

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

July 4, 2020

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CJN-46-20, *An Action Relating to Health Education and Human Services, Budget and Finance and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving and Adopting the Navajo Nation CARES Fund Expenditure Plans for Special Duty Pay, Personal Protective Equipment and Facility Safety Assurance and Dine Hataalii Association, Inc.*

Dear Speaker Damon,

Pursuant to the authority granted by the People and vested in the Navajo Nation President, I am exercising the line item veto for CJN-46-20 to a portion of the Resolution.

The overall plan in CJN-47-20, supported by the Navajo People, included funding to protect our frontline workers who watch over us day and night, health workers who take care of our People during this pandemic time, and social workers who check on our children and elders, just to name some of those who have been working courageously to keep the Navajo government moving forward. Keeping our facilities clean is also an important part of the overall plan to keep our employees safe. We continue to support all those who have been working for the past several months and are thankful for their dedication. Thank you for agreeing with the Office of the President and Vice President for the appropriation and expenditure that acknowledges the earnest work of our Navajo Nation employees.

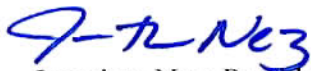
Why were the funds to protect our employees removed from the overall plan in CJN-47-20 and placed separately in this Resolution? This legislative planning creates an unnecessary step in the process and uses our frontline workers as pawns in a political game. The importance of protecting our employees should not be used in this fashion. Nevertheless, we must do all we can to give those frontline workers the support they need in the coming months, possibly years, in battling this pandemic.

The additional appropriation for a non-government entity is a concern as the details of the submitted plan does not comply with the federal guidelines for spending. The federal guidelines are what the Navajo Council imposed on the Navajo government while we pushed for decision making based on Navajo sovereignty. Now we are limited in a request from a non-government entity, the Diné Hataalii Association. This concern is sufficient reason to not approve the plan in this Resolution. Non-government entities may submit plans to the Branch Chiefs for consideration and each will be evaluated. Further, all expenditure plans should be channeled pursuant to CJN-47-20 and continued reliance on CMY-44-20 is not advisable.

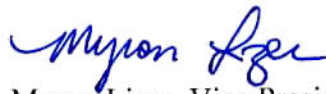
Important funding has been delayed now due to games being played with the legislative process. With the support of the People, we have provided a sound plan to make sure all our People's needs are met but doing a piecemeal approach that relies on an impotent resolution will only delay the help going to those who are in need. Again, we air the concern that the Council does not honor the separation of powers by appropriating, planning, and executing the law it passed. We urge the Navajo Council to work with the Branch Chiefs in all future funding plans so we may put our funds to good use. We look to veteran Delegates and those with sound judgment to work with the Branch Chiefs to move quickly on future funding plans. Working together we can accomplish our goals.

During this pandemic we are learning to adjust to a COVID world and one such adjustment is the telephonic or virtual meetings we have every day. We hoped by now the Navajo Nation Council would initiate rules or procedures for having Council or Committee meetings by telephone or a web-based system because the current method is frustrating and irritating to the public and government employees who need information. Dropped calls, questionable voting, inattention to the topic, no access to amendments, and recorded side conversations lead to confusion. These issues could be addressed with simple rules or procedures. We urge the Legislative Branch to find a way to communicate that provides transparency, if not for themselves, then surely for the listening public.

Sincerely,



Jonathan Nez, President
THE NAVAJO NATION



Myron Lizer, Vice President
THE NAVAJO NATION

RESOLUTION OF THE
 NAVAJO NATION COUNCIL
 24th NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION

RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE
 AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL;
 APPROVING AND ADOPTING THE NAVAJO NATION CARES FUND EXPENDITURE
 PLANS FOR SPECIAL DUTY PAY, PERSONAL PROTECTIVE EQUIPMENT AND
 FACILITY SAFETY ASSURANCE ~~AND DINÉ HATAALII ASSOCIATION, INC.~~

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BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with the responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164 (A)(9).
- C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with the enumerated powers to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment and management of all funds and to promulgate rules and regulations related to contracting and financial matters. 2 N.N.C. §§ 300 (B)(1) and (2).
- D. The Health Education and Human Services Committee is a standing committee of the Navajo Nation Council empowered to provide legislative oversight on matters involving health, social services, education, general governmental services, and human services. 2 N.N.C. § 401(C).

SECTION TWO. FINDINGS

- A. The World Health Organization (WHO) declared a Public Health Emergency of International Concern related to the outbreak of coronavirus (COVID-19), a highly contagious and sometimes

fatal respiratory virus, on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global pandemic due to COVID-19 on March 11, 2020.

- B. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020 due to COVID-19. Resolution No. CEM 20-03-11. The Navajo Nation Department of Health subsequently issued numerous Public Health Emergency Orders. Public Health Orders 2020-001 through 2020-014 are incorporated by reference into this resolution.
- C. As of June 9, 2020, the Navajo Nation Health Command Operations Center has confirmed 6,150 COVID-19 cases and 285 COVID-related deaths on the Navajo Nation.
- D. The U.S. Congress on March 27, 2020, enacted the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281 (2020) (the "CARES Act"), which, at Title V, § 5001, entitled "Coronavirus Relief Funds," attached as **Exhibit 1-A**, sets aside \$8 billion in emergency aid for Tribal governments for the COVID-19 pandemic.
- E. The CARES Act provides the Coronavirus Relief Fund shall be used to cover only those costs that:
 - a. are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
 - b. are not accounted for in the Tribal budget most recently approved as of March 27, 2020; and
 - c. are incurred from March 1, 2020 through December 30, 2020.
- F. The U.S. Treasury on April 22, 2020 issued "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments" ("Treasury Guidance") related to the permissible uses of the Coronavirus Relief Fund. **Exhibit 1-B**.

- G. On May 28, 2020, the U.S. Treasury issued "Coronavirus Relief Fund Frequently Asked Questions" ("Treasury FAQ"), attached as **Exhibit 1-C**.
- H. On or about May 6, 2020, the Navajo Nation received six hundred million five hundred fifty-nine thousand five hundred thirty dollars and ten cents (\$600,559,530.10) as the Nation's share of the U.S. Treasury's initial distribution of 60% of the Coronavirus Relief Fund.
- ~~I. Navajo Nation Council Resolution CMY-44-20, attached as **Exhibit 1**, established the Navajo Nation CARES Fund, codified at 12 N.N.C. §§ 2601 et seq.; the purpose of the Navajo Nation Cares Fund is "to serve as a depository into which the Coronavirus Relief Funds appropriated by the United States for the benefit of the CARES Act are deposited, and from which the Navajo Nation appropriates funds exclusively and only for the uses specified in this Chapter (i.e., 12 N.N.C. §§ 2601 et seq.)." 12 N.N.C. § 2603 [explanation added].~~ JMN
- ~~J. The Navajo Nation CARES Fund establishes that the Navajo Nation's expenditures of the Coronavirus Relief Funds will be "accomplished through the approval of an Expenditure Plan(s) adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council, subject to final action of the President pursuant to 2 N.N.C. § 1005 (C)(10), (11), and (12)." 12 N.N.C. § 2604 (A).~~ JMN
- K. The purpose of the Navajo Nation CARES Fund Special Duty Pay Expenditure Plan, ~~attached as **Exhibit 2**~~, is to provide twenty million dollars (\$20,000,000) in Special Duty Pay for front line workers and other essential personnel whose duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency; ~~the expenditures set forth in the Special Duty Pay Expenditure Plan are necessary to ensure that the Navajo Nation has adequate personnel available to directly respond to the COVID-19 public health emergency.~~ JMN
- L. The purpose of the CARES Fund Personal Protective Equipment Expenditure Plan, ~~attached as **Exhibit 3**~~, is to provide ten million dollars (\$10,000,000) for Personal Protective Equipment for front line workers and other essential personnel JMN

whose duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency; ~~the expenditures set forth in the Personal Protective Equipment Expenditure Plan are necessary to ensure that the Navajo Nation's personnel who are responding to the COVID-19 public health emergency are adequately protected.~~

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- M. The purpose of the CARES Fund Facility Safety Assurance Expenditure Plan, ~~attached as Exhibit 4,~~ is to provide ten million dollars (\$10,000,000) to ensure that the facilities operated by the Navajo Nation are disinfected and otherwise safe for returning employees and the public seeking governmental services; ~~the expenditures set forth in the Facility Safety Assurance Expenditure Plan are necessary to ensure that the spread of COVID-19 is mitigated to the greatest extent possible.~~

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- ~~N. The purpose of the CARES Fund Diné Hataalii Expenditure Plan, attached as Exhibit 5, is to provide one million dollars (\$1,000,000) to educate, share, and promote the teachings of Diné cultural wisdom and ceremonial healing practices/ interventions that will specifically address the mental and psychological anguish, and spiritual health impacts of the COVID-19 pandemic; the expenditures set forth in the Diné Hataalii Expenditure Plan are necessary to ensure that the effects of COVID-19 are addressed in a culturally relevant approach.~~

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SECTION THREE. APPROVAL AND ADOPTION OF THE NAVAJO NATION CARES FUND EXPENDITURE PLANS

- A. The Navajo Nation hereby approves and adopts the CARES Fund Special Duty Pay ~~Expenditure Plan, as outlined in Exhibit 2;~~ the CARES Fund Personal Protective Equipment ~~Expenditure Plan as outlined in Exhibit 3;~~ and the CARES Fund Facility Safety Assurance ~~Expenditure Plan as outlined in Exhibit 4 and the CARES Fund Dine Hataalii Expenditure Plan as outlined in Exhibit 5.~~

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- B. The Navajo Nation hereby approves and adopts total funding for the Special Duty Pay ~~Expenditure Plan~~ from the Navajo Nation CARES Fund in the amount of twenty-one million dollars

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(\$21,000,000) and allocates the funding to the Office of the Controller ~~for the purposes set forth in Exhibit 2.~~ JMN mZ

C. The Navajo Nation hereby approves and adopts total funding for the Personal Protective Equipment ~~Expenditure Plan~~ from the Navajo Nation CARES Fund in the amount of ten million dollars (\$10,000,000) and allocates the funding to the Health Command Operations Center, Department of Health, ~~for the purposes set forth in Exhibit 3.~~ JMN mZ

D. The Navajo Nation hereby approves and adopts total funding for the Facility Safety Assurance ~~Expenditure Plan~~ from the Navajo Nation CARES Fund in the amount of ten million dollars (\$10,000,000) and allocates the funding to the Facilities Maintenance Department, Division of General Services ~~for the purposes set forth in Exhibit 4.~~ JMN mZ

~~E. The Navajo Nation hereby approves and adopts total funding for the Diné Hataalii Expenditure Plan from the Navajo Nation CARES Fund in the amount of one million dollars (\$1,000,000) and allocates the funding to the Diné Hataalii Association, Inc. for the purposes set forth in Exhibit 5.~~ JMN mZ

~~F. The Coronavirus Relief Funds are externally restricted funds and the Navajo Nation Appropriations Act, 12 N.N.C. §§ 800 et seq., as applicable to externally restricted funds, shall apply to the Expenditure Plans set forth herein; detailed Expenditure Plan budgets shall not be subject to further legislative approval and shall, instead, be developed and implemented through expedited budget procedures as directed in CMY 44-20, Section Nine (B).~~ JMN mZ

SECTION FOUR. APPROVAL AND ADOPTION OF THE EXPENDITURE PLANS' ADMINISTRATION

A. The Office of the Controller, Department of Health and Facilities Maintenance Department shall ensure that all funds allocated under their respective Expenditure Plan are ~~only expended for the purposes set forth in Exhibits 2, 3, 4 and 5.~~ JMN mZ

B. The Office of the Controller, Department of Health, and Facilities Maintenance Department shall ensure that all funds

allocated under their respective Expenditure Plans shall be incurred and expended by no later than December 30, 2020.

- C. The Office of the Controller, Department of Health and Facilities Maintenance Department ~~and the Diné Hataalii Association, Inc.~~ shall ensure that no funds allocated under their respective Expenditure Plans are incurred or expended for costs accounted for in the approved Fiscal Year 2020 Navajo Nation Comprehensive Budget approved by Navajo Nation Council Resolution No. CS-30-19. JMN ML

- D. The Office of the Controller shall release the funding allocated under the respective Expenditure Plans as soon as the expedited budget procedures are completed.

- ~~E. The CARES Fund Expedited Procurement Rules and Procedures, as set forth in Exhibit 1-E, shall apply to procurement activities for the Expenditure Plans set forth herein.~~ JMN ML

- F. The funds allocated under the Expenditure Plans set forth herein shall be used exclusively and only for the permissible uses set forth in the following:

1. This Resolution approving the Navajo Nation CARES Fund Hazard Pay Expenditure Plan, CARES Fund Personal Protective Equipment Expenditure Plan, and the CARES Fund Facility Safety Assurance Expenditure Plan.

- ~~2. The Navajo Nation CARES Fund Act, 12 N.N.C. §§ 2601 et seq., and any rules, regulations or procedures adopted thereunder.~~ JMN ML

3. The Coronavirus Relief Fund which allows only those costs that:

- a. are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
- b. are not accounted for in the Navajo Nation Fiscal Year 2020 Comprehensive Budget.

- c. are incurred from March 1, 2020 through December 30, 2020;
4. Consistent with the eligible uses described in the Treasury Guidance which includes the following guidance:
- a. expenditures must be incurred "due to" the public health emergency which means that expenditures must be used for actions taken to respond to the public health emergency; these expenditures may include expenditures incurred to allow the Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures;
 - b. expenditures must be "necessary"; the Department of the Treasury interprets this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Coronavirus Relief Fund payments;
 - c. expenditures may only be made to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation with the budget; or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation; and
 - d. expenditures must be for costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. A cost is "incurred" when the responsible unit of government has expended funds to cover the cost.

5. Consistent with the eligible uses described in the U.S. Treasury Frequently Asked Questions (FAQ).
 6. Consistent with the eligible uses as may be described in any and all future guidance, rules, or regulations of the Department of the Treasury or the Department of the Interior related to the Coronavirus Relief Fund pursuant to Title V of the CARES Act.
- G. The Office of the Controller, Department of Health and Facilities Maintenance Department ~~and Diné Hataalii Association, Inc.~~ expressly agree and affirm that by drawing down any of the funds allocated under their respective Expenditure Plan:
1. the requested funds shall only be used for the purposes specified in Title V of the federal CARES Act and the Navajo Nation CARES Fund Act;
 2. the administration, management, and implementation of this Expenditure Plan shall be consistent with the Navajo Nation CARES Fund Act, this legislation, and other applicable laws and regulations of the Navajo Nation; and
 3. the costs to be covered under this Expenditure Plan are not included in the Navajo Nation Fiscal Year 2020 Comprehensive Budget, approved by Navajo Nation Council Resolution No. CS-30-19.
- ~~H. As set forth in CMY-44-20, Section Four (B), in the event that Office of the Controller, Department of Health or Facilities Maintenance Department fail to comply with and complete the expedited budget procedures within fifteen (15) days of the date the Expenditure Plans becomes law, the funds allocated to them will revert back to the Navajo Nation CARES Fund, upon the Budget and Finance Committee's acceptance of a report from the Office of Management and Budget.~~
- I. All recipients of Navajo Nation funds from the Navajo Nation CARES Fund must follow and apply Generally Accepted Accounting Principles (GAAP), as established by the Governmental Accounting Standards Board (GASB) for governmental entities,

and by the Financial Accounting Standards Board (FASB) for public and private companies and non-profits.

- J. The Health Education and Human Services Committee and the Budget and Finance Committee of the Navajo Nation Council shall serve as the oversight committees for the Navajo Nation Cares Fund Special Duty Pay, Personal Protective Equipment and Facility Safety Assurance Expenditure Plans.
- K. The Expenditure Plans and expenditures made there under shall be governed by and construed in accordance with the laws and regulations of the Navajo Nation.

SECTION FIVE. AMENDMENT

This Resolution may be amended by a majority vote of the Navajo Nation Council subject to action of the President of the Navajo Nation under 2 N.N.C. § 164 (A)(17).

SECTION SIX. EFFECTIVE DATE

This Resolution is effective upon its approval pursuant to 2 N.N.C. § 221(B).

SECTION SEVEN. SAVING CLAUSE

Should any provision of this legislation be determined invalid by the Navajo Nation Supreme Court, or a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those portions of the legislation which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th 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 20 in Favor, and 01 Opposed, on this 19th day of June 2020.



Honorable Daniel E. Tso, Speaker Pro Tem
24th Navajo Nation Council

June 24, 2020
DATE

Motion: Honorable Charlaine Tso

Second: Honorable Jimmy Yellowhair

Speaker Pro Tem Daniel E. Tso not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of _____, 2020.

Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2020 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the 2010 Certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this 04 day of JULY, 2020.

Jonathan Nez Myron Liza
Jonathan Nez, President
Navajo Nation

EXHIBIT

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RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACT RELATING TO LAW AND ORDER, BUDGET AND FINANCE, AND NABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; WAIVING 12 N.N.C. §§ 301 ET SEQ.; ENACTING THE "NAVAJO NATION CARES FUND ACT" BY AMENDING TITLE 12 OF THE NAVAJO NATION CODE AND ESTABLISHING "THE NAVAJO NATION CARES FUND" ~~TO BE COMPRISED OF THE NATION'S SHARE OF THE CORONAVIRUS RELIEF FUND RECEIVED FROM THE UNITED STATES PURSUANT TO TITLE V OF THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT ("CARES ACT")~~

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BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Navajo Nation Appropriations Act states that "[f]unds received in excess of the initial or current revenue projection shall be deposited into the General Fund unless otherwise designated by the Navajo Nation Council." 12 N.N.C. § 820(K).
- C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council with the responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164 (A)(9).
- D. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with the enumerated powers to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment and management of all funds and to promulgate rules and regulations relative to contracting and financial matters. 2 N.N.C. §§ 300 (B)(1) and (2).
- E. The Law and Order Committee is a standing committee of the Navajo Nation Council with the enumerated power to review and make recommendations to the Navajo Nation Council on proposed amendments to enactments to the Navajo Nation Code. 2 N.N.C. § 601 (B)(14).

SECTION TWO. FINDINGS

- A. The World Health Organization (WHO) declared a Public Health Emergency of International Concern related to the outbreak of coronavirus (COVID-19), a highly contagious and sometimes fatal respiratory virus, on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global pandemic due to COVID-19 on March 11, 2020.
- B. On March 11, 2020, the Navajo Nation Commission on Emergency Management, with the concurrence of the Navajo Nation President and Vice President, declared a Public Health State of Emergency on the Navajo Nation due to the presence of COVID-19 in areas surrounding the Navajo Nation. Resolution No. CEM 20-03-11.
- C. The Navajo Nation Department of Health has issued Public Health Emergency Orders including: Order No. 2020-001 dated March 18, 2020 (declaring the outbreak of COVID-19 and limiting mass gatherings); Order No. 2020-002 dated March 19, 2020 (quarantining the Chilchinbeto Community); Order No. 2020-003 dated March 20, 2020 (ordering individuals living on the Navajo Nation to stay home and shelter in place except for essential activities, prohibiting visitors to the Navajo Nation, and closing all businesses on the Navajo Nation except essential businesses); Order No. 2020-004 dated March 29, 2020 (implementing a daily curfew from 8:00 p.m. to 5:00 a.m. for all Navajo Nation residents, extending the shelter in place order, and further limiting public gatherings); Order No. 2020-005 dated April 5, 2020 (implementing a 57-hour weekend curfew on April 10-13); Order No. 2020-006 dated April 16, 2020 (extending the weekend curfew for April 17-20 and April 24-27, and closing Navajo Nation essential businesses during curfew hours); Order No. 2020-007 (requiring face masks in public); and Order No. 2020-008 dated April 29, 2020 (extending the weekend curfew to May 11). The Navajo Nation Office of the President and Vice President issued Executive Order 002-20 on March 31, 2020 (closing all Navajo Nation offices except essential personnel through April 21); and Executive Order 003-20 on April 21, 2020 (extending the closure order to May 17, 2020).
- D. As of May 5, 2020, the Navajo Nation Health Command Operations Center has confirmed a total of 2,474 COVID-19 cases on the Navajo Nation and 73 related deaths.

- E. The U.S. Congress on March 27, 2020, enacted the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), Pub. L. No. 116-136, 134 Stat. 281 (2020). The CARES Act, at Title V, §5001, entitled "Coronavirus Relief Funds," attached as **Exhibit A**, setting aside \$8 billion in emergency aid for Tribal governments for the COVID-19 pandemic.
- F. The CARES Act provides the Coronavirus Relief Fund shall be used to cover only those costs that:
- a. are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
 - b. were not accounted for in the Tribal budget most recently approved as of March 27, 2020; and
 - c. are incurred from March 1, 2020 through December 30, 2020.
- G. On April 22, 2020, the U.S. Treasury issued "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments" (hereinafter "Treasury's Guidance") related to the permissible uses of the Coronavirus Relief Fund. **Exhibit B**. Examples of eligible expenditures and ineligible expenditures are included in Treasury's Guidance.
- H. Under the CARES Act, the Department of the Treasury Inspector General has authority for monitoring and oversight of the receipt, disbursement, and use of the Coronavirus Relief Fund. A Tribal government's use of the funds for ineligible purposes will become a debt owed to the federal government and the federal government is authorized to recoup the ineligible funds from the Tribal government. In addition, the Tribal government must return unexpended funds to the U.S. Treasury.
- I. The Secretary of the Treasury, in consultation with the Secretary of the Interior and Indian Tribes, was tasked with establishing the methodology to determine the exact amount any one Tribal government would receive based on the Tribal government's increased expenditures relative to aggregate expenditures in Fiscal Year 2019 and on May 5, 2020, the U.S. Treasury issued the document entitled "Coronavirus Relief Fund Allocations to Tribal Governments," which described the methodology used for distributing the \$8 billion to Tribal governments, attached as **Exhibit C**.
- J. On May 5, 2020, the U.S. Departments of Treasury and Interior issued the press release entitled, "Joint Statement by Treasury Secretary Steven T. Mnuchin and Secretary of the Interior David

- L. Bernhardt on Distribution of Coronavirus Relief Fund Dollars to Native American Tribes," which announced that on or about May 5, 2020, the U.S. Treasury would distribute 60% of the \$8 billion, or \$4.8 billion, to Tribal governments, attached as **Exhibit D**.
- K. The Navajo Nation's share of the \$4.8 billion from the Coronavirus Relief Fund initially distributed from the U.S. Treasury on or about May 5, 2020 is six hundred million five hundred fifty-nine thousand five hundred thirty dollars and ten cents (\$600,559,530.10). The Navajo Nation CARES Fund Act applies to this initial distribution and to any subsequent distributions by the U.S. Treasury from the Coronavirus Relief Fund.
- L. The CARES Act expressly provides that Coronavirus Relief Fund shall be used to cover only those costs that are necessary expenditures incurred due to the public health emergency with respect to COVID-19 and related purposes. The Navajo Nation Council therefore acknowledges and designates, if necessary, pursuant to its authorities in 12 N.N.C. §820(K), that the Coronavirus Relief Funds that the Navajo Nation receives from the United States under Title V of the CARES Act are not projected revenues within the meaning of the Navajo Nation Appropriations Act, 12 N.N.C. §§800 et seq., and other provisions of the Navajo Nation Code; and shall not be deposited into the Nation's General Fund, but instead shall be deposited into the Navajo Nation CARES Fund. Because the funds are not projected revenue, they shall not be subject to any provisions of the Navajo Nation Code that require a portion of funds to be set-aside and deposited into any other fund of the Navajo Nation.
- M. The Navajo Nation Council finds it in the best interests of the Navajo Nation to enact the "Navajo Nation CARES Fund Act" by amending Title 12 of the Navajo Nation Code and establishing the "Navajo Nation CARES Fund" to be comprised of the Navajo Nation's share of the Coronavirus Relief Fund received from the United States pursuant to Title V of the CARES Act.
- N. The Navajo Nation Council further finds that because the Coronavirus Relief Fund can and shall only be used for expenditures through December 30, 2020, procurements expending these funds must be expedited, and that CARES Fund expenditures should not be subject to the Navajo Nation Procurement Act, 12 N.N.C. §§ 301 et seq., and its attendant regulations, and instead shall be governed by the "CARES Fund Expedited Procurement Rules and Procedures" attached as **Exhibit E**.

SECTION THREE. ENACTING THE "NAVAJO NATION CARES FUND ACT" AND ESTABLISHING THE "NAVAJO NATION CARES FUND"

The Navajo Nation hereby amends Title 12 of the Navajo Nation Code, 12 N.N.C. §§ 2601, et seq., as follows:

TITLE 12. FISCAL MATTERS

CHAPTER 26. NAVAJO NATION CARES FUND ACT

§2601. Short Title

This Act shall be titled the "Navajo Nation CARES Fund Act."

§2602. Establishment

There is established the "Navajo Nation CARES Fund" (hereinafter "Fund").

- ~~A. The Navajo Nation hereby designates that the monies that the Navajo Nation has received and will receive from the United States from the Coronavirus Relief Fund pursuant to the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act"), P.L. No. 116-136, at Title V, §5001 (the "Coronavirus Relief Fund") shall be deposited into the Fund.~~ JMN
- ~~B. Any monies deposited into the Fund shall be used exclusively and only as provided in this Chapter and in compliance with the permissible uses of the funds as set forth in the Coronavirus Relief Fund and CARES Act, the Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments issued by the U.S. Treasury on April 22, 2020, and any and all future rulemaking and regulations of the Department of the Treasury or the Department of the Interior.~~ JMN
- ~~C. The Fund shall be a continuing account and shall not lapse on an annual basis pursuant to 12 N.N.C. § 820(N).~~ JMN

§2603. Purpose

The purpose of the Fund is to serve as a depository into which the Coronavirus Relief Funds appropriated by the United States for the benefit of the Navajo Nation under Title V of the CARES Act are deposited, and from which the Navajo Nation appropriates funds exclusively and only for the uses specified in this Chapter.

\$2604. Expenditures of the Fund

A. ~~Any expenditure of the Fund shall be by an appropriation within the meaning of the Appropriations Act, 12 N.N.C. §§ 800 et seq., and accomplished through the approval of an Expenditure Plan(s) adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council, subject to final action of the President of the Navajo Nation pursuant to 2 N.N.C. § 1005(C) (10), (11), and (12).~~ JMN

B. ~~Expenditures of the Fund shall only be for eligible uses of the Coronavirus Relief Fund as defined in Title V of the CARES Act, which includes only those costs that:~~ JMN

1. are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
2. were not accounted for in the Tribal budget most recently approved as of March 27, 2020;
3. are incurred from March 1, 2020 through December 30, 2020;
4. are eligible uses as defined in the Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments issued by the U.S. Treasury on April 22, 2020, which includes the following requirements:
 - a. expenditures must be incurred "due to" the public health emergency which means that expenditures must be used for actions taken to respond to the public health emergency; these expenditures may include expenditures incurred to allow the Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures;

- b. expenditures must be "necessary"; the Department of the Treasury interprets this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Coronavirus Relief Fund payments; and
 - c. expenditures may only be made to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020; a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation with the budget; or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.
 - d. expenditures must be for costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; a cost is "incurred" when the responsible unit of government has expended funds to cover the cost.
5. The eligible uses as defined in any and all future rulemaking, rules, and regulations of the Department of the Treasury or the Department of the Interior related to the Coronavirus Relief Fund as appropriated by the U.S. Congress in Title V of the CARES Act.

\$2605. Audit

The Controller shall keep records sufficient to demonstrate that the Coronavirus Relief Funds appropriated by the U.S. Congress to the Navajo Nation have been used in accordance with the CARES Act and §601(d) of the Social Security Act. The Fund shall be subject to an annual audited report by the Navajo Nation's independent auditor. The Navajo Nation Council and/or the Navajo Nation President may require an audit at any time. The Controller is responsible for providing any and all records required by the Department of the Treasury Inspector General. Pursuant to the CARES Act, Title V, the Department of the Treasury Inspector General has authority for monitoring and oversight of the receipt, disbursement, and use of the Coronavirus Relief Fund; and a Tribal government's use of the funds for ineligible purposes will become a debt owed to the federal government, the federal government is authorized to recoup the ineligible funds from the Tribal

government, and the Tribal government must return unexpended funds to the U.S. Treasury.

§2606. Amendments

This Act may be amended by a two-thirds (2/3) vote of the full membership of the Navajo Nation Council subject to action of the President of the Navajo Nation under 2 N.N.C. §221 (B).

SECTION FOUR. EXPENDITURE PLAN REQUIREMENTS AND ADMINISTRATION

A. ~~To be eligible to receive an appropriation of Coronavirus Relief Funds as defined in Title V of the CARES Act, Expenditure Plan(s) required by the Navajo Nation CARES Fund Act ("Act") shall, at a minimum, include provisions specifying the following:~~ JMN

1. The specific purposes for which the requested funds will be used and detailed explanation of how such uses satisfy the criteria for eligible costs specified in the Act;
2. Affirmation that the requested funds shall only be used for the purposes specified in the Act;
3. The Navajo Nation division, department, program, chapter, Kayenta Township or entity to which the appropriations are assigned and allocated;
4. The Navajo Nation division, department, program, chapter, Kayenta Township or entity that is responsible for managing and implementing or monitoring the Expenditure Plan;
5. The job title of the person or persons that will administer the Expenditure Plan and appropriated funds;
6. The mechanism for allocating the funding to Navajo Nation and external entities, programs, and projects through: direct funding; a memorandum of agreement ("MOA") executed by the President of the Navajo Nation; a grant agreement through a specific Navajo Nation department or program; or other mechanism;

7. The accounting and reporting requirements applicable to the funding;
 8. The Standing Committee of the Navajo Nation Council with legislative oversight over the activity;
 9. Affirmation that the administration, management, and implementation of the Expenditure Plan shall be consistent with the Act, this legislation, and other applicable laws and regulations of the Navajo Nation; and
 10. If the recipient of the funding is a non-Navajo Nation government entity, an affirmation that the entity will indemnify the Nation for any expenditures deemed ineligible by the Department of Treasury Inspector General or other federal entity.
- B. ~~An Expenditure Plan may be approved by the Navajo Nation Council without detailed budget forms, provided the Navajo Nation division, department, program, chapter, Kayenta Township or entity to which the appropriations are allocated complies with the expedited budget procedures developed by the Office of Management and Budget and approved by the Budget and Finance Committee;~~ in the event the entity to which appropriation(s) are allocated fails to comply with and complete the expedited budget procedures within fifteen (15) days of the date the Expenditure Plan becomes law, the funds allocated to that entity will revert back to the Navajo Nation CARES Fund.

JMN

SECTION FIVE. WAIVING 12 N.N.C. §§ 301 et seq. AND ADOPTING CARES FUND EXPEDITED PROCUREMENT RULES AND PROCEDURES

To ensure Navajo Nation expenditures using Coronavirus Relief Funds are expended by December 30, 2020 as required by the U.S. Treasury and to prevent the Navajo Nation from being required to repay the U.S. Treasury for any ineligible uses of the funds, the Navajo Nation hereby waives the applicability of the Navajo Nation Procurement Act, 12 N.N.C. §§301 et seq., and its attendant regulations, to the expenditure of CARES Act funding; the expenditure of CARES Act funding shall instead be governed by the Navajo Nation CARES Fund Act, this legislation and the "CARES Fund Expedited Procurement Rules and Procedures" attached as **Exhibit E**.

Notwithstanding the above, no less than twenty-five percent (25%) of all expenditures from, and contracts using, the Navajo Nation CARES Fund shall go to Navajo-owned businesses.

SECTION SIX. PREVAILING LAW

Notwithstanding any provision of Navajo Nation law to the contrary, the provisions of this legislation shall prevail and govern the appropriation and expenditure of funding from the CARES Fund.

SECTION SEVEN. EFFECTIVE DATE

This Act is effective upon its approval pursuant to 2 N.N.C. § 221(B).

SECTION EIGHT. SAVING CLAUSE

Should any provision of this legislation or the Navajo Nation CARES Fund Act ("Act") be determined invalid by the Navajo Nation Supreme Court, or a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those portions of the Act or Act which are not determined invalid shall remain the law of the Navajo Nation.

SECTION NINE. DIRECTIVES

- A. The Controller, with the support of the Attorney General, is directed to enter into a contract with a firm to provide consulting services in a capacity akin to an independent inspector general or auditor general to determine whether expenditures of the CARES Act funding are in compliance with the permissible uses of the appropriated funding as set forth in the Coronavirus Relief Fund and CARES Act, the Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments issued by the U.S. Treasury, the Navajo Nation CARES Fund Act and the applicable Expenditure Plan; to notify the Navajo Nation division, department, program, chapter, or entity to which the appropriations are allocated if any expenditures are ineligible under the CARES Act, etc.; and to provide written reports to the Naabik'iyáti' Committee and the President of the Navajo Nation of all ineligible expenditures.
- B. The Office of Management and Budget is directed to develop expedited budget procedures, including forms, if necessary, for the expeditious expenditure of CARES Act funding for


approval by the Budget and Finance Committee within ten (10) days of the enactment of this legislation.

- C. The Office of the Controller, Department of Justice, Office of Management and Budget and Office of Legislative Counsel are directed to develop an Expenditure Plan template within ten (10) days of the enactment of this legislation.
- D. To ensure transparency, the Office of Management & Budget, with the assistance of the Department of Information Technology, shall develop a website allowing the public to view the Expenditure Plan(s) and the expenditures thereunder.
- E. The Controller, and Office of Management & Budget, and with the support of the Attorney General, are directed to evaluate the possibilities of contracting with an outside firm to process budgets, contract payments, expenditures, etc. for the purposes of implementing the Navajo Nation CARES Funds and report their analysis to the Budget & Finance Committee within no more than twenty (20) days after the enactment of this legislation.
- F. First priority for all expenditures from and contracts using the Navajo Nation CARES Funds shall be given to Priority One and Priority Two Contractors on the Navajo Nation Business Opportunity Source List maintained by the Navajo Business Regulatory Department of the Division of Economic Development. Only in such cases as there are no qualified Priority One or Two Contractors, or no qualifying bids from qualified Priority One or Two Contractors, shall consideration be given to non-Navajo-owned businesses.
- G. The Executive Director of the Division of Natural Resources is to coordinate with the Navajo Land Department, General Land Development Office, Fish and Wild Life Department, Heritage & Historic Preservation Department, Minerals Department, to develop an expedited process within the Navajo Nation environmental review approval process of rights-of-way, service line agreements, utilizing categorical exclusions, and administrative approvals within all current pending right-of-ways and all other compliance processes that need approval permits for Navajo Nation Environmental Compliance for the expeditious implementation and completion of CARES Act funded projects; and to identify the need for any waivers of any Navajo Nation laws and policies that could impede the expedited processes for projects.

- H. The Speaker and Resources and Development Committee Chairperson are directed to send formal correspondence to the Bureau of Indian Affairs Navajo Regional Director requesting that they coordinate with the Bureau of Indian Affairs Realty Office, National Environmental Protection Agency Coordinator, Regional Archeologist, and others to develop an expedited process as it pertains to Title 25, Code of Federal Regulations, Part 169-Rights of Way Over Indian Land (25 CFR 169) for purposes of approval permits and environmental compliance, assessments, and or Impact Statements to expedite implementation and completion of CARES Act funded projects.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th 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 19 in Favor, and 04 Opposed, on this 15th day of May 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

5.20.2020

DATE

Motion: Honorable Vince James
Second: Honorable Nathaniel Brown

Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of _____, 2020.

Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2020 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation

3. I, hereby, exercise line-item veto
pursuant to the 2010 Certified
Initiative, over the supplemental
appropriations approved herein by
the Navajo Nation Council; on this
30th day of MAY, 2020.

Jonathan Nez Myron Lee
Jonathan Nez, President
Navajo Nation

maximum total compensation received by the officer or employee from the air carrier or contractor in calendar year 2019; and

(3) no officer or employee of the eligible business whose total compensation exceeded \$3,000,000 in calendar year 2019 may receive during any 12 consecutive months of such period total compensation in excess of the sum of—

(A) \$3,000,000; and

(B) 50 percent of the excess over \$3,000,000 of the total compensation received by the officer or employee from the eligible business in calendar year 2019.

(b) **TOTAL COMPENSATION DEFINED.**—In this section, the term “total compensation” includes salary, bonuses, awards of stock, and other financial benefits provided by an air carrier or contractor to an officer or employee of the air carrier or contractor.

SEC. 4117. TAX PAYER PROTECTION.

The Secretary may receive warrants, options, preferred stock, debt securities, notes, or other financial instruments issued by recipients of financial assistance under this subtitle which, in the sole determination of the Secretary, provide appropriate compensation to the Federal Government for the provision of the financial assistance.

SEC. 4118. REPORTS.

(a) **REPORT.**—Not later than November 1, 2020, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Financial Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the financial assistance provided to air carriers and contractors under this subtitle, including a description of any financial assistance provided.

(b) **UPDATE.**—Not later than the last day of the 1-year period following the date of enactment of this Act, the Secretary shall update and submit to the Committee on Transportation and the Committee on Financial Services and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate the report described in subsection (a).

SEC. 4119. COORDINATION.

In implementing this subtitle the Secretary shall coordinate with the Secretary of Transportation.

SEC. 4120. DIRECT APPROPRIATION.

Notwithstanding any other provision of law, there is appropriated, out of amounts in the Treasury not otherwise appropriated, \$32,000,000,000 to carry out this subtitle.

TITLE V—CORONAVIRUS RELIEF FUNDS

SEC. 5001. CORONAVIRUS RELIEF FUND.

(a) **IN GENERAL.**—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

“TITLE VI—CORONAVIRUS RELIEF FUND

“SEC. 601. CORONAVIRUS RELIEF FUND.

“(a) **APPROPRIATION.**—

“(1) **IN GENERAL.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making payments to States, Tribal governments, and units of local government under this section, \$150,000,000,000 for fiscal year 2020.

“(2) **RESERVATION OF FUNDS.**—Of the amount appropriated under paragraph (1), the Secretary shall reserve—

“(A) \$3,000,000,000 of such amount for making payments to the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa; and

“(B) \$8,000,000,000 of such amount for making payments to Tribal governments.

“(b) **AUTHORITY TO MAKE PAYMENTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), not later than 30 days after the date of enactment of this section, the Secretary shall pay each State and Tribal government, and each unit of local government that meets the condition described in paragraph (2), the amount determined for the State, Tribal government, or unit of local government, for fiscal year 2020 under subsection (c).

“(2) **DIRECT PAYMENTS TO UNITS OF LOCAL GOVERNMENT.**—If a unit of local government of a State submits the certification required by subsection (e) for purposes of receiving a direct payment from the Secretary under the authority of this paragraph, the Secretary shall reduce the amount determined for that State by the relative unit of local government population proportion amount described in subsection (c)(5) and pay such amount directly to such unit of local government.

“(c) **PAYMENT AMOUNTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), the amount paid under this section for fiscal year 2020 to a State that is 1 of the 50 States shall be the amount equal to the relative population proportion amount determined for the State under paragraph (3) for such fiscal year.

“(2) **MINIMUM PAYMENT.**—

“(A) **IN GENERAL.**—No State that is 1 of the 50 States shall receive a payment under this section for fiscal year 2020 that is less than \$1,250,000,000.

“(B) **PRO RATA ADJUSTMENTS.**—The Secretary shall adjust on a pro rata basis the amount of the payments for each of the 50 States determined under this subsection without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

“(3) **RELATIVE POPULATION PROPORTION AMOUNT.**—For purposes of paragraph (1), the relative population proportion amount determined under this paragraph for a State for fiscal year 2020 is the product of—

“(A) the amount appropriated under paragraph (1) of subsection (a) for fiscal year 2020 that remains after the application of paragraph (2) of that subsection; and

“(B) the relative State population proportion (as defined in paragraph (4)).

“(4) **RELATIVE STATE POPULATION PROPORTION DEFINED.**—For purposes of paragraph (3)(B), the term “relative State population proportion” means, with respect to a State, the quotient of—

“(A) the population of the State; and

“(B) the total population of all States (excluding the District of Columbia and territories specified in subsection (a)(2)(A)).

“(5) **RELATIVE UNIT OF LOCAL GOVERNMENT POPULATION PROPORTION AMOUNT.**—For purposes of subsection (b)(2), the term “relative unit of local government population proportion amount” means, with respect to a unit of local government and a State, the amount equal to the product of—

“(A) 45 percent of the amount of the payment determined for the State under this subsection (without regard to this paragraph); and

“(B) the amount equal to the quotient of—

“(i) the population of the unit of local government; and

“(ii) the total population of the State in which the unit of local government is located.

“(6) **DISTRICT OF COLUMBIA AND TERRITORIES.**—The amount paid under this section for fiscal year 2020 to a State that is the District of Columbia or a territory specified in subsection (a)(2)(A) shall be the amount equal to the product of—

“(A) the amount set aside under subsection (a)(2)(A) for such fiscal year; and

“(B) each such District’s and territory’s share of the combined total population of the District of Columbia and all such territories, as determined by the Secretary.

“(7) **TRIBAL GOVERNMENTS.**—From the amount set aside under subsection (a)(2)(B) for fiscal year 2020, the amount paid under this section for fiscal year 2020 to a Tribal government shall be the amount the Secretary shall determine, in consultation with the Secretary of the Interior and Indian Tribes, that is based on increased expenditures of each such Tribal government (or a tribally-owned entity of such Tribal government) relative to aggregate expenditures in fiscal year 2019 by the Tribal government (or tribally-owned entity) and determined in such manner as the Secretary determines appropriate to ensure that all amounts available under subsection (a)(2)(B) for fiscal year 2020 are distributed to Tribal governments.

“(8) **DATA.**—For purposes of this subsection, the population of States and units of local governments shall be determined based on the most recent year for which data are available from the Bureau of the Census.

“(d) **USE OF FUNDS.**—A State, Tribal government, and unit of local government shall use the funds provided under a payment made under this section to cover only those costs of the State, Tribal government, or unit of local government that—

“(1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);

“(2) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and

“(3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

“(e) **CERTIFICATION.**—In order to receive a payment under this section, a unit of local government shall provide the Secretary with a certification signed by the Chief Executive for the unit of local government that the local government’s proposed uses of the funds are consistent with subsection (d).

“(f) **INSPECTOR GENERAL OVERSIGHT; RECOUPMENT.**—

“(1) **OVERSIGHT AUTHORITY.**—The Inspector General of the Department of the Treasury shall conduct monitoring and oversight of the receipt, disbursement, and use of funds made available under this section.

“(2) **RECOUPMENT.**—If the Inspector General of the Department of the Treasury determines that a State, Tribal government, or unit of local government has failed to comply with subsection (d), the amount equal to the amount of funds used in violation of such subsection shall be booked as a debt of such entity owed to the Federal Government. Amounts recovered under this subsection shall be deposited into the general fund of the Treasury.

“(3) **APPROPRIATION.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Office of the Inspector General of the Department of the Treasury, \$35,000,000 to carry out oversight and recoupment activities under this subsection. Amounts appropriated under the preceding sentence shall remain available until expended.

“(4) **AUTHORITY OF INSPECTOR GENERAL.**—Nothing in this subsection shall be construed to diminish the authority of any Inspector General, including such authority as provided in the Inspector General Act of 1978 (5 U.S.C. App.).

“(g) **DEFINITIONS.**—In this section:

“(1) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given that term in section

EXHIBIT

A

4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

"(2) LOCAL GOVERNMENT.—The term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level with a population that exceeds 500,000.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(4) STATE.—The term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

"(5) TRIBAL GOVERNMENT.—The term 'Tribal government' means the recognized governing body of an Indian Tribe."

(b) APPLICATION OF PROVISIONS.—Amounts appropriated for fiscal year 2020 under section 601(a)(1) of the Social Security Act (as added by subsection (a)) shall be subject to the requirements contained in Public Law 116-94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 6001. COVID-19 BORROWING AUTHORITY FOR THE UNITED STATES POSTAL SERVICE.

(a) DEFINITIONS.—In this section—

(1) the term "COVID-19 emergency" means the emergency involving Federal primary responsibility determined to exist by the President under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID-19); and

(2) the term "Postal Service" means the United States Postal Service.

(b) ADDITIONAL BORROWING AUTHORITY.—Notwithstanding section 2005 of title 39, United States Code, or any other provision of law, if the Postal Service determines that, due to the COVID-19 emergency, the Postal Service will not be able to fund operating expenses without borrowing money—

(1) the Postal Service may borrow money from the Treasury in an amount not to exceed \$10,000,000,000—

(A) to be used for such operating expenses; and

(B) which may not be used to pay any outstanding debt of the Postal Service; and

(2) the Secretary of the Treasury may lend up to the amount described in paragraph (1) at the request of the Postal Service, upon terms and conditions mutually agreed upon by the Secretary and the Postal Service.

(c) PRIORITIZATION OF DELIVERY FOR MEDICAL PURPOSES DURING COVID-19 EMERGENCY.—Notwithstanding any other provision of law, during the COVID-19 emergency, the Postal Service—

(1) shall prioritize delivery of postal products for medical purposes; and

(2) may establish temporary delivery points, in such form and manner as the Postal Service determines necessary, to protect employees of the Postal Service and individuals receiving deliveries from the Postal Service.

SEC. 6002. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided under this division are designated as an emergency requirement pursuant to section 4(e) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this division is designated as an emergency requirement pursuant to section 412(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

The following sums are hereby are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, and for other purposes, namely:

TITLE I AGRICULTURAL PROGRAMS

OFFICE OF THE SECRETARY

For an additional amount for the "Office of the Secretary", \$9,500,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support for agricultural producers impacted by coronavirus, including producers of specialty crops, producers that supply local food systems, including farmers markets, restaurants, and schools, and livestock producers, including dairy producers: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", \$750,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the funding made available under this heading in this Act shall be used for conducting audits and investigations of projects and activities carried out with funds made available in this Act to the Department of Agriculture to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$55,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for necessary expenses for salary costs associated with the Agriculture Quarantine and Inspection Program: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For an additional amount for "Marketing Services", \$45,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including necessary expenses for salary costs associated with commodity grading, inspection, and audit activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for "Food Safety and Inspection Service", \$33,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for support of temporary and intermittent workers, relocation of inspectors, and, notwithstanding 21 U.S.C. 468, 695 and 1053 and 7 U.S.C. 2219a, costs of overtime inspectors under the Federal Meat Inspec-

tion Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FARM PRODUCTION AND CONSERVATION PROGRAMS

FARM SERVICE AGENCY

For an additional amount for "Salaries and Expenses", \$3,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including necessary expenses to hire temporary staff and overtime expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT PROGRAMS

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

For an additional amount for "Rural Business Program Account", \$20,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, for the cost of loans for rural business development programs authorized by section 310B and described in subsection (g) of section 310B of the Consolidated Farm and Rural Development Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL UTILITIES SERVICE

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For an additional amount for "Distance Learning, Telemedicine, and Broadband Program", \$25,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq.: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child Nutrition Programs", \$8,800,000,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For an additional amount for "Supplemental Nutrition Assistance Program", \$15,810,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, \$15,510,000,000 shall be placed in a contingency reserve to be allocated as the Secretary deems necessary to support participation should cost or participation exceed budget estimates to prevent, prepare for, and respond to coronavirus: *Provided further*, That of the amount provided under this

maximum total compensation received by the officer or employee from the air carrier or contractor in calendar year 2019; and

(3) no officer or employee of the eligible business whose total compensation exceeded \$3,000,000 in calendar year 2019 may receive during any 12 consecutive months of such period total compensation in excess of the sum of—

(A) \$3,000,000; and

(B) 50 percent of the excess over \$3,000,000 of the total compensation received by the officer or employee from the eligible business in calendar year 2019.

(b) **TOTAL COMPENSATION DEFINED.**—In this section, the term “total compensation” includes salary, bonuses, awards of stock, and other financial benefits provided by an air carrier or contractor to an officer or employee of the air carrier or contractor.

SEC. 4117. TAX PAYER PROTECTION.

The Secretary may receive warrants, options, preferred stock, debt securities, notes, or other financial instruments issued by recipients of financial assistance under this subtitle which, in the sole determination of the Secretary, provide appropriate compensation to the Federal Government for the provision of the financial assistance.

SEC. 4118. REPORTS.

(a) **REPORT.**—Not later than November 1, 2020, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Financial Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the financial assistance provided to air carriers and contractors under this subtitle, including a description of any financial assistance provided.

(b) **UPDATE.**—Not later than the last day of the 1-year period following the date of enactment of this Act, the Secretary shall update and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate the report described in subsection (a).

SEC. 4119. COORDINATION.

In implementing this subtitle the Secretary shall coordinate with the Secretary of Transportation.

SEC. 4120. DIRECT APPROPRIATION.

Notwithstanding any other provision of law, there is appropriated, out of amounts in the Treasury not otherwise appropriated, \$32,000,000,000 to carry out this subtitle.

TITLE V—CORONAVIRUS RELIEF FUNDS

SEC. 5001. CORONAVIRUS RELIEF FUND.

(a) **IN GENERAL.**—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

“TITLE VI—CORONAVIRUS RELIEF FUND

“SEC. 601. CORONAVIRUS RELIEF FUND.

“(a) **APPROPRIATION.**—

“(1) **IN GENERAL.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making payments to States, Tribal governments, and units of local government under this section, \$150,000,000,000 for fiscal year 2020.

“(2) **RESERVATION OF FUNDS.**—Of the amount appropriated under paragraph (1), the Secretary shall reserve—

“(A) \$3,000,000,000 of such amount for making payments to the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa; and

“(B) \$8,000,000,000 of such amount for making payments to Tribal governments.

“(b) **AUTHORITY TO MAKE PAYMENTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), not later than 30 days after the date of enactment of this section, the Secretary shall pay each State and Tribal government, and each unit of local government that meets the condition described in paragraph (2), the amount determined for the State, Tribal government, or unit of local government, for fiscal year 2020 under subsection (c).

“(2) **DIRECT PAYMENTS TO UNITS OF LOCAL GOVERNMENT.**—If a unit of local government of a State submits the certification required by subsection (e) for purposes of receiving a direct payment from the Secretary under the authority of this paragraph, the Secretary shall reduce the amount determined for that State by the relative unit of local government population proportion amount described in subsection (c)(5) and pay such amount directly to such unit of local government.

“(c) **PAYMENT AMOUNTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), the amount paid under this section for fiscal year 2020 to a State that is 1 of the 50 States shall be the amount equal to the relative population proportion amount determined for the State under paragraph (3) for such fiscal year.

“(2) **MINIMUM PAYMENT.**—

“(A) **IN GENERAL.**—No State that is 1 of the 50 States shall receive a payment under this section for fiscal year 2020 that is less than \$1,250,000,000.

“(3) **PRO RATA ADJUSTMENTS.**—The Secretary shall adjust on a pro rata basis the amount of the payments for each of the 50 States determined under this subsection without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

“(4) **RELATIVE POPULATION PROPORTION AMOUNT.**—For purposes of paragraph (1), the relative population proportion amount determined under this paragraph for a State for fiscal year 2020 is the product of—

“(A) the amount appropriated under paragraph (1) of subsection (a) for fiscal year 2020 that remains after the application of paragraph (2) of that subsection; and

“(B) the relative State population proportion (as defined in paragraph (4)).

“(5) **RELATIVE STATE POPULATION PROPORTION DEFINED.**—For purposes of paragraph (3)(B), the term “relative State population proportion” means, with respect to a State, the quotient of—

“(A) the population of the State; and

“(B) the total population of all States (excluding the District of Columbia and territories specified in subsection (a)(2)(A)).

“(6) **RELATIVE UNIT OF LOCAL GOVERNMENT POPULATION PROPORTION AMOUNT.**—For purposes of subsection (b)(2), the term “relative unit of local government population proportion amount” means, with respect to a unit of local government and a State, the amount equal to the product of—

“(A) 45 percent of the amount of the payment determined for the State under this subsection (without regard to this paragraph); and

“(B) the amount equal to the quotient of—

“(i) the population of the unit of local government; and

“(ii) the total population of the State in which the unit of local government is located.

“(7) **DISTRICT OF COLUMBIA AND TERRITORIES.**—The amount paid under this section for fiscal year 2020 to a State that is the District of Columbia or a territory specified in subsection (a)(2)(A) shall be the amount equal to the product of—

“(A) the amount set aside under subsection (a)(2)(A) for such fiscal year; and

“(B) each such District’s and territory’s share of the combined total population of the District of Columbia and all such territories, as determined by the Secretary.

“(7) **TRIBAL GOVERNMENTS.**—From the amount set aside under subsection (a)(2)(B) for fiscal year 2020, the amount paid under this section for fiscal year 2020 to a Tribal government shall be the amount the Secretary shall determine, in consultation with the Secretary of the Interior and Indian Tribes, that is based on increased expenditures of each such Tribal government (or a tribally-owned entity of such Tribal government) relative to aggregate expenditures in fiscal year 2019 by the Tribal government (or tribally-owned entity) and determined in such manner as the Secretary determines appropriate to ensure that all amounts available under subsection (a)(2)(B) for fiscal year 2020 are distributed to Tribal governments.

“(8) **DATA.**—For purposes of this subsection, the population of States and units of local governments shall be determined based on the most recent year for which data are available from the Bureau of the Census.

“(d) **USE OF FUNDS.**—A State, Tribal government, and unit of local government shall use the funds provided under a payment made under this section to cover only those costs of the State, Tribal government, or unit of local government that—

“(1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);

“(2) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and

“(3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

“(e) **CERTIFICATION.**—In order to receive a payment under this section, a unit of local government shall provide the Secretary with a certification signed by the Chief Executive for the unit of local government that the local government’s proposed uses of the funds are consistent with subsection (d).

“(f) **INSPECTOR GENERAL OVERSIGHT: RECOUPMENT.**—

“(1) **OVERSIGHT AUTHORITY.**—The Inspector General of the Department of the Treasury shall conduct monitoring and oversight of the receipt, disbursement, and use of funds made available under this section.

“(2) **RECOUPMENT.**—If the Inspector General of the Department of the Treasury determines that a State, Tribal government, or unit of local government has failed to comply with subsection (d), the amount equal to the amount of funds used in violation of such subsection shall be booked as a debt of such entity owed to the Federal Government. Amounts recovered under this subsection shall be deposited into the general fund of the Treasury.

“(3) **APPROPRIATION.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Office of the Inspector General of the Department of the Treasury, \$35,000,000 to carry out oversight and recoupment activities under this subsection. Amounts appropriated under the preceding sentence shall remain available until expended.

“(4) **AUTHORITY OF INSPECTOR GENERAL.**—Nothing in this subsection shall be construed to diminish the authority of any Inspector General, including such authority as provided in the Inspector General Act of 1978 (5 U.S.C. App.).

“(g) **DEFINITIONS.**—In this section:

“(1) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given that term in section

4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

"(2) LOCAL GOVERNMENT.—The term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level with a population that exceeds 500,000.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(4) STATE.—The term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

"(5) TRIBAL GOVERNMENT.—The term 'tribal government' means the recognized governing body of an Indian Tribe."

(b) APPLICATION OF PROVISIONS.—Amounts appropriated for fiscal year 2020 under section 601(a)(1) of the Social Security Act (as added by subsection (a)) shall be subject to the requirements contained in Public Law 116-94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 6001. COVID-19 BORROWING AUTHORITY FOR THE UNITED STATES POSTAL SERVICE.

(a) DEFINITIONS.—In this section—

(1) the term "COVID-19 emergency" means the emergency involving Federal primary responsibility determined to exist by the President under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID-19); and

(2) the term "Postal Service" means the United States Postal Service.

(b) ADDITIONAL BORROWING AUTHORITY.—Notwithstanding section 2005 of title 39, United States Code, or any other provision of law, if the Postal Service determines that, due to the COVID-19 emergency, the Postal Service will not be able to fund operating expenses without borrowing money—

(1) the Postal Service may borrow money from the Treasury in an amount not to exceed \$10,000,000,000—

(A) to be used for such operating expenses; and

(B) which may not be used to pay any outstanding debt of the Postal Service; and

(2) the Secretary of the Treasury may lend up to the amount described in paragraph (1) at the request of the Postal Service, upon terms and conditions mutually agreed upon by the Secretary and the Postal Service.

(c) PRIORITIZATION OF DELIVERY FOR MEDICAL PURPOSES DURING COVID-19 EMERGENCY.—Notwithstanding any other provision of law, during the COVID-19 emergency, the Postal Service—

(1) shall prioritize delivery of postal products for medical purposes; and

(2) may establish temporary delivery points, in such form and manner as the Postal Service determines necessary, to protect employees of the Postal Service and individuals receiving deliveries from the Postal Service.

SEC. 6002. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided under this division are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this division is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

The following sums are hereby are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, and for other purposes, namely:

TITLE I AGRICULTURAL PROGRAMS

OFFICE OF THE SECRETARY

For an additional amount for the "Office of the Secretary", \$9,500,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support for agricultural producers impacted by coronavirus, including producers of specialty crops, producers that supply local food systems, including farmers markets, restaurants, and schools, and livestock producers, including dairy producers: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", \$750,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the funding made available under this heading in this Act shall be used for conducting audits and investigations of projects and activities carried out with funds made available in this Act to the Department of Agriculture to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$55,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for necessary expenses for salary costs associated with the Agriculture Quarantine and Inspection Program: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For an additional amount for "Marketing Services", \$45,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including necessary expenses for salary costs associated with commodity grading, inspection, and audit activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for "Food Safety and Inspection Service", \$33,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for support of temporary and intermittent workers, relocation of inspectors, and, notwithstanding 21 U.S.C. 468, 695 and 1053 and 7 U.S.C. 2219a, costs of overtime inspectors under the Federal Meat Inspec-

tion Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FARM PRODUCTION AND CONSERVATION PROGRAMS

FARM SERVICE AGENCY

For an additional amount for "Salaries and Expenses", \$3,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including necessary expenses to hire temporary staff and overtime expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT PROGRAMS

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

For an additional amount for "Rural Business Program Account", \$20,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, for the cost of loans for rural business development programs authorized by section 310B and described in subsection (g) of section 310B of the Consolidated Farm and Rural Development Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL UTILITIES SERVICE

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For an additional amount for "Distance Learning, Telemedicine, and Broadband Program", \$25,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq.: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child Nutrition Programs", \$8,800,000,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For an additional amount for "Supplemental Nutrition Assistance Program", \$15,810,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, \$15,510,000,000 shall be placed in a contingency reserve to be allocated as the Secretary deems necessary to support participation should cost or participation exceed budget estimates to prevent, prepare for, and respond to coronavirus: *Provided further*, That of the amount provided under this



Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). The CARES Act established the Coronavirus Relief Fund (the "Fund") and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury's interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred "due to" the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be "necessary." The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

**Coronavirus Relief Fund
Allocations to Tribal Governments
May 5, 2020**

The CARES Act reserves \$8 billion from the Coronavirus Relief Fund (the Fund) for payments to Tribal governments and provides that the allocation of payments to Tribal governments is to be determined by the Secretary of the Treasury in consultation with the Secretary of the Interior and Indian Tribes.¹

Consultation process

In accordance with Treasury's Tribal consultation policy, Treasury and the Bureau of Indian Affairs conducted two telephonic Tribal consultations with Tribal leaders and received written comments from Indian Tribes. Treasury also appreciates the submissions made by Indian Tribes in response to Treasury's request for information.

Allocation determination

The CARES Act provides that the Tribal allocation is to be "based on increased expenditures of each such Tribal government (or a tribally-owned entity of such Tribal government) relative to aggregate expenditures in fiscal year 2019 by the Tribal government (or tribally-owned entity)" and "determined in such manner as the Secretary [of the Treasury] determines appropriate to ensure that all amounts" are distributed to Tribal governments.²

Based on a reasonable assessment of the reliability, verifiability, and relevance of available data and after consulting with the Bureau of Indian Affairs and Indian Tribes, Treasury has determined that it is reasonable and appropriate to allocate payments based on a formula takes into account population data, employment data, and expenditure data. This determination is also based on considerations of administrative feasibility—a particularly important factor in light of the need for prompt payment to Tribal governments to meet immediate needs.

By necessity and due to the statutory design, any allocation formula will yield only an estimate of increased eligible expenditures, and the statute therefore grants the Secretary discretion to devise a formula that the Secretary deems appropriate to ensure that all amounts are distributed to Tribal governments.³ It is of course unknown at present what a Tribal government's increased expenditures will be over the course of the period beginning March 1, 2020, and ending December 30, 2020, during which expenses to be covered using payments from the Fund may be incurred.⁴ Treasury determined that it would not be appropriate to rely entirely on Tribal governments' fiscal year 2019 expenditures in making allocations, e.g., by providing payments to each Tribal government based on a fixed percentage of such Tribal government's fiscal year 2019 expenditures.

Treasury believes the allocation of payments should be focused on, to the extent administratively feasible, necessary expenditures that are due to the public health emergency, which are the only expenditures that may be made using payments from the Fund.⁵ Treasury observed wide variability in expenditures reported by Tribal governments that appears to be related to differences in the extent to which Tribes and tribally-owned businesses engage in business activities. Although Treasury interprets the CARES Act to permit the provision of certain economic support to affected businesses, not all business expenses will be eligible. Treasury expects that Indian Tribes with less extensive tribally-owned businesses (and therefore

¹ See section 601(c)(7) of the Social Security Act, as added by § 5001(a) of the CARES Act.

² See *id.*

³ See *id.*

⁴ See *id.* at section 601(d)(3).

⁵ See *id.* at section 601(d)(1).

lower overall expenditures) will have a proportionately greater increase in eligible expenditures than those Tribes whose prior year expenditure amount would include expenditures associated with large tribally-owned businesses.

In contrast, Tribal population is expected to correlate reasonably well with the amount of increased expenditures of Tribal governments related directly to the public health emergency, such as increased costs to address medical and public health needs. The Federal government also has reliable and consistently-prepared data for this key variable, discussed further below, that permits payments to be made at this time. Given the importance of providing funding as soon as possible to Tribal governments to address health and human services costs and other costs directly related to COVID-19, Treasury has determined to distribute 60 percent of the \$8 billion reserved for Tribal governments immediately based on population.

Treasury will distribute the remaining 40 percent of the \$8 billion reserved for Tribal governments based on employment and expenditures data of Tribes and tribally-owned entities. The use of employment data is expected to correlate reasonably well with expenditures related to effects of the emergency, such as the provision of economic support to those experiencing unemployment or business interruptions due to COVID-19-related business closures. Data relating to expected increased expenditures is expected to correlate reasonably well with the variability in the per person costs of service delivery in different tribal environments. Treasury believes it is important to ensure that this data is as consistent across Tribal governments as possible and for that reason intends to request additional information in the near future from Tribal governments as to their employment and expenditures. Treasury intends to determine the specific weight given to employment and expenditure data after receiving such additional submissions. Final payments will be made after data on employment and expenditures are received, reasonably verified, and accounted for in the allocation formula.

Treasury determined that the total number of land acres held by the Tribal government and any tribally-owned entity would not provide a useful indicator of increased expenditures. Although the total number of land acres can indicate increased costs of providing services over a larger area, particularly in remote locations, there are some areas that are so sparsely populated that reliance on this factor likely would overstate the increased marginal costs of Tribal governments in these areas.

Tribal population data

For purposes of the payments based on Tribal population, Treasury will refer to the Tribal population data used by the Department of Housing and Urban Development (HUD) in connection with the Indian Housing Block Grant (IHBG) program.⁶ This population data is based on Census Bureau data, and Tribal governments are familiar with it and have already been provided the opportunity to scrutinize and challenge its accuracy.⁷

The IHBG program allocation formula uses the American Indian and Alaska Native population count as determined by the Census of each Tribe's "formula area."⁸ Although the definition of "formula area" was developed by HUD for the specific context of the IHBG program, the formula area corresponds broadly with the area of a Tribal government's jurisdiction and other areas to which the Tribal government's

⁶ The IHBG formula includes total American Indian and Alaska Native (AIAN) population as part of the needs component. The remainder of the IHBG formula will not be referenced by Treasury in making payments from the Fund.

⁷ See 24 C.F.R. §§ 1000.330(c), 1000.336.

⁸ See *id.* at § 1000.302.

provision of services and economic influence extend. The IHBG formula area is also useful because it incorporates adjustments to address overlapping jurisdictions.

The IHBG population data used by Treasury for the Fund allocation is available from HUD.⁹ For Indian Tribes not included in the IHBG population data, HUD provided population figures at Treasury's request. Treasury will not include state-recognized Tribes that participate in the IHBG program but that are not Indian Tribes as defined by Title V of the CARES Act. Treasury will follow the IHBG practice of calculating a payment amount for each Tribal government based on single-race and then multi-race data and allocating the larger calculation amount for each Tribe.¹⁰

Minimum payment amount

The population-based allocation will assign a minimum payment of \$100,000 to the smallest Indian Tribes as set forth in step 2, below. Only Tribal governments with a population of less than 37 will receive the minimum payment. The decision to apply a minimum payment to such Indian Tribes reflects the greater relative significance that variations in population would have at the low end of the range and the greater marginal costs that small Indian Tribes have in providing services to their people. The establishment of this minimum amount also reflects the clear desire expressed by a substantial number of Indian Tribes during the Tribal consultation process and is set at an amount that should allow funds to be used by Tribes of this size for eligible expenditures.

Alaska Native corporations

As previously stated, Treasury, after consultation with the Department of the Interior, has concluded that Alaska Native regional and village corporations as defined in or established pursuant to the Alaska Native Claims Settlement Act are eligible to receive payments from the Fund. Payments are not being made to the Alaska Native corporations at this time due to pending litigation.

Population-based component of allocation formula

The allocation will result from Treasury taking the following steps:

Step 1. Calculate the pro-rata payment for each Tribal government based on single-race and then multi-race data for each Tribe's IHBG formula area, and use the larger result for each Tribal government.

Step 2. Assign a minimum payment of \$100,000 to those Tribal government that would otherwise receive less than that amount under step 1.

Step 3. For Tribal governments that would receive a payment greater than the minimum, a pro-rata reduction is made for those amounts above the minimum for each Tribe so that the total amount for all Tribes does not exceed \$4.8 billion.

⁹ See <https://www.hud.gov/sites/dfiles/PIH/documents/FY%202020%20Estimate%20Allocation%20Single-Multi.xlsx>.

¹⁰ Prior to 2000, the Census required a person to choose a single racial category. Starting in 2000, a person was allowed multiple responses. For example, a person with mixed ancestry could report that they were both AIAN and Asian. Since 2006, successive appropriations acts have directed HUD to run the IHBG formula twice—once counting the needs of all persons who report that they are AIAN, whether they say they are AIAN alone or AIAN in combination with some other race, and then again counting only the needs of persons who identify solely as AIAN. A Tribe's allocation is based on the definition—either AIAN alone or the broader definition of multi-race AIAN—which provides it with a higher share of total funds. See, e.g., Further Consolidated Appropriations Act, 2020, Public Law 116-94, Div. H, Title II; 133 Stat 2534, 2985.



**U.S. TREASURY DEPARTMENT
OFFICE OF PUBLIC AFFAIRS**

Press Release: May 5, 2020
Contact: Treasury Public Affairs, (202) 622-2960

Joint Statement by Treasury Secretary Steven T. Mnuchin and Secretary of the Interior David L. Bernhardt on Distribution of Coronavirus Relief Fund Dollars to Native American Tribes

WASHINGTON – U.S. Secretary of the Treasury Steven T. Mnuchin and Secretary of the Interior David L. Bernhardt today issued the following statement after agreeing on a path forward to provide Coronavirus Relief Fund dollars to Native American Tribes:

“We are pleased to begin making \$4.8 billion in critical funds available to Tribal governments in all states,” said Secretary Mnuchin. “Our approach is based on the fair balancing of tribal needs.”

“Thanks to President Trump and Secretary Mnuchin for working with Congress to pass the CARES Act as historic financial support will now begin to be disbursed to Native Americans battling the COVID-19 health crisis,” said Secretary Bernhardt. “I appreciate the Secretary of the Treasury’s determination in providing a clear pathway to get these resources promptly delivered.”

The path forward agreed to by the Secretaries will:

- Distribute 60 percent of the \$8 billion to Tribes based on population data used in the distribution of the Indian Housing Block Grant (IHBG), subject to a floor of \$100,000. This data is based on U.S. Census figures and is already familiar to Tribal governments.
- Distribute the remaining 40 percent of the \$8 billion based on the total number of persons employed by the Indian tribe and any tribally-owned entity, and further data to be collected related to the amount of higher expenses faced by the tribe in the fight against COVID-19.
- Payment to Tribes will begin today based on the population allocation, and will take place over several banking days. Amounts calculated for Alaska Native Claims Settlement Act regional and village corporations will be held back until pending litigation relating to their eligibility is resolved.

- Payments to tribes based on employment and expenditure data will be made at a later date. Treasury will work with Tribes to confirm employment numbers and seek additional information regarding higher expenses due to the public health emergency.

Treasury notes that the pending litigation has introduced additional uncertainty into the process of implementing the allocation and making payments to the Tribes, but Treasury is endeavoring to make payments of the remaining amounts as promptly as possible consistent with the Department's obligation to ensure that allocations are made in a fair and appropriate manner.



CARES Fund Expedited Procurement Rules and Procedures

§ 100. Purpose

The Navajo Nation Council has determined that because federal law provides that the Coronavirus Relief Funds shall be for expenditures only through December 30, 2020, Procurement using the CARES Fund must be expedited. To meet the urgent needs of the Navajo People and the Navajo Nation government related to the COVID-19 public health emergency, Procurements utilizing the CARES Fund shall be governed by the Navajo Nation CARES Fund Act and these Expedited Procurement Rules and Procedures, shall adhere to applicable federal procurement requirements, and shall not be subject to the Navajo Nation Procurement Act and its attendant Regulations.

§ 200. Applicability

- A. Procurements funded through CARES Fund expenditures shall, and shall be pursuant to the Procurement rules and procedures ("CARES Fund Expedited Procurement") outlined in this Act once all of the following criteria are satisfied:
 - 1. Shall be used only when necessary for preparation, prevention, and/or response to the COVID-19 public health emergency consistent with guidance issued by the U.S. Department of Treasury, attached as Exhibit B to this Act;
 - 2. The CARES Fund expenditures comply with the Navajo Nation CARES Fund Act and are authorized pursuant to an approved Navajo Nation Fund Expenditure Plan.
- B. CARES Fund expenditures must be completed on or before December 30, 2020.

§300. Definitions.

- A. "Bid" means an offer to perform a Contract for the provision of Services and/or Goods at a specified price.
- B. "Bid Security" means a Bid bond or deposit submitted with a Bid, to guarantee to the Procuring Party that the Bidder, if awarded the Contract, will execute the Contract within a specified period of time and will furnish any bonds or other requirements of the Bid documents.

- C. "Blanket Purchase Agreement" is a simplified method of filling anticipated repetitive needs for small quantities of Goods or Services by establishing "charge accounts" with qualified sources. Blanket Purchase Agreements are designed to reduce administrative costs in accomplishing small purchases by eliminating the need for issuing individual purchase documents.
- D. "Construction" or "Construction-related" means anything related to and/or the process of building, altering, repairing, improving, renovating or demolishing any structure or building, or other improvements of any kind to any real property. It does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.
- E. "Contract Performance Bond" means a surety bond issued to guarantee satisfactory completion of a project by a Contractor. A Contract Performance Bond must be issued in a form satisfactory to the Controller of the Navajo Nation, and underwritten by a surety company authorized to do business within the Navajo Nation in an amount equal to one hundred percent (100%) of the price specified in the Contract "Payment Bond" means a surety bond posted by a Contractor to guarantee that all its subcontractors and material suppliers for the project will be paid per their Contracts. A Payment Bond must be issued in a form satisfactory to the Controller of the Navajo Nation underwritten, and by a surety company authorized to do business within the Navajo Nation for the protection of all persons supplying labor and material to the Contractor or its subcontractor for the performance of the work provided in the Contract in an amount equal to one hundred percent (100%) of the price specified in the Contract.
- F. "Contract" means all types of Navajo Nation agreements, reflecting mutual decisions, arrangements, or positions, regardless of what they may be called, for the Procurement of Goods, Services, or Construction or Construction-related activities. The term Contract does not include agreements, including prime Contracts and grants, between the Navajo Nation and federal, state, and local governments for the provision of governmental Services to Navajos and other persons within the Navajo Nation.
- G. "Contractor" means any person having a Procurement Contract with a Division, Department, Office, or Program of the Navajo Nation.
- H. "Designee" means an individual who is an authorized representative acting within the limits of authority.
- I. "Fund Expenditure Plan" means a plan approved by the Navajo Nation Council pursuant to a Resolution approving an appropriation from the CARES Fund. A Fund Expenditure Plan must comply with the requirements set forth in the Navajo Nation CARES Fund Act and must explain how the appropriated CARES Fund monies will be managed and expended.

- J. "Goods" means all moveable tangible items of personal property, such as materials, supplies, equipment, and commodities; printing and insurance; and may also include Services such as delivery, setup, installation, and/or warranties incidental to the Goods, costing not more than the lesser of (a) ten percent (10%) of the total cost of the Goods, or (b) \$5,000.00.
- K. "Maximum Feasible Price" means the estimated cost of the Good and/or Service being solicited. This Maximum Feasible Price establishes the highest amount of funds the Procuring Party is willing to expend on the Procurement, and restricts the price for which a Procurement can be made.
- L. "May" denotes the permissive.
- M. "Procurement" means buying, purchasing, renting, leasing, or otherwise acquiring any Goods, Services, and/or Construction. It also includes all functions pertaining to the acquisition of any such Goods, Services, and/or Construction.
- N. "Procurement File" means a compilation of all documents related to a CARES Fund Procurement, detailing all of the actions taken in relation to the Procurement.
- O. "Procuring Party" means any Division, Department, Office, Program, and non-LGA certified Chapter of the Navajo Nation.
- P. "Public Notice" shall include publication on an official Navajo Nation website, publication in a print or online newspaper of general circulation, or publication in a print or online journal for the profession or trade relevant to the Goods and/or Services sought.
- Q. "Purchase Order" means a Contract executed for Goods. All required Procurement and requisition procedures must be completed before a Purchase Order is issued. Only the standard Navajo Nation Purchase Order form, approved by the Navajo Department of Justice and the Office of the Controller, shall be used in Navajo Nation Purchase Order Procurements.
- R. "Quotation" means a document submitted by an entity detailing their proposed delivery of a Good, Service, Construction, or Construction-related activity, including but not limited to price, quantity, delivery method, and time for completion.
- S. "Scope of Work" means the Contractual terms describing Services to be performed. The Scope of Work should include, but not be limited to, any milestones, reports, deliverables, and end products that are expected to be provided by the Contractor, and may contain a time line.

- T. "Services" means the furnishing of labor, time, or effort by a Contractor, not involving the delivery of a specific end product other than reports which are incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.
- U. "Shall" denotes the imperative.
- V. "Solicitation" means the process of seeking information, proposals, Bids, and/or Quotations.
- W. "Source List" means a list maintained and published by the Business Regulatory Department of the Division of Economic Development, certifying Priority #1 and #2 entities and persons as defined and required by the Navajo Business Opportunity Act, 5 N.N.C. § 201 *et seq.*
- X. "Division, Department, Office, or Program of the Navajo Nation" means any Department, Commission, Council, Board, Bureau, Committee, Institution, Legislative Body, Agency, Government Corporation, non-Local Governance Act ("LGA") certified Chapter, or other establishment or official of the Executive, Legislative, or Judicial Branch of the Navajo Nation government. It does not mean an a LGA certified Chapter of the Navajo Nation, an Enterprise or Authority of the Navajo Nation.

§ 400. CARES Fund Expedited Procurement Rules and Procedures

Procurements utilizing the CARES Fund shall be governed by the following rules and procedures:

- A. Compliance with the Navajo Business Opportunity Act.
 - 1. To the fullest extent possible, the Procuring Party shall procure in a manner consistent with the Navajo Business Opportunity Act, 5 N.N.C. § 201 *et seq.*, so that certified entities receive preference under CARES Fund Expedited Procurement.
 - 2. The Procuring Party shall review the latest available *Source List*, compiled by the Business Regulatory Department of the Division of Economic Development, as their primary source for identifying entities certified under the Navajo Business Opportunity Act.
 - 3. The Procuring Party may look beyond the *Source List* only when no certified entity can be found on the *Source List* to fulfill the required need. In such cases, the Procuring Party shall keep on file a copy of the *Source List* used to determine that no certified entity was available.

B. Construction and Construction-related activities.

1. Construction and Construction-related activities can only be conducted by those Navajo Nation Departments and Divisions vested with the power to engage in Construction and Construction-related activities, per Navajo law.
2. Bid Security shall be required for all Construction and Construction-related Contracts with an estimated price exceeding fifty thousand dollars (\$50,000). A Procuring Party may require Bid Security for all Construction and Construction-related Contracts when the Contract price is estimated to be below fifty thousand dollars (\$50,000) if the Procuring Party believes circumstances warrant such a requirement.
3. Bid Security shall be in an amount equal to at least ten percent (10%) of the Bid amount, and acceptable Bid Security is limited to an annual or one-time bond in a form satisfactory to the Controller of the Navajo Nation underwritten by a surety company authorized to do business within the Navajo Nation or the equivalent in cash, a bank certified check, or cashier's check payable to the Navajo Nation.
4. A Contract Performance Bond and Payment Bond shall each be required for all Construction and Construction-related Contracts with an estimated price exceeding fifty thousand dollars (\$50,000). The Contract Performance Bond and Payment Bond shall be delivered by the Contractor to the Procuring Party following award of a Contract and before commencement, and shall become binding upon the parties to the Contract upon execution of the Contract.
 - a. A Contract Performance Bond shall be delivered in a form satisfactory to the Controller of the Navajo Nation, and underwritten by a surety company authorized to do business within the Navajo Nation in an amount equal to one hundred percent (100%) of the price specified in the Contract;
 - b. A Payment Bond shall be delivered in a form satisfactory to the Controller of the Navajo Nation, and underwritten by a surety company authorized to do business within the Navajo Nation in an amount equal to one hundred percent (100%) of the price specified in the Contract.
5. The head of the Procuring Party's Department or the designated Chapter Official, with the concurrence of the Controller of the Navajo Nation or designee, may reduce the amount of the Contract Performance and Payment Bonds to fifty percent (50%) of the Contract price for each Bond only when:
 - a. retention on the Contract is set at fifty percent (50%) or above; or

- b. the Contractor provides an irrevocable letter of credit equal to at least fifty percent (50%) of the Contract price.

C. Solicitation.

1. Pre-Solicitation documentation

The Procuring Party shall create a Procurement File at the beginning of all CARES Fund Procurements, documenting all of the following:

- a. A Navajo Nation Council Resolution appropriating funds from the CARES Fund for the proposed expenditure;
- b. A Navajo Nation Fund Expenditure Plan permitting the proposed expenditure;
- c. Creation of a Scope of Work detailing the required Good, Service, Construction or Construction-related Procurement, including, at minimum, a description of the quantity and type needed;
- d. How the Good, Service, Construction, or Construction-related Procurement is necessary to prepare, prevent, or respond to the Navajo Nation's public health emergency with respect to the COVID-19 virus;
- e. Determination of a Maximum Feasible Price for the proposed Procurement based on budget constraints and an independent cost estimate, including but not limited to current market price, unit price from a previous purchase, prototype cost, or price from a vendor catalog or other published advertisement. This Maximum Feasible Price shall not be revealed to the public, including any respondents to the Solicitation, until a final award is made, Public revelation of the Maximum Feasible Price for a Solicitation shall result in the immediate cancellation of the Solicitation;
- f. The criteria for evaluating responses to the Solicitation request, including price, qualifications, and time constraints, as applicable.

2. Manner of Solicitation

- a. All Solicitations must detail all of the following, a copy of which shall be kept in the Procurement File:
 - i. The Good, Service, Construction, or Construction-related need required;
 - ii. What documents must be submitted as part of an entity's response, along with any other submission details, including but not limited to page limits, and proof of certification under the Navajo Business Opportunity Act;

- iii. Required insurance coverage, which must be developed in conjunction with the Risk Management Program. A memorandum, from the Risk Management Program, must certify that the insurance coverage required has been reviewed and approved by that office;
- iv. Required Contract Performance and Payment Bonds for Construction and Construction-related Procurement, which must be developed in conjunction with the Risk Management Program, the Capital Projects Management Department of the Division of Community Development, and the Department of Justice for Executive Branch Procurement, the Office of Legislative Counsel for Legislative Branch Procurement, or the Chief Justice for Judicial Branch Procurement, and shall include the following:
 - a. the closing date for receiving responses,
 - b. the manner in which an interested entity can submit a response, including the following where the Procuring Party chooses to allow e-mail response submissions:
 - i. Notice that the response must be copied to the Business Regulatory Department at mcheromiah@navajobusiness.com,
 - ii. That the e-mail response title must state only the entity's certified Priority status, followed by the title of the Procurement solicitation,
 - iii. The body of email response shall only contain a copy of the entity's Priority certificate, and
 - iv. The details of the entity's response, including but not limited to qualifications and price, shall be included in separate attachments to the email response;
 - c. the evaluation criteria to be used in selecting a respondent for an award. This listing of evaluation criteria must not include the Maximum Feasible Price set by the Procuring Party, and if it does, shall result in immediate cancellation of the Solicitation;
 - d. Notice that the Navajo Nation is not required to enter a Contract pursuant to the Solicitation, and may reissue a Solicitation for the

same Good, Service, Construction or Construction-related Procurement;

- e. Notice that the Navajo Nation is a sovereign government and all Contracts entered into as a result for the Solicitation shall comply with the Navajo Nation law, rules and regulations, including the Navajo Preference in Employment Act, and applicable federal law, rules, and regulations;

b. Oral and Written Solicitation

- i. All Construction and Construction-related Solicitations must be in writing and require Public Notice.
- ii. All responses to Solicitations must be in writing, and included in the Procurement File.
- iii. The Procuring Party may solicit Quotations orally, if the Good and/or Service to be provided would not exceed a cost of twenty-five thousand dollars (\$25,000). The Procuring Party must make and keep records of the oral Solicitation, which together with all responses received, shall be kept in the Procurement File.
- iv. The Procuring Party must solicit Quotation(s) in writing, if the Goods or Services, to be provided would exceed a cost of twenty-five thousand dollars (\$25,000). The Procuring Party must keep records of the written Solicitation, which together with all responses received, shall be kept in the Procurement File.

c. Public Notice

- i. Public Notice shall be required for all Construction and Construction-related Procurement.
- ii. For non-Construction and non-Construction-related Procurement, no Public Notice shall be required if the cost to procure the Good and/or Service does not exceed one hundred thousand dollars (\$100,000).
- iii. The Procuring Party shall give Public Notice of the Solicitation for a reasonable time, based on circumstances such as the urgency of the need and the size and complexity of the Procurement, prior to the closing date for receiving responses to the Solicitation.

- iv. The Procuring Party shall also provide the Business Regulatory Department, of the Division of Economic Development with the following, as applicable:
 - a. A copy of the solicitation issued;
 - b. a copy of any public notices issued;
 - c. A list of all entities notified of the procurement opportunity, including the date and manner of notification.

The above-listed documents must be submitted to the Business Regulatory Department before the closing date for receiving solicitation responses.

d. Number of Solicitations Required

- i. For Procurements of Goods and/or Services costing less than twenty-five thousand dollars (\$25,000), the Procuring Party shall solicit at least one (1) Quotation from vendors/Contractors customarily providing the Good and/or Service being procured.
- ii. For Procurements of Goods and/or Services costing less than seventy-five thousand dollars (\$75,000), the Procuring Party shall solicit at least two (2) Quotations from vendors/Contractors customarily providing the Good and/or Service being procured.
- iii. For Procurements of Goods and/or Services costing more than seventy-five thousand dollars (\$75,000) shall solicit at least three (3) Quotations from vendors/Contractors customarily providing the Good and/or Service being procured.
- iv. If the Procuring Party determines that it is in the Navajo Nation's best interest, the Procuring Party may request additional and/or revised Quotations. Any such determination must be documented and included in the Procurement File.

e. Single Source Solicitation

- i. For Procurements of Goods and Services costing up to one hundred thousand dollars (\$100,000), the Procuring Party may solicit from a single source if the Procuring Party determines the price to be fair and reasonable based on research, previous purchases, or experience, and satisfies the following:

- ii. For purchases exceeding one hundred thousand dollars (\$100,000), the Procuring Party may solicit from a single source if the Procuring Party, with the concurrence of the Division Head, determines that there is only one reasonably available source that can provide the type, quality, and quantity of Goods and/or Services sought, within the given time constraints. In determining whether only one source is reasonably available, the Procuring Party shall evaluate whether, in light of all circumstances surrounding the Procurement, it is reasonable and justifiable to procure without competition. Factors to consider include, but are not limited to whether:
 - a. there is a unique Procurement need;
 - b. one source is uniquely qualified to fulfill the Procurement need due to offering proprietary products, or Services specifically tailored to the Navajo Nation;
 - c. one source has specialized knowledge of Navajo Nation requirements and systems, as well as expertise serving the Navajo Nation;
 - d. one source has served the Navajo Nation in the past and that maintaining continuity in the provision of specific Goods, Services, Construction, or Construction-related activities by that vendor is in the best interest of the Navajo Nation;
 - e. The vendor's location and delivery/Service area is in close proximity to the Navajo Nation, which would facilitate fast delivery of the required Good, Service, Construction, or Construction-related item;
 - f. no other Goods, Services, Construction, or Construction-related item will satisfy the Procurement request.
- iii. The Procuring Party must document, in a memorandum concurred with by the Division Head, the reason for procuring from a single source, including why the chosen source is the only reasonably available choice. This memorandum shall be included in the Procurement File.
- iv. Single source Solicitation of Construction or Construction-related Procurement

- a. Construction or Construction-related Solicitation can only be done from a single source with written concurrence of the Head of the Procuring Party's Division and the Department of Justice for Procurement by the Executive Branch, the Office of Legislative Counsel for Procurement by the Legislative Branch, or the Chief Justice for Procurement by the Judicial Branch.
- b. The written concurrence detailed above must be in the form of a memorandum, and must detail the need for Construction or Construction-related single source Solicitation, showing at minimum, that there is no other practicable option. This memorandum shall be included in the Procurement File.

D. Evaluation of responses

1. The Procuring Party shall open and evaluate all responses received, in conjunction with the Business Regulatory Department of the Division of Economic Development, and in keeping with the Navajo Business Opportunity Act.
2. The Procuring Party shall document all of the following:
 - a. The name, address, and contact information of all entities responding to the Solicitation; and
 - b. The date and details of each response submitted, including price and all other factors to be used in evaluating responses.

E. Award

1. The Procuring Party shall select an entity with whom to negotiate a Contract based on the criteria previously enumerated in the Solicitation, and provide the details of the chosen entity's response and the reason for selecting the entity to the Head of the Procuring Party's Division for review and approval.
2. The Procuring Party must document the name, address, and contact information for the entity selected for Contract award, adding it to the Procurement File.
3. Following review and approval by the Head of the Procuring Party's Division, the Procuring Party shall deliver an award letter to the chosen entity, and require that the chosen entity respond with a letter accepting or denying the Contract.

4. The award letter shall include language stating that the Navajo Nation is not bound to enter a Contract pursuant to the Solicitation, and may reissue a Solicitation for the same Good, Service, Construction or Construction-related Procurement.
5. The Procuring Party must document the approval by the Head of the Procuring Party's Division, as well as the award letter and any response from the chosen entity, adding it to the Procurement File.

F. Contract

1. Once the required steps have all been completed for the Procurement in question, the Procuring Party shall develop a written Contract covering the Procurement identified in the Solicitation, compliant with Navajo Nation law. The Contract shall be developed in conjunction with the Department of Justice for all Executive Branch Procurement, the Office of Legislative Counsel for all Legislative Branch Procurement, and the Chief Justice for all Judicial Branch Procurement.
2. Purchase Orders may be used to Contract for the Procurement of Goods, but shall not be used to Contract for the Procurement of Services. Generally, when a Procurement involves both Goods and Services, a Service Contract shall be used. The Purchasing Section of the Office of the Controller, in consultation with the Navajo Nation Department of Justice, or Office of Legislative Counsel for Procurements involving the Legislative Branch, or the Chief Justice for Procurements involving the Judicial Branch, shall make the final determination of whether to classify the Procurement as a Procurement of Goods or a Procurement of Services. Draft contract packages shall be reviewed and deemed (in)sufficient by all the following offices, and within the following timelines, prior to execution of the contract:
 - a. Within three (3) business days
 - i. Division Director of the Procuring Party's office;
 - ii. The Department of Justice for Executive Branch Procurement, the Office of Legislative Counsel for Legislative Branch Procurement, or the Chief Justice for Judicial Branch Procurement;
 - iii. The Office of the Controller;
 - b. Within two (2) business days
 - i. The Office of Management and Budget;
 - ii. The Business Regulatory Department.

3. The above submission must also include a copy of the Risk Management Program memorandum certifying that the insurance coverage required has been reviewed and approved by that office.

G. Blanket Purchase Agreements

1. Procurements utilizing Blanket Purchase Agreements shall follow the CARES Fund Expedited Procurement rules and procedures.
2. Blanket Purchase Agreements may be used for Procurement of Goods and/or Services in the 2020 and 2021 fiscal year, but may not exceed a completion date of December 30, 2020.
3. Blanket Purchase Agreements for Goods shall be treated as a Procurement for Goods, and Blanket Purchase Agreements for Services shall be treated as Procurement of Services, and both shall initially be procured and Contracted for in adherence to these CARES Fund Expedited Procurement Rules and Procedures.
4. Non Construction or Construction-related Blanket Purchase Agreements for Services shall be completed utilizing the *Navajo Nation Standard Professional Services Contract*, available through the Navajo Nation Department of Justice, and shall contain a scope of work broad enough to permit filling anticipated repetitive needs. The Procurement File for Blanket Purchase Agreements for Services shall include a memorandum detailing each request for Service fulfillment, and indicating that the request does not include a change in cost for the Agreement.
 - a. Blanket Purchase Agreements for Construction or Construction-related services shall be completed utilizing the Construction contract appropriate for the Services contemplated, a decision to be made in conjunction with the Capital Projects Management Department of the Division of Community Development, and the Department of Justice for Executive Branch Procurement, the Office of Legislative Counsel for Legislative Branch Procurement, or the Chief Justice for Judicial Branch Procurement.
5. To the extent practicable, Blanket Purchase Agreements for Goods or Services of the same type should be placed concurrently with more than one qualified entity. All competitive sources be given an equal opportunity to furnish Goods or Services under Blanket Purchase Agreements.
6. At a minimum, Blanket Purchase Agreements shall contain the following provisions:

- a. A statement that the chosen entity shall furnish the Goods or Services described, during a specified period and within a stipulated aggregate amount, if any;
 - b. A statement that the Navajo Nation is obligated only to the extent of authorized orders actually placed against the Blanket Purchase Agreement;
 - c. A detailed description of the required ordering, invoicing, and delivery procedures;
 - d. A statement that the Procuring Party or the Office of the Controller of the Division of Finance shall provide the chosen entity with a notice of individuals authorized to place orders under the agreement, identified by organizational component and the dollar limitation per order for each individual.
- 7. Once the required steps have all been completed for the Procurement in question, the Procuring Party shall develop a written Blanket Purchase Agreement, compliant with Navajo Nation law. The Blanket Purchase Agreement shall be developed in conjunction with the Department of Justice for all Executive Branch Procurement, the Office of Legislative Counsel for all Legislative Branch Procurement, and the Chief Justice for all Judicial Branch Procurement.
 - a. Draft Blanket Purchase Agreements shall be reviewed and deemed (in)sufficient by all the following offices, and within the following timelines, prior to execution of the contract:
 - i. Within three (3) business days
 - 1. Division Director of the Procuring Party's office;
 - 2. The Department of Justice for Executive Branch Procurement, the Office of Legislative Counsel for Legislative Branch Procurement, or the Chief Justice for Judicial Branch Procurement;
 - 3. The Office of the Controller;
 - ii. Within two (2) business days
 - 1. The Office of Management and Budget;

2. The Business Regulatory Department.

- b. The above submission must also include a copy of the Risk Management Program memorandum certifying that the insurance coverage required has been reviewed and approved by that office.
8. Orders against Blanket Purchase Agreements shall be placed only after prices are obtained. When concurrent Blanket Purchase Agreements for similar Goods or Services are in effect, orders shall be equitably distributed to the extent practicable. In those instances, where there is an insufficient number of Blanket Purchase Agreements for any given class of Goods or Services to assure adequate competition, the Procuring Party shall solicit Quotations from other sources.
9. Orders against Blanket Purchase Agreements shall only be made by individuals formally authorized to place orders and generally will be made orally, except that informal correspondence may be used when ordering against agreements outside the local trade area. Written orders may be executed on forms approved by the Office of the Controller within the Division of Finance.
10. Pre-existing Blanket Purchase Agreements shall not be used for Procurements utilizing the CARES Fund. Blanket Purchase Agreements utilizing the CARES Fund shall not be used with a different fund source, nor after December 30, 2020.
11. All details of Blanket Purchase Agreements, from Solicitation to Contract award and any recurring options, must be documented in a Procurement File.

H. Insurance

The entity selected for award must provide proof of insurance coverage, as outlined above in this CARES Fund Expedited Procurement Rules and Procedures.

I. Payments

1. The payment procedures established by the Office of the Controller, Division of Finance shall be adhered to and shall not begin until Goods have been remitted and/or Services have been performed pursuant to the Contract and completed to the satisfaction of the Procuring Party.
2. The Procuring Party is responsible for filling out a Receiving Record form for Procurement of Services, available from the Office of Management and Budget, by stating exactly what Services were performed and completed, and that the completed Services are satisfactory to the Procuring Party.

- a. The Procuring Party is responsible for filling out a Receiving Prints form for Procurement of Goods, available from the Office of the Controller, stating with specificity what Goods were received and that the Goods were deemed satisfactory and accepted by the Procuring Party.
3. The completed Receiving Record form and the Vendor's Invoices shall be submitted to Accounts Payable Section of the Office of the Controller of the Division of Finance for processing of payment. It is the responsibility of the Procuring Party to ensure entities are paid within a reasonable time period, by promptly submitting all invoices to the Office of the Controller of the Division of Finance.

**24th Navajo Nation Council
Special Session
Teleconference**

ACTION: Legislation 0115-20

MOTION: Vince R. James

SECOND: Nathaniel Brown

	Yea	Nay
1. Elmer P. Begay	✓	
2. Kee Allen Begay, Jr.	✓	
3. Paul Begay	✓	
4. Nathaniel Brown	✓	
5. Eugenia Charles-Newton	✓	
6. Amber Kanazbah Crotty	✓	
7. Herman M. Daniels		✓
8. Seth Damon		
9. Mark A. Freeland	✓	
10. Pernell Halona	✓	
11. Jamie Henio	✓	
12. Vince R. James	✓	
13. Rickie Nez		✓
14. Carl R. Slater	✓	
15. Raymond Smith, Jr.	✓	
16. Wilson C. Stewart, Jr.		✓
17. Daniel E. Tso	✓	
18. Charlaine Tso	✓	
19. Eugene Tso	✓	
20. Otto Tso	✓	
21. Thomas Walker, Jr.	✓	
22. Edison J. Wauneka	✓	
23. Edmund Yazzie		✓
24. Jimmy Yellowhair	✓	
TOTAL:	19	4

CERTIFICATION:


Honorable Speaker Seth Damon

5.15.2020
Date

**NAVAJO NATION CARES FUND ACT
SPECIAL DUTY PAY EXPENDITURE PLAN**

The Navajo Nation Council approved the Navajo Nation CARES Fund Act and established the Navajo Nation CARES Fund in Navajo Nation Council Resolution CMY-44-20, as line item vetoed by the Navajo Nation President, on May 30, 2020.

I. PURPOSE

The purpose of this Expenditure Plan is to allow for the use and expenditure of twenty million dollars (\$20,000,000) for Special Duty Pay (aka: Hazard Pay) for front line employees and other essential personnel whose duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency; the expenditures set forth in the Special Duty Pay Expenditure Plan are necessary to ensure that the Navajo Nation has adequate personnel available to directly respond to the COVID-19 public health emergency.

The federal CARES Act, Title V, 5001, entitled "Coronavirus Relief Funds" requires these funds be used to 1.) cover costs that are necessary expenditures incurred due to the public health emergency with respect to the COVID-19; 2.) were not accounted for in the budget most recently approved, as of March 27, 2020; and 3.) incurred during the period that begins on March 1, 2020 and ends on December 30, 2020. Per the U.S. Department of Treasury's (Treasury) Guidance, dated April 22, 2020, eligible expenditures include payroll expenses for public safety, public health, health care, human services, and similar employees who are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. In addition, expenditures related to tribal payroll support program are eligible as well as hazard pay and overtime. Treasury's Frequently Asked Questions, updated May 28, 2020, defines "Hazard pay" as additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

Certain Navajo Nation employees continue to work during the COVID19 pandemic because of the essential nature of their position. These essential personnel include those working the front lines of the Navajo Nation government's pandemic response and those employees who are designated by a Division/Office Director or Branch Chief. as "Essential Employees". Due to the performance of hazardous duty or work involving physical hardship in each case related to COVID-19 pandemic, the physical health of "Essential Employees" is at risk; thus "Special Duty Pay" is a-kin to "hazard" pay and allowable per Treasury Guidance. Such pay is necessary for the Navajo Nation to respond to the public health emergency of COVID-19.

II. AFFIRMATION OF FUND USE

The Office of the Controller affirms it will use these funds in accordance with the purposes set forth in CMY-44-20 and Title V of the Coronavirus Aid, Relief, and Economic Security Act (the “federal CARES Act”) as enacted by the United States Congress and found in Public Law 116-136 (2020).

III. ALLOCATION ASSIGNMENT

The funds are allocated to the Office of the Controller to be used for Special Duty Pay (Hazard Pay) for Navajo Nation front line employees and other essential personnel whose duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency

IV. IMPLEMENTATION AND MONITORING

The Office of the Controller is responsible for disbursing and implementing the expenditure of these funds. Per the Treasury’s Frequently Asked Questions dated May 28, 2020, payments from the CARES Act Fund may not be used to cover “across-the-board” hazard pay for employees working during the state of emergency. The Office of the Controller will use the Special Duty Pay Procedures, and other relevant policy and procedures including any applicable payroll support program in compliance with Treasury Guidance.

V. ADMINISTRATOR OF FUNDS

The individuals at the Office of the Controller responsible for administering the expenditure plan and overseeing the allocated funds are the Contract Accounting Manager, Accounting Managers and the Controller.

VI. MEANS OF FUNDING

The Expenditure Plan funds shall be released directly to the Office of the Controller once the Expenditure Plan is duly adopted.

VII. ACCOUNTING AND REPORTING REQUIREMENTS

Title V CARES Act Funds, as appropriated by Congress and received by the Nation, are considered federal financial assistance received by the Navajo Nation for specified uses; and are subject to the restrictions outlined in the Treasury Guidance and as set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act. The CARES Act has a CFDA No. 21.019; therefore,

the funding received by the Nation is subject to GASB, Uniform Guidance/Super Circular guidelines and the Single Audit Act and any other applicable rules, regulations and guidance.

VIII. OVERSIGHT COMMITTEE

The Health Education and Human Services (HEHSC) and Budget and Finance Committee (BFC) shall share oversight as HEHSC as oversight over employment matters and BFC is the oversight committee for the Office of the Controller.

IX. AFFIRMATION OF ADMINISTRATION AND MANAGEMENT

The Office of the Controller affirms it will administer, manage, and implement the funds allocated to it in this expenditure plan consistent with CMY-44-20, the federal CARES Act, the Treasury Guidance, as well as other applicable laws and regulations of the Navajo Nation.



NAVAJO NATION CARES FUND ACT PERSONAL PROTECTIVE EQUIPMENT EXPENDITURE PLAN

The Navajo Nation Council approved the Navajo Nation CARES Fund Act and established the Navajo Nation CARES Fund in Navajo Nation Council Resolution CMY-44-20, as line item vetoed by the Navajo Nation President, on May 30, 2020.

I. PURPOSE

The purpose of this Personal Protective Equipment Expenditure Plan is to allow for the use and expenditure of ten million dollars (\$10,000,000) for Personal Protective Equipment for front line workers and other essential personnel whose duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency or provision of services to the public; the expenditures set forth in the Expenditure Plan are necessary to ensure that the Navajo Nation's personnel who are responding to the COVID-19 public health emergency are adequately protected and exposure to the public is mitigated.

Personal Protective Equipment, includes but is not limited to, N95 respirators, protective goggles, nitrile gloves, face shields, wipes and surface sanitizers, and alcohol-based hand sanitizer.

The federal CARES Act, Title V, 5001, entitled "Coronavirus Relief Funds" requires these funds be used to 1.) cover costs that are necessary expenditures incurred due to the public health emergency with respect to the COVID-19; 2.) were not accounted for in the budget most recently approved, as of March 27, 2020; and 3.) incurred during the period that begins on March 1, 2020 and ends on December 30, 2020. Per the U.S. Department of Treasury's (Treasury) Guidance, dated April 22, 2020, eligible expenditures include expenses for acquisition of protective supplies, including sanitizing products and personal protective equipment

Certain Navajo Nation employees continue to work during the COVID19 pandemic because of the essential nature of their position. These essential personnel include those working the front lines of the Navajo Nation government's pandemic response and those employees who are designated by a Division/Office Director or Branch Chief. as "Essential Employees". Due to the performance of hazardous duty, including interaction with the public, such employees are at risk of exposure to and spreading of COVID-19 during the on-going pandemic.

II. AFFIRMATION OF FUND USE

The Department of Health affirms it will use these funds in accordance with the purposes set forth in CMY-44-20 and Title V of the Coronavirus Aid, Relief, and Economic Security Act (the “federal CARES Act”) as enacted by the United States Congress and found in Public Law 116-136 (2020).

III. ALLOCATION ASSIGNMENT

The funds are allocated to the Department of Health to be used for Personal Protective Equipment for Navajo Nation front line employees and other essential personnel whose duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency and interaction with the public.

IV. IMPLEMENTATION AND MONITORING

The Department of Health is responsible for implementing the Expenditure Plan and monitoring the expenditure of these funds.

V. ADMINISTRATOR OF FUNDS

The Executive Director of the Department of Health is responsible for administering the Expenditure Plan and overseeing the allocated funds.

VI. MEANS OF FUNDING

The Expenditure Plan funds shall be released directly to the Department of Health once the Expenditure Plan is duly adopted and expedited budgets are implemented.

VII. ACCOUNTING AND REPORTING REQUIREMENTS

Title V CARES Act Funds, as appropriated by Congress and received by the Nation, are considered federal financial assistance received by the Navajo Nation for specified uses; and are subject to the restrictions outlined in the Treasury Guidance and as set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act. The CARES Act has a CFDA No. 21.019; therefore, the funding received by the Nation is subject to GASB, Uniform Guidance/Super Circular guidelines and the Single Audit Act and any other applicable rules, regulations and guidance.

VIII. OVERSIGHT COMMITTEE

The Health Education and Human Services (HEHSC) and Budget and Finance Committee (BFC) shall share oversight as HEHSC has oversight over the Department of Health and BFC has oversight over externally restricted funding.

IX. AFFIRMATION OF ADMINISTRATION AND MANAGEMENT

The Department of Health affirms it will administer, manage, and implement the funds allocated to it in this expenditure plan consistent with CMY-44-20, the federal CARES Act, the Treasury Guidance, as well as other applicable laws and regulations of the Navajo Nation.



NAVAJO NATION CARES FUND ACT FACILITY SAFETY ASSURANCE EXPENDITURE PLAN

The Navajo Nation Council approved the Navajo Nation CARES Fund Act and established the Navajo Nation CARES Fund in Navajo Nation Council Resolution CMY-44-20, as line item vetoed by the Navajo Nation President, on May 30, 2020.

I. PURPOSE

The purpose of this Facility Safety Assurance Expenditure Plan is to allow for the use and expenditure of ten million dollars (\$10,000,000) to ensure that the facilities operated by the Navajo Nation are disinfected and otherwise safe for returning employees and the public seeking governmental services; the expenditures set forth in the Facility Safety Assurance Expenditure Plan are necessary to ensure that the spread of COVID-19 is mitigated to the greatest extent possible.

Per the Center for Disease Control (CDC) guidance, COVID-19 is transmitted through person-to-person direct contact, airborne respiratory droplets produced through coughs or sneezes, and surface-to-person via contact with surfaces or objects holding the virus. To mitigate exposure, barriers, e.g., plexi-glass has been placed in common areas of public buildings and businesses. To mitigate the spread of COVID-19, these types of barriers, as well as other measures, are necessary for all Navajo Nation reception and shared office spaces.

In addition, because COVID-19 is transmitted surface-to-person via contact with surfaces or objects. Navajo Nation offices and public buildings who have had employees or visitors test positive for COVID-19 require remediation, including, but not limited to, thorough cleaning and sanitizing shared workspaces and all commonly touched hard surfaces.

The federal CARES Act, Title V, 5001, entitled "Coronavirus Relief Funds" requires these funds be used to 1.) cover costs that are necessary expenditures incurred due to the public health emergency with respect to the COVID-19; 2.) were not accounted for in the budget most recently approved, as of March 27, 2020; and 3.) incurred during the period that begins on March 1, 2020 and ends on December 30, 2020. Per the U.S. Department of Treasury's (Treasury) Guidance, dated April 22, 2020, eligible expenditures include expenses for disinfection of public areas in response to the COVID-19 public health emergency acquisition of protective supplies, including sanitizing products and personal protective equipment, as well as COVID-19 driven expenses reasonably necessary to the function of government that otherwise satisfy the Coronavirus Relief Fund's eligibility criteria.

II. AFFIRMATION OF FUND USE

The Facilities Maintenance Department, Division of General Services, affirms it will use these funds in accordance with the purposes set forth in CMY-44-20 and Title V of the Coronavirus Aid, Relief, and Economic Security Act (the “federal CARES Act”) as enacted by the United States Congress and found in Public Law 116-136 (2020).

III. ALLOCATION ASSIGNMENT

The funds are allocated to the Facilities Maintenance Department to be used for building modifications, sanitizing, etc. to ensure that the Navajo Nation’s facilities are safe for returning employees and the public..

IV. IMPLEMENTATION AND MONITORING

The Facilities Maintenance Department, Program Manager, and Division of General Services, Executive Director, is responsible for implementing the Expenditure Plan and monitoring the expenditure of these funds.

V. ADMINISTRATOR OF FUNDS

The Facilities Maintenance Department, Program Manager, is responsible for administering the Expenditure Plan and overseeing the allocated funds.

VI. MEANS OF FUNDING

The Expenditure Plan funds shall be released directly to the Facilities Maintenance Department once the Expenditure Plan is duly adopted and expedited budgets are implemented.

VII. ACCOUNTING AND REPORTING REQUIREMENTS

Title V CARES Act Funds, as appropriated by Congress and received by the Nation, are considered federal financial assistance received by the Navajo Nation for specified uses; and are subject to the restrictions outlined in the Treasury Guidance and as set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act. The CARES Act has a CFDA No. 21.019; therefore, the funding received by the Nation is subject to GASB, Uniform Guidance/Super Circular guidelines and the Single Audit Act and any other applicable rules, regulations and guidance.

VIII. OVERSIGHT COMMITTEE

The Health Education and Human Services (HEHSC) and Budget and Finance Committee (BFC) shall share oversight as HEHSC has oversight over the Division of General Services and BFC has oversight over externally restricted funding.

IX. AFFIRMATION OF ADMINISTRATION AND MANAGEMENT

The Facilities Maintenance Department affirms it will administer, manage, and implement the funds allocated to it in this expenditure plan consistent with CMY-44-20, the federal CARES Act, the Treasury Guidance, as well as other applicable laws and regulations of the Navajo Nation.



Diné Hataalii Association Inc.
"A Distinguished, Authentic, Grassroots- Non-Profit Organization"
PO Box 4800
Window Rock, AZ 86515

May 30, 2020

Navajo Nation

Dear Navajo Nation Leadership,

Attached is our completed Navajo Nation CARES Act Expenditure form outlining our request for funding. Also attached are the required documents, responses to the items outlined on the expenditure, a full proposal outline including budget, budget narrative, supporting resolution, timeline, Navajo Nation Business Regulatory certification document and a listing of Diné Hataalii leadership, board of directors and key personnel. We look forward to a positive response to our CARES act funding relief fund request.

Ahee'hee

David Johns, President
The Diné Hataalii Association (DHA)

NAVAJO NATION CARES FUND ACT EXPENDITURE PLAN

NON-GOVERNMENT ENTITY

AMOUNT OF FUNDS REQUESTED: \$1,000,000.00

ORGANIZATION REQUESTING THE FUNDS:

Diné Hataalii Association
PO Box 4800
Window Rock, AZ 86515

Dr. David Johns, President
Mr. Lorenzo Max, Vice President
Dr. Michelle Kahn-John, Secretary
Ms. Mary Sandoval, Chief Finance Officer

The Diné Hataalii Association (DHA) was established in the 1970s and has been in operation for approximately 50 years. A large percentage of Diné people still utilize Traditional Diné Healing Interventions, ceremony, and cultural wisdom to maintain wellness and the DHA exists to protect, promote and advocate for the preservation and maintenance of the Diné cultural teachings and practices. This practice, in essence, is our first healthcare system.

DHA is a 5013c non-profit organization registered with the Navajo Nation Business Regulatory. The Dine Hataalii Association is a non-profit entity that has adopted the general accepted accounting principles (GAAP) and the Super Circular, 2 C.F.R 200 et seq., as may be amended ("Super Circular") for Single Audit Compliance.

HOW WILL FUNDS BE ISSUED TO THE ORGANIZATION (Grant Agreement, MOA, Direct Funding, etc.): Direct Funding to Be Administered through MOA with the Navajo Nation

Diné Hataalii Association has an executive leadership and a board of directors from each of the five regions of the Navajo Nation. The funds will be issued to the Diné Hataalii Association Chief Financial Officer, Ms. Mary Sandoval and all funds will be expended in accordance with the accounting principles (GAAP) as mentioned above.

SPECIFIC PURPOSES FOR WHICH THE REQUESTED FUNDS WILL BE USED:

Funds received from the CARES Act will be used to for expenditures to fulfill the Vision and Mission of the Diné Hataalii Association as it relates to the COVID-19 pandemic. We specifically intend to utilize the CARES Act funding to educate, share, and promote the teachings of Diné cultural wisdom and ceremonial healing practices/interventions that will specifically address the mental and psychological anguish, and spiritual health impacts of the COVID-19 pandemic on our Diné relatives on the Navajo Nation as well as those across the country, and throughout the world. We possess an abundance of Diné cultural wisdom and ceremonial knowledge that should be readily accessible by the Diné people. The Diné Philosophy of Life wisdom and ceremonial interventions/practices can be extended, shared and made available to the Diné people as a mechanism of **empowerment**, self-care, and self-healing. Each of our proposed objectives align with the CARES Act funding principles of: **Empowerment, Protection, Prevention, Proportionality, Partnership and Accountability.**

In the following section, we outline the vision statement, the mission statement, and fundamental values of the DHA:

Saad Bee Náásgóó Adéést'íí'-VISION STATEMENT

In partnership with stakeholders, we will cultivate a sustainable, healthy, ethical, and effective Diné Hataaíi organization for present and future generations of Diné and Diné Hataaíiis.

Nahat'á Bitsésiléi – MISSION STATEMENT

To safeguard, protect, and preserve viable DHA principles and the fundamental sacredness of authentic Diné spiritual practices and beliefs for the present and future Diné generations and Hataaíiis with an emphasis on establishing the learning foundation for future generations of Diné Hataaíiis.

Nahat'á Bindii'a' - FUNDAMENTAL VALUES

To practice utmost respect for the Universal life force through maintaining the harmony and balance between Hózhó and Nayéé', Ntsáhákees, Sa ah Naaghái Bik'eh Hózhóón, Nihi Nahat'á', Nihi Nahaaghaa', Nihi'Oodla'.

See attached proposal (Appendix B) which outlines a full plan for use of funds, a budget, and accompanying budget narrative (Appendix C).

HOW WILL THE FUNDING RESPOND TO THE COVID-19 PUBLIC HEALTH EMERGENCY?

In compliance with the below Treasury guidelines of the CARES Act, we assure DHA compliance of the funding expenditures are:

1. necessary expenditures incurred due to the public health emergency with respect to the novel coronavirus – COVID-19
2. not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. incurred during the period that begins on March 1, 2020, and ends on December 31, 2020.¹

Members of the Diné Hataaíi Association are leaders and caretakers of Diné traditional cultural wisdom, ceremony, and herbal knowledge. A priority health consideration for use of the COVID-19 relief funding is focused on the mental, spiritual, and emotional health impact of COVID-19 on our relatives of the Navajo Nation. Application of Diné cultural wisdom and practices are critical and culturally relevant, as well as empowering intervention that the Diné Hataaíi Association is prepared to share as a mechanism to restore health and wellness of our Diné people. The use of ceremonies (Diagnostic, Prevention, Protection, Purification, Restoration of Harmony) will serve as direct interventions of healing. Further, development of educational materials will be developed and disseminated through various media outlets (radio, social, newspaper, etc.) to convey traditional Diné health and wellness knowledge and practices, as well as guidance on traditional Diné wellness interventions to promote self-care and spiritual strengthening and healing. (see full objectives listed in Appendix A).

PERCENTAGE OF FUNDS USED FOR OVERHEAD/ADMINISTRATIVE COSTS:
26.14%

WAS THE REQUESTED FUNDING INCLUDED IN A BUDGET APPROVED BEFORE MARCH 27, 2020?

The DHA confirms that there was NO budget approval for the proposed objectives outlined in our attached proposal prior to March 27, 2020. (See full proposal in Appendix B).

BY WHAT DATE WILL THE FUNDS BE FULLY EXPENDED: In compliance with the CARES Act, Navajo Nation Cares fund act and Navajo Nation laws and regulations, all funds will be expended by December 3034, 2020.

WHAT CHALLENGES COULD PREVENT FULL EXPENDITURE OF THE FUNDS BY THE ABOVE DATE:

We do not anticipate any challenges to spending these funds, as we currently operate by voluntary in-kind participation by our executive leadership and the funds will be expended as outlined in all the activities proposed in our intervention plan by December 3034, 2020.

STANDING COMMITTEE WITH OVERSIGHT OVER THE FUNDED ACTIVITY:

We intend to work with the Navajo Nation Health, Education, and Human Services Committee, specifically with Honorable Daniel Tso to ensure appropriate oversight, collaboration, and regular reporting of the DHA proposed activities between May 2020 and December 3034, 2020.

NAVAJO NATION DEPARTMENT OR PROGRAM RESPONSIBLE TO MONITOR THE FUNDING: We fully expect to comply and partner with appropriate Navajo Nation department(s) and financial units in the expenditure of these funds, which may include the Department of Historic Preservation, the Peacemaking Program, or the Navajo Department of Health.

REPORTING REQUIREMENTS APPLICABLE TO THE FUNDING:

We intend to work with the Navajo Nation Health, Education and Human Services Committee and all identified appropriate Navajo Nation departments and programs. We will further report our expenditures in accordance with all applicable Navajo Nation laws, policies, and procedures as identified by the Navajo Nation as they relate to the management of the CARES Act. Further, the grant funds will be recorded, evaluated, and reported as non-profit fund accounting system through established generally accepted accounting principles (GAAP) to meet auditing standards.

JOB TITLE OF PERSON RESPONSIBLE FOR DAY-TO-DAY ADMINISTRATION OF THE FUNDING:

Ms. Mary Sandoval, Chief Financial Officer, Diné Hataalii Association will be directly responsible for the day-to-day administration of the funding along with guidance, input, and collaboration from the Diné Hataalii Association Executive Leadership and DHA Board of Directors.

ATTACH BOARD OF DIRECTORS RESOLUTION (see APPENDIX A for DHA Resolution) OR EQUIVALENT REQUESTING THE FUNDING AND AFFIRMING THAT (1) THE FUNDING WILL ONLY BE USED IN COMPLIANCE WITH THE CORONAVIRUS RELIEF FUND AND NAVAJO NATION CARES FUND ACT AND NAVAJO NATION LAWS AND REGULATIONS; AND (2) THE ORGANIZATION WILL INDEMNIFY THE NAVAJO NATION FOR ANY EXPENDITURES DEEMED TO BE DISALLOWED EXPENDITURES BY THE U.S. TREASURY OR OTHER FEDERAL ENTITY.

APPENDIX A
Supporting Resolution from the DHA
Resolution of the Diné Hataalii Association, Inc.
No: DHA-200527

Requesting relief funding from the Navajo Nation \$1,000,000.00 as allocated and promulgated through the federal Coronavirus Aid, Relief, and Economic Stimulus (CARES) Act to address the psychological, mental, and spiritual health needs of the Diné (Navajo) people

Whereas:

The Diné Hataalii Association, Inc., is a distinguished non-profit organization comprised of Diné (Navajo) medicine men and women who work to maintain balance and harmony with the natural world, both within and beyond the four cardinal sacred mountains; And

The Diné Hataalii Association, Inc., is regarded by the Diné people as qualified to speak with authority on matters of cultural protocol, teachings, language, ceremonial healings, customs, and concerns; And

The Diné Hataalii Association, Inc., is a unique, authentic, and distinguished "grassroots" Dine'-based organization comprised of a membership of 200 + DHA members and twenty-four medicine men and women who serve as board of directors from the six (6) Navajo regions: 1) Crownpoint, 2)Fort Defiance, 3) Chinle, 4)Tuba City, 5)Shiprock, and 6)Aneth, Utah Extension: And

The Diné Hataalii Association, Inc., by tradition, is responsible for protecting, promoting, perpetuating, maintaining and sustaining the integrity of the Diné way of healthy life, mental health related ceremonies, and as stipulated in its mission, philosophy, and vision statement; And

The Diné Hataalii Association, Inc., recognizes the current COVID-19 pandemic had a tremendous impact on the biological health, as well as the mental and psychological health of the Navajo people; And

The Diné Hataalii Association, Inc., recognizes the psychological impact and consequences of the COVID-19 pandemic and crisis has resulted in the evolution of wide-spread fear, increased anxiety, grief, extreme depression, acute stress, social isolation and various other social and psychological impacts among our Diné Nation; And

The Diné Hataalii Association, Inc., has completed the Navajo Nation Cares Act non-government entity expenditure plan and we have answered all the questions and attached required documents as requested, (See Appendices A-H in the Navajo Nation Expenditure Plan); And

The Diné Hataalii Association, Inc., is a non-profit entity that has adopted the general accepted accounting principles (GAAP) and the Super Circular, 2 C.F.R 200 et seq., as may be amended ("Super Circular") for Single Audit Compliance and the DHA has developed a budget, budget narrative with justification outlined for all expenditures, submitted a list of DHA Key personnel and also created a timeline to demonstrate the timeframe of the outlined objectives presented in the DHA CARES act proposal and is hereto attached (see Appendices B, C, D, E and F; And

The Diné Hataalii Association, Inc assures the following as outlined on the Navajo Nation Expenditure Form (1) the funding will only be used in compliance with the Coronavirus relief fund and Navajo Nation CARES fund act and Navajo Nation laws and regulations; and (2) the organization will indemnify the Navajo Nation for any expenditures deemed to be disallowed expenditures by the U.S. treasury or other federal entity.

The Diné Hataalii Association, Inc has an organizational strategic plan which was revised in 2016 and spans the period of 2016-2012 and is hereto attached in Appendix G of the DHA CARES act proposal.

The Diné Hataalii Association, Inc., is a volunteer 5013c entity/organization on the Navajo Nation and the certificate issued by the Navajo Business Regulatory Commission is hereto attached as Appendix H in the DHA Cares act proposal.

Now, therefore be it resolved that:

The Diné Hataalii Association, Inc., hereby request CARES act relief funding from the Navajo Nation in the amount of \$1,000,000.00 in accordance with CMY-44-20 and from the federal funding allocation promulgated through the federal Coronavirus Aid, Relief, and Economic Stimulus (CARES) Act to address the psychological, mental and spiritual health needs of the Diné (Navajo) people

Certification

We hereby certify that the foregoing resolution was duly considered by the Diné Hataalii Association, Inc., at a duly called web-based teleconference via the ZOOM platform where a quorum was present and the same was passed with a vote of **21** in favor, **0** opposed, and **3** abstain on May 27, 2020 between 9am and 12 noon. Resolution support motioned by Albert Laughter and seconded by Teddy Begay.



Dr. David Johns, DHA President



Lorenzo Max, DHA Vice President

APPENDIX B

Diné Hataalii Association CARES Act Proposal

Background:

The Diné Hataalii Association is an organization that has been present on the Navajo Nation since the early 1970s. A large percentage of Diné people still utilize Traditional Diné Healing Interventions, ceremony, and cultural wisdom to maintain wellness and the DHA exists to protect, promote, and advocate for the preservation and maintenance of the Diné cultural teachings and practices. Our core mission is to protect, preserve and promote the Diné cultural wisdom, spiritual practice, and ceremonial knowledge for present and future generations of Diné. The next section lists our current DHA vision statement, mission statement and fundamental values:

Saad Bee Náásgóó Adéést'íí'-VISION STATEMENT

In partnership with stakeholders, we will cultivate a sustainable, healthy, ethical, and effective Diné Hataalii organization for present and future generations of Diné and Diné Hataaliis.

Nahat'á Bitsésiléi – MISSION STATEMENT

To safeguard, protect, and preserve viable DHA principles and the fundamental sacredness of authentic Diné spiritual practices and beliefs for the present and future Diné generations and Hataaliis with an emphasis on establishing the learning foundation for future generations of Diné Hataaliis.

Nahat'á Bindii'a' - FUNDAMENTAL VALUES

To practice utmost respect for the Universal life force through maintaining the harmony and balance between Hózhó and Nayéé', Ntsáhákees, Sa ah Naaghái Bik'eh Hózhóón, Nihi Nahat'á', Nihi Nahaaghaa', Nihi'Oodla'.

“With a shared vision, we can empower ourselves to go forward together with a spirit of determination to ultimately realize our mission, goals, and dreams.”

Dr. David Johns, President of DHA

Purpose:

The purpose of this proposal is to restore the health and wellness of the Diné people by employing Diné ceremonial interventions and through development and dissemination of cultural education materials and information. The funds received from the CARES Act will be used to fulfill the Vision and Mission of the Diné Hataalii Association as it relates to the COVID-19 pandemic. We specifically intend to utilize the CARES Act funding to educate, share, and promote the teachings of Diné cultural wisdom and ceremonial healing practices that will specifically address the mental and psychological anguish, and spiritual health impacts of the COVID-19 pandemic on our Diné relatives on the Navajo Nation as well as those across the United States, and throughout the world. Diné cultural and ceremonial wisdom embedded in Diné Philosophy of Life can be extended, shared, and made available to the Diné people as a mechanism of **empowerment, self-care, and self-healing**. Each of our proposed objectives align with the CARES Act funding principles of: **Empowerment, Protection, Prevention, Proportionality, Partnership and Accountability**.

The health urgency that the COVID-19 pandemic has presented cannot be overstated. Expenditure of the relief funding is therefore focused on reducing the high levels of mental, spiritual, and emotional health stress our relatives of the Diné Nation are currently experiencing. Application of Diné cultural wisdom

and practices are critical and culturally relevant during this pandemic. The Diné Hataalii Association is prepared to assist in the restoration of health and wellness of our Diné people during this unprecedented time. The use of ceremonies (Diagnostic, Prevention, Protection, Purification, Restoration of Harmony) will serve as direct interventions toward healing. Further, development of culturally-based educational materials and information will be disseminated through various media outlets (radio, social, newspaper, etc.). These materials and information will convey traditional Diné health and wellness knowledge and practices, as well as guidance on traditional Diné wellness interventions in promotion of self-care and spiritual strengthening and healing. (see full objectives listed in Appendix A).

Significance:

We recognize the wide use of Traditional Diné cultural wisdom and ceremonial interventions by our Diné relatives and the powerful impact this has on restoring physical, mental, and emotional health and wellbeing. Research findings consistently indicate that interventions that integrate the original ancestral cultural teachings and health “care” and efforts that “promote” innate cultural health and healing practices of Indigenous/Native American populations experience positive benefits in the realms of physical, mental, emotional, spiritual and social health. We, the Diné Hataalii Association recognize the extensive impact the COVID-19 pandemic has had on the physical, psychological and spiritual health of our Diné relatives, however, we are confident in our belief that our time-honored cultural wisdom and ceremonial healing interventions will be a tremendous support to the entire Navajo Nation in their journey towards restoring health, happiness, wellbeing, balance and Hózhó.

Aims/Objectives

1. Diné Hataalii Association are leaders and caretakers of Diné traditional cultural wisdom, ceremony, and herbal healing knowledge. A priority health consideration is the mental, spiritual, and emotional wellbeing of our relatives of the Diné Nation. Application of Diné cultural wisdom through cultural education and ceremonies are critical interventions that the Diné Hataalii Association is prepared to share to empower and promote the restoration of health and wellness the Diné people. The use of ceremonies (Diagnostic[hand trembling, listening, crystal gazing], Prevention [protection prayers, sacred offerings] Purification [Hóxchóijii], Protection [protection ceremony/prayers], Restoration of Harmony[blessing way chants-Hózhóji, use of herbal remedies as well as others]) will serve as sources of health promotion to assist our Diné relatives in recovering from the impact of the COVID-19 pandemic. We propose the following ceremonies to be offered at least once monthly between June and December of 2020:
 - A. Diagnostic ceremonies: crystal gazing, listening ceremony, hand trembling;
 - B. Prevention ceremonies: Protection prayers and sacred corn pollen/gem offerings.
 - C. Protection: Protection ceremony/prayers. Nayee jii keeji.
 - D. Purification: Hóxchóijii ceremonies, cleansing/purification ceremonies; and
 - E. Restoration of Harmony Ceremonies: blessing way chants-Hózhóji.
2. DHA will develop culturally relevant educational materials and information on the Dine’ Philosophy of Life and self-care and traditional health and wellness practices focused on assisting our Diné relatives in recovering from the impact of the COVID-19 pandemic. The culturally relevant education material and information developed will be disseminated through various media outlets (radio, social, newspaper, etc.). These materials and information will be utilized to

promote and provide guidance on traditional teachings of self-care, spiritual strengthening, and healing.

- A. Schedule Monthly Radio Broadcast Sessions to discuss Diné Cultural Wisdom and self-care recommendations between June and December of 2020 (this objective is in accordance with requirements of CARES ACT Treasury guidance: Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions).
 - B. Disseminate written and audiovisual culturally relevant educational materials and information through various media forms (social, newspaper, video, magazines, etc.). The content of these materials and information will be for the promotion of Diné Cultural Wisdom, Diné health and wellness practices and self-care recommendations.
3. Written curricular materials will also be developed to educate Navajo people about prevention, detection, diagnosis, quarantine practices utilizing teachings that align with traditional Navajo perspectives. The DHA has developed a COVID-19 Position Statement (see Appendix I) that aligned with the Navajo Nation Department of Health (NDOH) and the Centers for Disease Control and Prevention (CDC) mitigation protocol and recommendations to arrest the spread of COVID-19.
 - A. Written educational curricular materials and information that integrates culturally relevant Diné Cultural Wisdom and traditional self-care practices and recommendations will be developed and shared *via* newspapers, Leading the Way publication, messages to be placed on digital signage on the Navajo Nation, video and film production, and text material. The curricular material will align with NNDOH and CDC guidelines.
4. Five Region Funding – Currently, DHA is organized according to five agencies (Eastern, Fort Defiance, Chinle, Western, and Shiprock) each with assigned DHA Board of Directors. As such, the local DHA members from each agency has their own identified COVID-19 related needs. The NDOH and CDC mandates for social distancing has and will continue to result in significant loss of income for many Hataaliis and Herbalists between March and December 31, 2020. Hataaliis and Herbalists have had to suspend their cultural teaching engagements, suspend, or postpone travel and ceremonial interventions which has resulted in significant loss of income, for many of the DHA members. COVID-19 relief funds are requested to support the specific needs of DHA certified members in each of the Navajo Nation regions listed above, and the loss of income and financial hardship experienced by DHA members, Hataaliis and Herbalist. Funding will be allocated to each agency director over a period of 8 months to assist with DHA member relief support. \$75,343.20 will be allocated X 5 for each of the 5 regional agencies = \$376,716.00 to be distributed to support the needs outlined in items A and B below, and as requested by each regional DHA Board of director on behalf their of local DHA certified members in each region, and as outlined below:
 - A. Relief support funding will be allocated for certified members of the DHA in the amount of \$500 up to three times with dispersal interval spaced 30 days apart (between June and December 31, of 2020) to assist DHA members in recovery of the loss of income due to COVID-19 restrictions. The criteria to receive the funding support by DHA are outlined and will be dependent upon availability of funds:

- Applicant must be a certified member of DHA.
 - DHA Member must submit an application for the DHA Member Relief Funding to the DHA executive leadership (application will consist of verification letter outlining loss income related to COVID-19) of loss of income, and the completion of a tax document W-9, if required**).
- B. DHA Board of Directors may also advocate and request funding requests from DHA certified members for COVID-19 related social impacts listed below and will be dependent upon availability of funds:
- One time funeral expense support for the family of DHA certified members who succumb to the COVID-19 illness in the amount of \$500.
 - Food and grocery support for DHA certified members in the amount of \$100. (**not to exceed one episode of relief support funding to be issued between June and December 31, 2020).
 - Utility (electricity, water, gas, firewood, coal, etc.) expense support for DHA members in the amount of \$100 with verification of a past due utility notice in the name of the DHA certified member or letter from local Chapter House, and letter from regional DHA Board of Director indicating verification of the need for utility relief support on behalf of the DHA certified member. (** not to exceed 1 episode of relief support funding to be issued between June and December 31, 2020).

APPENDIX C

Budget:

ACCOUNTS	ADOPTED BUDGET	CHANGES	AMENDED BUDGET
CARES ACT FUNDS	\$ 1,000,000.00		
CARES ACT			
CEREMONIES	\$ 160,000.00		
CURRICULA COST	\$ 3,000.00		
COMMUNICATION/INTERNET	\$ 1,600.00		
CONSULTANTS	\$ 177,000.00		
EDUCATION	\$ 60,000.00		
EQUIPMENT (Office)	\$ 11,100.00		
FOOD-meeting, ceremonies	\$ 3,200.00		
POSTAGE	\$ 1,200.00		
PRINTING	\$ 400.00		
REGIONAL FUNDING	\$ 376,716.00		
RENTAL COST	\$ 4,800.00		
SALARY & WAGES			
Director	\$ 30,000.00		
Coordinator	\$ 25,000.00		
Assistants (2)	\$ 40,000.00		
Advisors	\$ 30,000.00		
SUPPLIES/MATERIAL	\$ 16,800.00		
TRAVEL EXPENSE			
Lodging	\$ 23,040.00		
Meals	\$ 29,184.00		
Private Vehicle Mileage	\$ 6,960.00		
Total CARES ACT Expenses	\$ 1,000,000.00	\$ -	\$ -
Motion:	Second:	Vote:	
Albert Laughter	Teddy Begay	In Favor=21, Opposed=0, Abstain=3	
See minutes from DHA Meeting 5/27/2020.			
David Johns, President		Date	
Lorenzo Max, Vice President			

**APPENDIX D:
Budget Narrative
MAY to DECEMBER 31, 2020 CARES ACT
BUDGET NARRATIVE
Diné Hataalii Association**

A. Salary - Total: \$ 125,000.00

Project Director will spend 100% of their time overseeing the project and supervising staff. This individual's annual salary will be \$30,000.00 and will be covered for the 8 months of the grant.

Coordinator will spend 50% of their time providing direct service to the project operations of DHA. This individual's annual salary will be covered for the 8 months of the project contract totaling \$25,000.00.

Assistant 1 is a part-time assistant who will provide and maintain communication within DHA. This individual's annual salary will be covered for the 8 months of the contract totaling \$20,000.00.

Assistant 2 is a part-time assistant who will provide and maintain financial oversight within DHA. This individual's annual salary will be covered for the 8 months of the contract totaling \$20,000.00.

Advisors will provide part-time guidance to the staff in project operation areas as needed for 8 months. Stipends will be provided on a contractual basis totaling \$30,000.

B. Travel – Total: \$59,184.00

The staff will be expected to travel around the Navajo Nation/States to visit sites, attend DHA meetings and ceremonies, meet with Medicine Men/Women, visit families, etc. DHA will follow the Navajo Nation per diem and reimbursement rates.

Project Director – 2,000 miles x 0.58 = \$1,160; Daily Subsistence \$76.00 x 64 days = \$4,864.00; Lodging \$120.00 x 4 nights x 8 months = \$3,840 **Total \$9,864.00.**

Project Coordinator – 2,000 miles x 0.58 = \$1,160; Daily Subsistence \$76.00 x 64 days = \$4,864.00; Lodging \$120.00 x 4 nights x 8 months = \$3,840 **Total \$9,864.00.**

Program Assistants 1 and 2 – 2,000 miles x 2 x 0.58 = \$2,320; Daily Subsistence \$76.00 x 64 days x 2 = \$9,728.00; Lodging \$120.00 x 4 nights x 2 x 8 months = \$7,680.00 **Total \$19,728.00.**

DHA Executives, Board of Directors/Advisors – 2,000 miles x 2 x 0.58 = \$2,320; Daily Subsistence \$76.00 x 64 days x 2 = \$9,728.00; Lodging \$120.00 x 4 nights x 2 x 8 months = \$7,680.00 **Total \$19,728.00.**

C. Ceremonies – **Total: \$160,000.00**

Needed ceremonies (Diagnostic, Prevention, Protection, Restoration of Harmony, and others) will occur over the next 8 months and beyond for the entire Navajo Nation. 4 ceremonies x 8 months x \$5,000 = \$160,000

D. Education & Curricula– **Total: \$60,000.00**

DHA will develop educational materials on Dine' Philosophy of Life related to the pandemic which will be disseminated through various media outlets (radio, social, newspaper, etc.). Curricular materials will also be developed to educate Navajo people about prevention, detection, diagnosis, quarantine from a traditional Navajo perspective during this pandemic. \$7,500 x 8 month = \$60,000

Curricula Cost: (Dine' Philosophy of Life and Self-Care Practices): \$3,000.00

Total= 63,000.00

E. Five Region Funding – **Total: \$376,716.00**

Currently, DHA is organized according to five agencies (Eastern, Fort Defiance, Chinle, Western, and Shiprock) each with their own identified needs during this pandemic. ** See details outlined in the proposal on DHA relief funding support for certified members of the DHA. Funding will be allocated to each agency director for 8 months to assist with regional DHA membership /citizen needs as related to the goals and objectives outlined in the DHA expenditure plan. 5 agencies x \$75,343.20 allocated X 5 for each of the 5 regional agencies = \$376,716.00

F. Consultants – **Total: \$177,000.00**

To make the project successful over the 8 month funding period, it will be necessary to request professional assistance from individuals in the following specialty services and disciplines: media, planning, cultural experts, ceremonial experts (Hataalii), curriculum development, marketing, audio-video, etc. Consultation required to complete DHA proposed objectives: consultants x 8 months = \$177,000

G. Equipment Purchases – **Total: \$11,100.00**

Computer packages will include: laptop computer, printer, scanner, Microsoft Office Software programs, (Word and Excel) will be purchased. The packages will be used to develop and maintaining databases in addition to performing administrative work connected to this project.

H. Cost of Rental Space – **Total: \$4,800.00**

Meeting/Event rental cost will be necessary for site locations to provide ceremonies, meetings, and activities. Rent: \$150.00 per meeting/event x 4 x 8 months= \$4,800.00.

I. Supplies – **Total: \$16,800.00**

1. Meeting/Event Supplies: For administrative meetings, ceremonies, events, etc. \$2,000.00 x 8 months = \$16,000.00.

Office Supplies including binders, file folders, printer paper, toner, staples, etc. \$100.00 per month x 8 months = \$800.00.

J. Food/Snacks –

Total: \$3,200.00

Food/Snacks: provided for ceremonies, meetings, participants, etc. $\$400 \times 8 \text{ months} = \$3,200.00$.

K. Postage and Printing

Total: \$1,600.00

Printing costs, flyers, handouts, event information, binding of material, postage:

Postage: Includes mailing, postage of flyers, program announcements, fiscal reports etc. $\$100 \times 8 \text{ months} = \$1,200.00$.

Printing: to include flyers, handouts, event information, binding, etc. $\$50.00 \times 8 \text{ months} = \400.00 .

L. Communication

Total: \$1,600.00

Phone and Internet Service: This service will be used to stay connected to medicine men/women, advisors, community members, and staff. $\$200.00 \text{ per month} \times 8 \text{ months} = \$1,600.00$.

M. Indirect Costs – N/A

Total: \$0

Grand Total: \$1,000,000.00

**APPENDIX E:
Key DHA Personnel**

<u>2020 DHA Executive Officers</u>
Dr. David Johns, President
Lorenzo Max, Vice President
Mary Sandoval, Treasurer/Chief Financial Officer
Michelle Kahn-John, Secretary
Dr. Manley Begay, Special Consultant
Dr. David Begay, Special Consultant
Cora Maxx-Phillips, MSW Special Projects
Clifford Johns, MA, Chief Development Planner
Philmer Bluehouse, Statutory Agent NN Business Regulatory
Dr. David Tsosie, Cultural Advisory
<u>DHA Navajo Nation Agency Board of Directors</u>
T.J. Anderson, Eastern Region
Anson Etsitty, Board Chair Central Region
Anderson Hoskie, Eastern Region
Lee Lewis, Eastern Region
Dale Gonnies, Southern Region
Albert Laughter, Western Region
Lawrence Curtis, Western Region
Thompson Billy, Central Region
Frank Nez, Western Region
Raymond Redhouse Jim, Northern Region
Teddy Begay, Western Region-Alternates
Jerry Hataalii, Western Region-Alternates
Ralph Lee, Jr, Southern Region

APPENDIX F:

Proposed Timeline:

2020 **Each proposed objective aligns with the CARES act principles listed in next column.	Objective 1 Conducting Ceremonies	Objective 2 Develop and disseminate educational materials	Objective 3 Develop and disseminate curricular materials	Objective 4 Concluding Grant Work Evaluation
Essential CARES Act Funding Principles	<ul style="list-style-type: none"> • Empowerment • Protection • Prevention • Proportionality • Partnership • Accountability 	Empowerment protection prevention proportionality partnership accountability	Empowerment protection prevention proportionality partnership accountability	Empowerment protection prevention proportionality partnership accountability
May		X	X	
June	X	X	X	
July	X	X	X	
August	X	X	X	
September	X	X	X	
October	X	X	X	
November	X	X	X	X
December	X	X	X	X

APPENDIX G:
DHA STRATEGIC PLAN



Diré Hatañi Association
PO Box 4800
Window Rock, AZ

Diné Hataaʼí Association (DHA)
Strategic Plan
2016-2020

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Greetings from the President of Diné Hataalii Association (DHA)

On behalf of DHA and as the new President of the Association, I want to say Yá'át'ééh to everyone. My clan is Tl'ááshchí'í, born for Kíiyaa'áanii, my maternal grandfather is T'ótsohní' and my paternal grandfather is Ta'neezahníí.

Please be informed of the new DHA leadership team that were voted into office effective February 27, 2016, for the next four years 2016-2020. On behalf of myself and the new leadership team, enclosed is our Strategic Plan for 2016-2020.

Our leadership has strongly supported our traditional ethical teachings and moral standards of practice over the years. We expect these traditional teachings will continue to be upheld by our DHA members in the absolute sense. DHA is a respected organization and we wish to safeguard its respected existence in perpetuity.

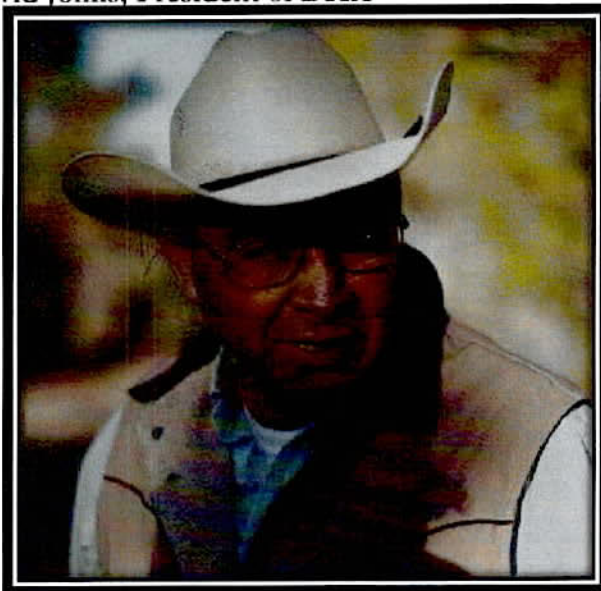
We welcome new members to DHA, especially young apprentices and practitioners of various Diné ceremonies, referred to as Hataalii. Equally important are our herbalists, diagnosticians, peacemakers, cultural-based counselors, and cultural-based educators.

We extend our appreciation to all that have generously volunteered their time to support the DHA in various capacities, including attending and hosting of DHA meetings. We look forward to your continued support and participation. Ahéhee'.

Respectfully Yours,

A handwritten signature in black ink, appearing to read "Dr. David Johns", written in a cursive style.

Dr. David Johns, President of DHA



Saad Bee Náásgóó Adéest'íí'-VISION STATEMENT

In partnership with stakeholders, we will cultivate a sustainable, healthy, ethical, and effective Diné Hataaʼí organization for present and future generations of Diné and Diné Hataaʼí.

“With a shared vision, we can empower ourselves to go forward together with a spirit of determination to ultimately realize our mission, goals, and dreams.”
Dr. David Johns, President of DHA

Nahat'á Bitsésiléí – MISSION STATEMENT

To safeguard, protect, and preserve viable DHA principles and the fundamental sacredness of authentic Diné spiritual practices and beliefs for the present and future Diné generations and Hataaʼí with an emphasis on establishing the learning foundation for future generations of Diné Hataaʼí.

Nahat'á Bindii'a' - FUNDAMENTAL VALUES

To practice utmost respect for the Universal life force through maintaining the harmony and balance between Hózhó and Nayéé', Ntsáhákees, Sa ah Naaghái Bik'eh Hózhóón, Nihi Nahat'á', Nihi Nahaaghaa', Nihi'Oodla'.

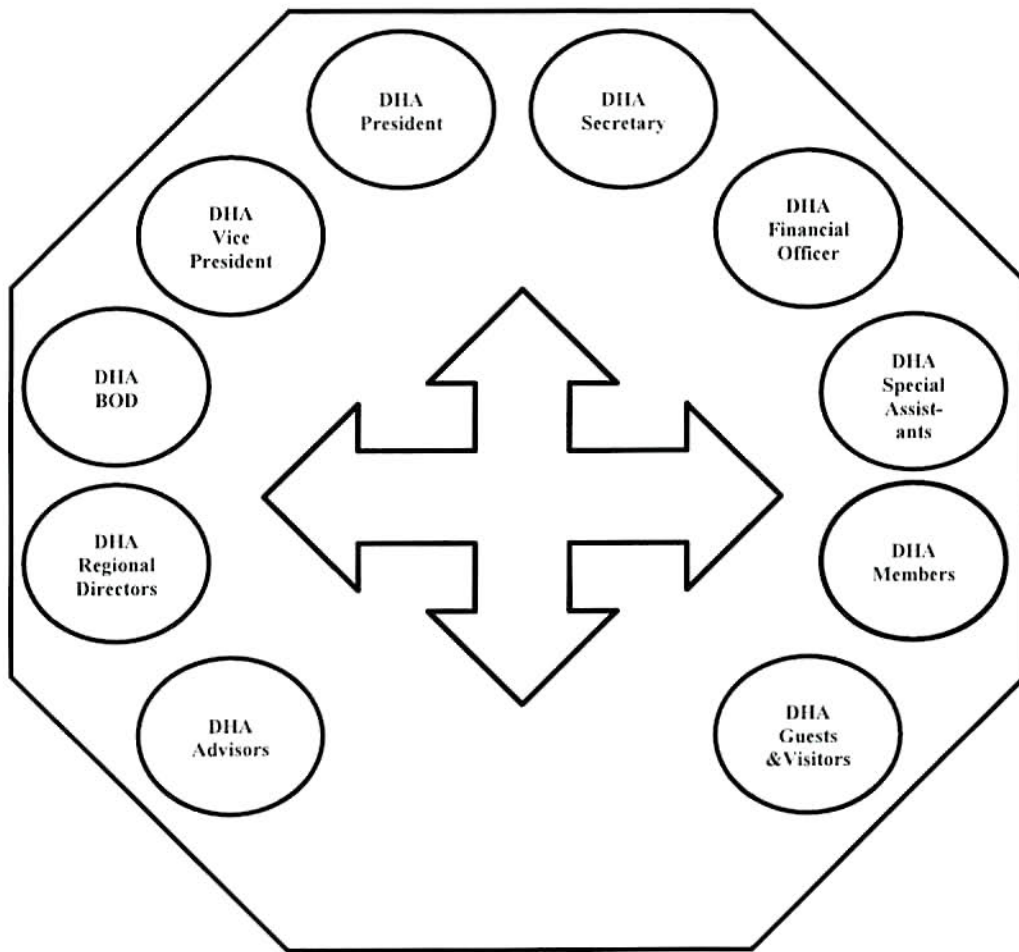
“It is essential that we go forward in unison with our deep inner values, spirit, and traditional beliefs that will give vitality to DHA.” Dr. David Johns, President of DHA

Nizhónígo Nihí k'éeí t'áá ałtsoh Bił nidiilniish

With all relatives, we will be working in beauty and harmony.

- DHA has 200+ registered members from five agencies of the Navajo Nation.
- Practice highest ethical and moral standards to ensure and protect the integrity of the DHA vision, mission statement, and fundamental values.
- Promote the collective voice of DHA members on Diné traditional, spiritual, ceremonial practices, beliefs, philosophy, and cultural wisdom.
- Address challenging and changing needs of DHA members drawing from the wisdom of Navajo fundamental law and Diné culture.
- Provide stewardship and voice for sacred sites, the environment, while acknowledging the natural laws and honoring the responsibility to advocate for all elements of nature including water, air, animals, people, Mother Earth, and Father Sky.
- Support the effort of community shareholders, relatives, fellow Diné, researchers, students, stakeholders, and Navajo Nation leaders to address the mental, physical, spiritual, and socioeconomic needs of the Diné.
- Inspire and support young Diné apprentices to participate in the study and practice of Diné ceremony.
- All DHA members adhere to the DHA Spiritual Code of Conduct & Ethical Behavior standards.

DINÉ HATAAŁII ASSOCIATION - ORGANIZATIONAL CHART



DHA Organizational Chart: Modeled after the Diné Ceremonial Hooghan, all formal meetings are facilitated by the Diné Hataałii Association leadership, in junction with collaboration with all DHA members on discussions relevant to Diné culture, spirituality, and ceremony.

DINÉ HATAALI ASSOCIATION: Executive Team Roster

The DHA serves as the certifying association for a collective group of authentic Diné Hataaliis, and Diné Sacred Wisdom keepers. This group of Hataaliis will present a collective voice in response to issues related to the protection and preservation of Diné Sacred and traditional wisdom and ceremonial practices on the Navajo Nation. The DHA Directors, Distinguished Members, and Former directors & members are as follows:

DHA Executive Board of Directors

David Johns, President
Lorenzo Max, Vice President
Michelle Kahn-John, Secretary
Mary Sandoval, Treasurer/Chief Financial Officer
Philmer Bluehouse, Statutory Agent
Clifford Johns, MA, Chief Development Planner

Special Advisors/Executive Assistants

David Begay, Policy Advisor
Cora Maxx-Phillips, Policy Advisor
Manley Begay, Jr., Policy Advisor
Ann Marie Chischilly, Policy Advisor
Thomas Walker Jr., Special Advisor
Michelle Cook, Legal Advisor

DHA Agency Board of Directors

Eastern Agency Directors

T.J. Anderson
Anderson Hoskie
Lee Lewis

Fort Defiance Agency Directors

Dale Gonnice
Jonathan Lewis

Chinle Agency Directors

Anson Etsitty
Thompson Billy

Western Agency Directors

Frank Nez
Stanley Reddye
Albert Laughter
Lawrence Curtis, Alternate

Shiprock Agency Director

Raymond Jim Redhouse, Shiprock Agency

DINÉ HATAALII ASSOCIATION BOARD OF DIRECTORS 2016-2020



2016 DHA Executive Leadership: Lorenzo Max, DHA Vice President, Dr. David Johns, DHA President, Mary Sandoval, DHA Chief Financial Officer/Treasurer, Dr. Michelle Kahn-John, DHA Secretary

Fellow Collaborators

Fellow collaborators and affiliates within the Navajo Nation who have similar objectives and serve to preserve, promote and protect Diné Culture and ceremony include:

- Azee' Bee Nahaaghá of the Navajo Nation
- Diné Medicine Man Association
- Navajo Nation

Nihi Naanish: DHA Overall 2016-2020 Objectives

“To succeed, we have to commit to agreeable goals that will become our achievements, life, and strength of the Association.”

Dr. David Johns, President of DHA

- Provide DHA certification and renewals to members.
- Conduct monthly/quarterly/special meetings with DHA members.
- Maintain, review, and update the DHA By-Laws and Articles of Incorporation
- Offer Cultural education/workshops/conferences.
- Collaborate and partner with Navajo/Native American spiritual and ceremonial organizations that share our core fundamental values and objectives.
- Collaborate with organizations outside of the Navajo Nation with similar fundamental values and objectives.
- Discuss and collaborate with the Navajo Nation on Diné Hataalii Certification, training, background checks, and mechanisms for suspending DHA certification for unethical and immoral conduct as a DHA member.
- Collaborate with Navajo Nation Sacred Site Committee
- Collaborate with Navajo Nation Human Rights Commission
- Collaborate with the Navajo Nation Historical Preservation Office
- Refer to and support the American Indian Religious Freedom Act (NARIFA) of 1978 and 1994
- Refer to and support the Native American Graves Protection and Repatriation Act (NAGPRA)
- Encourage younger Diné generations, students, persevere in the responsibility of promoting and protecting Diné traditional ceremony and teachings.
- Executive directors will update, modify, and monitor DHA forms [AOI, Bylaws, Strategic Plan].
- Discuss and develop a DHA code of conduct.

Nihi Nahat'á': DHA Plans 2016-2020

Ntsáhákees: Thinking/Conceptualization of Plans

Goal 1: Assess DHA's current organizational status, reports, documents, processes and prioritize plans for improvement.

Conceptualize methods to:

- Review all documents and files for listing of all active and non-active DHA members
- Review and update DHA membership log.
- Inform DHA members requiring an update of their certification
- Review and analyze the new NN Code re: certification/requirement for Hataalii.
- Assess all financial and accounting records and centralize all accounting records.
- Compile and centralize all existing DHA reports through 2016.
- Examine and refine By-Laws.
- Examine and refine Articles of Incorporation.
- Examine DHA Code-of-Conduct to develop a stronger and effective code, including background checks, DHA member training by NN on ethics
- Discuss and implement fund raising strategies.
- Pursue land withdrawal plans for DHA proposed Hataalii Center in Lukachukai, AZ.
- Discuss and brainstorm construction cost and plan for Hataalii Center in Lukachukai, AZ.
- Explore ways in which DHA members will organize and offer cultural education workshops and/or conferences to the communities of the Navajo Nation and beyond.

Bee Ndiilnishígíí – Organize and define plans

Goal 2: Organize and define a written blueprint of needs, priorities, projects, and strategies.

Organize & Define:

- Systematic database/index for listing of all DHA members with contact information and ceremonial specialty information.
- A database all certified DHA members
- A database for financial administration, security, and accountability of DHA funds.
- Annual Reports through 2016 and submit to NN Business Regulatory Office.
- A database/file system to organize all past, present, and future DHA resolutions.
- A file/record system of all past, present, and future important letters.
- A work session to update By-Laws for NN Business Regulatory Office and compliance.
- A work session to update the Articles of Incorporation for NN Business Regulatory Office and compliance.
- An ad-hoc committee to review DHA Code-of-Conduct and make recommendations to develop a stronger code
- An ad-hoc planning group to develop a realistic fund-raising plan.
- An ad-hoc planning group to develop a plan-of-action to secure a home-site lease at a selected site in Lukachukai, AZ for the Hataalii Center.
- An ad-hoc planning group to plan for cost and construction of DHA Hataalii Center.
- A written educational outreach plan/schedule to provide cultural workshops and/or conferences
- A written position on NN Code re: certification and requirement of Medicine Men
- A written position on how and when the DHA should be legislatively recognized by the NNC.
- Partnerships with the NN divisions to provide educational and healing services, (e.g., behavioral health, rehabilitation services using traditional ceremonial approaches).

Ájilééh - Implement and manage plans

Goal 3: Implement DHA plans.

Implement & Manage:

- Certification of all DHA members
- Comprehensive and centralized file for DHA records.
- Comprehensive and centralize financial accounting system for DHA
- Code-of-Conduct in coordination with NN Department of Health
- Fund raising plan with goals and timelines
- Construction & completion of DHA Hataalii Center.
- Hózhóójí ceremony for new DHA Hataalii Center
- Cultural education workshops/conferences
- DHA position on NN Code re: certification and requirement of Medicine Men then present to NN DOH and HESSC.

Naanish Ályaahígíí Bik'i Nít'éest'íí'–Ongoing evaluation and refinement of future plans.

Goal 4: Evaluate accomplishments and develop new strategies to improve the operation of DHA.

Evaluation and Refinement of:

- DHA meeting processes and protocol for meetings and membership.
- Fund raising activities
- DHA recordkeeping (AOI, bylaws, membership logs, resolutions, correspondence).
- Cultural education workshops and/or conferences to list lesson learned and make improvement for on-going educational sessions
- Evaluate the NN Code re: certification and requirement to determine what needs to be done by DHA to work under the new code.

Analysis of Strengths, Weaknesses, Opportunities, and Threats

Strengths	Opportunities
Collective Diné Cultural Authentic Wisdom	Diné Hataalii Apprentice Training
Authentic Diné Hataaliis	Establish a DHA Center on the Navajo Nation
Committed Executive Directors & Board of Directors	Provide Position Statements to matters regarding
Monthly meetings	Preserve Diné Sacred Wisdom, Ceremony, and Knowledge
DHA supports students, Hataaliis, and the Diné Nation on matters relevant to culture and ceremony.	Protect Diné Sacred Wisdom, Ceremony, and Knowledge

Weaknesses	Potential Threats
No Funding	Unethical, illegal, immoral behaviors of Hataaliis.
No centralized location for organization.	Declining number of Hataalii Apprentices
DHA Executive and Board of Directors uncompensated and serve voluntarily.	Inauthentic Diné ceremonial practices (fraud).

APPENDIX H
DHA Navajo Business Regulatory Certificate



NAVAJO NATION CORPORATION CODE

CERTIFICATE OF AMENDMENT

To all to Whom these Presents Shall Come, Greetings

I, Director of the Business Regulatory Department, DO HEREBY CERTIFY that

DINE' HATAALII ASSOCIATION
File Number: 100919

a NON PROFIT Corporation organized under the laws of the jurisdiction of the Navajo Nation, was issued a Certificate of Incorporation and was authorized to transact business within the Navajo Nation on the 15th day of April, 2005.

I FURTHER CERTIFY THAT this corporation has filed an AMENDMENT to Change the Registered Agent in the ARTICLES OF INCORPORATION on this 21st day of March, 2018.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Navajo Nation Corporation Code at Window Rock, Arizona this 21st day of March, 2018.

Beverly J. Cocho, March 21, 2018
Beverly J. Cocho, Department Manager
Business Regulatory Department
Division of Economic Development

APPENDIX I
Diné Hataalii Association COVID-19 Position Statement



Diné Hataalii Association Inc.

"A Distinguished, Authentic, Grassroots- Non-Profit Organization"

PO Box 4800

Window Rock, AZ 86515

Proclamation of the Diné Hataalii Association regarding the COVID-19 (Dikos Ntsaaígíí-Náhást'éíts'áadah) Pandemic- April 10, 2020

Preamble: Whereas, the Diné Hataalii Association (DHA) hereby provide the following proclamation and recommendations that are consistent with the guidelines offered by the Centers for Disease Control (CDC) and the Navajo Nation Department of Health (NDOH). DHA's written proclamation will serve as a culturally informed guideline for the safety and well-being of our Diné relatives, guests and friends as they engage in daily life and ceremonial activities amidst the COVID-19 (Dikos Ntsaaígíí-Náhást'éíts'áadah) pandemic.

We, the Diné Hataalii Association recognize our role as Naat'áaniis, leaders of Diné people, family, clan relatives, and extended relatives. We have carefully deliberated and reflected on the serious and widespread impact of the novel coronavirus. The Diné Hataalii Association offers a Diné spiritual construal of the novel coronavirus. As such, within ceremonial teachings, the novel coronavirus has been referred by DHA as Naayée'íiji Bihóchxó'íiji bideezla'.

The Diné Hataalii are called upon in times of fear, illness, uncertainty, danger and illness to offer wisdom, guidance and healing recommendations. We, DHA recognize this virus has come into our homes, our bodies, our minds and our spirits in the form of illness and fear. We recognize it brings with it a purpose, an intentional message for mankind that we must return to teachings of Hózhó ([the light] happiness, health, seeking beauty, compassion, love, balance and harmony) to minimize Hóchxó ([the darkness] illness, imbalance, cruelty and hatred). Our cultural wisdom and ceremonies are used to accomplish Hózhó. We respectfully offer this wisdom to safely coexist with the energy and the presence of the novel coronavirus (deemed by our Hataaliis to be spiritually influenced by the energies of Hóchxó'íiji dóo Naayée'íiji).

As Naat'áaanii, we remain loyal advocates and protectors for the preservation, maintenance and promotion of Diné ceremonial knowledge, cultural teachings and herbal practices, therefore, we ask our relatives to maintain the safety of themselves, our children, our elders, our Hataalii and medicine people as well as guests and friends of the Navajo Nation by observing the following recommendations.

The Diné Hataalii Association recommendations:

- We, DHA recognize the seriousness of the COVID-19 public health emergency and recommend postponing large ceremonies and gatherings during this pandemic.
- Smaller ceremonies such as individual traditional prayer conducted in the privacy of individual homes is strongly encouraged daily at dawn, noon and dusk with offerings of corn pollen and/or corn meal. The contemporary and inter-tribal practice of burning cedar can be conducted in the privacy of individual family dwellings. Hataalii, medicine people and traditional practitioners are encouraged to continue individual sacred offerings and prayers.
- We, DHA recognize Hataalii, medicine people and traditional practitioners are called upon in times of crisis and are considered “essential” members of our communities and are obligated to assist ceremonially and/or spiritually. ONLY in instances of emergency, where a ceremony must be conducted or cannot be postponed, the patient must be free of fever, cough or shortness of breath, and the use of full personal protective equipment (face shield, mask, goggles, gloves, and gown) must be observed along with the practice of social distancing and strict hand hygiene by only key and necessary participants [patient, Hataalii/medicine person/traditional practitioner and caregiver - fewer than 5].
- To mitigate the spread of the novel coronavirus and to promote the safety and wellbeing of our Diné people we encourage highest levels of self-care, self-protection and protection of others through the teachings of ádaa áháyá, áda hodíłzin, ádaa hááh hasin and ádaa hááh hwiindzin which include: stay within the safety of your home, avoid traveling, avoid visiting others, avoid shaking hands and maintain 6 feet of physical distance from others. In addition, when engaged in individual private family ceremony avoid sharing Dził Nát'oh tobacco, avoid shared use of dishes (cups, eating utensils, dippers) and avoid sharing food or drinks.
- We recognize the majority of our Hataalii and medicine people have cell phones and some have access to computers. During this pandemic, we encourage the use of technology *via* cell phones and web-based connections (facetime, skype, zoom) to access or consult with your Hataalii, medicine people and traditional practitioners.
- Though inappropriate to discuss death from a Diné cultural perspective, and considering we are in the midst of crisis, it's critical to offer the following traditional knowledge: In the unfortunate event of a Diné individual succumbing to the COVID-19, the DHA statement on this matter is “cremation is not a Diné traditional practice”.

DHA understand that prevention, detection, diagnosis, and quarantine are required to defeat COVID-19. As such, we take COVID-19 seriously and understand the need to test quickly and widely, practice physical and social distancing, isolate those infected or symptomatic, track and locate the contacts of those infected, and quarantine of those who test positive as ways we can comply with public health recommendations.

Further, the Diné Hataalii Association concurs with the public health recommendations below, as outlined by the Navajo Nation Department of Health (NDOH) and the Centers for Disease Control (CDC) in the subsequent sections:

Navajo Nation Department of Health (NDOH) and the Centers for Disease Control (CDC) recommendations:

- Stay Home.
- Avoid congregating or meeting in groups that are larger than 5 people.
- Wash hands often for at least 20 seconds with soap and water.
- Use hand sanitizer with at least 60% alcohol content.
- Avoid touching face, nose, eyes and mouth.
- Cover your face and mouth with tissue when coughing.
- Everyone should use a home-made cloth (cotton) masks when going out in public (hospital visits, grocery stores, gas stations during essential outings) to minimize spread of the virus. Do not place cloth masks on children under age two or those with difficulty breathing. A cloth mask is not a substitute for social distancing.
- Clean and disinfect frequently touched surfaces in your home (doorknobs, tables, counters, light switches, fridge handles, TV remote, cell phones).
- Keep at least 6 feet distance between you and others.
- Seek medical care if you develop shortness of breath/difficulty breathing.

Furthermore, we are being urged to shelter in place, self-quarantine and practice physical and social distancing. Strict disciplined self-care and protection, ádaa áháyá, áda hodilzin, ádaa hááh hasin and ádaa hááh hwiindzin are not foreign concepts to the Diné. In times of imbalance and disharmony, our Hataalii advise to maintain disciplined behaviors as the presence of Hóchxó brings about fear, vulnerability and illness. We remind our relatives to mitigate and counter the negative forces of Hóchxó with acts of Hózhó and K'é. The Diné teachings of Hózhójí bina'nitin and K'é hwiindzin emphasize kindness, love, compassion and gentleness as we support one another during this period of disharmony.

DHA advises that we must: T'áá ákwííj Yéego Tsodadolzin, continue to pray daily. Envision present and future health. Maintain strong faith. Maintain utmost positivity and strength in your thoughts. It is incumbent upon us as the Diné Nation to remain resilient. We will persist beyond this challenge and move into the future. We recommend resuming larger ceremonies and gatherings when we are safely beyond the COVID-19 pandemic. Your compliance with these recommendations will assist tremendously in the local, national and global efforts to “flatten the curve” and decrease the numbers of Diné relatives as well as global relatives who are affected by

this novel coronavirus. Be comforted and reassured, the Diné Hataalii will steadfastly continue individual prayers and make sacred offerings for the wellbeing of our Diné relatives as each of you should, within the privacy of your homes. Let us be reminded and empowered by our cultural teachings and ceremonial protective ways as a means to restore harmony, balance and healing among ourselves, family, animals, nature and our environment as we continue on the corn pollen path – Tádííin Bik'eh Atiin. These teachings will guide us as we begin to return to a state of health, harmony, beauty and wellness – a state of Hózhó.

Ahéhee'

On behalf of the Executive Leadership, Board of Directors and members of the Diné Hataalii Association (DHA)



David Johns, President



Lorenzo Max, Vice President

Mary Sandoval, Finance Officer
Michelle Kahn-John, Secretary

Relevant Diné concepts and translation: (Diné Hataalii Association, 2020)

Ádaa áháya, áda hodíłzin, ádaa hááh hasin and ádaa hááh hwiindzin --strict disciplined self-care, self-protection, protection of others likened to the acts required by sheltering in place, physical and social distancing.

Bideez'la' -- An extension of dangerous harmful elements, dangerous energetic and spiritual elements.

Dikos Ntsaaígíí-Náhást'éits'áadah – Covid-19, the “big coughing” illness caused by the novel corona virus which is a highly contagious respiratory illness with symptoms of fever, cough and shortness of breath.

Diné Hataalii –Navajo person with knowledge on the ancient practice of Diné (Navajo) ceremony and healing including diagnosticians, herbalist, and chanters.

Dził Nát'oh – Navajo ceremonial herbal tobacco.

Hochox'iji doo Naayee'iji bideez'la' -negative and enemy way spiritual influences (energies) of the corona virus (the virus).

Hóchxó and Hóchxó'íjǫ́ – dangerous, destructive and negative spiritual energies.
Hózhóǫ́jǫ́ binaa intiin – teachings of the blessing way, health, beauty, balance harmony.
Ké jiindziin—acts of kindness while maintaining and honoring relationships, acknowledging and practicing kinship.
Naat'aaniis –Navajo leaders
Naayée'íjǫ́ Bihóchxó'íjǫ́ bideezla'—negative spiritual intrusion of the enemy spirits.
T'áá ákwíjǫ́ Yéego Tsodadolzin - pray daily, with strength and consistency.
Tadidiin Bik'eh At'iin – The corn pollen path.

References

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- Navajo Department of Health. (2020). Dikos Ntsaaígíí-19 (COVID-19). Retrieved from <https://www.ndoh.navajo-nsn.gov/COVID-19>
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NAVAJO NATION

329

6/19/2020

Navajo Nation Council Special Session

01:57:40 PM

Amd# to Amd#	Legislation 0132-20: Approving	PASSED
MOT Tso, C	and Adopting the Navajo Nation	
SEC Yellowhair	CARES Fund Expenditure Plans	
	for Special Duty....	

Yeas : 20

Nays : 1

Excused : 2

Not Voting : 0

Yea : 20

Begay, E	Damon	Nez, R	Tso, C
Begay, K	Freeland, M	Slater, C	Tso, E
Begay, P	Halona, P	Smith	Walker, T
Charles-Newton	Henio, J	Stewart, W	Yazzie
Crotty	James, V	Tso	Yellowhair

Nay : 1

Brown

Excused : 2

Daniels	Wauneka, E
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Not Voting : 0

Presiding Speaker: Tso, D