

U.S. DEPARTMENT OF THE INTERIOR

SUMMARY SHEET
Draft Revisions to Buy Indian Act Regulations
48 CFR 1426, 1452, 1480

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:

- Implement Executive Order 13985: *Advancing Racial Equity and Support Underserved Communities Through the Federal Government*
- Better adhere to the language of the Buy Indian Act;
- Expand application of the Buy Indian Act to all construction; and
- Eliminate competitive barriers that disadvantage Indian Economic Enterprises

What would the draft revisions do?

The draft revisions would:

- Eliminate barriers to Indian Economic Enterprises from competing on certain construction contracts
- Expand Indian Economic Enterprises’ ability to subcontract work;
- Clarify the preference for Indian Economic Enterprises; and
- Ensure greater preference to Indian Economic Enterprises when a deviation from the Buy Indian Act is necessary.

What would the draft revisions NOT do?

The draft 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 Corporations¹ or the need for the entity to meet the definition throughout the term of the contract.

When is the deadline for comments on this draft rule?

The deadline for comments on this draft rule is June 25, 2021, at 11:59 p.m. ET.

Where can I submit comments or find out additional information on this proposal?

You may submit comments to consultation@bia.gov. You may contact Christopher Bell at (202) 208-3458 or Christopher_bell@ios.doi.gov for additional information.

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