

RESOLUTION OF THE  
NAABIK'ÍYÁTI' STANDING COMMITTEE  
25<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2023

AN ACTION RELATING TO THE BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING THE INDIRECT COST RATE AND THE INDIRECT COST AGREEMENT WITH THE U.S. DEPARTMENT OF INTERIOR/INTERIOR BUSINESS CENTER, FOR FISCAL YEAR 2023

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Budget and Finance Committee ("BFC") is a standing committee of the Navajo Nation Council empowered to review and recommend to the Council the budgeting, appropriation, investment, and management of all funds. BFC also has oversight responsibility for the Navajo Nation's Office of Management and Budget ("OMB"). 2 N.N.C. § 301(B)(2) and § 301(B)(13).
- B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council empowered to review and approve agreements with the appropriate federal agency for the setting of the Navajo Nation's indirect cost rate for each fiscal year. 2 N.N.C. § 701(A)(10).

SECTION TWO. FINDINGS

- A. The U.S. Department of the Interior/Interior Business Center ("DOI/IBC") has submitted its "Indian Organization Indirect Cost Negotiation Agreement" ("IDC Agreement") for the Navajo Nation, in a letter dated 11/08/2022. The proposed rate in the IDC Agreement is 12.59% for the period of 10/01/2022 to 09/30/2023, for all Navajo Nation Programs. EXHIBIT A.
- B. The Executive Director of OMB has provided a memorandum dated January 6, 2023, indicating the 12.59% IDC rate and describing the required procedures for the Navajo Nation to formally approve this proposed rate for Fiscal Year 2023. EXHIBIT B.
- C. Pursuant to the Navajo Nation's 2 N.N.C. § 164(A) review process, the OMB, the Navajo Nation's Office of the Controller and Department of Justice, and other reviewers, have indicated that the negotiated IDC Agreement and supporting documents are legally sufficient. EXHIBIT C.
- D. On November 29, 2022, former Navajo Nation President, Jonathan Nez, electronically signed the Indirect Cost Negotiation Agreement indicating the Navajo Nation's acceptance of the IDC Agreement. However, the IDC Agreement cannot be implemented by

the Navajo Nation until the Nabik'iyáti' Committee formally approves it pursuant to the Committee's authority under 2 N.N.C. § 701(A)(10). The Navajo Nation finds that approving DOI/IBC's proposed IDC rate of 12.59% for Fiscal Year 2023, and accepting the IDC Agreement with the DOI/IBC that provides for such rate, is financially prudent and in the best interest of the Navajo Nation.

### SECTION THREE. APPROVAL OF IDC RATE AND IDC AGREEMENT

- A. The Navajo Nation hereby approves the IDC rate of 12.59% for the Navajo Nation for Fiscal Year 2023 that has been proposed by the U.S. Department of the Interior/Interior Business Center, as described in EXHIBIT A and EXHIBIT B attached hereto.
- B. The Navajo Nation hereby approves and accepts the Indian Organizations Indirect Cost Negotiation Agreement with the U.S. Department of the Interior/Interior Business Center for the Navajo Nation for Fiscal Year 2023, attached as EXHIBIT A.
- C. The Navajo Nation hereby ratifies the prior acceptance and execution of the IDC Agreement by the former Navajo Nation President, Jonathan Nez.
- D. The IDC Agreement shall be effective as of October 1, 2022 and shall apply to IDC recovery for the period October 1, 2022 to September 30, 2023. The new IDC rate of 12.59% shall be used to budget for recovery of IDC funds for external contract and grant awards that are effective October 1, 2022 to September 30, 2023.
- E. Navajo Nation programs receiving external funds shall follow Section IX of Appendix L of the FY2023 Budget Instructions Manual and specific instructions of the Navajo Nation Office of Management and Budget regarding application of the new IDC rate for FY2023.

### SECTION FOUR. EFFECTIVE DATE

This Action shall become effective pursuant to 2 N.N.C. § 701(A)(10) and 2 N.N.C. § 221(C).

### SECTION FIVE. SAVING CLAUSE

If any portion of this Action is invalidated by the Supreme Court of the Navajo Nation, or by any Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the remainder of this Action shall be the law of the Navajo Nation.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 25<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 00 Opposed, on this 23<sup>rd</sup> day of February 2023.



Honorable Crystalyne Curley, Chairwoman  
Naabik'íyáti' Committee

3/1/23

Date

Motion: Honorable Vince R. James

Second: Honorable Casey Allen Johnson

Chairwoman Crystalyne Curley not voting



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

## Indian Organization Indirect Cost Negotiation Agreement

EIN: 86-0092335

Date: 11/08/2022

### Organization:

Nayajo Nation  
P.O. Box 646  
Window Rock, AZ 86515

Report Number: 2022-0532

### Filing Ref:

Last Negotiation Agreement  
dated: 12/02/2021

The indirect cost rate contained herein is for use on grants, contracts, and other agreements with the Federal Government to which Public Law 93-638 and 2 CFR Part 200 apply subject to the limitations contained in 25 CFR 900 and Section II.A. of this agreement. The rate was negotiated by the U.S. Department of the Interior, Interior Business Center, and the subject organization in accordance with the authority contained in applicable regulations.

### Section I: Rate

Start Date	End Date	Rate Type	Name	Rate	Base	Location	Applicable To
10/01/2022	09/30/2023	Fixed Carry forward	Indirect	12.59 %	(A)	All	All Programs

(A) Base: Total direct costs, less capital expenditures and passthrough funds. Passthrough funds are normally defined as payments to participants, stipends to eligible recipients, or subawards, all of which normally require minimal administrative effort.

**Treatment of fringe benefits:** Fringe benefits applicable to direct salaries and wages are treated as direct costs; fringe benefits applicable to indirect salaries and wages are treated as indirect costs.

## **Section II: General**

---

- A. **Limitations:** Use of the rate(s) contained in this agreement is subject to any applicable statutory limitations. Acceptance of the rate(s) agreed to herein is predicated upon these conditions: (1) no costs other than those incurred by the subject organization were included in its indirect cost rate proposal, (2) all such costs are the legal obligations of the grantee/contractor, (3) similar types of costs have been accorded consistent treatment, and (4) the same costs that have been treated as indirect costs have not been claimed as direct costs (for example, supplies can be charged directly to a program or activity as long as these costs are not part of the supply costs included in the indirect cost pool for central administration).
- B. **Audit:** All costs (direct and indirect, federal and non-federal) are subject to audit. Adjustments to amounts resulting from audit of the cost allocation plan or indirect cost rate proposal upon which the negotiation of this agreement was based will be compensated for in a subsequent negotiation.
- C. **Changes:** The rate(s) contained in this agreement are based on the accounting system in effect at the time the proposal was submitted. Changes in the method of accounting for costs which affect the amount of reimbursement resulting from use of the rate(s) in this agreement may require the prior approval of the cognizant agency. Failure to obtain such approval may result in subsequent audit disallowance.
- D. **Rate Type:**
1. **Fixed Carryforward Rate:** The fixed carryforward rate is based on an estimate of the costs that will be incurred during the period for which the rate applies. When the actual costs for such period have been determined, an adjustment will be made to the rate for a future period, if necessary, to compensate for the difference between the costs used to establish the fixed rate and the actual costs.
  2. **Provisional/Final Rate:** Within six (6) months after year end, a final indirect cost rate proposal must be submitted based on actual costs. Billings and charges to contracts and grants must be adjusted if the final rate varies from the provisional rate. If the final rate is greater than the provisional rate and there are no funds available to cover the additional indirect costs, the organization may not recover all indirect costs. Conversely, if the final rate is less than the provisional rate, the organization will be required to pay back the difference to the funding agency.
  3. **Predetermined Rate:** A predetermined rate is an indirect cost rate applicable to a specified current or future period, usually the organization's fiscal year. The rate is based on an estimate of the costs to be incurred during the period. A predetermined rate is not subject to adjustment.
- E. **Rate Extension:** Only final and predetermined rates may be eligible for consideration of rate extensions. Requests for rate extensions of a current rate will be reviewed on a case-by-case basis. If an extension is granted, the non-Federal entity may not request a rate review until the extension period ends. In the last year of a rate extension period, the non-Federal entity must submit a new rate proposal for the next fiscal period.
- F. **Agency Notification:** Copies of this document may be provided to other federal offices as a means of notifying them of the agreement contained herein.
- G. **Record Keeping:** Organizations must maintain accounting records that demonstrate that each type of cost has been treated consistently either as a direct cost or an indirect cost. Records pertaining to the costs of program administration, such as salaries, travel, and related costs, should be kept on an annual basis.
- H. **Reimbursement Ceilings:** Grantee/contractor program agreements providing for ceilings on indirect cost rates or reimbursement amounts are subject to the ceilings stipulated in the contract or grant agreements. If the ceiling rate is higher than the negotiated rate in Section I of this agreement, the negotiated rate will be used to determine the maximum allowable indirect cost.
- I. **Use of Other Rates:** If any federal programs are reimbursing indirect costs to this grantee/contractor by a measure other than the approved rate(s) in this agreement, the grantee/contractor should credit such costs to the

**Section II: General (continued)**

---

affected programs, and the approved rate(s) should be used to identify the maximum amount of indirect cost allocable to these programs.

**J. Other:**

1. The purpose of an indirect cost rate is to facilitate the allocation and billing of indirect costs. Approval of the indirect cost rate does not mean that an organization can recover more than the actual costs of a particular program or activity.
2. Programs received or initiated by the organization subsequent to the negotiation of this agreement are subject to the approved indirect cost rate(s) if the programs receive administrative support from the indirect cost pool. It should be noted that this could result in an adjustment to a future rate.
3. Each Indian tribal government desiring reimbursement of indirect costs must submit its indirect cost proposal to our office within six (6) months after the close of the Tribe's fiscal year, unless an exception is approved.

**Section III: Acceptance**

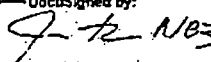
Listed below are the signatures of acceptance for this agreement:

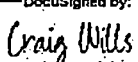
By the Indian Organization

By the Cognizant Federal Government Agency

Navajo Nation

US Department of the Interior - BIA

DocuSigned by:  
  
B5084E50855F418..

DocuSigned by:  
  
B47DB1F4A50B4BF..

Signature

Signature

Jonathan Nez

Craig Wills

Name:

Name:

President

Division Chief

Indirect Cost & Contract Audit Division

Interior Business Center

Title:

Title:

11/29/2022

11/10/2022

Date

Date

Negotiated by: Wayne Guanzon

Telephone: (916) 930-3813

Next Proposal Due Date: 03/31/2023

# Navajo Nation FY 2020 Carryforward and FY 2023 Rate Computation

## Supplement 1

Program	FY 2020 Actual Direct Cost Base	% of Total	FY 2020 Indirect Cost Pool	Indirect Rate at 12.70%	Indirect Cost Collections	Underfunded Indirect	Overfunded Indirect	Carryforward
BIA (638)	\$61,042,754	21.24%	\$9,275,048	\$12,167,995	\$12,323,882	\$0	\$0	(\$1,048,834)
Interior (Non-638)	3,872,119	1.26%	550,215	724,085	738,843	0	14,757	(173,871)
DHS (638)	30,549,759	9.98%	4,358,050	5,712,835	5,628,318	0	0	(1,270,268)
HHS (Non-638)	55,395,113	18.09%	7,899,511	10,358,885	9,434,786	0	0	(1,535,275)
Agriculture	9,766,892	3.19%	1,393,004	1,826,409	953,595	439,409	0	0
CNCS	171,695	0.06%	26,201	32,397	18,148	8,053	0	0
Education	2,959,342	0.97%	423,578	553,401	563,218	0	9,817	(129,823)
Energy	306,741	0.10%	43,668	57,361	57,963	0	602	(13,693)
EPA	2,228,443	0.73%	318,775	418,719	427,972	0	11,253	(97,944)
Homeland Security	998,850	0.33%	144,104	185,785	58,587	85,517	0	0
HUD	198,765	0.06%	26,201	37,169	36,507	0	0	(10,506)
Justice	17,893	0.01%	4,367	5,346	-3,857	7,203	0	1,021
Labor	4,511,594	1.47%	641,917	843,668	518,589	123,328	0	0
Transportation	7,989,671	2.61%	1,139,730	1,494,069	1,500,045	0	5,976	(354,339)
State & Other	5,179,551	1.69%	737,986	968,576	579,841	158,145	0	0
TOTAL	117,008,494	38.21%	16,835,479	21,892,472				1
TOTALS	\$306,197,606	100.00%	\$43,667,874	\$57,258,954	\$57,836,417	\$821,655	\$42,402	(\$4,653,332)

Accepted FY 2023 Indirect Costs	\$40,806,890
Calculated FY 2020 Under/Over/recovery Carryforward to FY 2023	(4,633,332)
Less: Prorated FY 2020 Under/Over/recovery Carryforward to FY 2024	(2,316,666) 5
Applied FY 2020 Under/Over/recovery Carryforward to FY 2023	(2,316,666)
Accepted FY 2023 Indirect Cost Pool	\$38,490,224
Accepted FY 2023 Direct Cost Base	\$305,657,536
Accepted FY 2023 Indirect Cost Rate	12.59%

1/ Funding of indirect costs for tribal activities is an internal process and is not included in the carryforward computation.

2/ The FY 2020 indirect cost pool includes the previously negotiated FY 2016 underrecovery carryforward of \$357,057 and the FY 2017 underrecovery carryforward of \$2,503,887.

3/ The amount of "Indirect Cost Collections" need not include direct funds (including direct program funds, direct CSC, or indirect CSC funds lawfully redirected to pay for unfunded direct CSC), private funds, or tribal funds diverted to pay indirect costs in the pool, provided that the amount listed is consistent with the tribal contractors' audited financial statements or post-audit statements, pursuant to Section III.B.1 (a) and (b) of PSA III.

4/ Underfunded indirect should be reported to the respective granting agencies. Underfunded amounts may be, but are not necessarily, due to shortfalls in appropriations. The presence of an amount in either of these columns does not constitute a determination or admission that either the government or the contractor is liable to the other for any amount.

5/ The Nation elected to prorate half of the FY 2020 calculated overrecovery to FY 2024.

Note: The amount shown as Indirect Cost Collections is based on additional information provided by the Nation.



**Navajo Nation**  
**FY 2023 Direct Cost Base**

**Supplement 2**  
**Page 1 of 2**

<b>Programs</b>	<b>Amount</b>
<b>FEDERAL PROGRAMS:</b>	
Department of the Interior:	
Bureau of Indian Affairs (638)	\$65,042,754
Other (Non-638)	3,872,119
Department of Health and Human Services:	
Indian Health Service (638)	30,549,759
Other (Non-638)	55,395,113
Department of Agriculture	9,766,892
Corporation for National and Community Service	171,695
Department of Education	2,959,362
Department of Energy	306,741
Environmental Protection Agency	2,228,443
Department of Homeland Security	998,850
Department of Housing and Urban Development	198,765
Department of Justice	17,893
Department of Labor	4,511,594
Department of Transportation	7,989,671
Subtotal Federal Programs	184,009,651
<b>STATE AND OTHER PROGRAMS</b>	<b>5,179,551</b>
<b>TRIBAL PROGRAMS</b>	
Legislative	7,287,949
Executive	4,889,792
Judicial	6,958,538
Justice	1,433,971
Taxation	1,195,729
Public Safety	7,706,200
General Services	150,553
Office of the Controller	6,325,414
Fixed Costs/Other	1,889,243
Community Development	2,373,354
Economic Development	2,435,625
Resources	13,522,891

**Navajo Nation**  
**FY 2023 Direct Cost Base**

**Supplement 2**  
**Page 2 of 2**

<b>Programs</b>	<b>Amount</b>
Environmental Protection Agency	596,218
Education	4,233,409
Health Improvement	9,288,535
Division of Social Services	1,384,637
Division of Transportation	981,667
Labor	416,483
Other General Funds Expenditures	17,812,410
Other Governmental Funds (Permanent)	2,878,353
Other Governmental Funds (Special Revenue)	21,298,340
Fiduciary Funds	1,409,025
<b>Subtotal Tribal Programs</b>	<b>116,468,334</b>
<b>Direct Cost Base</b>	<b>\$305,657,536</b>

Note: The approved indirect cost rate will apply to any increase in the programs included in the above amounts and to programs that are received subsequently that benefit from the Nation's administrative services.

**Navajo Nation  
FY 2023 Indirect Costs**

**Supplement 3**

<b>Title/Description</b>	<b>Amount</b>
Legislative (Council, Committees, and Commissions)	\$3,853,326
Executive (50%)	2,123,412
Judicial (15%)	118,019
Justice	3,060,059
Management and Budget	1,487,043
Public Safety (50%)	598,009
General Services	3,791,261
Office of the Controller	5,225,929
Fixed Costs/Other	14,656,150
Community Development (50%)	922,540
Economic Development	534,343
Resources (50%)	387,900
Environmental Protection Agency (50%)	108,741
Education (50%)	338,890
Health Improvement (50%)	236,816
Division of Social Services (50%)	460,758
Division of Transportation	475,754
Labor	2,427,940
<b>Total Indirect Costs</b>	<b>\$40,806,890</b>

Note: Costs treated as indirect costs should not be allowed as direct charges to contracts and grants. All costs are either direct or indirect depending on whether they apply to direct or indirect activities.

# THE NAVAJO NATION

**EXHIBIT B**



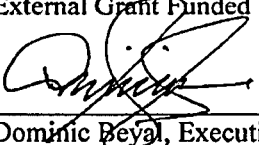
JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

January 6, 2023

## MEMORANDUM

TO : Program Managers and Division Directors

External Grant Funded Programs - The Navajo Nation

FROM :   
Dominic Beyer, Executive Director  
Office of Management and Budget (OMB)

SUBJECT : Status on the Nation's Indirect Cost (IDC) Rate for FY 2023

The FY 2023 IDC rate of 12.59% was approved for the Navajo Nation (Nation) by Interior Business Center / Department of Interior on Nov 7, 2022. The IDC Negotiation Agreement (Agreement) on the rate will be distributed as soon as it is approved by the Nation.

Pursuant to 2 NNC §701. A. 10., Naa'bik'iyaa'ti' Committee reviews and approves the negotiation and setting of the Nation's Indirect Cost (IDC) rate with cognizant federal agency. Further pursuant to 2 NNC § 1005. C. 2., the President of the Navajo Nation negotiates and executes contracts (Agreement) subject to applicable laws. Section 164(A) review on the Agreement was completed to prepare for legislative action by the Naa'bik'iyaa'ti' Committee of the incoming 25<sup>th</sup> Navajo Nation Council.

In the meantime, continue to use the FY 2022 IDC rate of 15.46% to budget for recovery of IDC in grant application and award. The budget on the respective grant awards will have to be revised based on the FY 2023 IDC rate of 12.59% after it is approved by the Nation.

Contact Contracts and Grants Section / OMB at 928-871-6033 if you have questions.

### Distribution

Cc: file  
Office of the President / Vice President  
Speaker – Navajo Nation Council  
Chief Justice – Judicial Branch  
Office of the Attorney General  
Office of the Controller

# EXHIBIT C

Document No. 019722

Date Issued: 11/07/2022

## SECTION 164 REVIEW FORM

Title of Document: FY 2023 IDC Rate Approved by IDC/DOI Contact Name: SHORTEY, CORDELL

Program/Division: OFFICE OF MANAGEMENT & BUDGET

Email: cshortey@omb.navajo-nsn.gov Phone Number: (928) 871-6033

Division Director Approval for 164A: \_\_\_\_\_

**Check document category: only submit to category reviewers. Each reviewer has a maximum 7 working days, except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.**

### Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

<input type="checkbox"/>	Statement of Policy or Positive Law:		Sufficient	Insufficient
	1. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<b>IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)</b>			
	1. OMB: <u>D. Bygal</u>	Date: <u>11-29-22</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. OOC: <u>R. W. W.</u>	Date: <u>12-12-22</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	3. OAG: <u>Y. A. P.</u>	Date: <u>12-6-22</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. O.P.V.P. <u>12/12/22</u>	Date: <u>12/12/2022</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

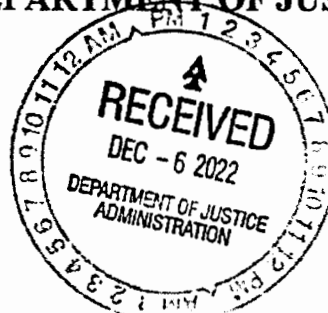
### Section 164(B) Final approval rests with the President of the Navajo Nation

<input type="checkbox"/>	<b>Grant/Funding Agreement or amendment:</b>			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Subcontract/Contract expending or receiving funds or amendment:</b>			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:</b>			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>M.O.A. or Letter of Assurance expending or receiving funds or amendment:</b>			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



# NAVAJO NATION DEPARTMENT OF JUSTICE

## **DOCUMENT REVIEW REQUEST FORM**



DOJ	
12/6/22	1204
DATE / TIME	
<input checked="" type="checkbox"/> 7 Day Deadline	
DOC #:	19722
SAS #:	
UNIT:	TPU

☐ RESUBMITTAL

\*\*\* FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. \*\*\*

### CLIENT TO COMPLETE

DATE OF REQUEST:	12/6/2022	DIVISION:	Office of the Management & Budget
CONTACT NAME:	Cordell Shortey or Dominic Beyal	DEPARTMENT:	OMB
PHONE NUMBER:	X6033	E-MAIL:	dbeyal@omb.navajo-nsn.gov
TITLE OF DOCUMENT: FY 2023 IDC Rate approved by IDC/DOI			

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	DEC 06 2022 3:30pm	REVIEWING ATTORNEY/ADVOCATE:	Kristen
DATE TIME OUT OF UNIT:			

### DOJ ATTORNEY / ADVOCATE COMMENTS

Legally Sufficient

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Kristen A. Lowell	12/06/22 4:30pm	1/2 Began	12-6-22 4:47p

DOJ Secretary Called: Cordell Shortey for Document Pick Up on 12/6/22 at 4:54pm By: C.R.

PICKED UP BY: (Print)	DATE / TIME:
-----------------------	--------------

NNDJ/DRRF-July 2013



SPONSOR'S COPY

SCANNED  
+ emailed 3:26pm



**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

DOREEN N. MCPAUL  
Attorney General

KIMBERLY A. DUTCHER  
Deputy Attorney General

**MEMORANDUM**

**TO: ALL CONCERNED**

**FROM:** *M. Rodis*  
Mel M. Rodis, Assistant Attorney General  
Tax & Finance Unit

**DATE:** July 21, 2021

**SUBJECT: STANDING DELEGATION OF AUTHORITY**

Please be advised that the personnel listed below, in order of succession, will be delegated authority to act in the capacity of the Assistant Attorney General, Tax & Finance Unit, during my absence from the Office from time to time because of travel or leave. Also, the personnel listed below, in order of succession, will have surname authority for Unit matters during my absence. This delegation will be effective immediately. The authorized delegation will include all routine duties of the Assistant Attorney General, Tax & Finance Unit. Any matters regarding personnel issues will be held for my review/decision upon my return to the Office. This Standing Delegation of Authority supersedes all previous Unit delegations. Thank you for your cooperation.

**ADMINISTRATIVE REVIEW**

1. *K. A. Lowell*  
Kristen A. Lowell, Principal Attorney  
Tax & Finance Unit

**SURNAME AUTHORITY**

1. *LaTonia B. Johnson*  
LaTonia B. Johnson, Assistant Attorney General  
Human Services & Government Unit
2. *Paul Spruhan*  
Paul Spruhan, Assistant Attorney General  
Litigation & Employment Unit
3. *Veronica Blackhat*  
Veronica Blackhat, Assistant Attorney General  
Natural Resources Unit
4. *Rodgerick T. Begay*  
Rodgerick T. Begay, Assistant Attorney General  
Chapter Unit
5. *J. Michelle Brown-Yazzie*  
J. Michelle Brown-Yazzie, Assistant Attorney General  
Water Rights Unit

# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

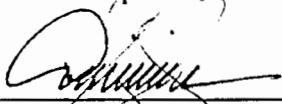


November 29, 2022

## MEMORANDUM

To: Section 164 (A) Document Reviewers

- Office of the Controller
- Department of Justice

From:   
Dominic Beyer, Executive Director – OMB

Subject: Document Review No. 019722 – Indirect Cost Negotiation Agreement (Agreement) on FY 2023 IDC Rate of 12.59% approved for the Navajo Nation by DOI / Interior Business Center (IBC)



We (OMB) received today the complete document on the subject Agreement from IBC, attached as Exhibit "A". Pursuant to 2 NNC §701. A. 10., the Indirect Cost (IDC) rate is subject to acceptance by Naa'bik'iyaa'ti' Committee. The document review is the process to obtain such legislative action. Pursuant to 2 NNC Sec. 1005. C. 2., President Nez signs the Agreement.

The IDC rate is based on IDC Rate Proposal (Proposal) that was prepared by Mr. Bret Schlyer, the Nation's IDC Consultant. The Proposal is supported by actual expenditures and financial information included in the Nation's FY 2020 Audit Report. The Proposal deemed sufficient by Nation's IDC group which consist of representative from DOJ, OOC and CGS/OMB was submitted to IBC on May 5, 2022.

There were issues and confusion with the Agreement. It (Agreement) was emailed to me by IBC on November 7, 2022 and erroneously had my name to sign. IBC was informed immediately that President Nez is the authorized official to sign and to have the Agreement re-issued accordingly. The corrected Agreement was email to President Nez on November 14, 2022. IBC advised the Agreement be signed digitally and within (30) days. The FY 2023 IDC rate of 12.59% is use to budget for recovery of IDC funds and IDC funds recovered on external grants applicable to period covering October 1, 2022 to September 30, 2023.

Thank you for your prompt review and surname of the document. Contact our office at 871-6033 if you have question.

Attachment

Cc: file  
Paulson Chaco, Chief of Staff - OPVP



# THE NAVAJO NATION

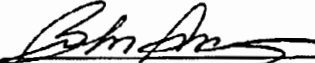
JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



November 23, 2022

## MEMORANDUM

TO : Jonathan Nez, President  
Office of the President & Vice President

FROM:   
Brenda Anderson, Deputy Legal Counsel  
Office of the President & Vice President

RE : Indirect Cost Negotiation Agreement– U.S. Department of the Interior –  
Office of the Secretary

I have reviewed the accompanying documents of the Indian Organization Indirect Cost Negotiation Agreement – Navajo Nation Office of the President and Vice President – Office of the Controller – Office of Management and Budget, Window Rock, Arizona and U.S. Department of the Interior- Office of the Secretary, Washington, D.C. This is an Indirect Cost Negotiation agreement under Report Number: 2022-0532 dated November 8, 2022 for use on grants, contracts, and other agreement with the Federal Government which P.L. 93-638 and 2 CFR Part 200 apply subject to the limitations contained in 25 CFR 900 and Section ILA of this agreement. The rate is set at 12.59% applicable to all programs and it is a "Fixed Carry Forward" Rate Type in the amount of \$305,657,536. The last Negotiation agreement is dated December 2, 2021. The Indirect Cost Negotiation Agreement<sup>1</sup> is ready for your signature electronically and you will need to go into your email to sign off on the documents. The electronic email is in your email INBOX as of Monday, November 14, 2022.

Document No.	
--------------	--

### Services Contract:

Original Start Date	October 1, 2022
Original End Date	September 30, 2023
Modified End Date	

<sup>1</sup> OMB – Mr Cordell Shortey, Contracting Officer is the person to handle all funding for all programs for the Navajo Nation (928) 871-7831

# NAVAJO NATION

27

Naa'bik'iyati' Committee Regular Meeting

2/23/2023  
09:09:09 PM

Amd# to Amd#	Consent Agenda: Legislations	PASSED
MOT James, V	0017-23, 0019-23, 0020-23,	
SEC Johnson, C	0013-23 and 0022-23	

Yeas : 21

Nays : 0

Excused : 1

Not Voting : 1

## Yea : 21

Arviso, S	Damon, S	Nez, A	Simpson, D
Aseret, L	Daniels, H	Nez, R	Slater, C
Begay, H	James, V	Notah, N	Tolth, G
Begay, N	Jesus, B	Parrish, S	Yanito, C
Charles-Newton, E	Johnson, C	Simonson, G	Yazzie, C
Claw, S			

## Nay : 0

## Excused : 1

Crotty, A

## Not Voting : 1

Tso, O

Presiding Speaker: Curley, C