

The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

A Resolution Supporting the Preservation of the “Rule of Two” to Protect Tribal Enterprise Participation and the Small Business Industrial Base in Federal Contracting

Resolution No. 25-15



Chuck Hoskin Jr.
Principal Chief



Bill Anoatubby
Governor



Gary Batten
Chief



David W. Hill
Principal Chief



Lewis J. Johnson
Chief

WHEREAS, the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek) and Seminole Nation, representing approximately 815,000 Indian people throughout the United States; and

WHEREAS, the Rule of Two is a critical safeguard that protects small business competition and provides a pathway for tribal enterprises, including tribally owned SBA 8(a) participants and Indian Economic Enterprises, to access federal contracting opportunities; and

WHEREAS, preservation of the Rule of Two upholds the Congressional intent of the Small Business Act by fostering competition and protecting the small business industrial base; and

WHEREAS, Native-owned small businesses and tribally owned enterprises have demonstrated a proven track record of delivering high-quality services, talent, and innovation and reinvest contract revenues into tribal economies, workforce development, and essential government services; and

WHEREAS, recent policy shifts toward centralized and consolidated procurement models risk undermining the effectiveness of the Rule of Two and may exclude tribal enterprises from full and fair participation in federal contracting, thereby eroding the federal government's trust obligations and economic commitments to Tribal Nations; and

WHEREAS, the requirement for contracting officers to prioritize set-asides for socioeconomic small business programs before general small business set-asides, as outlined in FAR 19.203(c) and 13 C.F.R. § 125.2(f)(2), is based in regulation and is therefore vulnerable to reversal or dilution through administrative action; and

WHEREAS, weakening or eliminating the Rule of Two would disproportionately harm tribal enterprises, reduce competition, and diminish the ability of tribal governments to pursue economic self-determination through federal procurement; and

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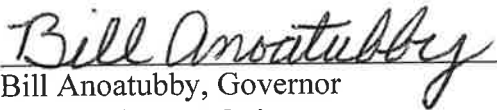
NOW THEREFORE BE IT RESOLVED, that the Inter-Tribal Council of the Five Civilized Tribes calls upon the United States Congress, the White House, the U.S. Small Business Administration, the Office of Federal Procurement Policy, and all federal agencies to preserve, enforce, and strengthen the Rule of Two in federal acquisition policy and practice; and

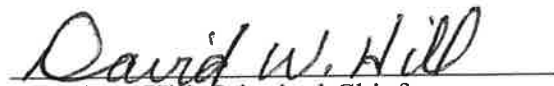
BE IT FURTHER RESOLVED, that the Inter-Tribal Council urges the federal government to ensure the Rule of Two is consistently applied across all procurement vehicles and that tribally owned businesses and Native entities continue to benefit from the full scope of small business protections afforded under the law; and

BE IT FINALLY RESOLVED, that the Inter-Tribal Council of the Five Civilized Tribes urges the United States Congress to statutorily codify the current regulatory requirement that contracting officers consider set-asides for socioeconomic small business programs before general small business set-asides, as provided in FAR 19.203(c) and 13 C.F.R. § 125.2(f)(2), to ensure long-term stability and protect tribally owned businesses participating in these programs.


CERTIFICATION


The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Tulsa, Oklahoma on this 11 day of July, 2025, by a vote of 5 for 0 against and 0 abstentions.


Bill Anoatubby, Governor
The Chickasaw Nation


David W. Hill, Principal Chief
Muscogee (Creek) Nation


Gary Batten, Chief
Choctaw Nation of Oklahoma


Chuck Hoskin Jr., Principal Chief
Cherokee Nation


Lewis J. Johnson, Chief
Seminole Nation of Oklahoma