

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Indirect Cost)

RES. NO. 77-87

1 WHEREAS, Public Law 93-638 Indian Self-Determination and Education Assistance
2 Act, does authorize tribal governments to enter into contracts with
3 the Bureau of Indian Affairs and the Indian Health Service for program
4 activities administered by the Bureau of Indian Affairs and Indian
5 Health Service; and

6 WHEREAS, 25 Code of Federal Regulations Section 271.54 outlines the regulations
7 which the Government must follow in determining costs under a Public
8 Law 93-638 contract and states as follows:
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10 "The tribal organization shall be entitled to be funded for
11 direct and indirect costs under the contract as follows:

12 (a) Direct costs under contracts for operations of programs
13 or parts shall not be less than the Bureau would have pro-
14 vided if the Bureau operated the program or part during
15 the contract. Direct costs shall include the Bureau's
16 direct costs for planning administering and evaluating the
17 program or part and shall not be used to reduce indirect
18 costs otherwise allowable to the tribal organization."

19 (Underlined for emphasis)

20 WHEREAS, the Tohono O'Odham Nation does determine it's indirect costs and does
21 negotiate with the Department of the Interior, Office of the Inspector
22 General to set the Nation's indirect cost rate; and

23 WHEREAS, the Tohono O'Odham Nation recognizes that the indirect costs for most
24 tribal governments are generally higher than it would cost the Federal
25 Government and that the financial status of a tribal government may
26 vary from year to year which affect their ability to "assume the
27 administration of governmental programs previously administered by the
28 Federal Government for the benefit of Indians" as intended by the
29 passage of P. L. 93-638; and

30 WHEREAS, the Bureau of Indian Affairs' proposal to set an indirect cost rate
31 of fifteen percent (15%) without regard to how this will affect tribal
32 governments is in direct conflict with the intent of P. L. 93-638.

33 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'Odham Legislative Council that
34 the Tohono O'Odham Nation is opposed to the Bureau of Indian Affairs'

1 proposal to set the indirect cost rate of fifteen percent (15%).

2 BE IT FURTHER RESOLVED that the Tohono O'Odham Legislative Council directs the

3 Secretary of the Interior, Bureau of Indian Affairs to:

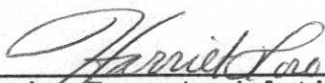
4 "make such rules and regulations as may be necessary to
5 establish consistent procedures for the negotiation, pay-
6 ment and audit of overhead costs on grants and contracts
7 by all federal agencies to Indian tribes and tribal
8 organizations"

9 and, further, that the Secretary take no further action on


10 implementing the fifteen percent (15%) indirect cost as proposed.

11 The foregoing resolution was passed by the Tohono O'odham Council on the 2nd
12 day of March, 1987, at a meeting at which a quorum was present with a vote of
13 1527.0 for; -0- against; 117.0 not voting; and 05 absent, pursuant to the
14 powers vested in the Council by Section 1 (j) of Article VI of the Constitu-
15 tion of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on
16 January 18, 1986, and approved by the Acting Deputy Assistant Secretary -
17 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act
18 of June 18, 1934 (48 Stat. 984).

19 TOHONO O'ODHAM LEGISLATIVE COUNCIL

20 
21 Harriet Toro, Legislative Chairperson
22 2nd day of March, 1987.

23 ATTEST:

24 
25 Aureliana Allen
26 Acting Legislative Secretary
27 2nd day of March, 1987.

28 Said Resolution was submitted for approval to the office of the Chairman of the
29 Tohono O'odham Nation on the 2nd day of March, 1987, at 5:09
30 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the
31 Constitution and will become effective upon his approval or upon his failure to
32 either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Harriet Toro, Legislative Chairperson

1 [X] APPROVED) on the 2 day of March, 1987, at
2 [] DISAPPROVED) 5:35 o'clock, P.M.

3
4 Joseph L Moore
5 JOSIAH MOORE, Chairman
6 TOHONO O'ODHAM NATION

6 Returned to Legislative Secretary on the 2nd day of March, 1987,
7 at 5:35 o'clock, P.M.

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10 Lucinda Allen
11 Acting Legislative Secretary

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MOVED: TONY FELIX

SUBJECT: INDIRECT COSTS

SECOND: JOHNSON JOSE

DATE: MARCH 2, 1987

RESOLUTION OR ORDINANCE # 77-87

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 138	1. Elliott Lewis (Eugene F. Jose) 2. Nicholas Jose (Letitia Garcia)	69.0 69.0	X X			X
SELLS 257	1. Andrew M. Patricio (Nora Alveraz) 2. Fred Stevens, Sr. ()	128.5 128.5	X X			
SCHUK TOAK 105	1. Joseph Juan () 2. Julia Carrillo (JoAnn Francisco)	52.5 52.5	X X			X
SAN XAVIER 126	1. Yvonne Corella (Austin Nunez) 2. Tony Felix (Carmelita Mattias)	63.0 63.0	X X			
BABOQUIVARI 241	1. Edward N. Kisto () 2. Kenneth Chico, Sr. (Frances Miguel)	120.5 120.5	X X			X
GU ACHI 158	1. Angelo Joaquin, Sr. () 2. Fernando Joaquin ()	79.0 79.0	X X			X
PISINEMO 116	1. Jerome Antone (Consuela Mendoza) 2. Johnson Jose (Edward Manuel)	58.0 58.0	X X			
SAN LUCY 85	1. John Reno () 2. Max P. Jose (Dewey Ortega)	42.5 42.5	X X			
GU VO 117	1. Cross Antone (Fern Salcido) 2. Virgil Lewis (Roy Montana)	58.5 58.5			X X	X
HICKIWAN 128	1. Henry A. Ramon (Pablo Baptisto) 2. Lloyd Francisco (Eleanor Santos)	64.0 64.0	X X			
CHUKUT KUK 169	1. Rosemary Lopez (Anita C. Clark) 2. Harriet Toro (Marvin J. Thomas)	84.5 84.5	X X			
TOTALS		1640.0	1523.0	-0-	117.0	05