

## 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

## 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.

**§ 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

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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.