



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | www.ncai.org

EXECUTIVE COMMITTEE

PRESIDENT
Mark Macarro
Pechanga Band of Indians

1ST VICE PRESIDENT
Brian Weeden
Mashpee Wampanoag

RECORDING SECRETARY
Leonard Fineday
*Minnesota Chippewa Tribe
Leech Lake Band*

TREASURER
David Woerz
Chickasaw Nation

REGIONAL VICE PRESIDENTS

ALASKA
Brian Ridley
Native Village of Eagle

EASTERN OKLAHOMA
Joe Deere
Cherokee Nation

GREAT PLAINS
Ryman LeBeau
Cheyenne River Sioux Tribe

MIDWEST
Michelle Beaudin
*Lac Courte Oreilles Band of
Lake Superior*

NORTHEAST
Lance Gumbs
Shinnecock Indian Nation

NORTHWEST
Leonard Forsman
Suquamish Tribe

PACIFIC
Leo Sisco
*Santa Rosa Rancheria
Tachi Yokut Nation*

ROCKY MOUNTAIN
Jennifer Finley
Confederated Salish & Kootenai Tribes

SOUTHEAST
Reggie Tupponce
Upper Mattaponi Indian Tribe

SOUTHERN PLAINS
Reggie Wassana
*Cheyenne and Arapaho Tribes of
Oklahoma*

SOUTHWEST
Raymond Aguilar
Pueblo of Santo Domingo

WESTERN
Randi Lone Eagle
Summit Lake Paiute Tribe

EXECUTIVE DIRECTOR
Larry Wright, Jr.
Ponca Tribe of Nebraska

The National Congress of American Indians

Resolution # CT-25-047

Title: Preserving the “Rule of Two” to Protect Native Entity-Owned Businesses and the Small Business Industrial Base in Federal Contracting

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, two recently issued Executive Orders, *Restoring Common Sense to Federal Procurement* and *Ensuring Commercial, Cost-Effective Solutions in Federal Contracts*, call for sweeping changes to the Federal Acquisition Regulation (FAR)- directing federal agencies to eliminate or revise procurement regulations that are not explicitly required by statute or deemed necessary to support efficiency, simplicity, or national interests; and

WHEREAS, these changes may weaken or eliminate longstanding procurement provisions, such as the **Rule of Two**, which protects competition and access for small businesses, and will disproportionately harm Native entity-owned businesses, eroding the federal government’s trust and treaty responsibilities; and

WHEREAS, the “Rule of Two,” implemented in the Federal Acquisition Regulation (FAR), requires federal agencies to set aside a contract for small businesses when there is a reasonable expectation that at least two responsible small businesses can perform the work at a fair market price; and



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | www.ncai.org

WHEREAS, the Rule of Two provides protection to ensure small businesses, including Native entity-owned small businesses, have access to federal contracting opportunities and are not unfairly excluded in favor of larger or non-Native entities; and

WHEREAS, preserving the integrity of the Rule of Two safeguards the small business industrial base, prevents unnecessary consolidation of federal contracts, and upholds the Congressional intent of the Small Business Act to foster competition and diversity within the federal marketplace; and

WHEREAS, erosion of the Rule of Two would undermine Native entity-owned businesses' ability to fairly compete for federal contracts, threatening Tribal economies and hindering the federal government's trust and treaty obligations.


NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon Congress, the White House, the U.S. Small Business Administration (SBA), the Office of Federal Procurement Policy (OFPP), and all federal agencies to preserve, enforce, and strengthen the Rule of Two in federal acquisition policy and practice; and

BE IT FURTHER RESOLVED, that NCAI urges the federal government to ensure the Rule of Two is applied consistently across all federal procurement vehicles and that Native entity-owned businesses continue to benefit from the full scope of small business protections afforded by law; 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 unanimously by the NCAI Executive Committee on June 17, 2025, following recommendations of adoption by the relevant Committees and referral from the General Assembly at the 2025 Mid Year Convention of the National Congress of American Indians, held June 8-11, 2025, in Mashantucket, CT.


Mark Macarro, President

ATTEST:


Leonard Fineday, Recording Secretary



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | www.ncai.org