BY UNITED STATES OF OBLIGATIONS TO INDIANS**

SUBCHAPTER I—PURCHASE OF SUPPLIES

- Sec. 91 to 96. Omitted or Repealed.
- 97. Proposals or bids for contracts to be preserved.
- 98. Purchase of supplies without authority.
- 99. Contracts for supplies in advance of appropriations.
- 100. Repealed.
- 101. Payment for wagon transportation.
- 102. Payment of costs for furnishing coal for Indian Service.
- 103. Repealed.
- 104. Purchase of articles manufactured at schools.

SUBCHAPTER II—DISBURSEMENT OF MONEYS AND SUPPLIES

- 111. Payment of moneys and distribution of goods.
- 112. Persons present at delivery of goods and money.
- 113. Mode of disbursements.
- 114. Payment of annuities in coin.
- 115. Payment of annuities in goods.
- 116. Indians 18 years of age to have right to receipt for annuity.
- 117. Repealed.
- 117a. Per capita distribution of funds to tribe members.
- 117b. Distribution of funds.
- 117c. Standards for approval of tribal payments; United States not liable for distribution of funds; continuing responsibility under other provisions.
- 118. Payments in satisfaction of judgments.
- 119. Allotment of tribal funds to individual Indians.
- 120. Per capita payments to enrolled members of Choctaw and Chickasaw Tribes.
- 121. Payment of share of tribal funds to helpless Indians.
- 122. Limitation on application of tribal funds.
- 123. Expenditure from tribal funds without specific appropriations.
- 123a. Tribal funds; use to purchase insurance for protection of tribal property.
- 123b. Tribal funds for traveling and other expenses.
- 123c. Advancement of tribal funds to Indian tribes; miscellaneous authorized purposes.
- 123d. Additional appropriations from tribal funds.
- 124. Expenditures from tribal funds of Five Civilized Tribes without specific appropriations.

- Sec. 125. Expenditure of moneys of tribes of Quapaw Agency.
- 126. Omitted.
- 127. Moneys or annuities of hostile Indians.
- 128. Appropriations not paid to Indians at war with United States.
- 129. Moneys due Indians holding captives other than Indians withheld.
- 130. Withholding of moneys or goods on account of intoxicating liquors.
- 131. Advances to disbursing officers.
- 132. Mode of distribution of goods.
- 133. Rolls of Indians entitled to supplies.
- 134. Appropriations for supplies available immediately; time for distribution.
- 135. Supplies distributed so as to prevent deficiencies.
- 136. Commutation of rations and other supplies; payment per capita.
- 137. Supplies distributed to able-bodied males on condition.
- 138. Goods withheld from chiefs violating treaty stipulations.
- 139. Appropriations for subsistence.
- 140. Diversion of appropriations for employees and supplies.
- 141 to 144. Omitted or Repealed.
- 145. Accounts between United States and tribes under reimbursable appropriations.
- 146. Report of Indians present and receiving food.
- 147. Appropriations for specified buildings; use for transportation of materials.
- 148. Appropriations for supplies; transfer to Indian Service supply fund; expenditure.

SUBCHAPTER III—DEPOSIT, CARE, AND INVESTMENT OF INDIAN MONEYS

- 151. Deposits in bank by disbursing agents.
- 152. Proceeds of sales of Indian lands.
- 153. Appropriation to carry out treaties.
- 154. Proceeds of sales of lands not subject to certain deductions.
- 155. Disposal of miscellaneous revenues from Indian reservations, etc.
- 155a. Transferred.
- 155b. Proceeds of labor accounts; deposits limited to funds held in trust for Indian tribes or individuals.
- 156. Deposit of funds from sales of lands and property of Five Civilized Tribes.
- 157. Investments of stock required by treaties.
- 158. Investment of proceeds of lands.
- 159. Moneys due incompetents or orphans.
- 160. Custody of stocks or bonds held in trust for tribes.
- 161. Deposit in Treasury of trust funds.
- 161a. Tribal funds in trust in Treasury Department; investment by Secretary of the Treasury; maturities; interest; funds held in trust for individual Indians.
- 161b. "Indian Money, Proceeds of Labor" fund; separate accounts for respective tribes; rate of interest.
- 161c. Surplus above requirements of fund; transfer to surplus fund of Treasury; retransfer.
- 161d. Disposition of accrued interest.
- 162. Repealed.
- 162a. Deposit of tribal funds in banks; bond or collateral security; investments; collections from irrigation projects; affirmative action required.
- 163. Roll of membership of Indian tribes.
- 164. Restoration to tribal ownership of unclaimed per capita and other individual payments of tribal trust funds; deposit in general fund of the Treasury.
- 165. Notice to Congressional committees.
- 166. Applicability of Federal Advisory Committee Act.

## SUBCHAPTER I—PURCHASE OF SUPPLIES

**§§ 91, 92. Omitted**

## CODIFICATION

Section 91, R.S. §2083, related to purchase of goods pursuant to any Indian treaty.

Section 92, R.S. §2084, related to purchase of goods by Office of Indian Affairs.

## PROCUREMENT FUNCTIONS

Effective Jan. 1, 1947, Procurement Division of Department of the Treasury changed to Bureau of Federal Supply by regulation issued by Secretary of the Treasury under authority of section 301 of Title 5, Government Organization and Employees. Functions of Bureau of Federal Supply transferred to Administrator of General Services by section 102 of act June 30, 1949, ch. 288, title I, 63 Stat. 380, which was repealed and reenacted as section 303(a) of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. Section 303(a) of Title 40 was amended generally by Pub. L. 109-313, §2(a)(1), Oct. 6, 2006, 120 Stat. 1734, and, as so amended, no longer relates to the Bureau of Federal Supply. See Historical and Revision Notes and 2006 Amendment note under section 303 of Title 40.

Function of determination of policies and methods of procurement, warehousing, and distribution of property, facilities, structures, improvements, machinery, equipment, stores, and supplies exercised by any agency transferred to a Procurement Division in Department of the Treasury by Ex. Ord. No. 6166, June 10, 1933, set out as a note under section 901 of Title 5.

**§ 93. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1112**

Section, acts June 25, 1910, ch. 431, §23, 36 Stat. 861; May 18, 1916, ch. 125, §1, 39 Stat. 126; Jan. 12, 1927, ch. 27, 44 Stat. 936, related to purchase of Indian supplies and services.

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

Section, act Apr. 30, 1908, ch. 153, 35 Stat. 71, related to purchase of supplies, advertisement therefor, and supplies for irrigation works.

**§ 95. Repealed. Mar. 27, 1939, ch. 18, 53 Stat. 551**

Section, acts June 22, 1874, ch. 389, §6, 18 Stat. 176; Mar. 3, 1875, ch. 132, §9, 18 Stat. 450; May 18, 1916, ch. 125, §1, 39 Stat. 129, referred to bids under advertisements for goods or supplies.

**§ 96. Repealed. Pub. L. 104-316, title I, § 112(a), Oct. 19, 1996, 110 Stat. 3833**

Section, acts Mar. 3, 1875, ch. 132, §7, 18 Stat. 450; July 31, 1894, ch. 174, §§3, 7, 28 Stat. 205, 206; June 10, 1921, ch. 18, title III, §304, 42 Stat. 24, directed that copies of contracts made by Commissioner of Indian Affairs, or any other officer of Government for the Indian Service, be furnished to General Accounting Office prior to payment.

**§ 97. Proposals or bids for contracts to be preserved**

In all lettings of contracts in connection with the Indian Service, the proposals or bids received shall be filed and preserved..<sup>1</sup>

(Aug. 15, 1876, ch. 289, §3, 19 Stat. 199; June 21, 1906, ch. 3504, 34 Stat. 328; Pub. L. 104-316, title I, § 112(b), Oct. 19, 1996, 110 Stat. 3833.)

<sup>1</sup> So in original.

## AMENDMENTS

1996—Pub. L. 104-316 substituted a period for “; and an abstract of all bids or proposals received for the supplies or services embraced in any contract shall be attached to, and filed with, the said contract when the same is filed in the office of the Second Comptroller of the Treasury”.

## 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.

Effective Jan. 1, 1947, Procurement Division of Department of the Treasury changed to Bureau of Federal Supply by regulation issued by Secretary of the Treasury under authority of section 301 of Title 5. Functions of Bureau of Federal Supply transferred to Administrator of General Services by section 102 of act June 30, 1949, ch. 288, title I, 63 Stat. 380, which was repealed and reenacted as section 303(a) of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. Section 303(a) of Title 40 was amended generally by Pub. L. 109-313, §2(a)(1), Oct. 6, 2006, 120 Stat. 1734, and, as so amended, no longer relates to the Bureau of Federal Supply. See Historical and Revision Notes and 2006 Amendment note under section 303 of Title 40.

Function of determination of policies and methods of procurement, warehousing, and distribution of property, facilities, structures, improvements, machinery, equipment, stores, and supplies exercised by any agency transferred to a Procurement Division in Department of the Treasury by Ex. Ord. No. 6166, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

**§ 98. Purchase of supplies without authority**

No claims for supplies for Indians, purchased without authority of law, shall be paid out of any appropriation for expenses of the Office of Indian Affairs, or for Indians.

(R.S. §2085.)

## CODIFICATION

R.S. §2085 derived from act July 15, 1870, ch. 296, §2, 16 Stat. 360.

## 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.

**§ 99. Contracts for supplies in advance of appropriations**

The Commissioner of Indian Affairs is authorized to advertise in the spring of each year for bids, and enter into contracts, subject to the approval of the Secretary of the Interior, for goods and supplies for the Indian Service required for the ensuing fiscal year, notwithstanding the fact that the appropriations for such fiscal year have not been made, and the contracts so made shall be on the basis of the appropriations for the preceding fiscal year, and shall contain a clause that no deliveries shall be made under the same and no liability attach to the United States in consequence of such execution if Con-