



Navajo Nation President Jonathan Nez line-item vetoes \$73 million in coronavirus relief expenditures

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WINDOW ROCK, Ariz. — Navajo Nation President Jonathan Nez line-item vetoed \$73 million in coronavirus (COVID-19) response funding Saturday that was approved on Jun. 19 by the 24th Navajo Nation Council. President Nez eliminated COVID-19 response funding for all 110 local Navajo Nation communities, funding to support the Judicial Branch and Navajo Nation courts, immediate assistance for burnout families at greater risk of exposure to COVID-19 without shelter and pandemic-related support for Navajo traditional practitioners.

“On behalf of the 24th Navajo Nation Council, I wish to recognize our local leaders across the Navajo Nation that have continued to be on the front-lines of the COVID-19 pandemic,” said Speaker Seth Damon. “We, the Council, will continue to push legislation that focuses on getting this money spent for the benefit of the Navajo People. With the support of our communities, we will move forward together.”

Navajo Nation Council Resolution Nos. CJN-46-20 and CJN-47-20 together authorized \$135,059,530.10 in immediate expenditures from the Navajo Nation CARES Fund. Established by Resolution No. CMY-44-20, the Fund holds more than \$714 million in federal Coronavirus Aid, Relief, and Economic Stimulus (CARES) Act aid.

CJN-46-20 authorized \$42 million in expenditures for special duty pay, personal protective equipment (PPE), facility safety assurance and support for Navajo traditional practitioners through the Diné Hataaʼii Association. The expenditures included:

1. \$21 million in hazard pay for front-line responders and essential personnel;
2. \$10 million for PPE;
3. \$10 million for disinfection and facility safety assurance for public spaces and offices; and,
4. \$1 million for the Diné Hataaʼii Association to assist traditional practitioners in providing culturally-relevant mental and spiritual guidance to Navajo people affected by COVID-19 and their families.

President Nez rejected the Diné Hataaʼii Association expenditure outright. The Council’s support of the association’s expenditure plan had an extensive record of discussion that fully justified its approval. The association’s 36-page expenditure plan and its attached budget narrative was more comprehensive than anything submitted to the 24th Navajo Nation Council from the Office of the President and Vice President, to date, noted Speaker Damon.

President Nez argued that Navajo medicine men and traditional practitioners were not explicitly allowed in the law passed by Congress nor the guidelines from the U.S Treasury for state, local and tribal governments. The Council fully justified these expenditures under the federal guidelines as necessary for the mental health and spiritual well-being of many Navajo members.

President Nez also line-item vetoed the expenditure plan portions of each of the other line-items, which eliminated important accountability measures that served to protect against misuse of the funds.

CJN-47-20 authorized \$93,059,530.10 in expenditures, up from the \$50 million that President Nez proposed in Legislation No. 0116-20. The expenditures included:

1. \$10 million for care packages of food, water and basic necessities;
2. \$2 million to enable tele-work capability for government employees;
3. \$3.5 million for bathroom additions and upgrades;
4. \$7 million for burnout assistance for 156 homes;
5. \$3 million in assistance for Public Law 93-638 healthcare facilities on the Navajo Nation;
6. \$2,559,530.10 to improve procurement processing of Navajo Nation CARES Fund expenditures;
7. \$55 million to be distributed to Local Governance Act (LGA) Certified Chapters and non-LGA Certified Chapters to address COVID-19 relief and mitigation issues at the local level, pursuant to the 50/50 formula set forth at 12 N.N.C. § 820 (O); and,
8. \$10 million to the Navajo Nation Judicial Branch to combat COVID-19.

\$72 million was line-item vetoed by President Nez for burnout assistance, local chapter governments and the Judicial Branch. Additionally, he line-item vetoed any reference to CMY-44-20, arguing that his line-item veto of that resolution invalidated the legal effect of the entire Navajo Nation CARES Fund Act.

The 24th Navajo Nation Council was required to amend CJY-47-20 heavily to bring it in-line with President Nez's claims that it was a three-branch approach. He also repeatedly emphasized the support going directly to the Navajo People, when the majority of line-items in Legislation No. 0116-20 went directly to the central government in Window Rock. The Council amended the president's proposal to ensure a greater portion went to local relief efforts and to support judicial functions throughout the Navajo Nation.

The line-item vetoes by President Nez are the latest in a series since the COVID-19 pandemic began. Since January, the 24th Navajo Nation Council has approved funding to support emergency budgets and COVID-19 relief efforts.

CJA-01-20, Council's first action of 2020, was approved Jan. 28 for \$1.4 million to replenish local chapter government emergency budgets. President Nez line-item vetoed CJA-01-20 on Feb. 14. President Nez reversed his decision two months later on Mar. 27 when he signed CMA-11-20 for \$1.37 million for chapter emergency funds.

CAP-21-20 was approved Apr. 10 for \$103,400 to help the Navajo Nation Judicial Branch as it began adjusting to COVID-19 needs. President Nez line-item vetoed CAP-21-20 on Apr. 23.

CAP-22-20 was approved Apr. 17 for \$250,000 in burial assistance for Navajo families affected by COVID-19. President Nez line-item vetoed CAP-22-20 on May 2.

CAP-24-20 was approved Apr. 17 for the now-more than \$5 million in financial donations to the Navajo Nation. President Nez vetoed CAP-24-20 on May 2.

CAP-25-20 was approved Apr. 17 for \$121,000 to provide for communications and technology needs for the Navajo Nation Council. President Nez line-item vetoed CAP-25-20 on May 2.

CMY-34-20 was approved May 15 for \$2,416,747 to address COVID-19-response needs for emergency medical services, police officers, criminal investigators and other Division of Public Safety personnel. President Nez line-item vetoed CMY-34-20 on May 30.

On May 7, Speaker Damon introduced the Navajo Nation CARES Fund Act, or Resolution No. CMY-44-20. That legislation laid the necessary groundwork for spending the federal CARES Act funds announced two days earlier.

CMY-44-20 included expedited procurement procedures, project expenditure plan templates and Title 12 amendments that established the purpose within the Navajo Nation's legal system for the federal, restricted funds. It was a policy document with no line-item appropriations.

President Nez line-item vetoed CMY-44-20 on May 30. However, it was an expansion of the line-item veto authority which created a problematic precedent that policy language could be stricken in addition to financial budgetary line-items.

President Nez used that precedent to strike policy language on Saturday for accountability measures that ensure CARES Act funds are used properly. He also rejected the directives by Council to the Office of the Controller and the Office of Management and Budget to develop templates and budget procedures specific to COVID-19 projects, saying his office could handle those items.

President Nez further accused the 24th Navajo Nation Council of playing politics by excising pay, facilities and PPE line-items into a separate legislation. He accused the Navajo Nation Council of "...executing the law it passed..." while, at the same time, legislating through the executive office.

"The 24th Navajo Nation Council acted in good faith by introducing Legislation No. 0132-20. President Nez failed to provide any kind of accountability mechanism or expenditure plan for any of the line-item requests in Legislation No. 0116-20. Why would we give the HCOC payroll funding to manage for first responders and essential workers? Council was already working on those solutions as it waited for President Nez's action," said Speaker Damon.

Since mid-May, added Speaker Damon, the 24th Navajo Nation Council held more than a dozen work sessions that went in-depth with Navajo Nation partners on COVID-19-related needs for medical and health care facilities, water infrastructure needs, agricultural impacts, the needs of domestic violence shelters and other social services, electricity and power line needs, public safety concerns and opportunities, impacts to students of all grade levels, housing impacts and more. Recordings of all discussions can be accessed through the video archive at <http://www.vimeo.com/navajonationcouncil>.

"The 24th Navajo Nation Council has gone to great pains to ensure this entire process has been as accessible and transparent as possible. The Council has managed to make progress in providing instant online streaming and teleconferencing information on limited staff and resources. This will improve with time," said Speaker Damon.

With the Dec. 30 deadline to spend federal CARES Act funds approaching, Legislation No. 0144-20, sponsored by Council Delegate Amber Kanazbah Crotty, was introduced within the past few days that would approve an initial amount of more than \$131 million in water, power line and broadband projects that were submitted to the Council from the Navajo Nation Department of Water Resources, Navajo Tribal Utility Authority, Jemez Mountain Electric Cooperative, Continental Divide Electrical Cooperative, Choice NTUA Wireless, Department of Information Technology, Navajo Technical University, Native Broadcast Enterprise and Diné College. The legislation may be viewed online through the Navajo Nation's legislative tracking system website, called Diné Bibeehaz'áanii Binaaltsoos: <http://dibb.nnols.org/>.

Public comments on legislation may be submitted to the Navajo Nation's official legislative public commenting system by email at: comments@navajo-nsn.gov.

"As council delegates, we love our communities greatly, and it pains us to know that we are trying our hardest to meet President Nez in the middle, only to be met with vetoes. But, it's our job to fight for our local communities, and the Navajo Nation Council will continue putting forward funding that has been developed with the input of the Executive Branch and the Judicial Branch from the very beginning," said Speaker Damon.

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