

CHAIRMAN
John "Rocky" Barrett



SECRETARY-TREASURER
Gene Bruno

CITIZEN POTAWATOMI NATION

November 8, 2001

Colonel Barry Wilson, Director
Defense Acquisition Regulations Council
Crystal Square 4, Suite 200A
Arlington, VA 22202-3402

Re: Public Comments (DFARS Case 2000-D024)

Dear Colonel Wilson:

The Indian Incentive Program, designed to aid the economic development of American Indian and Alaska Native communities, was established under the Indian Financing Act of 1974, 25 U.S.C. 91451 et seq. Although the Indian Incentive Program has been underutilized previously, there has been good progress in making use of the program in recent years. The program is important to economic and social disadvantaged entities such as Indian organizations, Indian tribes, and Indian-owned economic enterprises.

Achieving self-sufficiency is a primary goal of tribal entities throughout the United States. Through years of struggle to gain a level playing field, an incorporated business of the Citizen Potawatomi Nation has recently achieved the designation of the Small Business Administration 8(a) Small and Disadvantaged Business status. Our administration has worked diligently with the Small Business Administration to justify qualification of NAICS codes (formally SIC codes) that enable us to expand our market. This leads to our concern for the Defense Acquisition Regulation (DAR) Council's decision that the Indian Incentive Program contract clause (FAR52.226-1, Utilization of Indian Organizations and Indian-Owned Economic Enterprises) should not be used in solicitations and contracts for commercial items (FAR Part 12 procedures). This action could prove harmful to the Citizen Potawatomi Nation's goals and objectives for our 8(a) business. In addition, many of our tribal members own and operate small businesses that are active in government contracting.

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The leaders of the Citizen Potawatomi Nation have made tremendous progress in the last few years in preparation of utilizing the Indian Incentive Program. We strongly object to the DAR Council's decision to exclude the use of the Indian Incentive Program clause in contracts for commercial items. The ruling of April 13, 2001 does not allow for the Indian Incentive Program to be used in commercial contracts, thereby restricting the application of the Indian Incentive Program. We urge the Council to remove the FAR Part 12 commercial item exclusion From DFARS 52.226-104.

In the past few years, several of our elected officials have visited the Small and Disadvantaged Business Utilization Officer with Defense Procurement at the Pentagon. We went away from those meetings with the understanding that tribal and other Indian owned entities are assured the economic advantages intended under the Indian Incentive Program. We do not feel that the exclusion of the use of the Indian Incentive Program clause in contracts for commercial items was the original intent. I welcome correspondence and/or telephone conversation from you or your Council members regarding the content of this letter.

Sincerely,

Linda Capps
Vice Chairman
Citizen Potawatomi Nation