



Navajo Nation Council approves up to \$1,500 in coronavirus hardship assistance for enrolled Navajo tribal members, up to \$500 for children

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WINDOW ROCK, Ariz. — The Navajo Nation Council voted unanimously Thursday, Sept. 24, to authorize \$49,454,416 for coronavirus (Covid-19) hardship assistance to provide emergency financial support to enrolled Navajo tribal members living both on and off the Navajo Nation.

The Council approved up to \$1,500 in hardship assistance for individual enrolled Navajo tribal members who were over the age of 18 years as of Mar. 1 and \$500 per person under the age of 18 years as of Mar. 1. The hardship assistance program will be funded by the Navajo Nation CARES (Coronavirus Aid, Response, and Economic Stimulus) Fund created by the Council in May through Resolution No. CMY-44-20, as line-item vetoed.

Council delegates approved the hardship assistance funding through Resolution No. CS-74-20 (Legislation No. 0201-20), sponsored by Council Delegate Eugenia Charles-Newton (Shiprock), by a vote of 21 in favor and 0 opposed. The bill was co-sponsored by Council Delegate Vince R. James (Jeddito, Cornfields, Ganado, Kintichii', Steamboat).

The president has 10 days to issue a regular veto or a line-item veto on the Council's approved legislation or the president may enact the resolution into law by signing it within the same period. If the president takes no action, the resolution automatically becomes Navajo law.

"Covid-19 has affected every single Navajo person living on and off the Navajo Nation," said Delegate Charles-Newton on Thursday. "We have been hearing from single parents who are struggling to purchase computers, WiFi and WiFi boosters so their children can receive the necessity of education. We hear from ranchers who need extra money to haul water because the local windmill is not operating. We've heard directly from our people who are suffering. This money is going to go directly to the people."

The Council previously proposed and approved the hardship assistance program, but only \$1,000 was signed into law by President Jonathan Nez, Delegate Charles-Newton explained.

Thursday's action by the Council adds an additional \$50 million to the program with a possibility for additional added funds if Executive Branch programs fail to expend project funding previously approved by the Council as the Dec. 30 CARES Act deadline nears.

If enacted by the president, the hardship assistance program and applications would be administered by the Office of the Controller with legislative oversight by the Budget and Finance Committee (BFC) of the Navajo Nation Council.

Navajo Nation Controller Pearline Kirk told the Council Thursday an online portal would be created to quickly and safely process applications for hardship assistance. The Controller added the Navajo Business and Artisan Relief programs established by the Council in July are currently being administered through a similar online portal through the Division of Economic Development. Necessary policy changes can be approved in coordination with the BFC and implemented as part of the program, the Controller explained.

To ensure the greatest number of Navajo people qualify for hardship assistance, the Council required all applicants to demonstrate Navajo tribal enrollment and further restricted the Office of the Controller from using personal income as a basis for emergency financial assistance.

Once the president acts on Council's resolution, the Office of the Controller and the Navajo Nation Council will provide public announcements of the hardship assistance application opening and related information.

Discussion

The Council approved several amendments to Legislation No. 0201-20 beginning with the Budget and Finance Committee's approved change of the hardship assistance administration from the Office of the President and Vice President to the Office of the Controller.

The approved expenditure plan for the hardship assistance program states: "The Executive Branch, through the Office of the Controller, is responsible for administering the Expenditure Plan and shall develop eligibility criteria and an application and approval process ensuring that any funds disbursed comply with Title V of the CARES Act and Treasury guidance. The Budget and Finance Committee shall review and, if necessary, amend, then approve the eligibility criteria and approval process plan after recommendation of Health, Education, and Human Services Committee."

Additionally, BFC approved initial requirements for the hardship assistance program, which include the tribal enrollment and the provision against basing emergency financial assistance on an income basis.

Delegate Charles-Newton provided further explanation on Thursday that, of the Council's previous approvals of nearly all CARES Funds for response activities, only \$29,769,107.38 had actually been spent as of Sep. 21. That information was provided by the Office of the Controller.

The Council's first amendment to Legislation No. 0201-20, sponsored by Council Delegate Elmer P. Begay (Dilcon, Indian Wells, Teesto, Whitecone, Greasewood Springs), added references to nine additional executive orders regarding the Covid-19 pandemic and reaffirmed the continuing overall increases in Covid-19 cases and related mortalities.

Council Delegate Amber Kanazbah Crotty (Cove, Toadlena/Two Grey Hills, Red Valley, Tsé'atnáoozt'íí, Sheepsprings, Beclabito, Gad'ii'áhi/Tó Ko'í) sponsored the second amendment following confirmation from the Office of the Controller of the remaining unallocated CARES Funds. OOC reported \$49,454,416 has not been allocated and advised Council on the risks of approving legislation that are not acted upon by the president and then become law, resulting in an overallocation of funds.

On Thursday, the Council also approved CARES Funds for local chapter governments to expedite the spending of the remainder of the federal funds. That resulted in the revision of total unallocated funds available to the hardship assistance program from \$175 million to the approved \$49,454,416 amount.

Council delegates approved the revised amount to avoid over-allocating CARES Funds and to reduce the Navajo Nation's risk of potential audit findings.

Council Delegate Kee Allen Begay, Jr. (Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) sought additional verification from the Navajo Nation Office of Vital Records and Identification (NNOVRI) of the number of currently enrolled Navajo tribal members who would potentially be eligible for assistance through the hardship program.

NNOVRI Program Manager Ronald Duncan reported 327,726 enrolled Navajo tribal members as of August.

Council Delegate Paul Begay, Jr. (Coppermine, K'ai'biit'ó, LeChee, Tonalea/Red Lake, Bodaway/Gap) stressed the importance of equality during Thursday's 13-hour special session. He acknowledged the proposed allocation would not be adequate to serve every potential qualified applicant for hardship assistance under the initial allocation. That concern was preceded by questions from Delegate Elmer P. Begay regarding the denial process and notification. Much of the policy detail will be overseen by the BFC if the legislation is enacted, explained the Controller.

Council Delegate Herman M. Daniels (Ts'ah Bii' Kin, Navajo Mountain, Shonto, Oljato) also expressed concern the hardship assistance would be immediately spent in border towns, instead of within the Navajo Nation where it can further support communities. Delegate Charles-Newton admitted that border town spending by Navajo recipients of hardship assistance is unavoidable, but the funding would still accomplish the purpose of providing much-needed support to the Navajo people.

Council delegates continued to stress the critical Dec. 30 deadline to expend federal CARES Act funds and the Council's previous approval of reversion provisions to help in reallocating unspent funds. Delegate Crotty and Delegate Otto Tso (Tónaneesdizi) pushed for more information from the Controller on the status of reversions, which would increase the amount of available CARES Funds that can be reallocated. Council Delegate Jamie (Alamo, Ramah, Tóhajiilee), chairman of the BFC, said those allocations will be reviewed by the BFC with the Controller after the new fiscal year begins on Oct. 1.

Pending the enactment of the Council resolution into Navajo law, the Office of the Controller will require additional work to implement the hardship assistance program. Following enactment and implementation, the application and online portal is expected to be open for enrolled Navajo tribal members to submit a request for hardship assistance.

All legislation of the Navajo Nation Council may be accessed online at: <http://dibb.nnols.org/>. An archived live-stream of Thursday's special session of the Navajo Nation Council may be viewed at: <https://vimeo.com/navajonationcouncil>. The Council's website may be accessed at: <http://www.navajonationcouncil.org/>.

Following the vote by the 24th Navajo Nation Council on Legislation No. 0201-20, the legislation began a quality assurance process involving the Office of Legislative Services, the Office of Legislative Counsel and the Office of the Speaker to ensure all amendments and exhibits are properly incorporated into the final resolution certified by the Speaker or Speaker Pro Tem.

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