

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0114-20__

SPONSOR: Carl R. Slater

TITLE: An Action Relating to the Resources and Development, Budget and Finance and Naabik'iyáti' Committees; Approving the Navajo Division of Transportation BIA Indian Highway Safety Program (IHSP) Child Passenger Safety Grant and waiver of the indirect cost rate.

Date posted: May 7, 2020 at 5:12PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0114-20

DATE: April 9, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCE AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE AND NAABIK'ÍYÁTI'; APPROVING THE NAVAJO DIVISION OF TRANSPORTATION BIA INDIAN HIGHWAY SAFETY PROGRAM (IHSP) CHILD PASSENGER SAFETY GRANT AND WAIVER OF THE INDIRECT COST RATE.

PURPOSE: This resolution, if approved, will accept the BIA Indian Highway Safety Program Child Passenger Safety Grant for \$9675.00 and for a waiver of the indirect cost rate by Navajo Division of Transportation, Department of Highway Safety.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

OLC No. 20-054-1

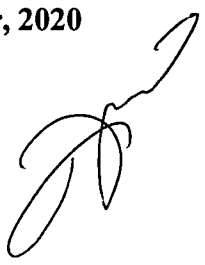
5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: _____
Posting End Date: 05-12-20
Eligible for Action: 05-13-20

Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Second Year, 2020

3 INTRODUCED BY

4 _____
5
6 (Sponsor)



7
8 TRACKING NO. 0114-20

9
10 AN ACTION

11 RELATING TO THE RESOURCE AND DEVELOPMENT, BUDGET AND FINANCE
12 AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING THE NAVAJO DIVISION OF
13 TRANSPORTATION BIA INDIAN HIGHWAY SAFETY PROGRAM (IHSP) CHILD
14 PASSENGER SAFETY GRANT AND WAIVER OF THE INDIRECT COST RATE.

15
16 BE IT ENACTED:

17 SECTION ONE. AUTHORITY

- 18 A. The Resource and Development Committee is a standing committee of the Navajo
19 Nation Council and exercises oversight authority over transportation and planning
20 and coordination of all transportation activities of the Navajo Nation. 2 N.N.C. § 500
21 (A) (C) (6).
- 22 B. The Resource and Development Committee is empowered to review and recommend
23 to the Navajo Nation Council resolutions to accomplish the committee's purpose and
24 to represent Navajo Nation in cooperation and coordination with the President of the
25 Navajo Nation and the appropriate committees of the Navajo Nation Council to
26 propose resolutions relating to and affecting transportation matters, the Navajo
27 Division of Transportation. 2 N.N.C. § 501 (B) (5) (12).
- 28 C. The Budget and Finance Committee is a standing committee of the Navajo Nation
29 Council and is empowered to authorize, review, approve and accept agreements,
30 including contracts and grants, between the Navajo Nation and any federal, state or

1 regional authority upon the recommendation of the standing committee which has
2 oversight over the division, department or program which has applied for the
3 agreement. 2 N.N.C. §§ 300 (A) and 301 (B) (15).

4 D. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
5 and among other statutory powers, the committee has the delegated responsibility to
6 review and continually monitor the programs and activities of federal and state
7 departments and to assist development of such programs designed to serve the Navajo
8 People and the Navajo Nation through intergovernmental relationships between the
9 Navajo Nation and such departments. 2 N.N.C. §§ 700 (A) and 701 (A)(7).

10 E. Regarding grants, the Naabik'iyáti' Committee negotiates indirect cost rates; and, it is
11 authorized to waive such costs. 2 N.N.C. § 701 (A)(10). The Naabik'iyáti'
12 Committee may waive such costs when it determines it is in the best interests of the
13 Navajo Nation and when the "division, department or program requesting the waiver
14 demonstrates a statutory and/or regulatory requirement that limits the indirect cost or
15 administrative cost rate available for a particular grant or contract, or ... [t]here is a
16 showing of necessity and a commitment of available general funds by the division,
17 department or program requesting the waiver which is available to offset the loss in
18 indirect costs or administrative costs." 2 N.N.C. § 701 (A)(10)(a) and (b).

19 F. The Naabik'iyáti' Committee of the Navajo Nation Council reviews and approves
20 "the negotiation and setting of the Navajo Nation's indirect cost or administrative cost
21 rate agreements with the cognizant federal agent. 2 N.N.C. § 701 (A)(10).

22

23 SECTION TWO. FINDINGS

24 A. The Navajo Nation Division of Transportation's Department of Highway Safety
25 (NNDTDHS) applied and was awarded the FY2020 BIA Indian Highway Safety
26 Program, Child Passenger Safety Grant in the amount of \$9,675.00. **Exhibit "A"**.

27 B. The NNDTHS will be utilizing the awarded grant funding for the purchase of car
28 seats, child safety passenger safety technician fees and supplies for the Department of
29 Highway Safety's Child Passenger Safety Program. **Exhibit "B"**.

30

1 C. The FY2020 BIA Indian Highway Safety Program, Child Passenger Safety Grant
2 does allow for indirect costs of \$75.00, which is to be claimed on a monthly basis at
3 the Indirect Cost Rate per the grant general clauses. See page 6 of the Grant
4 Agreement #21, **Exhibit "A"**.

5 D. The Office of Management and Budget, Request for Service form, **Exhibit "C"**,
6 notes the following:

7 1. The document in regards to Request for 164 Review on Funding
8 Contract/Agreement in the amount of \$9675.00 for the BIA Indian Highway
9 Safety Program's Child Passenger Safety Grant, 11/11/2019 through
10 06/30/2020 has gone through the 164 Executive Review process based on, 2
11 N.N.C. § 164, review requirements.

12 2. The Indirect Cost (IDC) rate 15.85% was not originally included in grant
13 application. The grant was awarded to NNDTDHS in November 2019 and is
14 still in the Nation's acceptance process review and action (acceptance by
15 resolution) by Naabik'íyáti' Committee.

16 3. 164 E.O.R. #13686 packet (attached) NNDTDHS, for the BIA Indian
17 Highway Safety Program's Child Passenger Safety Grant No. OP-20-03 was
18 provided by NNDTDHS for legislation on February 4, 2020.

19 E. The NNDTHS requests for a limited waiver of the indirect cost rate of 15.85% for the
20 2020 the BIA Indian Highway Safety Program's Child Passenger Safety Grant.

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22 **SECTION THREE. APPROVE INDIRECT COST WAIVER**

23 The Navajo Nation hereby approves the Navajo Nation Division of Transportation,
24 Department of Highway Safety request to waive the indirect cost rate of 15.85% for the BIA
25 Indian Highway Safety Program's Child Passenger Safety Grant
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