

## 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.)

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**§ 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”.

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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.