



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians  
Resolution #REN-19-015

**TITLE: Concerns with the Expanding Small Business Contracting Opportunities Act of 2019 and Related Legislation**

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**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, H.R. 190 and S. 673, titled "Expanding Small Business Contracting Opportunities Act of 2019," were recently introduced in the 116<sup>th</sup> Congress; and

**WHEREAS**, H.R. 190, as drafted, amends the Small Business Act to eliminate the inclusion of option years in the award price for sole-source contracts for women owned, service-disabled veteran owned, and economically disadvantaged small businesses; and

**WHEREAS**, S. 673, as drafted, has language that creates confusion for both the contracting officer and companies engaged in federal contracting. Specifically, section 3(a)(A)(v), and similar sections, are not clear in that those sections mention "option years of the award" in reference to awarding sole-source contracts; and

**WHEREAS**, tribal nations, Alaska Native Corporations, and Native Hawaiian Organizations are supportive of the overarching goal of the legislation, to elevate and develop economically and socially disadvantaged groups, and support language that creates parity amongst the different classes of businesses recognized in this program; and

**WHEREAS**, as drafted, however, the two bills were introduced without any input from Native entity-owned businesses and may have unintended consequences that could significantly harm Native-owned organizations; and

**WHEREAS**, specifically, the removal of option years will narrow and change the ability of tribally, Alaska Native Corporation, and Native Hawaiian Organization owned companies to operate effectively in the federal contracting landscape; and

**WHEREAS**, tribally, Alaska Native Corporation, and Native Hawaiian Organization owned companies provide a vital means of economic development to Native communities, and any change that would harm this space will have a devastating impact on thousands of Native people.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) requests further clarification as to the intent of this legislation and the expected changes to the Small Business Act prior to any further action; and

**BE IT FURTHER RESOLVED**, NCAI urges Congress to ensure that no legislation is enacted that amends the Small Business Act to eliminate the inclusion of option years on the award price for sole-source contracts; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

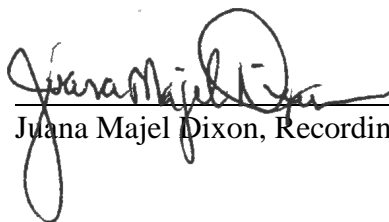
#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Mid-Year Session of the National Congress of American Indians, held at the Nugget Casino Resort, June 24-27, 2019, with a quorum present.



Jefferson Keel, President

**ATTEST:**

  
Juana Majel Dixon, Recording Secretary