

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0234-21_

SPONSOR: Raymond Smith, Jr.

TITLE: An Action Relating to Budget and Finance and Naabik'iyati' Committees; Approving, Accepting, and Implementing the Indirect Cost Negotiation Agreement with the U.S. Department of Interior, Interior Business Center for Fiscal Years 2021-2022

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LEGISLATION SUMMARY SHEET

TRACKING NO. 0234-21

DATE: November 4, 2021

TITLE OF LEGISLATION: AN ACTION RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING, ACCEPTING, AND IMPLEMENTING THE INDIRECT COST NEGOTIATION AGREEMENT WITH THE U.S. DEPARTMENT OF INTERIOR, INTERIOR BUSINESS CENTER, FOR FISCAL YEARS 2021-2022

PURPOSE OF THIS LEGISLATION: to approve, accept, and implement the federal IDC Negotiation Agreement and proposed IDC rates for FY2021 and FY2022.

OLC No. 21-447-1

5-DAY BILL HOLD PERIOD: _____
Website Posting Time/Date: _____
Posting End Date: 11.10.2021
Eligible for Action: 11.11.2021

Budget & Finance Committee
Thence
Naabik'iyáti' Committee

1 PROPOSED NAVAJO NATION STANDING COMMITTEE RESOLUTION

2 24th NAVAJO NATION COUNCIL - THIRD YEAR, 2021

3 INTRODUCED BY

4 
5 _____
6 (Primary Sponsor)

7
8 TRACKING NO. 0234-21

9
10 AN ACTION

11 RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES;
12 APPROVING, ACCEPTING, AND IMPLEMENTING THE INDIRECT COST
13 NEGOTIATION AGREEMENT WITH THE U.S. DEPARTMENT OF INTERIOR,
14 INTERIOR BUSINESS CENTER, FOR FISCAL YEARS 2021-2022

15
16 BE IT ENACTED:

17
18 SECTION 1. AUTHORITY

- 19 A. Intergovernmental agreements are agreements between the Navajo Nation and another
20 government that involve the sharing of governmental powers, and include Indian Self-
21 Determination and Education Assistance Act (Public Law 93-638) contracts. 2 N.N.C.
22 §110(J).
- 23 B. The Budget and Finance Committee was established as a standing committee by the
24 Navajo Nation Council, and is empowered to review, approve, and accept agreements
25 between the Navajo Nation and any federal authority upon the recommendation of the
26 standing committee which has oversight over the division, department, or program
27 making the request. 2 N.N.C. §301(B)(15).
- 28 C. The Budget and Finance Committee has oversight over the Navajo Nation's Office of
29 Management and Budget. 2 N.N.C. §301(B)(13).
- 30 D. The Navajo Nation Council established the Naabik'iyáti' Committee as a standing

1 committee, and empowered the Committee to “review and approve the negotiation and
2 setting of the Navajo Nation’s indirect cost or administrative cost rate agreements with
3 the cognizant federal agency.” 2 N.N.C. §700(A) and §701(A)(10).
4

5 **SECTION 2. FINDINGS**

- 6 A. The U.S. Department of the Interior, Interior Business Center (“DOI/IBC”) has submitted
7 an “Indian Organization Indirect Cost Negotiation Agreement” (“IDC Agreement”) for
8 the Navajo Nation, by letter to the Navajo Nation dated October 5, 2021. **EXHIBIT A.**
- 9 B. The proposed rates in the IDC Agreement are 16.57% for the period of 10/01/2020 to
10 09/30/2021 and 15.46% for the period of 10/01/2021 to 09/30/2022. **EXHIBIT A.**
- 11 C. The OMB has provided a memorandum dated October 8, 2021, describing the procedures
12 required for the Navajo Nation to formally approve and accept the proposed IDC rates for
13 Fiscal Year 2021 and Fiscal Year 2022, as set forth in the IDC Agreement. **EXHIBIT B.**
- 14 D. Pursuant to the Navajo Nation’s 2 N.N.C. §164(A) review process, the OMB, the Office
15 of the Controller, the Department of Justice, and other reviewers, have indicated that all
16 the IDC Agreement and supporting documents are legally sufficient. **EXHIBIT C.**
- 17 E. The Navajo Nation finds that approving and accepting the negotiated IDC rates, and
18 entering into the IDC Agreement with the DOI/IBC, is financially prudent and in the best
19 interest of the Navajo Nation.
20

21 **SECTION 3. APPROVAL OF IDC AGREEMENT**

- 22 A. The Navajo Nation hereby approves, accepts, and implements the Indian Organizations
23 Indirect Cost Negotiation Agreement with the U.S. Department of the Interior, Interior
24 Business Center, as shown in **EXHIBIT A.**
- 25 B. The Navajo Nation authorizes the President of the Navajo Nation, or his approved
26 designee, to execute the Indian Organizations Indirect Cost Negotiation Agreement on
27 behalf of the Navajo Nation.
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