



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #MSP-15-008

### TITLE: Urging Federal Agencies to Fully Implement the Buy Indian Act Regulations

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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, 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 Buy Indian Act was signed into law on June 25, 1910 and was meant to require the Department of the Interior, Bureau of Indian Affairs (BIA) to give funding and procurement preference to American Indian owned or operated businesses; and

**WHEREAS**, since 1965 the BIA had obtained services and supplies from American Indian sources through its Buy Indian Program and based on policy memoranda and acquisition, and the BIA had worked on developing Buy Indian Act regulations on an intermittent basis since the 1980s but never published a final rule; and

**WHEREAS**, in 2010 the BIA distributed a new draft of a proposed rule and held three tribal consultation sessions, followed by four tribal consultation sessions in 2012 on a proposed rule published which incorporated input from previously published proposed rules and associated tribal consultation sessions; and

**WHEREAS**, on July 8, 2013, over 100 years after the Buy Indian Act became law, the U.S. Department of the Interior adopted final rules to fully implement the law; and

**WHEREAS**, almost two years have passed since the Buy Indian Act's final rules were written and the BIA still has not completed written policies for their Program and Contracting Offices, and the Indian Health Service (IHS) has not given any indication of how or when they plan to implement the Act; and

**WHEREAS**, the Buy Indian Act can be a powerful economic engine and has the ability to empower American Indian and Alaska Native entrepreneurs to significantly impact the economic landscape of Indian Country.

**NOW THEREFORE BE IT RESOLVED**, that NCAI is requesting the immediate attention of the Department of the Interior Secretary, the Department of the Interior Chief Financial Officer, the Health & Human Services Secretary, the Indian Health Service Chief Financial Officer, and Senate Committee on Indian Affairs to address issues hindering full implementation and enforcement of the Buy Indian Act; and

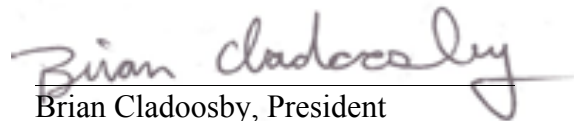
**BE IT FURTHER RESOLVED**, that the following actions should be undertaken by the aforementioned entities:

1. Align BIA and IHS performance plans, bonuses, and annual raises to the successful implementation and enforcement of the Buy Indian Act's set aside authority with a goal of 30% for ISBEE and 25% for IEE business owned and controlled by American Indian and Alaska Natives;
2. American Indian and Alaska Native business are at the table to provide clearly communicated recommendations for procedures and policies that ensure implementation and enforcement of the Buy Indian Act;
3. Other Federal agencies working in Indian Country are utilizing the Buy Indian Act;
4. BIA/IHS Contract officers adhere to the Rule of Two practice, especially in the area of Simplified Acquisition and GSA schedules;
5. BIA and IHS develop and distribute a Buy Indian Act report annually, showing progress and goals;
6. BIA and IHS demonstrate a commitment to small business through regular training of acquisition, program, contracting staff and senior management; 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 2015 Midyear Session of the National Congress of American Indians, held at the St. Paul River Centre, St. Paul, MN, June 28 to July 1, 2015, with a quorum present.

  
Brian Cladoosby, President

**ATTEST:**

  
Aaron Payment, Recording Secretary