What is the Buy Indian Act?
The Buy Indian Act, 25 U.S.C. 47, authorizes the Secretary of the Interior to give preference to Indian-owned providers when contracting for goods and services. Specifically, the Act states:

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.

How is Interior implementing the Buy Indian Act?
Indian Affairs (IA) first implemented the "Buy Indian" program in 1965 and the Department established implementing regulations in 2013. See 78 FR 34266 (June 7, 2013). The regulations supplement the Federal Acquisition Regulations (FAR). The current regulations are located at 48 CFR sections 1426-70, 1452-280, and 1480.

Why is Interior revising its regulations?
Interior is revising the regulations to meet the following objectives:

- Better adhere to the language of the Buy Indian Act;
- Expand application of the Buy Indian Act to all construction;
- Strengthen oversight of the Buy Indian Act to reduce the potential for fraud and abuse; and
- Alleviate unnecessary regulatory burden on Indian Economic Enterprises.

What would the proposed revisions do?
The proposed revisions would:

- Eliminate the restriction on Indian Economic Enterprises from competing on “covered” construction contracts;
- Expand Indian Economic Enterprises’ ability to subcontract work;
- Clarify the preference for Indian Economic Enterprises;
- Simplify the determination of whether a deviation from the requirements of the Buy Indian Act is necessary and revise the process for deviating;
- Reduce the potential for fraud and abuse of acquisitions subject to the Buy Indian Act by strengthening the Department’s oversight of the offeror’s representation as an Indian Economic Enterprise.

What would the proposed revisions NOT do?
The proposed revisions would NOT affect the definition of an “Indian Economic Enterprise” as being a business activity that is at least 51% owned by one or more Indians or federally recognized Indian tribes or Alaska Native Corporations or the need for the entity to meet the definition throughout the term of the contract.

When is the deadline for comments on this rule?
The deadline for comments on this rule will be at least 60 days after the proposed rule is published in the Federal Register.

Where can I submit comments or find out additional information on this proposal?
You may contact Christopher Bell at (202) 208-3458 or Christopher_bell@ios.doi.gov for additional information and you may submit comments to consultation@bia.gov.

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1 ANCs are included in the current regulations’ definition of “Indian Tribe”. 