



"Beadie Dawson" <bd@dawson8a.com> on 11/13/2001 04:16:33 PM

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To: dfars

Subject: DFARS Case 2000 - D 024

Date: November 13, 2001

To: Ms. Angelena Moy, Defense Acquisition Regulations Council,
OUSD (AT&L)DP(DAR) IMD 3C132,
3062 Defense Pentagon, Washington, DC 20301-3062

From: Beadie Kanahale Dawson, CEO, Dawson Group, Inc.
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Re: DFARS Case 2000 - D 024

Dawson Group is a small women-owned corporation approved on October 26, 1998 as an 8(a) business by the Small Business Administration. Dawson Group also has a current mentor-protégé agreement approved by the Department of Defense and is currently providing a limited number of services to the Department of Defense.

Summary:

This letter is to provide our comments on the interim rule issued by the Department of Defense (DOD) on September 11, 2001. The interim rule implements Section 8022 of the DOD Appropriations Act for Fiscal year 2001 (public Law 106-259).

Section 8022 provides funding for incentive payments to DOD contractors, that use Indian organizations and Indian-owned economic enterprises as sub-contractors.

The new DFARS clause, 252.226-7001 will expand incentive payments in the FAR clause, 52.226-1, to subcontractors at any tier. We support this amended interim rule and request that Native Hawaiians be added to the definitions as stated below.

Request:

This letter requests the DOD to amend the proposed rules to include Native Hawaiians in the Indian Incentive Program, administered by the Office of Small and Disadvantaged Businesses Utilization (SADBU) for the purpose of creating consistency and uniformity between the DOD's Indian Incentive Program and the Small Business Administration's (SBA) 8(a) Business Development Program.

We believe this consistency and uniformity can be achieved by amending the Definitions Section of 252.226-7001 as follows (added language in underlined):

a. "Indian" means any person who is a member of any Indian tribe, band, group, pueblo, or community that is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs (BIA) in accordance with 25 U.S.C. 1452 (c) and any "Native" as defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601) and any "Native Hawaiian" as defined

in the Small Business Act 15 U.S.C 634 and Section 124.3 of the Code of Federal Regulations (CFR) January 1, 2001.

"Native Hawaiian" means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii. Section 124.3, CFR, January 1, 2001.

"Native Hawaiian Organization" means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Rationale:

The intent of the proposed interim rule is to give the DOD a wider range of opportunities to meet the requirements of the Indian Incentive Program in concert with the DOD Appropriations Act. We believe the DOD objectives can also be further met by our suggested amendments, which include Native Hawaiians in the identified groups being helped by the Program.

The intent of the Congress is reflected in special Native Hawaiian programs in the areas of healthcare, education, employment and loans. By classifying Native Hawaiians as "Native Americans" under numerous federal statutes, Congress has extended to Native Hawaiians many of the same rights and privileges awarded to American Indian, Alaska Native, and Aleut peoples. Native Hawaiian Health Care Improvement Act, 42 U.S.C. 11701-11714; Native Hawaiian Education Act, 20 U.S.C. 7901 - 7912; Workforce Investment Act of 1998, Pub. L. No. 105-220, § 166, 112 Stat. 1021 (to be codified at 29 U.S.C. 2911 (Supp. IV 1998)); Native American Programs Act of 1974, Pub. L. No. 88-452, Tit. VIII, as added by Pub. L. No. 63-644, 811, 88 Stat. 2323.

Thank you for this opportunity to comment.

Respectfully Submitted,

Beadie Kanahele Dawson