

**REN-19-044: Raise the Justification and Authorization (J&A) Threshold from 22 to 100 Million Dollars for Small Business Sole Source Federal Contracts to Native Community Entity Owned Companies by Changing Section 811 of the 2010 National Defense Authorization Act**

*Sponsor: Native American Contractors Association*

**Summary:**

- The 2010 National Defense Authorization Act (NDAA) Section 811 language created a perception that Native federal contractors should be actively avoided or only used for smaller contracts.
- Resolution REN-19-044 requests an official change to the harmful language in Section 811 to encourage American Indian and Alaska Native (AI/AN) owned business by raising the justification and approval (J&A) threshold from \$22 to \$100 million.

**Issue:**

In 2010, the NDAA Section 811 amended Federal Acquisition Regulation (FAR) 6.303.2(d) to require a J&A process for sole-source contracts over \$22 million that are awarded to companies in the Small Business Administration's 8(a) business development program. This J&A process imposes contracting restrictions and hurdles on AI/AN owned businesses.

This resulted in a drastic decline of awards over \$22 million to AI/AN entities and negatively impacted contracting with Native federal contractors.

**Action:**

REN-19-015 urges Congress to include permanent language in the FY 2020 NDAA amending Section 811 of the FY 2010 NDAA to raise the justification and approval threshold from \$22 to \$100 million to ensure economic opportunities in federal contracting.

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## **Resolution Action Plan: REN-19-044**

**Title:** Raise the Justification and Authorization (J&A) Threshold from 22 to 100 Million Dollars for Small Business Sole Source Federal Contracts to Native Community Entity Owned Companies by Changing Section 811 of the 2010 National Defense Authorization Act

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### **Action Plan:**

- 30 Days:
  - Research and familiarize oneself with resolution subject area including verification that House and Senate bills contain requested J&A threshold increase.
  - Contact resolution sponsor to coordinate requested assistance.
  - During bill conferencing, communicate to Congress to express support for specific provisions that contain J&A threshold increase.
- 60 Days:
  - Track bill conference developments and assess opportunities for continued advocacy.
- 90 Days:
  - Track bill conference developments and assess opportunities for continued advocacy.
- 120 Days:
  - Continue implementation of plan.
  - Prepare update on NCAI advocacy for 2020 Mid Year Conference.