



Navajo Nation applauds court decision to exclude Alaska Native Corporations from \$8 billion coronavirus relief funding

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WINDOW ROCK, Ariz. — Speaker of the 24th Navajo Nation Council Seth Damon observed the first round of the legal complaint brought by 17 tribal nations, including the Navajo Nation, against the U.S. Department of the Treasury over a decision to include the for-profit Alaska Native Corporations (ANCs) in the CARES Act Tribal Stabilization Fund distributions. U.S. District Judge Amit Mehta of the U.S. District Court for the District of Columbia sided with tribal governments in the first round of the historic case. Mehta’s 34-page decision disallows the distribution of a portion of the \$8 billion tribal relief fund to the ANCs.

“The Navajo Nation will continue to ensure that its legal resources are in the best position to challenge the distribution of CARES Act funding to Alaska Native Corporations,” said Speaker Damon. “In speaking with our Congressional delegation over the past week, the Navajo Nation Council has continually stressed the importance of maintaining the legislative intent of the CARES Act Tribal Stabilization Fund—which is to support tribal governments. ANCs are not tribal governments.”

On Sunday, April 19, Speaker Damon spoke with U.S. Senator Martha McSally and her Congressional staff regarding the tribal relief funding. He stressed the importance of ensuring that the lawsuit did not impact the distribution of funding mandated by law last week.

U.S. Treasury Department officials notified tribal nations last week that it would miss the statutory deadline because it could not carry out a proper distribution in the time remaining with ‘self-certified’ data from tribes. The Navajo Nation submitted its self-certified figures on Friday, Apr. 17 by the tribal-consultation deadline.

“Because the court finds that Plaintiffs have made a clear showing that they are likely to suffer irreparable harm in the absence of preliminary relief, that they are likely to succeed on the merits, and the balance of the equities and the public interest favor an injunction, the court grants Plaintiffs’ motions,” said Mehta.

Council Delegate Vince James said, “This ruling is a big win for our Navajo Diné People. As Ní’hóókáá’ Diyin Dine’é, we each see the great challenge of getting essential supplies to our most remote elders and families. When the Navajo Nation Council fights for the fair share of the People’s money and resources, it’s because we know the faces, the names, the homesites and most importantly, the specific needs of our communities.”

The CARES Act appropriated \$8 billion to the Tribal Stabilization Fund. On Apr. 17, Plaintiffs Confederated Tribes of the Chehalis Reservation, Tulalip Tribes, Houlton Band of Maliseet Indians, Akiak Native Community, Asa’carsarmiut Tribe and Aleut Community of St. Paul Island sued U.S. Department of the Treasury Secretary Steve Mnuchin. The suit alleged that Alaska Native Corporations do not fall within the Title V definition of “Tribal government” or “Indian Tribe.”

“We applaud the efforts of our relatives of tribal nations across the country that have joined together to push for equity in CARES Act Tribal Stabilization Fund distributions,” said Speaker Damon. “We also

extend our appreciation to the Navajo Nation Department of Justice in representing the interests of the Navajo People in the pursuit of every resource available to lessen the impact of the coronavirus.”

The U.S. Government maintains government-to-government relationships with 574 federally recognized tribal nations, including the Navajo Nation. The CARES Act, or the Coronavirus Aid, Relief, and Economic Security Act, provides for payments to State, Local, and Tribal governments to help in managing responses to the COVID-19 outbreak.

“This decision is important for the future of our Nation, the future of our communities and the future of our growth. When it comes to improving opportunities for our People, the Tribal Stabilization Fund is good progress at a very critical time,” said Council Delegate Mark Freeland.

The 24th Navajo Nation Council is the governing body of the Navajo Nation, a federally recognized tribal nation situated in the southwest United States more than 27,000 square miles in area. The Navajo Nation population is comprised of more than 200,000 residents and more than 350,000 members throughout the US. As of Apr. 27, 1,769 positive cases of COVID-19 were reported and 59 deaths have been attributed to the coronavirus by the Navajo Department of Health, the Navajo Area Indian Health Service and the Navajo Epidemiology Center.

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