



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians  
Resolution #MN-23-001

**TITLE: Providing Parity for Tribal Nations and Tribally-Owned Firms within the Department of Transportation’s Disadvantaged Business Enterprise Program**

**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 United States Department of Transportation (DOT) maintains a Disadvantaged Business Enterprise (DBE) Program, designed to “remedy ongoing discrimination and the continuing effects of past discrimination in federally-assisted highway, transit, airport, and highway safety financial assistance transportation contracting markets nationwide;” and

**WHEREAS**, according to DOT, the primary remedial goal and objective of the DBE program is to “level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for federally funded transportation contracts”; and

**WHEREAS**, despite the stated goal of the DBE program, tribes and tribally-owned enterprises encounter obstacles such as the Uniform Federal Application, that have ultimately prohibited them from participating in the program; and

**WHEREAS**, Alaska Native Corporations (ANCs) are automatically qualified for the DBE program by qualifying for the U.S. Small Business Administration’s (SBA) 8(a) Business Development Program; and

**WHEREAS**, an amendment to DOT rules is necessary so that Tribal Nations and tribally-owned firms that are current participants in the SBA 8(a), SBA Small Business Disadvantaged Business, and/or HUBZone programs can receive the same treatment as ANCs in the DBE Program.

**EXECUTIVE COMMITTEE**

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*Quinault Indian Nation*

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*Shakopee Mdewakanton Sioux Community*

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**Lance Gumbs**  
*Shinnecock Indian Nation*

**NORTHWEST**  
**Melvin Sheldon, Jr.**  
*Tulalip Tribes of Washington*

**PACIFIC**  
**Jack Potter**  
*Redding Rancheria*

**ROCKY MOUNTAIN**  
**Jennifer Finley**  
*Confederated Salish & Kootenai Tribes*

**SOUTHEAST**  
**Reggie Tupponce**  
*Upper Mattaponi Indian Tribe*

**SOUTHERN PLAINS**  
**Gonzo Flores**  
*Lipan Apache Tribe of Texas*

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) calls on the United States Department of Transportation (DOT) to revise the Disadvantaged Business Enterprise (DBE) Program to deem tribally-owned firms to be economically and socially disadvantaged without requiring these firms to submit proof of any personal net worth of any Board Members or Executives, and to automatically deem tribally-owned firms that have qualified for, and are current participants in, the SBA 8(a), SBA Small Disadvantaged Business, and/or HUBZone programs, as certified in the DOT DBE Program; and

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

**CERTIFICATION**

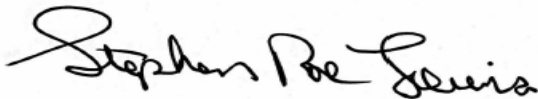
The foregoing resolution was adopted unanimously by the Executive Committee on Friday, June 16, 2023 after a positive recommendation from the relevant Committee at the 2023 Mid Year Convention of the National Congress of American Indians, held June 5-8, 2023 in Prior Lake, MN.



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Fawn Sharp, President

**ATTEST:**



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Stephen Roe Lewis, Recording Secretary