



The Navajo Nation
Office of the President and Vice President

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President Nez and Vice President Lizer request support for new CARES Act comprehensive legislation and request Council to table Legislation No. 0115-20

WINDOW ROCK, Ariz. – Navajo Nation President Jonathan Nez and Vice President Myron Lizer are requesting the support of the Navajo people for Legislation No. 0116-20, introduced on Thursday which would create the “Navajo Nation CARES Fund” to hold the \$600 million in CARES Act funding from the federal government. The bill will also immediately provide \$50 million for items such as Personal Protective Equipment, food, water, and care packages for Navajo people, to help health care facilities, and certain governmental needs that will help to keep employees working under safer conditions.

The new bill also proposes the creation of a work group comprised of members from each branch of government that may also include representatives from chapters and individuals with expertise in certain areas such as health care and emergency management that is tasked with developing other expenditure plans. Legislation No. 0116-20 is currently in the five-day comment period.

“This is a unified approach based on the true needs of our first responders and the Navajo people. If approved by the Council, Legislation No. 0116-20 would set us a path that allows the three branches of government, health care and emergency management experts, and our federal partners to work together on comprehensive expenditure plans to address COVID-19 issues and to plan for the long-term needs of our communities and that includes planning and prevention measures in the event of a second wave of COVID-19 or other pandemics,” said President Nez.

On Friday, the 24th Navajo Nation Council is expected to add Legislation No. 0115-20 to their agenda for consideration. This is a separate bill sponsored by Speaker Seth Damon, which was introduced without input from the Judicial Branch and Executive Branch and experts in the health care and emergency management fields. President Nez has stated that this legislation is “unworkable.” According to the Office of Legislative Service’s website, the legislation sponsored by Speaker Damon has only received four supporting comments from the Navajo public since its introduction on May 7.

“It’s clear that Legislation No. 0015-20 sponsored by Speaker Damon, does not have the support of the Navajo people. Four supporting comments from the Navajo people is not sufficient to move

this piecemeal legislation forward. The Council members should carefully evaluate all of the public comments that were submitted and take note of all of the concerns with the legislation cited by our Navajo people. As President and Vice President, we are committed to work with the Judicial Branch and Legislative Branch to ensure accountability, transparency, and efficient use of the funds. The legislation that will likely be considered on Friday is not conducive to working together for the Navajo people,” added President Nez.

Recently, President Nez and Vice President Lizer reached out to Speaker Seth Damon and Chief Justice JoAnn B. Jayne to arrange a three-branch chiefs meeting to consider a united path forward to use the \$600 million in CARES Act funding to effectively address infrastructure needs, first responder needs, telecommunications, and other items. President Nez requested Speaker Damon to reconsider Legislation No. 0115-20, and to develop new legislation that is inclusive of the three branches of government.

Unfortunately, Speaker Damon continued to rush the bill through three Standing Committees within two days to make it eligible for consideration by the Council on Friday. Meanwhile, the introduction of Legislation No. 0116-20 was held up by the Office of Legislative Counsel and the Office of the Speaker until Thursday when it was finally released publicly – one day before Speaker Damon’s bill became eligible for consideration by the full Council.

On Wednesday, President Nez and Vice President Lizer also accepted an invitation from the Resources and Development Committee to discuss the CARES Act funding and to present the new bill. The leaders had a very thoughtful discussion where all of the members of the Resources and Development Committee spoke of the need to work together. President Nez and Vice President Lizer stated to the members that they are committed to moving forward on a positive path with the committee and the entire Council.

“This is a time for true leadership to be put into action for the benefit of the Navajo people. We should not be bickering with one another, but we should be having more thoughtful discussions on how to best utilize the \$600 million in a way that is inclusive of the three branches of government and speaks to unity among our leaders and the Navajo people. Legislation No. 0116-20 is the best option to accomplishment that,” stated Vice President Lizer.

President Nez and Vice President Lizer request the Navajo people to submit supporting comments for Legislation No. 0116-20, sponsored by Council Delegate Edmund Yazzie and co-sponsors, by e-mail to comments@navajo-nsn.gov and navajonationpubliccomments@gmail.com.

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Overview: Alternative Legislation Establishing the “Navajo Nation CARES Fund” and other actions

On March 27, 2020, the U.S. Congress enacted the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) that created the “Coronavirus Relief Fund” (Fund) which included an \$8 billion set aside for Tribal Governments. The purpose of this legislation is to establish a holding account for the Navajo Nation current and future shares of the federal Fund, develop an expenditure plan, provide for the immediate expenditure of a portion of the Fund. The Navajo Nation’s expenditure plan would comply with U.S. Treasury’s guidance issued April 22, 2020 on permissible and impermissible uses of the Fund.

Summary: This legislation would establish the “Navajo Nation CARES fund” to be comprised of the share of the Coronavirus Relief Fund received from the United States pursuant to the Federal CARES Act; authorizing the Office of the President and Vice President to expend the fund pursuant to an expenditure plan in accordance with the Federal CARES Act and other laws; Authorizing the formation of the Dikos Ntsaaígíí-19 Relief Fund Work Group; authorizing replacement of funding for Sihasin and other projects; providing for audit of the fund and reporting to the Federal Government.

Specifically, this new proposed legislation:

- Creates the Navajo Nation CARES Fund
- Creates the Dikos Ntsaaígíí-19 Relief Fund Work Group (Work Group) for planning and accountability:
 - Four representatives from each Branch, designated by the Branch Chiefs for their respective Branch
 - May include representatives from Chapters and persons with certain expertise
 - The President may appoint Federal Advisors as ex-officio members
- Allows for immediate expenditure of \$50,559,530.10 to combat covid-19 like for purchasing **PPE** (and related items like testing); **food, water** and basic necessities; **payroll** expenses; **disinfection** of public and government buildings and facilities; **reconfiguration** of office spaces to safely re-open government; assistance to P.L. 93-638 **healthcare** facilities; and expenses to facilitate **procurement** and/or improvement of the Nation’s financial system to process CARES fund expenditures.
- Creates an Expenditure Plan for a longer term expending to address the needs of the Navajo people. The Work Group shall create an Expenditure Plan within 15 days after the Enactment of the CARES Fund Act for expenditure of the funds; the President will then present the plan to the Budget and Finance Committee, along with a plan to expend the additional funds received from the federal government, the appropriation from CMA-06-20, and monetary donations that have been received.

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- Authorizes the President to incorporate eligible Sihasin-funded and other projects to recognize that some of the needed projects can help to address Covid-19 and these projects have already been vetted and ready to go except for funding. This will save Sihasin dollars.
- It is anticipated that the needs of the Navajo people are in the categories of: **waterline** extensions, **agriculture** development for a self-sustaining Navajo Nation, **electricity**, be it through powerline or solar, provision of **housing**, **adult-care** and **daycare** facilities, **telecommunication & broadband**, **economic development** (including tourism), **scholarships** for doctors, healthcare professionals and public safety & first responders. The Work Group will provide the justifications to address these needs as they relate to the covid-19 pandemic.
- Directs the Controller to enter into a contract with a consultant independent auditor to determine compliance with the federal CARES Act and Treasury guidelines and the Nation's CARES Fund Act.
- Directs OMB to develop expedited budget procedures, including forms, for the expeditious expenditure of Navajo CARES Fund Act funding.
- Directs the Controller, OMB, DOJ, OLC to develop an Expenditure Plan template within 10 days of the enactment of this legislation.