

**TO APPROVE THE SUBMISSION OF
AN APPLICATION FOR
SBA 8(a) PROGRAM PARTICIPATION
AND A
LIMITED WAIVER OF SOVEREIGN IMMUNITY**

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION OF OKLAHOMA

THOMAS WILLISTON INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

A COUNCIL BILL TO APPROVE (i) the submission of an application by Choctaw Defense Manufacturing, LLC, for certification as an SBA 8(a) Business Development Program participant and (ii) a limited waiver of sovereign immunity allowing Choctaw Defense Manufacturing, LLC, to sue and be sued in accordance with 13 C.F.R. § 124.109(c)(1).

WHEREAS, the Choctaw Nation of Oklahoma (the “Nation”) is the sole member of Choctaw Defense Group, LLC (“Defense Group”), a limited liability company formed under the Choctaw Nation Limited Liability Company Act (the “Act”); and

WHEREAS, Defense Group is the sole member of Choctaw Defense Manufacturing, LLC (“Defense Manufacturing”), a limited liability company formed under the Act; and

WHEREAS, Defense Manufacturing holds the same immunity from suit as the Nation because it is a Tribal limited liability company formed under the Act and wholly-owned, through Defense Group, by the Nation; and

WHEREAS, the Nation has determined that it is in the best interest of the Nation that Defense Manufacturing submit an application to the United States Small Business Administration (“SBA”) seeking certification of Defense Manufacturing as an SBA 8(a) program participant; and

WHEREAS, the Nation desires to comply with the requirements of the SBA 8(a) program to acquire a certificate for Defense Manufacturing to participate in the SBA 8(a) program in accordance with SBA 8(a) rules and regulations; and

WHEREAS, the SBA 8(a) program regulations require the Tribal Council of the Nation (the “Tribal Council”) to approve a limited waiver of sovereign immunity to enable Defense Manufacturing to sue and be sued in all Federal Courts of the United States for all matters related to the SBA 8(a) program; and

WHEREAS, the Articles of Organization of Defense Manufacturing includes a limited waiver of sovereign immunity, as required by SBA 8(a) implementing regulation 13 C.F.R. § 124.109(c)(1), to enable Defense Manufacturing to seek designation as a SBA 8(a) program participant in contracts with Federal government agencies; and

WHEREAS, the Tribal Council has determined that it is in the best interests of the Nation to grant such a limited waiver of sovereign immunity for Defense Manufacturing.

THEREFORE, BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Council Bill be cited as approval for the execution and submission of Defense Manufacturing’s application for certification as an SBA 8(a) program participant in accordance with the provisions of this Act.

BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Council Bill be cited as a limited waiver of sovereign immunity giving Defense Manufacturing the approval and authority to sue and be sued in the Federal Courts of the United States on matters relating to SBA's programs including, but not limited to, 8(a) program participation, loans and contract performance in accordance with the limited waiver of sovereign immunity specified in Defense Manufacturing's Articles of Organization.

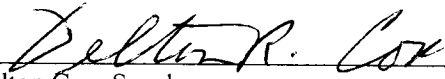
BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Council Bill be cited as approval and authority that except as specifically set forth herein, nothing contained herein is intended to, nor shall it be construed to, waive the sovereign immunity of (i) the Nation, (ii) any affiliate or agency thereof or (iii) any official acting on behalf of the Nation, or such affiliate or agency, and within the scope of his or her official authority.

BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Council Bill be cited as approval and authority that any monetary recovery obtained through judicial action under this limited waiver of sovereign immunity shall be limited to the assets of Defense Manufacturing and shall not give any party any right to recover from the assets of the Nation or any other affiliate or agency thereof.

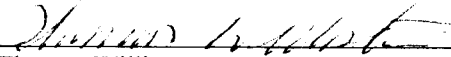
BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Council Bill be cited as approval and authority that the officers and managers of Defense Manufacturing be authorized to prepare, execute, deliver and file any and all agreements, certificates, instruments and documents, in such form and with such terms and provisions as such officers and managers may approve, with their execution, delivery and/or filing thereof to be conclusive evidence of such approval, and to take such other action as they may deem proper or appropriate, to carry out the intent and purposes of the foregoing enactments.

CERTIFICATION

I, the undersigned, as Speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered the roll call and that a quorum was present at the Regular Session of the Tribal Council at Tushka Homma, Oklahoma on this 14 day of February, 2015. I further certify that the foregoing Council Bill CB-50 -15 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) members abstaining.




Delton Cox, Speaker
Choctaw Nation Tribal Council



Thomas Williston, Secretary
Choctaw Nation Tribal Council

Date: 2-19-15



The Honorable Gary Batton, Chief
Choctaw Nation of Oklahoma