



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-19-014

TITLE: Rejecting the Recommendations of the National Defense Authorization Act Section 809 Panel

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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, the Section 809 Panel was created in Section 809 of the FY 2016 National Defense Authorization Act, and was established by the Secretary of Defense to identify ways to streamline and improve the defense acquisition system; and

WHEREAS, the Panel has made a total of [98 recommendations](#), contained within three volumes totaling over 2,000 pages; and

WHEREAS, the Panel conducted very limited outreach to tribally, Alaska Native Corporation, and Native Hawaiian organization owned small businesses; and

WHEREAS, Native entity-owned small businesses have a history of contracting with the U.S. Department of Defense, contributing quality services, value, and efficiency to our nation's defense; and

WHEREAS, if adopted, some of the recommendations would take immediate effect on the acquisition process, potentially negatively impacting many Native entity-owned small businesses; and

WHEREAS, Panel recommendations that cause particular concern include, but are not limited to:

- Recommendation #21, Volume 1, asserting that small businesses are unable to contribute to national defense or promote innovation;
- Recommendation #75, Volume 3, recommending the revision of Small Business Administration (SBA) regulations to enable the Department of Defense to withdraw contracts from the 8(a) Program and open them up for non 8(a) competition if SBA fails to meet an arbitrary 15-day deadline; and,
- Recommendation #35, Volume 3, recommending the elimination of set-asides for small businesses.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) does not support the recommendations of the Section 809 Panel regarding small business contracting; and

BE IT FURTHER RESOLVED, that NCAI requests that Congress reject the recommendations of the Section 809 Panel, including Recommendation #21, Volume 1, Recommendation #75, Volume 3, and Recommendation #35, Volume 3, as it relates to small businesses; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

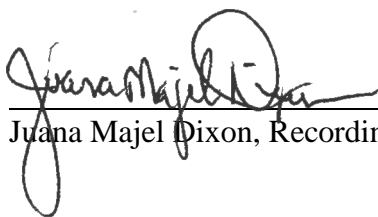
CERTIFICATION

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