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

Date posted: ___November 5, 2021 at 1:20 PM

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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.
PROPOSED NAVAJO NATION STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL - THIRD YEAR, 2021

INTRODUCED BY

(Primary Sponsor)

TRACKING NO. 0234-21

AN ACTION

RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTÉ' 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

BE IT ENACTED:

SECTION 1. AUTHORITY

A. Intergovernmental agreements are agreements between the Navajo Nation and another
government that involve the sharing of governmental powers, and include Indian Self-
Determination and Education Assistance Act (Public Law 93-638) contracts. 2 N.N.C.
§110(J).

B. The Budget and Finance Committee was established as a standing committee by the
Navajo Nation Council, and is empowered to review, approve, and accept agreements
between the Navajo Nation and any federal authority upon the recommendation of the
standing committee which has oversight over the division, department, or program
making the request. 2 N.N.C. §301(B)(15).

C. The Budget and Finance Committee has oversight over the Navajo Nation’s Office of
Management and Budget. 2 N.N.C. §301(B)(13).

D. The Navajo Nation Council established the Naabik’íyáté’ Committee as a standing
committee, and empowered the Committee to “review and approve the negotiation and setting of the Navajo Nation’s indirect cost or administrative cost rate agreements with the cognizant federal agency.” 2 N.N.C. §700(A) and §701(A)(10).

SECTION 2. FINDINGS

A. The U.S. Department of the Interior, Interior Business Center ("DOI/IBC") has submitted an "Indian Organization Indirect Cost Negotiation Agreement" ("IDC Agreement") for the Navajo Nation, by letter to the Navajo Nation dated October 5, 2021. EXHIBIT A.

B. The proposed rates in the IDC Agreement are 16.57% for the period of 10/01/2020 to 09/30/2021 and 15.46% for the period of 10/01/2021 to 09/30/2022. EXHIBIT A.

C. The OMB has provided a memorandum dated October 8, 2021, describing the procedures required for the Navajo Nation to formally approve and accept the proposed IDC rates for Fiscal Year 2021 and Fiscal Year 2022, as set forth in the IDC Agreement. EXHIBIT B.

D. Pursuant to the Navajo Nation’s 2 N.N.C. §164(A) review process, the OMB, the Office of the Controller, the Department of Justice, and other reviewers, have indicated that all the IDC Agreement and supporting documents are legally sufficient. EXHIBIT C.

E. The Navajo Nation finds that approving and accepting the negotiated IDC rates, and entering into the IDC Agreement with the DOI/IBC, is financially prudent and in the best interest of the Navajo Nation.

SECTION 3. APPROVAL OF IDC AGREEMENT

A. The Navajo Nation hereby approves, accepts, and implements the Indian Organizations Indirect Cost Negotiation Agreement with the U.S. Department of the Interior, Interior Business Center, as shown in EXHIBIT A.

B. The Navajo Nation authorizes the President of the Navajo Nation, or his approved designee, to execute the Indian Organizations Indirect Cost Negotiation Agreement on behalf of the Navajo Nation.