

tain 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.

§ 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.)

Executive Documents

TRANSFER OF FUNCTIONS

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§ 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 Repealed.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.)

Executive Documents

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§ 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.)

Editorial Notes

CODIFICATION

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

Executive Documents

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§ 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.)

Executive Documents

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

(a) Definitions

In this section:

(1) Indian economic enterprise

The term “Indian economic enterprise” has the meaning given the term in section 1480.201 of title 48, Code of Federal Regulations (or successor regulations).

(2) Mentor firm; protege firm

The terms “mentor firm” and “protege firm” have the meanings given those terms in section 4902(c) of title 10.

(3) Secretaries

The term “Secretaries” means—

(A) the Secretary of the Interior; and

(B) the Secretary of Health and Human Services.

(b) Enterprise Development

(1) In general

Unless determined by one of the Secretaries to be impracticable and unreasonable—

(A) Indian labor shall be employed; and

(B) purchases of Indian industry products (including printing and facilities construction, notwithstanding any other provision of law) may be made in open market by the Secretaries.

(2) Mentor-protege program

(A) In general

Participation in the Mentor-Protege Program established under section 831(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510) or receipt of assistance under a de-

velopmental assistance agreement under that program shall not render any individual or entity involved in the provision of Indian labor or an Indian industry product ineligible to receive assistance under this section.

(B) Treatment

For purposes of this section, no determination of affiliation or control (whether direct or indirect) may be found between a protege firm and a mentor firm on the basis that the mentor firm has provided, or agreed to provide, to the protege firm, pursuant to a mentor-protege agreement, any form of developmental assistance described in section 831(f) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510).

(c) Implementation

In carrying out this section, the Secretaries shall—

- (1) conduct outreach to Indian industrial entities;
- (2) provide training;
- (3) promulgate regulations in accordance with this section and with the regulations under part 1480 of title 48, Code of Federal Regulations (or successor regulations), to harmonize the procurement procedures of the Department of the Interior and the Department of Health and Human Services, to the maximum extent practicable;
- (4) require regional offices of the Bureau of Indian Affairs and the Indian Health Service to aggregate data regarding compliance with this section;
- (5) require procurement management reviews by their respective Departments to include a review of the implementation of this section; and
- (6) consult with Indian Tribes, Indian industrial entities, and other stakeholders regarding methods to facilitate compliance with—
 - (A) this section; and
 - (B) other small business or procurement goals.

(d) Report

(1) In general

Not later than 1 year after December 30, 2020, and not less frequently than once every 2 years thereafter, each of the Secretaries shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing, during the period covered by the report, the implementation of this section by each of the respective Secretaries.

(2) Contents

Each report under this subsection shall include, for each fiscal year during the period covered by the report—

- (A) the names of each agency under the respective jurisdiction of each of the Secretaries to which this section has been applied, and efforts made by additional agencies within the Secretaries' respective Departments to use the procurement procedures under this Act;

(B) a summary of the types of purchases made from, and contracts (including any relevant modifications, extensions, or renewals) awarded to, Indian economic enterprises, expressed by agency region;

(C) a description of the percentage increase or decrease in total dollar value and number of purchases and awards made within each agency region, as compared to the totals of the region for the preceding fiscal year;

(D) a description of the methods used by applicable contracting officers and employees to conduct market searches to identify qualified Indian economic enterprises;

(E) a summary of all deviations granted under section 1480.403 of title 48, Code of Federal Regulations (or successor regulations), including a description of—

- (i) the types of alternative procurement methods used, including any Indian owned businesses reported under other procurement goals; and
- (ii) the dollar value of any awards made pursuant to those deviations;

(F) a summary of all determinations made to provide awards to Indian economic enterprises, including a description of the dollar value of the awards;

(G) a description or summary of the total number and value of all purchases of, and contracts awarded for, supplies, services, and construction (including the percentage increase or decrease, as compared to the preceding fiscal year) from—

- (i) Indian economic enterprises; and
- (ii) non-Indian economic enterprises;

(H) any administrative, procedural, legal, or other barriers to achieving the purposes of this section, together with recommendations for legislative or administrative actions to address those barriers; and

(I) for each agency region—

- (i) the total amount spent on purchases made from, and contracts awarded to, Indian economic enterprises; and
- (ii) a comparison of the amount described in clause (i) to the total amount that the agency region would likely have spent on the same purchases made from a non-Indian economic enterprise or contracts awarded to a non-Indian economic enterprise.

(e) Goals

Each agency shall establish an annual minimum percentage goal for procurement in compliance with this section.

(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; Pub. L. 116-261, §4, Dec. 30, 2020, 134 Stat. 3311; Pub. L. 117-263, div. A, title VIII, §856(e)(1), Dec. 23, 2022, 136 Stat. 2726.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (d)(2)(A), is act June 25, 1910, ch. 431, §23, 36 Stat. 861, known as the Buy Indian Act, which is classified to this section.

CODIFICATION

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

2022—Subsec. (a)(2). Pub. L. 117-263 substituted “section 4902(c) of title 10” for “section 831(c) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510)”.

2020—Pub. L. 116-261, § 4, amended section generally. Prior to amendment, section related to employment of Indian labor and purchase of products of Indian industry and participation in Mentor-Protégé Program.

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”.

Executive Documents

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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.)

Editorial Notes

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.

(R.S. § 2072.)

Editorial Notes

CODIFICATION

R.S. § 2072 derived from act June 30, 1834, ch. 162, § 9, 4 Stat. 737.

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§ 49. Repealed. June 30, 1932, ch. 317, 47 Stat. 421

Section, act May 25, 1918, ch. 86, § 1, 40 Stat. 565, related to qualifications of farmers.

§ 50. Repealed. Pub. L. 88-448, title IV, § 402(a)(2), Aug. 19, 1964, 78 Stat. 492

Section, R.S. § 2074, related to holding of two offices. See section 5533 of Title 5, Government Organization and Employees.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of first month which begins later than the 90th day following Aug. 19, 1964, see Pub. L. 88-448, title IV, § 403, Aug. 19, 1964, 78 Stat. 496.

§§ 51 to 52a. Repealed. Pub. L. 92-310, title II, § 229(a), (c)(2), (e), June 6, 1972, 86 Stat. 208

Section 51, R.S. § 2075, empowered President to require additional security from persons charged with disbursement of money or goods.

Section 52, act Apr. 30, 1908, ch. 153, 35 Stat. 71, empowered Secretary of the Interior to require new bonds from disbursing officers.

Section 52a, act Apr. 21, 1904, ch. 1402, 33 Stat. 191, related to special bonds for large per capita payments.

§ 53. Disbursing officers; acting clerks

Any disbursing agent of the Indian Service, with the approval of the Commissioner of Indian Affairs, may authorize a clerk employed in his office to act in his place and discharge all the duties devolved upon him by law or regulations during such time as he may be unable to perform the duties of his position because of absence, physical disability, or other disqualifying circumstances: *Provided*, That such clerk, while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law for official misconduct of disbursing agents.