



USET

SOVEREIGNTY PROTECTION FUND

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USET SPF Resolution No. 2026 SPF:004

URGING THE SMALL BUSINESS ADMINISTRATION TO ENGAGE IN TRIBAL CONSULTATION ON ANY POLICIES SEEKING TO REVISE THE 8(A) BUSINESS DEVELOPMENT PROGRAM

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of thirty-three (33) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and
- WHEREAS,** Tribal Nations are inherently sovereign political entities preexisting the creation of the United States, and we exercise inherent sovereign rights and authorities and care for and govern our Tribal communities; and
- WHEREAS,** Tribal Nations carry on a political, government-to-government relationship with the United States; and
- WHEREAS,** many Tribal Nations address our economic priorities through the establishment of Tribal enterprises, including under Tribal law, to create jobs, grow our economies, and generate revenue for Tribal government functions and critical services for Tribal citizens and communities; and
- WHEREAS,** the United States owes debt-based trust and treaty obligations to Tribal Nations and Native people that are political in nature, and the government provides preferences, programs, services, and funds in furtherance of these obligations; and
- WHEREAS,** the U.S. Supreme Court has time and again recognized that preferences, programs, services, and funds provided by the government to Tribal Nations and Native people in furtherance of trust and treaty obligations are not racial discrimination and satisfy equal protection review; and
- WHEREAS,** many USET SPF member Tribal Nations are interested in or directly participate in federal contracting, including through the Small Business Administration's (SBA) 8(a) Business Development Program (8(a) Program); and
- WHEREAS,** the United States provides contracting preferences to Tribal Nations and our business enterprises as well as Native-owned businesses in furtherance of its trust and treaty obligations owed to Tribal Nations and Native people; and

- WHEREAS,** the recent publication of Regulatory Information Number (RIN) 3245-AI66 by the Office of Management and Budget’s Office of Information and Regulatory Affairs signals that SBA has submitted a draft Proposed Rule on “Fraud, Waste and Abuse Reforms” that is currently pending review under Executive Order 12866; and
- WHEREAS,** the federal government has taken recent steps to address alleged fraud and abuse in the 8(a) Program in ways that have affected Native 8(a) contractors; and
- WHEREAS,** as part of its trust and treaty obligations and in furtherance of its government-to-government relationships with sovereign Tribal Nations, the United States must engage in Tribal consultation before taking actions that may affect Tribal Nations or Native people; and
- WHEREAS,** Executive Order 13175, titled “Consultation and Coordination with Indian Tribal Governments,” recognizes and implements this Tribal consultation obligation and mandates “regular and meaningful consultation” with Tribal governments in the development of federal policies with “Tribal implications,” including regulations that may have substantial direct effects on Tribal Nations or on the government-to-government diplomatic relationships between Tribal Nations and the federal government; and
- WHEREAS,** in addition to generating important Tribal government revenue, Native 8(a) contractors consistently help federal agencies meet mission requirements faster, more effectively, and with greater operational agility through streamlined procurement authorities, including sole-source tools, to enable federal agencies to respond rapidly, lower administrative burden, and increase continuity of operations; and
- WHEREAS,** Native 8(a) contractors are required to comply with the same stringent compliance, reporting, and oversight standards as all other government contractors, and they have proven to make good on their 8(a) contracts; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** that any revisions to the SBA’s 8(a) Program must be focused on advancing the financial stability and economic advancement of Native 8(a) contractors; and be it further
- RESOLVED** that the SBA must engage in early, consistent, and informed Tribal consultation when developing policies that seek to revise the 8(a) Program or root out alleged fraud and abuse, and these consultation activities must occur prior to the adoption or implementation of any rule, guidance, or policy that would revise or affect the 8(a) Program; and be it further
- RESOLVED** that the SBA must uphold the directives of Executive Order 13175 by engaging in Tribal consultation activities prior to finalization of any regulations under Regulatory Information Number (RIN) 3245-AI66, “Fraud, Waste and Abuse Reforms,” for the 8(a) Program.

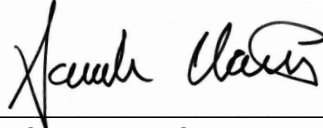
Because there is Strength in Unity

CERTIFICATION

This resolution was duly passed at the USET SPF Impact Week Meeting held in Arlington, VA at which a quorum was present on March 12, 2026.



Chief Kirk E. Francis, Sr., President
United South and Eastern Tribes
Sovereignty Protection Fund



Vice Chairwoman Sarah Harris, Secretary
United South and Eastern Tribes
Sovereignty Protection Fund