

### § 36. Special agents and other officers to administer oaths

Each special agent, supervisor of schools, or other official charged with the investigation of Indian agencies and schools, in the pursuit of his official duties shall have power to administer oaths and to examine on oath all officers and persons employed in the Indian Service, and all such other persons as may be deemed necessary and proper.

(Mar. 1, 1899, ch. 324, §1, 30 Stat. 927.)

#### 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.

### § 37. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 633, 641

Section, acts Mar. 3, 1875, ch. 132, §10, 18 Stat. 450; Mar. 3, 1909, ch. 263, 35 Stat. 784, related to keeping of books by Indian agents and penalties for the falsification thereof.

### § 38. Repealed. Dec. 16, 1930, ch. 14, §1, 46 Stat. 1028

Section, R.S. §2061, related to visits to Washington, D.C., by agents in California.

### § 39. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632

Section, R.S. §2063, related to compensation for extra services rendered by Indian Agents.

### § 40. Limits of superintendencies, agencies, and subagencies

The limits of each superintendency, agency, and subagency shall be established by the Secretary of the Interior, either by tribes or geographical boundaries.

(R.S. §2066.)

#### CODIFICATION

R.S. §2066 derived from acts June 30, 1834, ch. 162, §7, 4 Stat. 736; Mar. 3, 1847, ch. 66, §1, 9 Stat. 203.

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### § 41. Special agents and commissioners

All special agents and commissioners not appointed by the President shall be appointed by the Secretary of the Interior.

(R.S. §2067.)

#### CODIFICATION

R.S. §2067 derived from act Mar. 3, 1863, ch. 99, §1, 12 Stat. 792.

#### 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.

### § 41a. Indian inspectors

Indian inspectors shall on and after March 4, 1909 be termed inspectors, and shall be included in the classified service.

(Mar. 4, 1909, ch. 297, §1, 35 Stat. 888.)

#### 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.

### § 42. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632

Section, R.S. §2068, provided for interpreters for Indian agencies under Department of the Interior.

### § 43. Persons paid for other services not paid for interpreting

No person employed by the United States and paid for any other service shall be paid for interpreting.

(Apr. 4, 1910, ch. 140, §2, 36 Stat. 272.)

### § 44. Employment of Indians

In the Indian Service Indians shall be employed as herders, teamsters, and laborers, and where practicable in all other employments in connection with the agencies and the Indian Service. And it shall be the duty of the Secretary of the Interior and the Commissioner of Indian Affairs to enforce this provision.

(Aug. 15, 1894, ch. 290, §10, 28 Stat. 313.)

#### 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.

### § 45. Preference to Indians qualified for duties

In all cases of the appointments of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties.

(R.S. §2069.)

#### CODIFICATION

R.S. §2069 derived from act June 30, 1834, ch. 162, §9, 4 Stat. 737.

## 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.

**§ 46. Preference to Indians in employment of clerical, mechanical, and other help**

Preference shall at all times, as far as practicable, be given to Indians in the employment of clerical, mechanical, and other help on reservations and about agencies.

(May 17, 1882, ch. 163, § 6, 22 Stat. 88; July 4, 1884, ch. 180, § 6, 23 Stat. 97.)

## 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.

**§ 47. Employment of Indian labor and purchase of products of Indian industry; participation in Mentor-Protégé Program**

So far as may be practicable Indian labor shall be employed, and purchases of the products (including, but not limited to printing, notwithstanding any other law) of Indian industry may be made in open market in the discretion of the Secretary of the Interior. Participation in the Mentor-Protégé Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) or receipt of assistance pursuant to any developmental assistance agreement authorized under such program shall not render Indian labor or Indian industry ineligible to receive any assistance authorized under this section. For the purposes of this section—

(1) no determination of affiliation or control (either direct or indirect) may be found between a protégé firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protégé firm pursuant to a mentor-protégé agreement any form of developmental assistance described in subsection (f) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note); and

(2) the terms “protégé firm” and “mentor firm” have the meaning given such terms in subsection (c) of such section 831.

(June 25, 1910, ch. 431, § 23, 36 Stat. 861; Pub. L. 100-581, title II, § 206, Nov. 1, 1988, 102 Stat. 2940; Pub. L. 103-435, § 14, Nov. 2, 1994, 108 Stat. 4572.)

## REFERENCES IN TEXT

Section 831 of the National Defense Authorization Act for Fiscal Year 1991, referred to in text, is section 831 of Pub. L. 101-510, which is set out as a note under section 2302 of Title 10, Armed Forces.

## CODIFICATION

Section is based on proviso of first sentence of section 23 of act of June 25, 1910. Remainder of first sen-

tence of section 23 was classified to section 93 of this title prior to repeal by act Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1112.

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Apr. 30, 1908, ch. 153, 35 Stat. 71, making appropriations for the Indian Department.

## AMENDMENTS

1994—Pub. L. 103-435 inserted at end “Participation in the Mentor-Protégé Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) or receipt of assistance pursuant to any developmental assistance agreement authorized under such program shall not render Indian labor or Indian industry ineligible to receive any assistance authorized under this section. For the purposes of this section—

“(1) no determination of affiliation or control (either direct or indirect) may be found between a protégé firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protégé firm pursuant to a mentor-protégé agreement any form of developmental assistance described in subsection (f) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note); and

“(2) the terms ‘protégé firm’ and ‘mentor firm’ have the meaning given such terms in subsection (c) of such section 831.”

1988—Pub. L. 100-581 inserted “(including, but not limited to printing, notwithstanding any other law)” after “products”.

## TRANSFER OF FUNCTIONS

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**§ 47a. Security required by Secretary; contracts with Indian-owned economic enterprise; public work**

The Secretary, in his discretion, may require security other than bonds required by sections 3131 and 3133 of title 40 when entering into a contract with an Indian-owned economic enterprise pursuant to the provisions of the Act of June 25, 1910 (25 U.S.C. 47), for the construction, alteration, or repair of any public work of the United States: *Provided*, That, the alternative form of security provides the United States with adequate security for performance and payment.

(Pub. L. 98-449, § 11, Oct. 4, 1984, 98 Stat. 1726.)

## CODIFICATION

“Sections 3131 and 3133 of title 40” substituted in text for “the Miller Act (40 U.S.C. 270a)” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

**§ 48. Right of tribes to direct employment of persons engaged for them**

Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe.