



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-19-044

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

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, the National Defense Authorization Act (NDAA) is the legislation that annually specifies the defense budget and expenditures of the U.S. Department of Defense; and

WHEREAS, Section 811 of the NDAA was changed in 2010 and the Federal Acquisition Regulations (FAR 6.303.2(d)) now requires a justification and approval process for sole-source contracts over \$22 million awarded to companies in the Small Business Administration's 8(a) business development program; and

WHEREAS, Section 811 unfairly imposes contracting restrictions and hurdles only on Native entity-owned businesses, resulting in a drastic decline in direct awards over \$22 million to Native entity-owned companies even though statutory authority authorizes larger amounts (see GAO-16-557 Use of Sole-Source 8(a) Contracts over \$20 Million Continues to Decline); and

WHEREAS, as Congress originally intended, Native entity-owned businesses use profits to support and positively impact the wellbeing of entire communities; and

WHEREAS, in contrast to that original purpose of enhancing Native entity-owned businesses, the 2010 NDAA Section 811 language effectively created a perception that Native federal contractors should be actively avoided or only used for smaller contracts (see GAO-13-308R DOD Sole Source 8(a) Contracts).

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) requests that the FY20 NDAA include language permanently amending Section 811 of the FY10 NDAA to raise the justification and approval (J&A) threshold from \$22 to \$100 million to ensure that federal contracting can once again be an engine of economic opportunity for tribal nations and communities for years to come; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

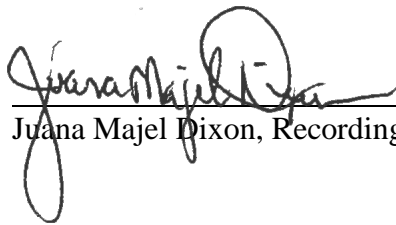
CERTIFICATION

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