

LEGISLATIVE SUMMARY SHEET

Tracking No. 0144-20

DATE: June 30, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH EDUCATION AND HUMAN RESOURCES, BUDGET AND FINANCE AND RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE NAVAJO NATION CARES FUND EXPENDITURE PLANS FOR WATER PROJECTS, POWERLINE PROJECTS AND BROADBAND-TELECOMMUNICATION PROJECTS

PURPOSE: This resolution, if approved, will adopt the Navajo Nation CARES Fund Expenditure Plans for water projects, powerline projects and broadband-telecommunication projects.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: [Signature]
Website Posting Time/Date: 11:58pm 06-30-20
Posting End Date: 07-05-20
Eligible for Action: 07-06-20

Health Education & Human Services Committee
Thence
Budget & Finance Committee
Thence
Resources & Development Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 **24th NAVAJO NATION COUNCIL -- Second Year, 2020**
3 INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0144-20

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10 **AN ACTION**
11 **RELATING TO HEALTH EDUCATION AND HUMAN RESOURCES, BUDGET**
12 **AND FINANCE AND RESOURCES AND DEVELOPMENT, AND**
13 **NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL;**
14 **APPROVING AND ADOPTING THE NAVAJO NATION CARES FUND**
15 **EXPENDITURE PLANS FOR WATER PROJECTS, POWERLINE PROJECTS**
16 **AND BROADBAND-TELECOMMUNICATION PROJECTS**
17

18 **BE IT ENACTED:**
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20 **SECTION ONE. AUTHORITY**

- 21 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
22 102(A).
- 23 B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
24 with the responsibility to hear proposed resolution(s) that require final action by the
25 Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- 26 C. The Health Education and Human Services Committee is a standing committee of the
27 Navajo Nation Council charged with over the Department of Information Technology
28 within the Division of General Services. 2 N.N.C. § 401 (C)(1).
- 29 D. The Budget and Finance Committee is a standing committee of the Navajo Nation
30 Council with the enumerated powers to review and recommend to the Navajo Nation

1 Council the budgeting, appropriation, investment and management of all funds and to
2 promulgate rules and regulations related to contracting and financial matters. 2 N.N.C.
3 §§ 300(B)(1) and (2).

- 4 E. The Resources and Development Committee is a standing committee of the Navajo
5 Nation Council empowered to provide legislative oversight on matters involving, but
6 not limited to, water, communications and utilities, information technology, rights-of-
7 way, public utilities, and telecommunications. 2 N.N.C. § 500(C).

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9 **SECTION TWO. FINDINGS**

- 10 A. The World Health Organization (WHO) declared a Public Health Emergency of
11 International Concern related to the outbreak of coronavirus (COVID-19), a highly
12 contagious and sometimes fatal respiratory virus, on January 30, 2020; the U.S.
13 Department of Health and Human Services declared a Public Health Emergency related
14 to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global
15 pandemic due to COVID-19 on March 11, 2020.
- 16 B. The Navajo Nation Commission on Emergency Management, with the concurrence of
17 Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency
18 on the Navajo Nation on March 11, 2020 due to COVID-19. Resolution No. CEM 20-
19 03-11. The Navajo Nation Department of Health subsequently issued numerous Public
20 Health Emergency Orders. Public Health Orders 2020-001 through 2020-014 are
21 incorporated by reference into this resolution.
- 22 C. As of June 30, 2020, the Navajo Nation Health Command Operations Center has
23 confirmed 7,532 COVID-19 cases and 363 COVID-related deaths on the Navajo
24 Nation.
- 25 D. The U.S. Congress on March 27, 2020, enacted the Coronavirus Aid, Relief, and
26 Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281 (2020) (the “CARES Act”),
27 which, at Title V, §5001, entitled “Coronavirus Relief Funds,” attached as **Exhibit 1-**
28 **A**, sets aside \$8 billion in emergency aid for Tribal governments for the COVID-19
29 pandemic.

- 1 E. The CARES Act provides the Coronavirus Relief Fund shall be used to cover only
2 those costs that:
- 3 a. are necessary expenditures incurred due to the public health emergency
4 with respect to COVID-19;
 - 5 b. are not accounted for in the Tribal budget most recently approved as of
6 March 27, 2020; and
 - 7 c. are incurred from March 1, 2020 through December 30, 2020.
- 8 F. The U.S. Treasury on April 22, 2020 issued “Coronavirus Relief Fund Guidance for
9 State, Territorial, Local, and Tribal Governments” (“Treasury Guidance”) related to the
10 permissible uses of the Coronavirus Relief Fund. **Exhibit 1-B.**
- 11 G. On May 28, 2020, the U.S. Treasury issued “Coronavirus Relief Fund Frequently
12 Asked Questions” (“Treasury FAQ”), attached as **Exhibit 1-C.**
- 13 H. As of June 30, 2020, the Navajo Nation has received seven hundred fourteen million
14 one hundred eighty-nine thousand six hundred thirty-one dollars and forty-seven cents
15 (\$714,189,631.47) as the Nation’s share of the U.S. Treasury’s initial distributions of
16 the Coronavirus Relief Fund.
- 17 I. Navajo Nation Council Resolution CMY-44-20, attached as **Exhibit 1**, established the
18 Navajo Nation CARES Fund, codified at 12 N.N.C. §§ 2601 *et seq.*; the purpose of the
19 Navajo Nation Cares Fund is “to serve as a depository into which the Coronavirus
20 Relief Funds appropriated by the United States for the benefit of the CARES Act are
21 deposited, and from which the Navajo Nation appropriates funds exclusively and only
22 for the uses specified in this Chapter (i.e., 12 N.N.C. §§ 2601 *et seq.*.” 12 N.N.C. §
23 2603 [explanation added].
- 24 J. The Navajo Nation CARES Fund establishes that the Navajo Nation’s expenditures of
25 the Coronavirus Relief Funds will be “accomplished through the approval of an
26 Expenditure Plan(s) adopted by a two-thirds (2/3) vote of all members of the Navajo
27 Nation Council, subject to final action of the President pursuant to 2 N.N.C. § 1005
28 (C)(10), (11), and (12).” 12 N.N.C. § 2604 (A).
- 29 K. The Navajo Nation has determined that immediately funding water projects, powerline
30 projects and broadband-telecommunication projects is vital in sustaining its response

1 to the COVID-19 public health emergency and mitigating the effects of the pandemic;
2 a summary of the Navajo Nation CARES Fund Expenditure Plans addressing water
3 projects, powerline projects and broadband-telecommunication projects is attached as
4 **Exhibit 2**.

5 L. The purpose of the Navajo Nation CARES Fund Water Projects Expenditure Plan,
6 attached as **Exhibit 3**, is to immediately provide sixty-four million two hundred twenty-
7 six thousand three hundred seventeen dollars (\$64,226,317) to the Navajo Department
8 of Water Resources for water projects on the Navajo Nation, including but not limited
9 to, waterline and cistern projects, water hauling, windmill repairs, water well
10 infrastructure, and earthen dam and irrigation project rehabilitation; the expenditures
11 set forth in the Water Projects Expenditure Plan are necessary to ensure that the Navajo
12 Nation populace has adequate access to safe potable water necessary to stem the spread
13 of COVID-19 and comply with Center for Disease Control (CDC) COVID-19
14 prevention guidance.

15 M. The purpose of the CARES Fund Powerline Projects Expenditure Plan, attached as
16 **Exhibit 4**, is to immediately provide thirty six million four hundred fifty-six thousand
17 three hundred ninety-five dollars (\$36,456,395) for power line projects, including
18 power line capital projects and electrical line extensions; the expenditures set forth in
19 the Power Line Projects Expenditure Plan are necessary to ensure that homes and
20 facilities on the Navajo Nation have access to electricity sufficient to comply with CDC
21 COVID-19 prevention guidance and ensure that infection recovery is viable.

22 N. The purpose of the CARES Fund Broadband-Telecommunication Projects Expenditure
23 Plan, attached as **Exhibit 5**, is to immediately provide thirty million nine hundred
24 twenty thousand six hundred thirty-six dollars (\$30,920,636) to ensure that the Navajo
25 Nation populace and public facilities, including schools and institutions of higher
26 learning, throughout the Navajo Nation have adequate broadband access and
27 telecommunication capacity to comply with stay-at-home orders issued to stem the
28 spread of the COVID-19 pandemic and access to public safety, healthcare and
29 education.

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

- 3 A. The Navajo Nation hereby approves and adopts the CARES Fund Water Projects
4 Expenditure Plan, as outlined in **Exhibit 3**; the CARES Fund Powerline Projects
5 Expenditure Plan as outlined in **Exhibit 4**; and the CARES Fund Broadband-
6 Telecommunication Projects Expenditure Plan as outlined in **Exhibit 5**.
- 7 **B.** The Navajo Nation hereby approves and adopts total funding for the Water Projects
8 Expenditure Plan from the Navajo Nation CARES Fund in the amount of sixty-four
9 million two hundred twenty-six thousand three hundred seventeen dollars
10 (\$64,226,317) and allocates the funding to the Department of Water Resources for
11 funding the 2020 projects set forth in **Exhibit 3**. The projects for years 2021 through
12 2024 totaling \$291,907,869 that are not capable of completion before the federal
13 CARES Act deadline of December 30, 2020, will be considered for future funding from
14 other sources or from CARES Act funding if Congress extends the federal deadline.
- 15 **C.** The Navajo Nation hereby approves and adopts total funding for the Powerline Projects
16 Expenditure Plan from the Navajo Nation CARES Fund in the amount of thirty six
17 million four hundred fifty-six thousand three hundred ninety-five dollars (\$36,456,395)
18 and allocates the funding through the Division of Community Development to the
19 Navajo Tribal Utility Authority, Jemez Mountains Electrical Cooperative, and
20 Continental Divide Cooperative for the respective purposes and amounts set forth for
21 2020 projects in **Exhibit 4**.
- 22 **D.** The Navajo Nation hereby approves and adopts total funding for the Broadband and
23 Telecommunications Expenditure Plan from the Navajo Nation CARES Fund in the
24 amount of thirty million nine hundred twenty thousand six hundred thirty-six dollars
25 (\$30,920,636) and allocates the funding to the Department of Information Technology
26 and through the Department of Information Technology to the Native Broadcast
27 Enterprise, Navajo Technical University and Diné College for the respective purposes
28 and amounts set forth in **Exhibit 5**.
- 29 **E.** The Coronavirus Relief Funds are externally restricted funds and the Navajo Nation
30 Appropriations Act, 12 N.N.C. §§ 800 *et seq.*, as applicable to externally restricted

1 funds, shall apply to the Expenditure Plans set forth herein; detailed Expenditure Plan
2 budgets shall not be subject to further legislative approval and shall, instead, be
3 developed and implemented through expedited budget procedures as directed in CMY-
4 44-20, Section Nine (B); if the CMY-44-20 expedited budget procedures are not in
5 place at the time the Expenditure Plans herein are adopted by the Navajo Nation
6 Council, the Office of Management and Budget shall process the detailed budgets in
7 the most expeditious manner available to ensure that the funds are distributed within
8 fifteen (15) days after enactment of this resolution.
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10 **SECTION FOUR. APPROVAL AND ADOPTION OF THE EXPENDITURE**
11 **PLANS' ADMINISTRATION**

- 12 A. All entities receiving Navajo Nation CARES Fund funding herein shall ensure that all
13 funds allocated under their respective Expenditure Plan are only expended for the
14 purposes set forth in **Exhibits 3, 4, and 5**.
- 15 B. All entities receiving Navajo Nation CARES Fund funding herein shall ensure that all
16 funds allocated under their respective Expenditure Plans shall be incurred and
17 expended by no later than December 30, 2020.
- 18 C. All entities receiving Navajo Nation CARES Fund funding herein shall ensure that no
19 funds allocated under their respective Expenditure Plans are incurred or expended for
20 costs accounted for in the approved Fiscal Year 2020 Navajo Nation Comprehensive
21 Budget approved by Navajo Nation Council Resolution No. CS-30-19.
- 22 D. The Office of the Controller shall release the funding allocated under the respective
23 Expenditure Plans as soon as the expedited budget procedures are completed.
- 24 E. The CARES Fund Expedited Procurement Rules and Procedures, as set forth in **Exhibit**
25 **1-E**, shall apply to procurement activities for the Expenditure Plans set forth herein.
- 26 F. The funds allocated under the Navajo Nation CARES Fund Expenditure Plans set forth
27 herein shall be used exclusively and only for the permissible uses set forth in the
28 following:
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- 1 1. This Resolution approving the Navajo Nation CARES Fund Water Projects
2 Expenditure Plan, CARES Fund Powerline Projects Expenditure Plan, and the
3 CARES Fund Broadband and Telecommunication Projects Expenditure Plan.
- 4 2. The Navajo Nation CARES Fund Act, 12 N.N.C. §§ 2501 *et seq.*, and any rules,
5 regulations or procedures adopted thereunder.
- 6 3. The Coronavirus Relief Fund which allows only those costs that:
 - 7 a. are necessary expenditures incurred due to the public health emergency with
8 respect to COVID-19;
 - 9 b. are not accounted for in the Navajo Nation Fiscal Year 2020 Comprehensive
10 Budget.
 - 11 c. are incurred from March 1, 2020 through December 30, 2020;
- 12 4. Consistent with the eligible uses described in the Treasury Guidance which includes
13 the following guidance:
 - 14 a. expenditures must be incurred “due to” the public health emergency which
15 means that expenditures must be used for actions taken to respond to the public
16 health emergency; these expenditures may include expenditures incurred to
17 allow the Tribal government to respond directly to the emergency, such as by
18 addressing medical or public health needs, as well as expenditures incurred to
19 respond to second-order effects of the emergency, such as by providing
20 economic support to those suffering from employment or business interruptions
21 due to COVID-19-related business closures;
 - 22 b. expenditures must be “necessary”; the Department of the Treasury interprets
23 this term broadly to mean that the expenditure is reasonably necessary for its
24 intended use in the reasonable judgment of the government officials responsible
25 for spending Coronavirus Relief Fund payments;
 - 26 c. expenditures may only be made to cover costs that were not accounted for in
27 the budget most recently approved as of March 27, 2020. A cost meets this
28 requirement if either (a) the cost cannot lawfully be funded using a line item,
29 allotment, or allocation with the budget; *or* (b) the cost is for a substantially
30

1 different use from any expected use of funds in such a line item, allotment, or
2 allocation; and

3 d. expenditures must be for costs incurred during the period that begins on March
4 1, 2020, and ends on December 30, 2020. A cost is “incurred” when the
5 responsible unit of government has expended funds to cover the cost.

6 5. Consistent with the eligible uses described in the U.S. Treasury Frequently Asked
7 Questions (FAQ).

8 6. Consistent with the eligible uses as may be described in any and all future guidance,
9 rules, or regulations of the Department of the Treasury or the Department of the
10 Interior related to the Coronavirus Relief Fund pursuant to Title V of the CARES
11 Act.

12 G. All entities receiving Navajo Nation CARES Act Expenditure Plan funding herein
13 expressly agree and affirm that by drawing down or receiving any of the funds allocated
14 under their respective Expenditure Plan:

15 a. the requested funds shall only be used for the purposes specified in Title V of
16 the federal CARES Act and the Navajo Nation CARES Fund Act;

17 b. the administration, management, and implementation of this Expenditure Plan
18 shall be consistent with the Navajo Nation CARES Fund Act, this legislation,
19 and other applicable laws and regulations of the Navajo Nation; and

20 c. the costs to be covered under this Expenditure Plan are not included in the
21 Navajo Nation Fiscal Year 2020 Comprehensive Budget, approved by Navajo
22 Nation Council Resolution No. CS-30-19.

23 H. As set forth in CMY-44-20, Section Four (B), in the event that the entities receiving
24 Expenditure Plan herein fail to comply with and complete the expedited budget
25 procedures within fifteen (15) days of the date the Expenditure Plans becomes law, the
26 funds allocated to them will revert back to the Navajo Nation CARES Fund, upon the
27 Budget and Finance Committee’s acceptance of a report from the Office of
28 Management and Budget.

29 I. All recipients of Navajo Nation funds from the Navajo Nation CARES Fund must
30 follow and apply Generally Accepted Accounting Principles (GAAP), as established

1 by the Governmental Accounting Standards Board (GASB) for governmental entities,
2 and by the Financial Accounting Standards Board (FASB) for public and private
3 companies and non-profits.

4 J. If the Department of Justice, Office of the Controller, and Office of Management and
5 Budget concur that a proposed expenditure in the Expenditure Plans included herein is
6 an ineligible cost under the Navajo Nation CARES Fund, Coronavirus Relief Fund or
7 U.S. Treasury guidance, the amount of such proposed expenditure shall be returned to
8 the Navajo Nation CARES Fund after written notice, including analysis, to the Office
9 of the President and Vice-President and Naabik'íyáti' Committee.

10 K. The Budget and Finance Committee and Resources and Development Committee of
11 the Navajo Nation Council shall serve as the oversight committees for the Navajo
12 Nation Cares Fund Water Projects, Powerline Projects and Broadband-
13 Telecommunication Expenditure Plans, except that the Health Education and Human
14 Services Committee shall serve as the oversight committee for Department of
15 Information Technology portion of the Broadband-Telecommunication Projects
16 Expenditure Plan.

17 L. The Expenditure Plans and expenditures made there under shall be governed by and
18 construed in accordance with the laws and regulations of the Navajo Nation.

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20 **SECTION FIVE. AMENDMENT**

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

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24 **SECTION SIX. EFFECTIVE DATE**

25 This Resolution is effective upon its approval pursuant to 2 N.N.C. § 221(B) and 2 N.N.C. §
26 164(A)(17).

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28 **SECTION SEVEN. SAVING CLAUSE**

29 Should any provision of this legislation be determined invalid by the Navajo Nation
30 Supreme Court, or a District Court of the Navajo Nation without appeal to the Navajo

1 Nation Supreme Court, those portions of the legislation which are not determined invalid
2 shall remain the law of the Navajo Nation.
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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")

JMN

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.

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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

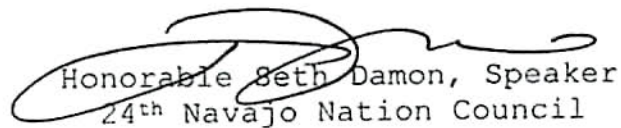
approval by the Budget and Finance Committee within ten (10) days of the enactment of this legislation.

- 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, 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 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 (c) 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

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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 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 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 from 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. 6001. 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—

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

“(11) 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

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 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 that 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

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

CERTIFICATION:


Honorable Speaker Seth Damon

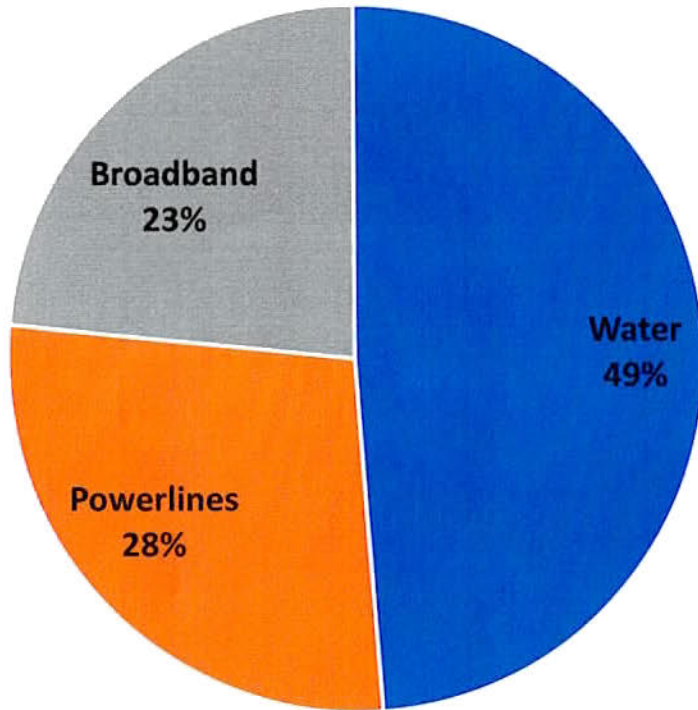
5.15.2020
Date



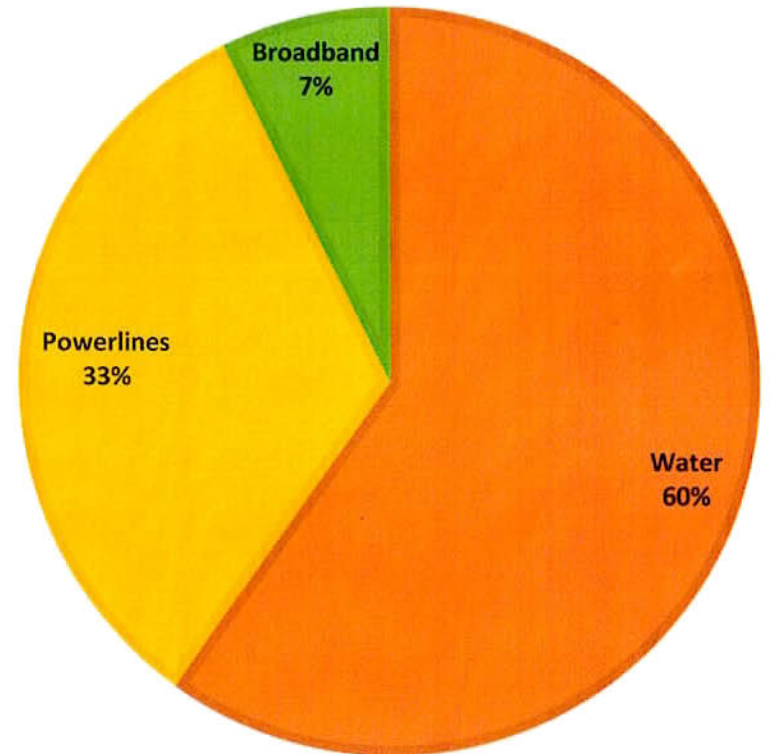
"Water, Power, and Broadband" "PLAN M"

Area of Expenditure	Entity	First Year Dec. 2020	Extension from Congress	Subtotal	Total
WATER PROJECTS					\$ 356,134,186
	DEPT. WATER RESOURCES	\$ 64,226,317	\$ 291,907,869	\$ 356,134,186	
	SUBTOTAL	\$ 64,226,317	\$ 291,907,869	\$ 356,134,186	
POWERLINE PROJECTS					\$ 194,781,556
	NTUA - POWERLINE PROJ.	\$ 10,483,125	\$ 42,445,512	\$ 52,928,637	
	NTUA - CAPACITY	\$ 24,747,269	\$ 106,801,281	\$ 131,548,550	
	JEMEZ MTN ELECTRIC	\$ 163,723	\$ 6,608,807	\$ 6,772,530	
	CONTINENTAL DIVIDE	\$ 1,062,278	\$ 2,469,561	\$ 3,531,839	
	SUBTOTAL	\$ 36,456,395	\$ 158,325,161	\$ 194,781,556	
BROADBAND					\$ 43,534,180
	NTUA-WIRELESS	\$ 20,255,229	\$ 12,613,544	\$ 32,868,773	
	NN DEPT. OF IT	\$ 3,400,000	\$ -	\$ 3,400,000	
	NTU	\$ 470,000	\$ -	\$ 470,000	
	NATIVE BROADCAST ENT.	\$ 393,670	\$ -	\$ 393,670	
	DINÉ COLLEGE	\$ 6,401,737	\$ -	\$ 6,401,737	
	SUBTOTAL	\$ 30,920,636	\$ 12,613,544	\$ 43,534,180	
	GRAND TOTAL	\$ 131,603,348	\$ 462,846,574	\$ 594,449,922	\$ 594,449,922

First Year December 2020



Extension From Congress



**NAVAJO NATION CARES FUND ACT
WATER PROJECTS 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 Water Projects Expenditure Plan is to allow for the use and expenditure of sixty-four million two hundred twenty-six thousand three hundred seventeen dollars (\$64,226,317) for regional water projects on the Navajo Nation for the first year. Subject to the extension of the deadline of the Coronavirus Aid, Relief, and Economic Stimulus (CARES) Act, additional projects totaling two hundred ninety-one million nine hundred seven thousand eight hundred sixty-nine dollars (\$291,907,869) shall be prioritized for expenditure from remaining funds. The expenditures set forth in the Expenditure Plan are necessary to ensure that Navajo communities receive basic water infrastructure for sanitation purposes. This will ensure that the Navajo People are adequately protected from exposure to the further spread of infectious diseases.

The water projects list includes, but is not limited to, water wells, cistern systems, support to water haulers, livestock windmills, earthen dam rehabilitation, irrigation/upgrades, and infrastructure upgrades.

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 planning, pre-designing, permitting, design, right-of-way, bid, and construction.

II. AFFIRMATION OF FUND USE

The Department of Water Resources 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 Navajo Nation Department of Water Resources to be used for Waterlines projects dedicated to mitigating or responding to the COVID-19 public health emergency and interaction with the public.

IV. IMPLEMENTATION AND MONITORING

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

V. ADMINISTRATOR OF FUNDS

The Director of the Department of Water Resources 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 Water Resources 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 Resources and Development Committee (RDC) and Budget and Finance Committee (BFC) shall share oversight as RDC has oversight over the Division of Natural Resources and BFC has oversight over externally restricted funding.

IX. AFFIRMATION OF ADMINISTRATION AND MANAGEMENT

The Department of Water Resources 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.

Water Infrastructure Five Year Plan Summary
 Navajo Department of Water Resources
 6/1/2020

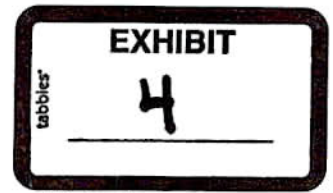
CARES Act Funding Discussion

	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>Total</u>
Immediate Utility Customer Assistance	Separate discussion with NTUA/other utilities					
Water and Electricity to Homes						
Electricity - Separate discussion with NTUA/other utilities						
Waterline and Cistern Projects - Funding Transition	\$ 20,826,000.00	\$ 24,032,398.80	\$ 9,320,616.00	\$ 11,844,481.20	\$ -	\$ 66,023,496.00
IHS SDS Cistern Projects	\$ -	\$ 13,290,987.00	\$ -	\$ -	\$ -	\$ 13,290,987.00
Support to Water Haulers						
Water Hauling Program	\$ 7,560,000.00	\$ 4,180,000.00	\$ 4,180,000.00	\$ 4,180,000.00	\$ 4,180,000.00	\$ 24,280,000.00
Regional and Local Water Projects Including Navajo-Gallup						
Water Supply Project Connections						
Regional/Local Projects	\$ 22,217,817.00	\$ 55,494,817.00	\$ 53,239,069.00	\$ 15,500,000.00	\$ 6,300,000.00	\$ 152,751,703.00
O&M Subsidy for Initial Operations	\$ 6,000,000.00	\$ 6,000,000.00	\$ 6,000,000.00	\$ 6,000,000.00	\$ 6,000,000.00	\$ 30,000,000.00
NTUA Loan to Grant Conversions	Separate discussion with NTUA					
Infrastructure Access, Roads and Other	Separate discussion with other appropriate entities					
Wastewater Infrastructure	Separate discussion with NTUA for existing needs					
Livestock Windmills						
Windmill Repairs Totals	\$ 2,620,000.00	\$ 1,200,000.00	\$ 1,200,000.00	\$ -	\$ -	\$ 5,020,000.00
Water Well Infrastructure	\$ 200,000.00	\$ 1,300,000.00	\$ 1,500,000.00	\$ 2,000,000.00	\$ -	\$ 5,000,000.00
Agriculture						
Earthen Dam Rehabilitation	\$ 1,600,000.00	\$ 10,000,000.00	\$ 10,000,000.00	\$ 10,000,000.00	\$ 10,000,000.00	\$ 41,600,000.00
Irrigation Project Rehabilitation	\$ 1,980,000.00	\$ 5,890,000.00	\$ 3,500,000.00	\$ 2,000,000.00	\$ 1,000,000.00	\$ 14,370,000.00
Long-Range Water Planning						
Long-Range Water Planning Tool	\$ 222,500.00	\$ 907,500.00	\$ 932,500.00	\$ 735,500.00	\$ -	\$ 2,798,000.00
NDWR Program Assistance						
NDWR Building(s), Supplies, etc - Response to COVID-19	\$ 1,000,000.00	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000.00
Totals	\$ 64,226,317.00	\$ 122,295,702.80	\$ 89,872,185.00	\$ 52,259,981.20	\$ 27,480,000.00	\$ 356,134,186.00

Project	Year	2020	2021	2022	2023	2024	Comments
NA18W36 - SHASIN Nazini Additional Water Source	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 775,000					Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W41 - SHASIN Rough Rock South Waterline Ext. Phase 2	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 1,451,000					Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W43 - SHASIN Spider Rock-Chinle Waterline Ext Phase 3	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 5,381,000					Paid \$130,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W47 - SHASIN Shundo Tall Mtn. Cisterns WP	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 1,447,000					Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA Established account for \$1,182,000. No payment.
NA18W49 - SHASIN Tuba City NW Sewerline Phase 1	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 1,038,000					Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA Established account for \$937,000. No payment.
NA18W51 - SHASIN Burnham East WL Ext. 1	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 1,662,000					Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W52 - SHASIN Burnham NW WL Ext. 1	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 662,000					Paid \$30,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W54 - SHASIN Montezuma Creek Extension	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 644,000					Paid \$30,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W55 - SHASIN Morgan Lake WL Extn. Phase 2	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 1,078,000					Paid \$30,000 for planning. Proposed procuring through design-build MOA with NECA Established account for \$768,000. No payment.
NA18W56 - SHASIN Newcomb North WL Ext. 1	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 443,000					Paid \$30,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W57 - SHASIN Sheepsprings WL Ext. w/Booster PAQ	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 863,000					Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA Established account for \$717,000. No payment.
NA18W58 - SHASIN Teec Yellow Rock Point WL Ext Phase 1	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 947,000					Paid \$30,000 for planning. Proposed procuring through design-build MOA with NECA Established account for \$615,000. No payment.
NA18W62 - SHASIN Twin Lakes-Tchikaki South Extn.	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 409,000					Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA Established account for \$359,000. No payment.
NA18W64 - SHASIN COVE INTERTIE U71 - Already Paid.	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction	\$ 555,000					Proposed procuring through design-build MOA with NECA
NA18W50 - SHASIN LeChew-Horsechief Mesa Water Ext.	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction		\$ 4,772,000				Paid \$100,000 for planning. Proposed procuring through design-build MOA with NECA

Project	Year	2020	2021	2022	2023	2024	Comments
NA18W33 - PTT Jeddito Goldwater Loop Phase 3	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction		\$ 2,419,000				Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W34 - SHASIN Jeddito Goldwater Loop Phase 2	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction			\$ 1,569,000			Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W35 - SHASIN Navajo-Asayi Waterline	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction		\$ 330,000				Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W37 - SHASIN Many Farms Lake Phase 3	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction		\$ 4,335,000				Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W38 - SHASIN Hunters Point/ Oak Springs Inter-Tie	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction			\$ 547,617			Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA Previous Oak Springs South Ext. Project
NA18W39 - SHASIN Pine Springs Additional Water Source	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction		\$ 576,000				Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W40 - SHASIN Rough Rock North Phase 1 (Osterna)	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction		\$ 2,368,999				Paid \$125,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W42 - SHASIN Steamboat Canyon Phase 1	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction		\$ 1,603,000				Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W44 - SHASIN Chichinbeto Yellowhair CWS Upgrade	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction		\$ 1,743,000				Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA Established account for \$1,743,000. No payment.
NA18W45 - SHASIN Denehotso Laguna Flats W/ Ext.	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction		\$ 781,000				Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W46 - SHASIN Tuba City Old Airport Sewer Ext.	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction		\$ 1,099,000				Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA Established account for \$1,099,000. No payment.
NA18W48 - SHASIN Teesto Water Blowing Extn.	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction			\$ 1,034,563			Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA
NA18W53 - SHASIN Fruitland Adobe West W/ Extn. ***CANCEL***	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction			\$ 242,000			Paid \$30,000 for planning. Project cancelled
NA18W60 - SHASIN Mexican Springs Tuditto Park Extension	Planning, Pre-design Permitting, Design, Right of Way, Bid Construction				\$ 2,665,300		Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA Established account for \$1,067,000. No payment.

**NAVAJO NATION CARES FUND ACT
POWER LINES PROJECTS 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 Power line Projects Expenditure Plan is to allow for the use and expenditure of thirty-six million four hundred fifty-six thousand three hundred ninety-five dollars (\$36,456,395) for regional power line projects on the Navajo Nation. Subject to the extension of the deadline of the Coronavirus Aid, Relief, and Economic Stimulus (CARES) Act, additional projects totaling one hundred fifty-eight million three hundred twenty-five thousand one hundred sixty-one dollars (\$158,325,161) shall be prioritized for expenditure from remaining funds. The expenditures set forth in the Expenditure Plan are necessary to ensure that Navajo communities receive basic utilities for water heating, medical, and refrigeration purposes. This will ensure that the Navajo People are adequately protected.

Power line projects include, but are not limited to, service line extensions/agreements, right-of-way, service-droplines, house wiring, meter looping, trunk lines, and transmission upgrades.

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 planning, pre-designing, permitting, design, right-of-way, bid, and construction.

II. AFFIRMATION OF FUND USE

The Division of Community Development 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 Navajo Nation Division of Community Development to be used for power lines projects dedicated to mitigating or responding to the COVID-19 public health emergency and interaction with the public.

First year expenditure: Navajo Tribal Utility Authority (\$35,230,394), Jemez Mountain Electric Cooperative (\$163,723), Continental Divide Electric Cooperative (\$1,062,278).

IV. MONITORING

The Division of Community Development is responsible for monitoring the Expenditure Plan and the expenditure of these funds.

V. ADMINISTRATOR OF FUNDS

The Division of Community Development 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 Division of Community Development 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 Resources and Development Committee (RDC) and Budget and Finance Committee (BFC) shall share oversight as RDC has oversight over the Division of Community Development and BFC has oversight over externally restricted funding.

IX. AFFIRMATION OF ADMINISTRATION AND MANAGEMENT

The Division of Community Development 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.

CARES ACT - Funding Request Power Lines

YR	Project Type	No. of Customers	Miles of Line	Project Cost	Contribution Received	Short Fall	Construction Funding Needed				Funding Needed for Meter Loop				Funding Needed of House Wiring				Total CARES Act Funding Request
							Material	Labor	Equipment	Total	Material	Labor	Equipment	Total	Material	Labor	Equipment	Total	
2020	EME In Service	13	0.57	\$ 161,877	\$ 152,877	\$ 16,715	\$ 5,014	\$ 7,522	\$ 4,179	\$ 16,715	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 16,715
2020	EME Not In Service	16	1.59	\$ 263,505	\$ 211,406	\$ 51,168	\$ 15,351	\$ 23,026	\$ 12,792	\$ 51,168	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,168
	Community Project 2020	119	50.80	\$ 5,802,735	\$ 2,046,511	\$ 4,013,851	\$ 1,204,155	\$ 1,806,233	\$ 1,003,463	\$ 4,013,851	\$ 89,250	\$ 148,750	\$ 59,500	\$ 297,500	\$ 249,900	\$ 416,500	\$ 166,600	\$ 833,000	\$ 5,144,351
	Light Up Navajo Projects 2020	200	30.18	\$ 2,870,890	\$ -	\$ 3,370,890	\$ 1,011,267	\$ 1,516,900	\$ 842,722	\$ 3,370,890	\$ 150,000	\$ 250,000	\$ 100,000	\$ 500,000	\$ 420,000	\$ 700,000	\$ 280,000	\$ 1,400,000	\$ 5,270,890
		348	83.14	\$ 9,099,007	\$ 2,410,793	\$ 7,452,625	\$ 2,235,787	\$ 3,353,681	\$ 1,863,156	\$ 7,452,625	\$ 239,250	\$ 398,750	\$ 159,500	\$ 797,500	\$ 669,900	\$ 1,116,500	\$ 446,600	\$ 2,233,000	\$ 10,483,125
2021	Community Project 2021	292	137.84	\$ 17,501,101	\$ 1,890,781	\$ 15,610,321	\$ 4,683,096	\$ 7,024,644	\$ 3,902,580	\$ 15,610,321	\$ 219,000	\$ 365,000	\$ 146,000	\$ 730,000	\$ 613,200	\$ 1,022,000	\$ 408,800	\$ 2,044,000	\$ 18,384,321
	Light Up Navajo Projects 2021	216	49.90	\$ 4,896,813	\$ -	\$ 5,436,813	\$ 1,631,044	\$ 2,446,566	\$ 1,359,203	\$ 5,436,813	\$ 162,000	\$ 270,000	\$ 108,000	\$ 540,000	\$ 453,600	\$ 756,000	\$ 302,400	\$ 1,512,000	\$ 7,488,813
		508	187.74	\$ 22,397,914	\$ 1,890,781	\$ 21,047,134	\$ 6,314,140	\$ 9,471,210	\$ 5,261,783	\$ 21,047,134	\$ 381,000	\$ 635,000	\$ 254,000	\$ 1,270,000	\$ 1,066,800	\$ 1,778,000	\$ 711,200	\$ 3,556,000	\$ 25,873,134
2022	Community Project 2022	220	121.93	\$ 16,170,998	\$ 1,938,619	\$ 14,482,379	\$ 4,344,714	\$ 6,517,070	\$ 3,620,595	\$ 14,482,379	\$ 165,000	\$ 275,000	\$ 110,000	\$ 550,000	\$ 462,000	\$ 770,000	\$ 308,000	\$ 1,540,000	\$ 16,572,379
		220	121.93	\$ 16,170,998	\$ 1,938,619	\$ 14,482,379	\$ 4,344,714	\$ 6,517,070	\$ 3,620,595	\$ 14,482,379	\$ 165,000	\$ 275,000	\$ 110,000	\$ 550,000	\$ 462,000	\$ 770,000	\$ 308,000	\$ 1,540,000	\$ 16,572,379
		1,076	392.81	\$ 47,667,919	\$ 6,240,193	\$ 42,982,137	\$ 12,894,641	\$ 19,341,962	\$ 10,745,534	\$ 42,982,137	\$ 785,250	\$ 1,308,750	\$ 523,500	\$ 2,617,500	\$ 2,198,700	\$ 3,664,500	\$ 1,465,800	\$ 7,329,000	\$ 52,928,637

NTUA CAPACITY PROJECTS

	DESCRIPTION OF NTUA CAPITAL PROJECTS FOR YEAR 2020	Material	Labor	Equipment	2020 Funding Needed
1	Cudei R276 NOVA recloser Install	\$ 7,611.00	\$ 11,416.50	\$ 6,342.50	\$ 25,370.00
2	Round Rock To Lukachukai Powerline Upgrade	\$ 583,273.20	\$ 874,909.80	\$ 486,061.00	\$ 1,944,244.00
3	Shonto Comm School powerline Make-Ready	\$ 45,859.46	\$ 68,789.19	\$ 38,216.22	\$ 152,864.86
4	Many Farms Voltage Regulators	\$ 1,083.23	\$ 1,624.85	\$ 902.70	\$ 3,610.78
5	Chinle Capacitor Bank Bus Modification	\$ 3,370.74	\$ 5,056.11	\$ 2,808.95	\$ 11,235.80
6	Chinle Cooper M-Force Switch Installation	\$ 13,313.02	\$ 19,969.53	\$ 11,094.19	\$ 44,376.74
7	Chinle R379 feeder to Pinon feeder Nova recloser installation	\$ 12,296.15	\$ 18,444.22	\$ 10,246.79	\$ 40,987.15
8	Chinle SCADA Cooper Switch	\$ 18,938.40	\$ 28,407.60	\$ 15,782.00	\$ 63,128.00
9	Chinle Substation 69kv Switch replacement w/Motor	\$ 68,281.99	\$ 102,422.98	\$ 56,901.66	\$ 227,606.63
10	Coalmine Switching Station Upgrade	\$ 216,000.00	\$ 324,000.00	\$ 180,000.00	\$ 720,000.00
11	Cudei Substation Voltage Regular Controls Upgrade	\$ 859.56	\$ 1,289.34	\$ 716.30	\$ 2,865.20
12	Gap Substation Transformer Bushing Replacement	\$ 26,064.97	\$ 39,097.46	\$ 21,720.81	\$ 86,883.23
13	Houck Substation Surveillance	\$ 34,571.10	\$ 51,856.65	\$ 28,809.25	\$ 115,237.00
14	Install R840 Nova-Recloser	\$ 22,500.00	\$ 33,750.00	\$ 18,750.00	\$ 75,000.00
15	Kayenta Townsite Substation to Junction 3phase line upgrade	\$ 96,594.00	\$ 144,891.00	\$ 80,495.00	\$ 321,980.00
16	Kayenta USD-R606 Feeder	\$ 45,000.00	\$ 67,500.00	\$ 37,500.00	\$ 150,000.00
17	Laguna Creek 69kv Switch Motor Operator	\$ 13,498.50	\$ 20,247.75	\$ 11,248.75	\$ 44,995.00
18	Lukachukai R378 SPEAR Install 1-Phase	\$ 5,485.60	\$ 8,228.39	\$ 4,571.33	\$ 18,285.32
19	Mexican Water 3Way Switch	\$ 103,500.00	\$ 155,250.00	\$ 86,250.00	\$ 345,000.00
20	Montezuma Substation Mobile Express	\$ 90,000.00	\$ 135,000.00	\$ 75,000.00	\$ 300,000.00
21	NGWP Pumping Plant #4, power line extension	\$ 9,000.00	\$ 13,500.00	\$ 7,500.00	\$ 30,000.00
22	NGWP Pumping Plant #7, power line extension	\$ 160,553.10	\$ 240,829.65	\$ 133,794.25	\$ 535,177.00
23	Pinon Health Clinic Fault Indicators	\$ 3,000.00	\$ 4,500.00	\$ 2,500.00	\$ 10,000.00
24	Plenty Water to Red Lake power line Conversion	\$ 429,250.20	\$ 643,875.30	\$ 357,708.50	\$ 1,430,834.00
25	Red Mesa Sub Mobile Modification	\$ 15,000.00	\$ 22,500.00	\$ 12,500.00	\$ 50,000.00
26	S6422-6423-6424 69kv 3way Switch Upgrade Snake Rock	\$ 154,500.00	\$ 231,750.00	\$ 128,750.00	\$ 515,000.00
27	Shiprock#1 Substation Surveillance	\$ 21,000.00	\$ 31,500.00	\$ 17,500.00	\$ 70,000.00
28	Chinle R383 NXT Recloser Install	\$ 21,092.52	\$ 31,638.78	\$ 17,577.10	\$ 70,308.39
29	LeChee Substation Boundary Expansion	\$ 3,000.00	\$ 4,500.00	\$ 2,500.00	\$ 10,000.00
30	IA20: Chinle Pole #F1:06 Pole Replacement	\$ 1,099.50	\$ 1,649.25	\$ 916.25	\$ 3,665.00
31	IA20: OSMOSE Aneth East 5 Pole Replacement	\$ 6,507.59	\$ 9,761.38	\$ 5,422.99	\$ 21,691.96
32	IA20: OSMOSE Aneth North 2 Poles Replacement	\$ 3,965.00	\$ 5,947.50	\$ 3,304.17	\$ 13,216.66
33	IA20: OSMOSE Aneth Southwest 2 Poles Replacement	\$ 5,683.88	\$ 8,525.83	\$ 4,736.57	\$ 18,946.28
34	IA20: OSMOSE Bluff area 3 Poles Replacement	\$ 5,164.81	\$ 7,747.22	\$ 4,304.01	\$ 17,216.04
35	IA20: OSMOSE Montezuma South 4 Poles Replacement	\$ 7,951.08	\$ 11,926.62	\$ 6,625.90	\$ 26,503.59
36	IA20: OSMOSE Superior Substation feeder 2 Poles Replacement	\$ 4,928.41	\$ 7,392.61	\$ 4,107.01	\$ 16,428.02
37	IA20: OSMOSE Whitehorse 4 Poles Replacement	\$ 7,757.09	\$ 11,635.64	\$ 6,464.25	\$ 25,856.98
38	Narbona Pass - Change out primary poles	\$ 2,628.30	\$ 3,942.45	\$ 2,190.25	\$ 8,761.00
39	Sheepsprings West To Navajo pole replacements	\$ 30,000.00	\$ 45,000.00	\$ 25,000.00	\$ 100,000.00
40	S18: R215 Sheepsprings Taps pole replacements	\$ 42,304.50	\$ 63,456.75	\$ 35,253.75	\$ 141,015.00
41	Kaibeto to Plenty Water Make-Ready pole replacements	\$ 71,317.25	\$ 106,975.88	\$ 59,431.05	\$ 237,724.18
42	Kayenta B3 69kv Line Segment1 pole replacements	\$ 172,067.35	\$ 258,101.02	\$ 143,389.46	\$ 573,557.82
43	Lupton to Sanders 69kv line Make-Ready pole replacements	\$ 264,892.50	\$ 397,338.75	\$ 220,743.75	\$ 882,975.00
44	Fort Defiance- Fiber Make-Ready pole replacements	\$ 12,528.51	\$ 18,792.77	\$ 10,440.43	\$ 41,761.71
45	Rapple Ridge NTUA Tower, Make Ready pole replacements, 20.7 miles	\$ 410,443.50	\$ 615,665.25	\$ 342,036.25	\$ 1,368,145.00
46	Piney Hill NTUA Tower, Make Ready pole replacements, 19 miles	\$ 376,450.20	\$ 564,675.30	\$ 313,708.50	\$ 1,254,834.00
47	Zelnez Mesa NTUA Tower, Make Ready pole replacements, 2 miles	\$ 38,849.40	\$ 58,274.10	\$ 32,374.50	\$ 129,498.00
48	Bisti Navajo Mine Make Ready pole replacements	\$ 58,500.00	\$ 87,750.00	\$ 48,750.00	\$ 195,000.00
49	Blue Gap Chapter Make Ready pole replacements	\$ 181,989.00	\$ 272,983.50	\$ 151,657.50	\$ 606,630.00
50	Cudeii to Red Mesa Make Ready pole replacements	\$ 788,641.80	\$ 1,182,962.70	\$ 657,201.50	\$ 2,628,806.00
51	Naatsisaan Community School Make Ready pole replacements	\$ 878,966.70	\$ 1,318,450.05	\$ 732,472.25	\$ 2,929,889.00
52	Kayenta Fiber Backbone Make Ready pole replacements	\$ 17,347.80	\$ 26,021.70	\$ 14,456.50	\$ 57,826.00
53	Kayenta North (MV) Fiber Backbone Ph II Make Ready pole replacements	\$ 331,190.70	\$ 496,786.05	\$ 275,992.25	\$ 1,103,969.00
54	Low Mountain Chapter Make Ready pole replacements	\$ 48,269.70	\$ 72,404.55	\$ 40,224.75	\$ 160,899.00
55	PRESTON MESA Make Ready pole replacements	\$ 230,571.00	\$ 345,856.50	\$ 192,142.50	\$ 768,570.00
56	Wide Ruins Make Ready pole replacements	\$ 378,392.70	\$ 567,589.05	\$ 315,327.25	\$ 1,261,309.00
57	Nazlini School Make Ready pole replacements	\$ 338,960.70	\$ 508,441.05	\$ 282,467.25	\$ 1,129,869.00
58	Kinlichee School Make Ready pole replacements	\$ 168,023.40	\$ 252,035.10	\$ 140,019.50	\$ 560,078.00
59	Rough Rock School Make Ready pole replacements	\$ 314,291.40	\$ 471,437.10	\$ 261,909.50	\$ 1,047,638.00
	2020 Funding Needed	\$ 7,424,180.50	\$ 11,136,270.75	\$ 6,186,817.09	\$ 24,747,268.34

NTUA CAPACITY PROJECTS

DESCRIPTION OF NTUA CAPITAL PROJECTS FOR YEAR 2021		Material	Labor	Equipment	2021 Funding Needed
1	Beclabito Community Tower, new power line	\$ 15,900	\$ 23,850	\$ 13,250	\$ 52,999
2	Summit East Tower, new power line	\$ 3,949	\$ 5,923	\$ 3,291	\$ 13,163
3	Woodsprings Communication Tower, new power line	\$ 4,218	\$ 6,327	\$ 3,515	\$ 14,061
4	Bitahocsee to Dilcon 115kV Transmission Line	\$ 1,864,013	\$ 2,796,019	\$ 1,553,344	\$ 6,213,375
5	Church Rock Stepdown Tap powerline	\$ 90,000	\$ 135,000	\$ 75,000	\$ 300,000
6	Cudei To Newcomb 115kV Transmission Line	\$ 4,448,048	\$ 6,672,071	\$ 3,706,706	\$ 14,826,825
7	Dilkon Health Center Facility 3phase powerline	\$ 17,334	\$ 26,001	\$ 14,445	\$ 57,780
8	Dilkon Substation 115X69:24.9	\$ 950,010	\$ 1,425,015	\$ 791,675	\$ 3,166,700
9	Dilkon Substation to Dilkon Medical Center, double circuit	\$ 535,959	\$ 803,938	\$ 446,632	\$ 1,786,529
10	Diversion Dam Stepdown Tap powerline	\$ 30,000	\$ 45,000	\$ 25,000	\$ 100,000
11	Ganado WYE R384 NOVA Recloser Install	\$ 11,489	\$ 17,233	\$ 9,574	\$ 38,297
12	Hogback East to Pumping Station	\$ 147,000	\$ 220,500	\$ 122,500	\$ 490,000
13	Kayenta 230 Tertiary Meter Install, two meters	\$ 22,500	\$ 33,750	\$ 18,750	\$ 75,000
14	Kayenta 230kv T1 230/69kv Transformer Replacement	\$ 855,000	\$ 1,282,500	\$ 712,500	\$ 2,850,000
15	LHV Substation Surveillance	\$ 20,400	\$ 30,600	\$ 17,000	\$ 68,000
16	NCC Stepdown Tap powerline	\$ 21,000	\$ 31,500	\$ 17,500	\$ 70,000
17	Nenahnezad School powerline Upgrade	\$ 132,000	\$ 198,000	\$ 110,000	\$ 440,000
18	Nenahnezad Substation Upgrade	\$ 1,098,240	\$ 1,647,360	\$ 915,200	\$ 3,660,800
19	Newcomb Substation 115X69:24.9	\$ 1,185,000	\$ 1,777,500	\$ 987,500	\$ 3,950,000
20	NGWP Intake to 3ph power line	\$ 140,250	\$ 210,375	\$ 116,875	\$ 467,500
21	NGWP Pumping Plant #2-Line Ext (4 Miles)	\$ 363,928	\$ 545,892	\$ 303,273	\$ 1,213,093
22	NGWP-Pumping Plant #3 power line	\$ 39,122	\$ 58,684	\$ 32,602	\$ 130,408
23	Power line to Red Mesa Suboffice	\$ 30,000	\$ 45,000	\$ 25,000	\$ 100,000
24	Red Mesa Solar Substation	\$ 2,065,440	\$ 3,098,160	\$ 1,721,200	\$ 6,884,800
25	Red Mesa to Aneth 69kv Transmission Line	\$ 2,285,483	\$ 3,428,224	\$ 1,904,569	\$ 7,618,275
26	Red Valley Voltage Regulator VR203, 50Amp to 100 Amp	\$ 210,258	\$ 315,387	\$ 175,215	\$ 700,860
27	Rock Point Regulator Bypass switch	\$ 79,500	\$ 119,250	\$ 66,250	\$ 265,000
28	Tsegi S6614 to KY230 69kv Switch replacement	\$ 79,500	\$ 119,250	\$ 66,250	\$ 265,000
29	Tsegi S6620 to LHV 69kv Switch replacement	\$ 79,500	\$ 119,250	\$ 66,250	\$ 265,000
30	Tsegi S6621 to Black Mesa 69kv Switch replacement	\$ 79,500	\$ 119,250	\$ 66,250	\$ 265,000
31	Shiprock#3 Substation Secondary Fence	\$ 13,834	\$ 20,750	\$ 11,528	\$ 46,112
32	St. Michaels to Hunters Point 3Ph powerline Upgrade	\$ 54,600	\$ 81,900	\$ 45,500	\$ 182,000
33	Sunrise Stepdown Tap powerline	\$ 15,000	\$ 22,500	\$ 12,500	\$ 50,000
34	Superior Substation Mobile Express	\$ 90,000	\$ 135,000	\$ 75,000	\$ 300,000
35	Tes Nes lah Stepdown Tap powerline	\$ 30,000	\$ 45,000	\$ 25,000	\$ 100,000
36	Tsegi to Shonto transmisson line with distribution line unde	\$ 549,995	\$ 824,992	\$ 458,329	\$ 1,833,315
37	Water Treatment Plant to Nenahnezad Distribution line	\$ 798,878	\$ 1,198,318	\$ 665,732	\$ 2,662,928
38	Westwater (Utah) 3-phase powerline to the Water Well	\$ 96,124	\$ 144,185	\$ 80,103	\$ 320,412
39	Westwater (Utah) Electric member extensions to 29 homes	\$ 81,600	\$ 122,400	\$ 68,000	\$ 272,000
40	Westwater (Utah) Mainline Powerline	\$ 271,500	\$ 407,250	\$ 226,250	\$ 905,000
41	White Mesa Substation Mobile Express	\$ 90,000	\$ 135,000	\$ 75,000	\$ 300,000
42	Tohatchi to Crownpoint 115kV Transmission Line	\$ 2,850,000	\$ 4,275,000	\$ 2,375,000	\$ 9,500,000
43	3-Way Switch to Coalmine 115KV Transmission Line	\$ 930,000	\$ 1,395,000	\$ 775,000	\$ 3,100,000
44	Black Mesa Transmission Line Tie Line	\$ 365,318	\$ 547,976	\$ 304,431	\$ 1,217,725
45	Crownpoint Substation 115X69:24.9	\$ 1,363,429	\$ 2,045,144	\$ 1,136,191	\$ 4,544,764
46	Distribution line from substation to Crownpoint	\$ 1,149,691	\$ 1,724,537	\$ 958,076	\$ 3,832,304
47	Newcomb to Tohatchi 115kV Transmission Line	\$ 4,161,375	\$ 6,242,063	\$ 3,467,813	\$ 13,871,250
48	Tohatchi Substation Upgrade	\$ 375,000	\$ 562,500	\$ 312,500	\$ 1,250,000
49	Tohatchi to 3-way switch	\$ 1,849,502	\$ 2,774,254	\$ 1,541,252	\$ 6,165,008
2021 Funding Needed		\$ 32,024,485	\$ 48,036,727	\$ 26,687,071	\$ 106,801,282
Grand Total Funding Needed for 2020-2021		\$ 39,448,665	\$ 59,172,998	\$ 32,873,888	\$ 131,548,550



Electric Cooperative, Inc.
P.O. Box 128, Espanola, New Mexico, 87532

Phone:
Espanola 505-753-2105
Cuba 575-289-3241
Jemez Springs 575-829-3550

Your Touchstone Energy® Cooperative
The Heart of Natural Communities™

Navajo Nation New Construction List June 26, 2020

Residential Line Extensions

		1st Year - Dec. 2020
Total Families Served	166	
Total Estimated Construction Costs*	\$2,392,842.70	
Total Estimated ROW Costs**	\$438,961.00	
NN Sales Tax 6%	\$169,908.22	
TOTAL Estimated Costs	\$3,001,711.92	
 System Improvements Serving Navajo Nation Loads		
Total Estimated Construction Costs*	\$3,357,376.00	
Total Estimated ROW Costs**	\$200,000.00	
NN Sales Tax 6%	\$213,442.56	
	\$3,770,818.56	
GRAND TOTAL	\$6,772,530.48	\$ 163,723.00

*Note-Latest construction estimates on file used and many are older than 90 days and will have to be updated.

**Note-ROW estimates are placemarks for requests for bids that will be issued and used for final cost estimate.

Project Name	Chapter	Type	IMEC Cost Type	Estimated		ROW Progress	Timeline To		1st year
				Construction Costs	Additional Cost		Completion in Months	Contingencies	
Eastern Navajo Service Drops (Not part of Large Project)	Torreon	Construction Completed		\$ -	House Wiring		0.25	Constructed - House Wiring Only	
	Nageezi	Single Line Extension	Construction Only	\$ 3,428.82	None	SLA completed	0.25	Construction Ready	\$ 3,428.82
	Torreon	Single Line Extension	Construction Only	\$ 2,110.22	None	SLA completed	0.25	Construction Ready	\$ 2,110.22
Families Served	Counselor	Single Line Extension	Construction Only	\$ 2,782.01	update LOC	SLA completed	0.25	Construction Ready with Letter of Compliance Renewed	\$ 2,782.01
43	Counselor	Single Line Extension	Construction Only	\$ 4,882.12	update LOC	SLA completed	0.25	Construction Ready with Letter of Compliance Renewed	\$ 4,882.12
Estimated Construction Cost	Torreon	Single Line Extension	Construction Only	\$ 2,936.21	update LOC	SLA completed	0.25	Construction Ready with Letter of Compliance Renewed	\$ 2,936.21
\$148,494.19	Counselor	Single Line Extension	Construction Only	\$ 2,198.18	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 2,198.18
Estimated ROW costs	Counselor	Single Line Extension	Construction Only	\$ 2,573.35	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 2,573.35
\$0.00	Huerfano	Single Line Extension	Construction Only	\$ 6,325.51	House Wiring	Pending	0.25	Need Letter of Compliance	\$ 6,325.51
	Huerfano	Single Line Extension	Construction Only	\$ 2,811.86	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 2,811.86
	Huerfano	Single Line Extension	AOC paid in full	\$ -	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ -
	Huerfano	Single Line Extension	Construction Only	\$ 3,084.78	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 3,084.78
	Huerfano	Single Line Extension	Construction Only	\$ 4,356.75	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 4,356.75
	Nageezi	Single Line Extension	Construction Only	\$ 358.85	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 358.85
	Nageezi	Single Line Extension	Construction Only	\$ 4,316.48	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 4,316.48
	Nageezi	Single Line Extension	Construction Only	\$ 5,285.39	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 5,285.39
	Nageezi	Single Line Extension	Construction Only	\$ 1,814.52	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 1,814.52
	Nageezi	Single Line Extension	Construction Only	\$ 332.89	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 332.89
	Nageezi	Single Line Extension	Construction Only	\$ 6,167.27	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 6,167.27
	Torreon	Single Line Extension	Construction Only	\$ -	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ -
	Torreon	Single Line Extension	Construction Only	\$ 894.43	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 894.43
	Torreon	Single Line Extension	Construction Only	\$ 10,689.38	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 10,689.38
	Torreon	Single Line Extension	Construction Only	\$ 9,963.85	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 9,963.85
	Torreon	Single Line Extension	Construction Only	\$ 4,093.56	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 4,093.56
	Torreon	Single Line Extension	Construction Only	\$ 4,438.85	House Wiring	Needs to sign SLA	0.25	Need Letter of Compliance	\$ 4,438.85
	Torreon	Single Line Extension	Construction Only	\$ 2,453.53	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 2,453.53
	Nageezi	Single Line Extension	Construction Only	\$ 3,932.88	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 3,932.88
	Ojo Encino	Single Line Extension	Construction Only	\$ 4,442.04	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 4,442.04
	Torreon	Single Line Extension	Construction Only	\$ 2,355.85	House Wiring	Approved HSL	0.25	Need Letter of Compliance	\$ 2,355.85
	Counselor	Single Line Extension	Construction Only	\$ 918.48	House Wiring	Pending	0.25	Need Letter of Compliance and Approved Homesite Lease Papers	
	Nageezi	Single Line Extension	Construction Only	\$ 4,919.58	House Wiring	Pending	0.25	Need Letter of Compliance and Approved Homesite Lease Papers	
	Nageezi	Single Line Extension	Construction Only	\$ 6,240.51	House Wiring	Pending	0.25	Need Letter of Compliance and Approved Homesite Lease Papers	
	Nageezi	Single Line Extension	Construction Only	\$ 3,553.68	House Wiring	Pending	0.25	Need Letter of Compliance and Approved Homesite Lease Papers	
	Torreon	Single Line Extension	Construction Only	\$ 2,518.20	House Wiring	Pending	0.25	Need Letter of Compliance and Approved Homesite Lease Papers	
	Torreon	Single Line Extension	Construction Only	\$ 1,640.94	House Wiring	Pending	0.25	Need Letter of Compliance and Approved Homesite Lease Papers	
	Huerfano	Single Line Extension	Construction Only	\$ 9,853.24	House Wiring	Approved HSL	0.25	Need Letter of Compliance and SLA	\$ 9,853.24
	Huerfano	Single Line Extension	Construction Only	\$ 2,943.65	House Wiring	Approved HSL	0.25	Need Letter of Compliance and SLA	\$ 2,943.65
	Nageezi	Single Line Extension	Construction Only	\$ 8,014.89	House Wiring	Approved HSL	0.25	Need Letter of Compliance and SLA	\$ 8,014.89
	Ojo Encino	Single Line Extension	Construction Only	\$ 2,656.37	House Wiring	Approved HSL	0.25	Need Letter of Compliance and SLA	\$ 2,656.37
	Ojo Encino	Single Line Extension	Construction Only	\$ 4,478.24	House Wiring	Approved HSL	0.25	Need Letter of Compliance and SLA	\$ 4,478.24
	Ojo Encino	Single Line Extension	Construction Only	\$ 23.96	House Wiring	Approved HSL	0.25	Need Letter of Compliance and SLA	\$ 23.96
	Pueblo Pintado	Single Line Extension	Construction Only	\$ 1,702.87	House Wiring	Approved HSL	0.25	Need Letter of Compliance and SLA	\$ 1,702.87
	Nageezi	Single Line Extension	AOC paid in full	\$ -	House Wiring	SLA completed	0.25	Need Letter of Compliance only	
Chaco Escovada	Nageezi	Group Line Extension	Construction/ ROW	\$ 281,622.66	House Wiring, ROV	Pending	36	Need Letter of Compliance, ROW 10%	
Families Served	Nageezi	Group Line Extension	Construction/ROW	\$ 211,435.94	House Wiring, ROV	Pending		Need Letter of Compliance, ROW 10%	
23	Nageezi	Group Line Extension	Construction/ ROW	\$ 72,843.04	House Wiring, ROV	Pending		Need Letter of Compliance, ROW 10%	
Estimated Construction Cost	Nageezi	Group Line Extension	Construction/ROW	\$ 17,690.96	House Wiring, ROV	Pending		Need Letter of Compliance, ROW 10%	
\$681,725.14	Nageezi	Group Line Extension	Construction/ROW	\$ 65,093.79	House Wiring, ROV	Pending		Need Letter of Compliance, ROW 10%	
Estimated ROW costs	Nageezi	Group Line Extension	Construction/ ROW	\$ 20,532.89	House Wiring, ROV	Pending		Need Letter of Compliance, ROW 10%	
\$100,000	Nageezi	Group Line Extension	Construction/ ROW	\$ 6,185.91	House Wiring, ROV	Pending		Need Letter of Compliance, ROW 10%	
	Nageezi	Group Line Extension	Construction/ ROW	\$ 6,319.95	House Wiring, ROV	Pending		Need Letter of Compliance, ROW 10%	
Yellow Point Rock	Lake Valley	Single Line Extension	Construction Only	\$ 1,815.12	None	SLA completed	0.25	Construction Cost/ Contract only	\$ 1,815.12
Families Served	Lake Valley	Single Line Extension	Construction Only	\$ 2,951.34	None	SLA completed	0.25	Construction Cost/ Contract only	\$ 2,951.34
15	Lake Valley	Single Line Extension	Construction Only	\$ 444.86	House Wiring	Pending	2	Need Letter of Compliance and Approved Homesite Lease Papers	
Estimated Construction Cost	Lake Valley	Group Line Extension	Construction/ ROW	\$ 15,195.51	House Wiring, ROV	Pending	12	Need Letter of Compliance, ROW 0%	
\$114,847.06	Lake Valley	Single Line Extension	Construction Only	\$ 4,013.81	House Wiring	Pending	2	Need Letter of Compliance and Approved Homesite Lease Papers	

	Nageezi	Single Line Extension	Construction Only	\$ 1,814.52	House Wiring	SLA completed	0.25	Need Letter of Compliance	\$ 1,814.52
<p>\$5,000.00</p>									
Alamos Ridge	Counselor	Group Line Extension	Construction/ ROW	\$ 240,402.75	House Wiring, ROV Pending		36	Need Letter of Compliance, ROW	
<p>Families Served 29 Estimated Construction Cost \$240,402.75 Estimated ROW Costs \$100,000.00</p>									
Cedar Hill	Counselor	Group Line Extension	Construction/ ROW	\$ 238,965.29	House Wiring, ROV Pending		36	Need Letter of Compliance, ROW	
<p>Families Served 16 Estimated Construction Cost \$238,965.29 Estimated ROW Costs \$75,000.00</p>									
Beyale Camp	Nageezi	Group Line Extension	Construction	\$ 26,000.00	0 Construction Ready		2	Chapter did 100% of ROW, need resolution to waive compensation On contract and received 1st payment.	\$ 26,000.00
<p>Families Served 4 Estimated Construction Cost \$26,000.00 Estimated ROW Costs \$0.00</p>									
Upgrade Torreon Substation	JMEC	Substation	Construction	\$ 2,500,000.00	Construction	Not Started	36	Would increase reliability and allow for load growth and renewable energy capacity for the Torreon, Ojo Encino, Counselor and Pueblo Pintado Chapters. Entirely defendant on JMEC Management and Chapter approval and buy in. Have not discussed with either yet.	
Estimated Construction Cost				\$ 500,000.00	Construction/ROW Not Started				
Estimated ROW									
Estimated ROW Costs									
1ST YEAR (DEC. 2020) GRAND TOTAL									\$ 163,722.31

NAVAJO NATION CARES ACT
EASTERN POWER LINE PROJECT LISTING - CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC

No.	COMPANY	AGENCY	CHAPTER	PROJECT DESCRIPTION	MILES OF LINE	NO. OF CUST.	FUNDING STATUS	1st Year - Dec. 2020	Completion of All Projects
1	CDEC	EASTERN	TSAYATOH	SCATTERED		9		\$ 80,469.59	\$ 80,469.59
2	CDEC	EASTERN	WHITEHORSE	SCATTERED		6		\$ 36,589.94	\$ 36,589.94
3	CDEC	EASTERN	WHITEHORSE	SCATTERED		4	ROW FUNDING NEEDED		\$ 1,165,500.00
4	CDEC	EASTERN	CHURCH ROC	SCATTERED		4	ROW FUNDING NEEDED		\$ 58,397.18
5	CDEC	EASTERN	SMITH LAKE	SCATTERED		8		\$ 66,286.50	\$ 66,286.50
6	CDEC	EASTERN	SMITH LAKE	SCATTERED		10	ROW FUNDING NEEDED		\$ 183,893.85
7	CDEC	EASTERN	MANUELITO	SCATTERED		19		\$ 151,777.71	\$ 151,777.71
8	CDEC	EASTERN	MANUELITO	SCATTERED		12	ROW FUNDING NEEDED	\$ 500,000.00	\$ 1,033,688.25
							SUBTOTAL	\$ 835,123.74	\$ 2,776,603.02
							20% Contingency Fund	\$ 167,024.75	\$ 555,320.60
							NN Sales Tax 6%	\$ 60,128.91	\$ 199,915.42
							GRAND TOTAL	\$ 1,062,277.40	\$ 3,531,839.04

**NAVAJO NATION CARES FUND ACT
BROADBAND 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 Broadband Expenditure Plan is to allow for the use and expenditure of thirty million nine hundred twenty thousand six hundred thirty-six dollars (\$30,920,636) for regional broadband projects on the Navajo Nation. Subject to the extension of the deadline of the Coronavirus Aid, Relief, and Economic Stimulus (CARES) Act, additional projects totaling twelve million, six hundred thirteen thousand five hundred forty-four dollars (\$12,613,544) shall be prioritized for expenditure from remaining funds. The expenditures set forth in the Expenditure Plan are necessary to ensure that Navajo communities receive wireless connectivity to support Public Safety, Healthcare, and Education.

Broadband project list, includes but is not limited to, Educational Broadcasting Service, Temporary License, Tribal Broadband Planning, and Broadband Funding Opportunities.

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 planning, pre-designing, permitting, design, right-of-way, bid, and construction.

II. AFFIRMATION OF FUND USE

The Navajo Nation Department of Information Technology 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 Navajo Nation Department of Information Technology to mitigating or responding to the COVID-19 public health emergency and interaction with the public.

IV. IMPLEMENTATION AND MONITORING

The Navajo Nation Department of Information Technology is responsible for implementing the Expenditure Plan and monitoring the expenditure of these funds.

V. ADMINISTRATOR OF FUNDS

The Navajo Nation Department of Information Technology 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 Navajo Nation Department of Information Technology 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 Committee (HEHSC) and Budget and Finance Committee (BFC) shall share oversight as HEHSC has oversight over the Navajo Nation Department of Information Technology and BFC has oversight over externally restricted funding.

IX. AFFIRMATION OF ADMINISTRATION AND MANAGEMENT

The Navajo Nation Department of Information Technology 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.

NTUA-Wireless
CARES ACT SITE LIST

Site	Build Year	Program	Type	Total CAPEX	Prorated 2020 OPEX
Atrisco	2020	600MHz Deployment	Greenfield	\$ 341,537	\$ 29,650
Dezza Bluff	2020	600MHz Deployment	New CoLo	\$ 171,037	\$ 29,650
Klagetoh	2020	600MHz Deployment	New CoLo	\$ 171,037	\$ 29,650
Torreón	2020	600MHz Deployment	New CoLo	\$ 171,037	\$ 29,650
Alamo Bend	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Aneth	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Burnside	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Chinle	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Dennehotso	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Dilkon District Office	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Escrito Mesa	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Fort Defiance	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Greasewood	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Kayenta Downtown	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Kinlichee	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Leupp	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Little Black Spot	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Lukachukai	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Marsh Pass	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Mexican Water	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Na Ah Tee Mesa	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Navajo Mountain	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Puerco Ridge NTUA (Houck)	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Raplee Ridge	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Red Lake	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Red Valley	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Rock Point	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Round Rock	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Saint Michaels Water Tank	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Sawmill	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Shiprock District Office	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Spider Mound	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Steamboat East	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Sweetwater	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161
Tonalea	2020	600MHz Deployment	Overlay Existing 1 Tech	\$ 94,271	\$ 19,161

NTUA-Wireless

CARES ACT SITE LIST

Tsaile	2020	600MHz Deployment	Overlay Existing 1 Tech	\$	94,271	\$	19,161
Tselani	2020	600MHz Deployment	Overlay Existing 1 Tech	\$	94,271	\$	19,161
Tuba City District Office	2020	600MHz Deployment	Overlay Existing 1 Tech	\$	94,271	\$	19,161
Waterflow	2020	600MHz Deployment	Overlay Existing 1 Tech	\$	94,271	\$	19,161
Yale Point	2020	600MHz Deployment	Overlay Existing 1 Tech	\$	94,271	\$	19,161
Alamo Bend	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Aneth	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Atrisco	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Burnside	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Dennehotso	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Dezza Bluff	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Dilkon District Office	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Greasewood	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Kinlichee	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Klagetoh	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Leupp	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Lukachukai	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Marsh Pass	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Mexican Water	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Navajo Mountain	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Puerco Ridge NTUA (Houck)	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Raplee Ridge	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Red Lake	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Red Valley	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Rock Point	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Round Rock	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Sawmill	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Spider Mound	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Sweetwater	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Tonalea	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Torreon	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Tselani	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Tuba City District Office	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Waterflow	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Yale Point	2020	CBRS Overlay on TBC Sites	Overlay Existing 1 Tech	\$	94,271	\$	24,064

NTUA-Wireless
CARES ACT SITE LIST

Beclabito	2020	Coverage Build-out	Greenfield	\$	341,537	\$	34,553
Pinedale	2020	Coverage Build-out	Greenfield	\$	341,537	\$	34,553
Summit East	2020	Coverage Build-out	Greenfield	\$	341,537	\$	34,553
Woodsprings	2020	Coverage Build-out	Greenfield	\$	341,537	\$	34,553
Shiprock District Office	2020	Escalate CAF2 Site	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Teesto	2020	Escalate CAF2 Site	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Tolani Lake	2020	Escalate CAF2 Site	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Tolikan	2020	Escalate CAF2 Site	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Chinle	2020	Part 96 Swap/Upgrade	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Fort Defiance	2020	Part 96 Swap/Upgrade	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Kaibeto	2020	Part 96 Swap/Upgrade	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Kayenta Downtown	2020	Part 96 Swap/Upgrade	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Kayenta West	2020	Part 96 Swap/Upgrade	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Many Farms Mesa	2020	Part 96 Swap/Upgrade	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Saint Michaels Water Tank	2020	Part 96 Swap/Upgrade	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Tsaile	2020	Part 96 Swap/Upgrade	Overlay Existing 1 Tech	\$	94,271	\$	24,064
WNC CBRS Coverage Fill	2020	WISP Quick Deployments	New CoLo	\$	171,037	\$	34,553
Big Water	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Bluff	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Cameron Water Tank	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Cedar Ridge	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Chilchinbito	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Coalmine Canyon	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Coppermine	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Cow Springs West	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Elden Peak	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Gray Mountain	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Huerfano Mountain	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Indian Wells	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Jacks Peak	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Lechee	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Monument Valley	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Navajo Mountain Cradle Board	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Oljato	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Shonto	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064

NTUA-Wireless

CARES ACT SITE LIST

South Red Hill	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Sunset Crater	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Tolikan	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
View Hotel	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Willie	2020	WISP Site Overlays	Overlay Existing 1 Tech	\$	94,271	\$	24,064
Anasazi Inn	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Antelope Point Marina	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Bloomfield	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Blue Gap	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
C&J Trucking	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Chinle East	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Chinle Hospital	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Chinle North	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Counselor	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Crestview	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Crystal	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Devil's Head	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Farmington Bluffs	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Forest Lake Water Tank	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Fort Defiance West	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Fruitland	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Ganado	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Gap	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Hawkins Road Garage	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Hole in the Rock	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Little Water	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Monument Valley Campground	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Nageezi	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Page	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Page West	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Paria	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Pinon Chapter House	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Sheep Springs	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Shiprock East	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Shiprock North	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614

NTUA-Wireless

CARES ACT SITE LIST

Shonto South	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Steamboat West	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Tse Da Kaan	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Tuba City	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Tuba City South	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Tuba Cutoff	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Two Grey Hills	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Wahweap	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614
Window Rock East	2020	WISP+600 Site Overlays	Overlay Existing 2 Tech	\$	119,021	\$	29,614

\$ 16,554,963 \$ 3,700,265.49

1ST YEAR (DEC. 2020) GRAND TOTAL \$ 20,255,229.00

MEMORANDUM OF AGREEMENT
between
NAVAJO NATION
and
NAVAJO TRIBAL UTILITY AUTHORITY

This Memorandum of Agreement ("Agreement") is entered into between the Navajo Nation Government ("Nation"), a sovereign Indian tribe with its seat of government in Window Rock, Arizona, Navajo Nation, and the Navajo Tribal Utility Authority ("NTUA"), a wholly owned Navajo Nation enterprise and a public utility provider for the Navajo Nation, with its headquarters in Fort Defiance, Arizona, Navajo Nation. The Navajo Nation Government as defined herein means Navajo central government and the non-certified chapters. This Agreement is not meant to provide the Navajo Nation Government rate to any entity that receives any federal or state funding to subsidize telecommunications services.

WHEREAS, the Nation is a federally recognized Indian tribe whose sovereign territory covers approximately 17.2 million acres across the states of Arizona, New Mexico, and Utah, a territory or area within the United States all of which is unserved or underserved by broadband; and

WHEREAS, NTUA is a wholly owned enterprise of the Navajo Nation that provides public utility services including water, wastewater, electricity and natural gas, and which is authorized pursuant to its plan of operation (26 N.N.C. § 1, *et seq.*) to provide telecommunications services on the Navajo Nation in the states of New Mexico, Utah, and Arizona; and

WHEREAS, the Navajo Nation has supported NTUA in its application to the Broadband Technology Opportunities Program (BTOP) of the Department of Commerce ("Commerce") National Telecommunications and Information Administration (NTIA) for broadband funding under the American Recovery and Reinvestment Act ("Act"), Public Law 111-5, including facilitating requisite approvals and clearances, aiding in partnerships with other parties, and providing certain waivers of consideration for telecommunications rights-of-ways; and

WHEREAS, NTUA, with its principal partner on the grant application, Commnet Wireless LLC, was awarded a grant of \$32.1 million ("Grant") from the NTIA BTOP program, for funding for both "middle mile" (fiber, towers and microwave linkages) and "last mile" infrastructure (telecommunications service provider owned equipment), said middle mile infrastructure to be owned, operated and maintained by NTUA, and said last mile infrastructure to be owned and managed by a joint venture of NTUA and Commnet Wireless LLC; and

WHEREAS, the requirements of the Grant include that NTUA operate the middle mile telecommunications infrastructure funded by the Grant with open network architecture and open access, and with a non-discriminatory rate structure, but NTUA

may nonetheless provide a rate specifically for the Navajo Nation Government, and NTUA intends to operate its entire middle mile telecommunications system, whether funded by the Grant or otherwise, in the same manner;

NOW THEREFORE, in respect of the mutual consideration to both Parties, the Parties have agreed as follows:

I. RESPONSIBILITIES OF THE PARTIES.

A. NTUA:

1. Shall own, operate, and manage the middle mile telecommunications infrastructure as a "common carrier," accessible to all on an equal and non-discriminatory basis upon reasonable demand. Rates charged by NTUA shall be determined and set pursuant to applicable law;

2. For the Nation's exclusive and internal use only, NTUA shall dedicate to the Nation twelve (12) strands of fiber in any and all backbone (e.g. 96 strands of fiber) telecommunications infrastructure owned by NTUA, which may be either "dark fiber" or bandwidth, as well as bandwidth within lateral telecommunications infrastructure, at the discretion of the Nation; and which shall be provided to the Nation by NTUA at the Navajo Nation government rate, said rate which shall never be more than the actual cost to NTUA plus five percent (5 %) of said actual cost. NTUA may lease such dedicated infrastructure to a third party by providing advanced written notice pursuant to the procedures below.

3. Shall make available to the Nation sufficient space on any and all NTUA telecommunications towers and other structures used for fixing telecommunications equipment that are not fully leased ("available towers") as of the date of this Agreement and shall dedicate space as identified by the Nation on such towers which are part of any middle mile system owned by NTUA, for installation of the Nation's own wireless antennae for the Nation's exclusive and internal use and which shall be leased to the Nation by NTUA at the Navajo Nation government rate, and which shall never be more than the actual cost to NTUA for the tower space plus five percent (5 %) of said actual cost.

4. In the event that NTUA wishes to lease such dedicated fiber or tower space, NTUA may lease said space to a third party by providing advanced written notice to the following:

Program Manager
Navajo Nation Telecommunication and Utilities
PO Box 2928
Window Rock, AZ 86515

Director
Department of Information Technology
PO Box 5970

Window Rock, AZ 86515

Chief of Staff
The Office of the President and Vice President
P.O. Box 9000
Window Rock, AZ 86515

Upon receipt of said notice by the Nation, the Nation shall have thirty (30) days to object to such lease and the Nation shall have an additional sixty (60) days to exercise its option to lease.

B. The Nation:

1. Shall continue to work diligently, in a timely manner, and in good faith, to assist NTUA in obtaining all necessary support, clearances or authorizations from the Navajo Nation government and any federal agencies, in ensuring completion of construction of all telecommunications infrastructure, including meeting all requirements of NTIA for the BTOP Grant and the Eligible Telecommunications Carrier application with the Federal Communication Communications, in accordance with applicable Navajo Nation and federal law; and

2. Shall not hinder the full and complete performance of NTUA in meeting all requirements of NTIA for the BTOP Grant and in providing the services described under this Agreement; provided, nothing herein shall prevent the Navajo Nation government or any of its agencies or officials from carrying out their duties and authorities in accordance with applicable law.

3. Shall not sublease any telecommunications infrastructure provided by NTUA as described under this Agreement.

II. AGREEMENT CONTINGENT ON FUNDING.

Pursuant to 2 N.N.C. Section 223 (A), any obligations of the Nation under this Agreement which require the expenditure of Navajo Nation funds are contingent upon the availability of said funds to be appropriated by the Navajo Nation Council.

Any obligations of NTUA under this Agreement which require the expenditure of federal grant funds are contingent upon the availability of said funds to be allocated and paid by BTOP/Department of Commerce (Federal Government).

III. NO WAIVER OF SOVEREIGN IMMUNITY.

Nothing in this Agreement or future amendments to this Agreement shall be interpreted as constituting a waiver, expressed or implied, of the sovereign immunity of the Navajo Nation, or of NTUA, nor as consent to be sued, nor as submission to the jurisdiction of any court, except to the extent provided for in the Navajo Nation Sovereign Immunity Act, 1 N.N.C. §§551 *et seq.*

IV. COMPLETE AGREEMENT.

This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof. It shall not be modified except by a written agreement dated subsequent to the date of this Agreement and signed by both parties. None of the provisions of this Agreement shall be deemed to have been waived by any act or acquiescence on the part of NTUA, the Nation, their agents, or employees, but only by an instrument in writing signed by an authorized employee of NTUA and the Navajo Nation. No waiver of any provision of this Agreement shall constitute a waiver of any other provision(s) or of the same provision on another occasion.

V. APPLICABLE LAW.

This Agreement shall be construed and interpreted according to the laws of the Navajo Nation.

VI. LIABILITY

Each of the Parties shall remain responsible for that party's own liabilities, in accordance with Navajo Nation law.

VII. DISPUTE RESOLUTION

Any claim, dispute, or other matter in question arising out of or relating to this Agreement shall be resolved administratively.

VIII. RIGHTS OF OTHER PARTIES

Nothing in this Agreement shall be interpreted to create any rights in any person or party not a signatory to this Agreement.

IX. EXECUTION IN PARTS AND TERM.


This Agreement may be executed in parts, and shall become effective when signed by both Parties, and shall remain effective until terminated upon agreement of both Parties.

X. AMENDMENTS.

Any party to this agreement may propose changes to the Agreement during the term of the agreement. Any change will be in the form of a written amendment and will not take effect until it has been adopted and incorporated into the Agreement by the Nation and NTUA.

IN WITNESS THEREOF, duly authorized officials have executed this Agreement on the dates affixed by their signature below, with an effective date as stated herein.

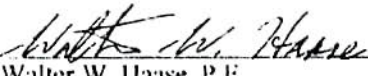
For the Navajo Nation:



Ben Shelly
President of the Navajo Nation

DATE: APR 04 2011

For the Navajo Tribal Utility Authority:



Walter W. Haase, P.E.
General Manager

DATE: 2/25/2011

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

CARES Act Need – Department of Information Technology

Amount requested: \$3.4 million

The Navajo Nation proposes to utilize the CARES Act \$600 million coronavirus emergency funding to support efforts to prepare for and respond to the coronavirus public health emergency. The Navajo Nation will purchase Information Technology equipment and secure the Navajo Nation's information technology internet communications with the procurement of network equipment, monitoring tools and security appliance solutions for the Navajo Nation Government. This would enhance technological services and Information Technology Security for Navajo Health Command Operations Center, Navajo Nation first responders, Navajo Nation essential workers, Navajo Nation students, and other stakeholders to connect, share data, share information, and telecommute.

DIT, located in Window Rock, AZ, is the core hub of information technology for the NN Government, providing IT access and business continuity 24 hours a day, 7 days a week, 365 days a year for over 200 NN stakeholders. DIT is legislated to provide the IT resources to protect and share data across the NN government. In addition to providing connectivity and email communication through the NN Network, DIT services provide cybersecurity to mitigate security threats and ensure the integrity of the data used every day by all three branches of NN government. DIT also provides essential user business applications (Microsoft Exchange, Microsoft Office, SharePoint, Skype for Business) and host case management systems, associated databases and NN websites.

There are over 350,000 Navajo citizens accessing essential and critical direct government services through information technology resources provided by DIT. The services range from first responder, legislative, health, election, social services, justice and education provided by NN Office of the President & Vice President, NN Council, Judicial Branch & Justice partners, NN Law Enforcement, NN Emergency Medical Services, Navajo Department of Health, NN Social Services, NN Finance, Office of Management & Budget, Department of Diné Education, NN Veterans Administration, NN Elections Administration, NN Chapters, NN Economic Development, etc.

For the Navajo Nation, the COVID 19 pandemic emphasized and reinforced the fact that information technology is an essential service and has risen to the level of necessity like water, electricity, food, shelter and life. Information technology is required for effective and efficient business continuity.

The pandemic also changed how services are provided across the Nation. With the Nation shifting to telecommuting, DIT saw a substantial increase in request for essential user communication applications, hardware configurations for remote work and internet connectivity. The Judicial courts are using technology and applications to telecommute and conduct hearings for domestic abuse and elderly abuse protection orders by the Judges. The President of the Navajo Nation provides COVID 19 updates and directives through social media, virtual town halls, mass e mail distributions, NDOH COVID website and the President's website.

NN first responders are utilizing technology to coordinate services between agencies that are critical to do their work. In an emergency, critical information needs to be properly disseminated between police, fire, emergency management services, and rescue personnel through the communications network. Information is shared between the Navajo Department of Health and health care service providers with the Navajo Nation residents on their website regarding COVID-19 data (tests, recoveries and deaths), populations at risk with certain diseases, prevention strategies, public health emergency orders, and resource information including burial, clinics, emergency information and shopping information. Retrieved from: <https://www.ndoh.navajo->

nsn.gov/COVID-19. The DIT supports the Community Health Representatives (CHR) with providing IT information sharing. The CHRs provide direct home care, community health care and health education in coordination with tribal and Indian Health Service programs.

There are 271 schools that are providing "distance learning" for the Navajo Nation students during this pandemic. DIT, in collaboration with Northern Arizona University, provided a Wi-Fi drive up service at the NN Museum in Window Rock, AZ, for NN students.

The four (4) DIT goals are: (1) Strengthen the Navajo Nation internet network infrastructure for the Executive, Legislative and Judicial branches; (2) Improve efficiency and effectiveness of the Navajo Nation's programs and services for the Legislative, Executive and Judicial Branch by strengthening internet, data security, sharing of data, communication and user applications; (3) Create and support IT centralized operations that is aligned with the Navajo Nation Government's IT strategic plan(s), program objectives (internet, secured data, shared data, communication and user applications) to ensure that all operations for IT and all endpoints (printers, laptops, mobile devices, peripheral devices, phones) are joined to the NN domain (Navajo-nsn.gov); and (4) Increase the knowledge of IT services and security awareness to end users, communities, programs and leadership.

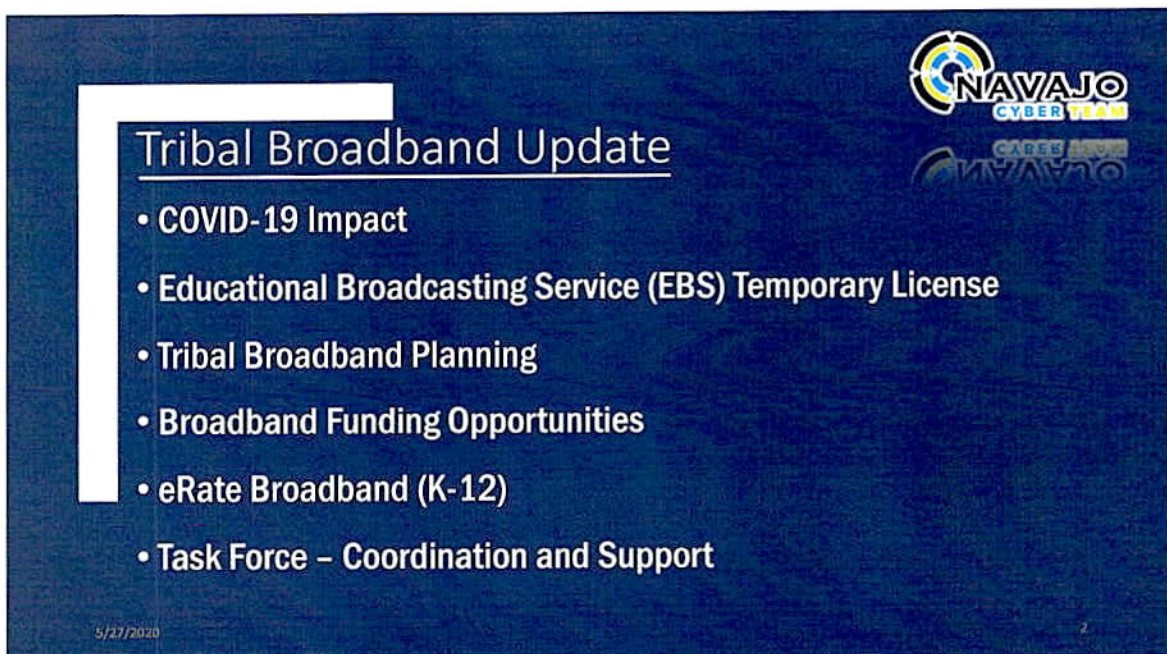
While telecommuting helps to reduce the spread of the COVID-19 and addresses CDC guidelines such as social distancing, it brings its own set of related IT issues. IT has evolved exponentially from basic IT services to sophisticated technologies. In parallel, IT security attacks have increased and become sophisticated as well. The Navajo Nation's information technology security in the COVID-19 pandemic is at risk for a variety of cyber threats and attacks by malicious cyber actors and scammers relying on phishing, malware distribution, registration of new domain names, and attacks on newly deployed remote access and telecommuting infrastructure.

The costs to improve and enhance IT Security and the level of IT service to address the pandemic and future unprecedented crises is approximately \$3.4 million. The costs are perpetual and increasing.

Your understanding in this matter is greatly appreciated. Should you have any questions or concerns please feel free to contact me at (928) 871-6520 ext. 6004.



For Informational Purposes Only



COVID-19

- **Wireless Connectivity in support of Public Safety, Healthcare and Education**
 - Implementation of temporary networks for those who need to learn and work during the stay at home requirements.
 - Collaboration with carriers, K-20 education, healthcare, and tribal government to setup and support services where none exist.
 - Implement new networks using alternative power (i.e., solar), new wireless technologies, and in locations where no cellular coverage is available.
 - Expand connectivity with the support of incumbent wireless carriers.

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Broadband Plan Statement of Work

- Magellan Advisors has been engaged with the Navajo Nation, led by NNTU, and supported by the Cyber Team since October 2019.
- **Tasks within the engagement include:**
 - Perform a valuation of the previous IT Assessment Report to identify information gaps needed in a Feasibility Study.
 - Develop a Navajo Nation Broadband Plan that will plan for and support delivery of high-speed fiber-based telecommunications services across the Nation to all Navajo Nation government sites, chapter houses, education, healthcare and public safety facilities, as well as last-mile services to all residents and businesses.
 - Deliver a policy/regulatory reform report.
 - Solicitation document for a Public-Private Partnership(s) to deliver last-mile broadband services.
 - Engagement will also include substantial mapping of data sets and analysis of the buildout of the Navajo Network, including high level estimates of costs to deploy, operate and maintain a Broadband network.
 - Provide cost effective connectivity for tribal members and enterprise services.
 - Connect tribal middle mile to external connectivity and to regional connection locations in Phoenix AZ, Denver CO, Salt Lake City UT, and Albuquerque NM to lower Internet costs.

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Proposed Navajo Broadband Network

Why would the Navajo Nation want to own and operate its own network?

- Long-term cost reductions from high-cost monthly recurring charges.
- Shared Internet services for all Community Anchors.
- Retire & upgrade microwave networks, enhancing E911 and Public Safety/Emergency Operations.
- A more cost-effective middle-mile fiber network would drive more bandwidth into bandwidth starved areas which would enhance current community services as well as other non-wireline providers ability to improve services across the Nation.
- Navajo Government, Education, Healthcare, Public Safety and other departments would share the same infrastructure yet be able to segment and yet be able to segment and protect their traffic independently.
- The Navajo Government would have direct control and decision-making authority in how, where and at what prices services are delivered across the services are delivered across the Nation.
- 8-10-year implementation with support from the Navajo Nation enterprise organizations.
- Digital Equity when all Navajo's have information technology capacity for full participation in the Navajo Nation's Society, democracy and economy, democracy and economy.
- Increase Navajo Nation Assets by investing into technology with a return on investment.

Navajo Broadband Network

Navajo Fiber Network:
 +/- 2,261 Miles of Buried Underground Middle-Mile Construction (110 Chapters)



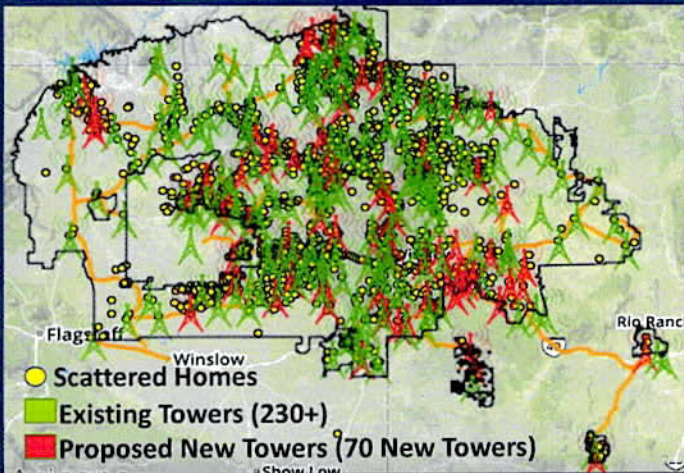
■ Indicates Buried Fiber to connect all Chapters
 ● Chapter Houses

Navajo Broadband Network

Navajo Fiber Network:

+/- 300 Tower Sites
required to support
25Mbps / 3Mbps to users

(+/- 30,000 Residential
Premises)



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Navajo Broadband Network

New Towers by Chapter Houses

- Cost to install and equip the 70 towers listed is an estimated \$1.4M
- Identify locations for permanent "Drive up WiFi" and electrical power access.
- Discuss technical support with NTU, Dine College, and Northern Arizona University.

Chapter House	Count	Chapter House	Count	Chapter House	Count
Alamo	1	Klagetoh	1	Red Mesa	2
Black Mesa	2	Lake Valley	1	Red Rock	1
Burnham	1	LeChee	3	Rough Rock	1
Casamero Lake	1	Littlewater	1	Round Rock	1
Chichiltah	2	Low Mountain	1	Sanostee	1
Childinbeto	2	Lupton	1	Smith Lake	1
Churchrock	1	Many Farms	2	Steamboat	1
Cornfields	1	Mexican Water	2	Sweetwater	1
Coyote Canyon	2	Nahata Dziil	1	Tec Nos Pos	2
Crystal	2	Nahodishgish	1	Thoreau	1
Dilkon	1	Nazini	2	Tohajilee	1
Forest Lake	1	Nenahnezad	1	Tsaile/Wheatfields	2
Fort Defiance	2	Oak Springs	1	Twin Lakes	1
Greasewood Springs	1	Pinedale	5	Upper Fruitland	1
Hardrock	1	Pinon	2	Whitecone	1
Iyanbito	2	Ramah	2	Wide Ruins	1
Jaddito	1				

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High-Level Cost Analysis

Navajo Broadband Network - High-Level Capital Cost Analysis (Worst Case Scenario)

Capital Component	Cost Estimate
Fiber OSP	\$401,798,600
Facilities	\$12,210,000
Core Equipment/Fiber CPE	\$22,850,000
Wireless Last-Mile and Towers	\$27,909,750
OSS/BSS/Network Management Systems	\$500,000
Professional Services/Implementation	\$16,037,000
ESTIMATED Overall Total:	\$481,305,350

***Alignment of Conduit/Fiber Construction with other complementary development projects can drive costs down significantly by enforcing Dig Once concepts**

Navajo Broadband Planning Assumptions

Requires Collaboration with Navajo Enterprise Organizations (e.g., NTUA, RDC, etc.)

- NTUA BTOP/ARRA 12-Strands Fiber (over 500 miles existing assets)
- Conduit included with E-Rate Project (over 600 miles planned)
- Conduit included in Water Capital Projects (Impact TBD)
- Conduit included in Arcadian Infracom Project (336 miles planned)
- Pre-Construction Fiber Capacity Sale to Wireless/Mobile Providers (Impact TBD)

Near Term Funding Opportunities

- E-Rate - Education Rate Covers 90% of telecommunication and Information services build out for Schools and Libraries
- RDOF: \$20.4 Billion (Oct 2020 - Spring 2021) up to \$433.5M across the Nation
- ReConnect: \$600 Million (Spring 2021)
- FirstNet/Homeland Security
- Upcoming FCC 5G Fund: \$8 Billion with \$1 Billion earmarked for Precision Agriculture
- Upcoming Middle-Mile Fund: Amount TBD

Tele-Health Funding

- Navajo Nation Department of Health recently received \$954,990 to provide home health care and remote monitoring services throughout the Navajo Nation to patients who are isolated and under shelter-in-place orders, including low-income, elderly and vulnerable and high-risk patients.

----- Other Funding Opportunities -----

- Federal Communications Commission (FCC) with \$200 million to support efforts of health care providers to address COVID-19 by providing telecommunications services, information services, and devices necessary to enable the provision of telehealth services.
- Rural Healthcare Fund of the FCC. Rural Healthcare providers may apply for this funding.
- \$127 billion increase in funding for the Department of Health and Human Services' Public Health and Social Services Emergency Fund to expand services and capacity for rural hospitals, including telehealth.
- Provides \$2.15 billion to the Department of Veterans Affairs for information technology uses to support increased telework and telehealth, including the purchasing of devices and enhanced system bandwidth and support.

Navajo Fiber and Broadband Planning Strategies

- Dig Once – require water, road, private development and eRate projects to open the trench for added conduit for future fiber installation. The new conduit should belong to the Navajo Nation.
- Invite corporate/private partnerships to share the cost of installation, maintenance, and service delivery.
- Connect Navajo directly to Internet providers to lower costs.
- Plan for short and long-term participation in National broadband projects.
- Create a Navajo Office of Broadband with adequate staffing.
- MORE than **\$1,000,000,000** in available funding opportunities for the Navajo Nation alone.

2020 E-Rate Project

- 53 Chapter Houses, 34 Head Start Facilities, and 2 Libraries in Arizona and New Mexico were awarded to NTUAW
 - 244 miles of new aerial fiber installation; Total Bid - \$12,486,151.28
- 34 Chapter Houses and 20 Head Start Facilities in New Mexico were awarded to Sacred Wind
 - 342 miles of new underground fiber installation; Total Bid - \$39,969,271.61
- The Ramah Chapter House in New Mexico awarded to Ojo Internet Services
 - 16 miles of new underground fiber installation; Total Bid - \$655,417.00
- **Summary: 145 sites; 602 Miles of Fiber; Total Bid: \$53,120,839.89**
- 95% of the project will be paid by the FCC's E-Rate program. The remaining 5% will be paid by the states of New Mexico and Arizona state matching funds programs
- Installation can be started almost immediately once formal approvals have been received with some sites taking only weeks to complete because existing fiber is nearby
- It is estimated it will take two years to complete the rest of the sites once the project is funded

2020 E-Rate Project



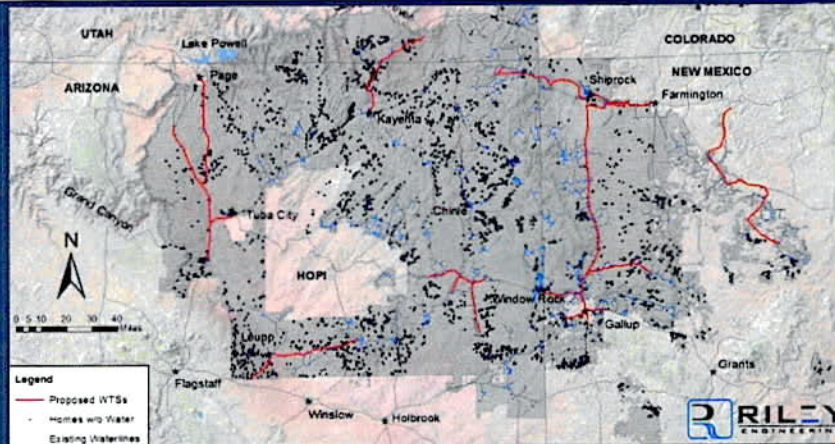
Chapters Not Receiving an E-Rate Bid, and Not Currently Connected

Agency	Chapter House	Agency	Chapter House
Chinle	Hardrock	Western	Birdsprings
Eastern	Alamo	Western	Bodaway/Gap
Fort Defiance	Jeddito	Western	Cameron
Fort Defiance	Mexican Springs	Western	Chilchinbeto
Fort Defiance	Sawmill	Western	Coppermine
Fort Defiance	Teesto	Western	Kaibeto
Fort Defiance	Whitecone	Western	Navajo Mountain
Northern	Aneth	Western	Oljato
Northern	Mexican Water	Western	Shonto
Northern	Red Mesa	Western	Tohnaneesdizi (Tuba City)
Northern	Shiprock	Western	Tolani Lake

Estimated Cost to Connect Remaining Chapters: \$30,000,000 to build fiber to these 22 sites.

NTUAW and Sacred Wind said that these chapter houses were the most difficult and expensive to build out

Water Expansion Project Example



Dig once. Share the trench and add new conduit to all water projects.

Collaboration with other Infrastructure Projects Water, Electricity, Homes, Hospitals

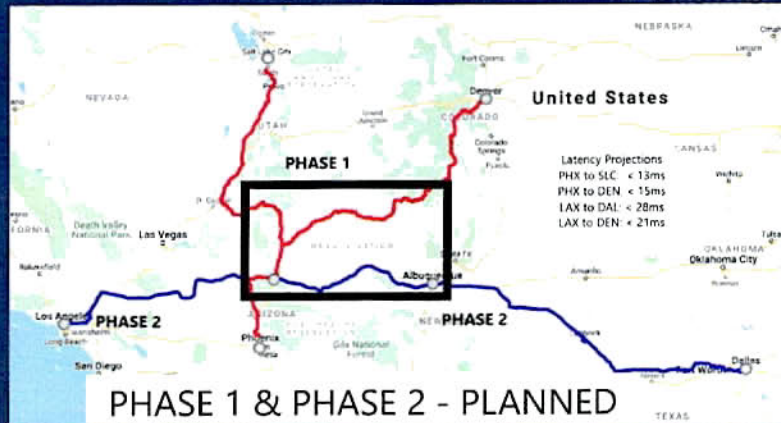
Arcadian Infracom Project



**Phase 1: 272 Miles
Completed by 2022**

**Phase 2: 65 Miles
IN PLANNING**

**Total Under Ground
Construction:
336 Miles**



Include Navajo owned capacity across the reservation, and into the major metro Data Centers for access to Navajo rights-of-way.

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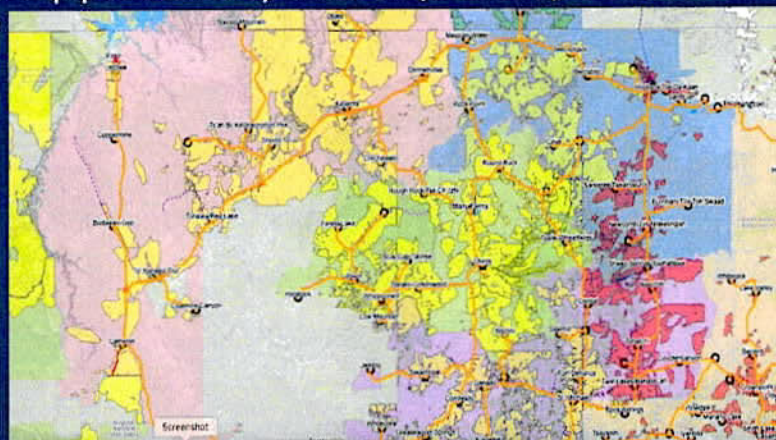
Rural Digital Opportunity Fund (RDOF)

Rural Digital Opportunity Fund (RDOF): \$20.4B
 FCC Funding (Fall 2020, 2021 Auction)

Example of Eligible funding areas across the reservation, up to \$433.5M across the Nation

Eligible areas in AZ/UT

Eligible areas in NM



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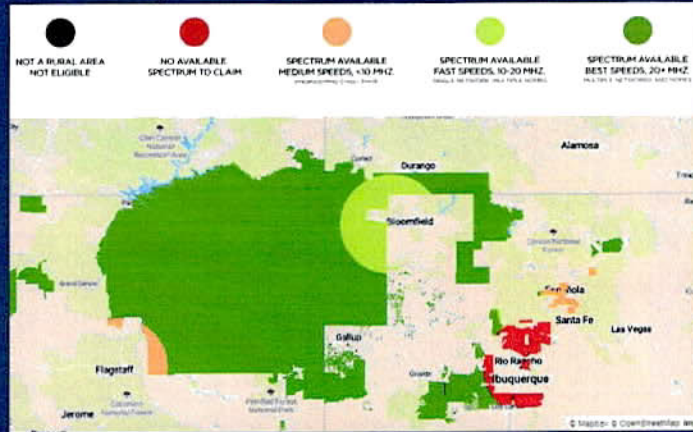
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2.5Ghz EBS Wireless Spectrum

Navajo has been granted Special Temporary Authority for use and will have to apply for permanent access licensing in the Fall of 2020.

Uses include:

- Wireless Broadband
- Ad-hoc Backhaul
- Research



Funding Request

Navajo Technical University – Project Support / Financial Agent

• Project Manager	\$80,000	(6 months)*
• Financial Officer	\$60,000	(6 months)*
• Technical/Engineering	\$180,000	(6 months)*
• Grants Writer	\$70,000	(6 months)*
• <u>Consulting</u>	<u>\$80,000</u>	
Total:	\$470,000	

* 12 months salary, plus benefits. Federal funding expected.

Task Force Startup



- Complete Navajo Nation Broadband Policy
- Coordinate Broadband Deployment with Navajo Enterprise organizations.
- Align Navajo Broadband planning and implementation with Tribal values and culture.
- Improve communications and project completion with the support of Navajo enterprise organizations.

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Native Broadcast Enterprise

KKNS - Albuquerque							
Brand	Item Number	Description	Qty	Unit Price	Cost		
Nautel	NX 5	Solid state modular 5kw AM Broadcast	1	\$ 27,745.10	\$ 27,745.10		
SAGE	Digitalendec	Endec EAS Encoder / Decoder - Model 3644	1	\$ 2,267.39	\$ 2,267.39		
Crown_B	RFBA-1	Triple AM/FM/WR Tuner	1	\$ 1,407.61	\$ 1,407.61		
Gorman	CRW-S	NOAA - NWS Weather Receiver	1	\$ 673.91	\$ 673.91		
Belar	LP1A	AM Shielded Loop Antenna	1	\$ 565.22	\$ 565.22		
Belar	LP1AOPTION1	Option 1 for LP1A, Power Supply	1	\$ 130.34	\$ 130.34		
Nicom	LOG-FM-P5	100W Broadband Aluminum FM Receive Antenna	1	\$ 336.96	\$ 336.96		
Comrex	BRIC-Link2	Audio Over IP for Duplex Audio Transmission Version 2	2	\$ 1,478.26	\$ 2,956.52		
BTools	Audiosentinel-Plus	Web-Enabled Two Channel Stereo Silence Monitor	1	\$ 246.70	\$ 246.70		
OMNIA	Volt-AM	1RU AM On-Air Broadcast Processor 2001-00489	1	\$ 3,326.00	\$ 3,326.00		
		Freight	1	\$ 2,469.00	\$ 2,469.00	\$	42,124.75
KTNN AM - Sawmill							
Nautel	NX50	50kw AM transmitter	1	\$ 149,556.52	\$ 149,556.52		
		Freight	1	\$ 3,000.00	\$ 3,000.00	\$	152,556.52
PTP - St. Michaels to Sawmill							
	several items	Point to Point connections, equipment and labor	1	\$ 33,000.00	\$ 33,000.00		
Comrex	ACCESS-NX	IP Audio Codec w/ touch screen	2	\$ 3,478.00	\$ 6,956.00		
Moseley	SL9003Q2S	Starlink 2 Channel STL System	3	\$ 11,344.00	\$ 34,032.00		
Hunters Point / Yale Point	Generator	Generator, back up for NBE	1	\$ 125,000.00	\$ 125,000.00	\$	198,988.00
					\$	-	
					\$	-	\$ 393,669.27



DINÉ COLLEGE

THE HIGHER EDUCATION INSTITUTION OF THE NAVAJO

DISTANCE LEARNING ENVIRONMENT DEVELOPMENT

The COVID-19 pandemic and the emergency response required Diné College to put extraordinary actions in motion to implement distance learning and online capabilities for current and upcoming semesters. An analysis was done to understand the requirements to address the issues we faced and needs we experienced during this transition and for stable future IT infrastructure going forward and an outline of solutions was created based on categories below.

Costs were acquired and funding of \$6,401,737.55 (Six million four hundred one thousand seven hundred thirty-seven dollars and fifty-five cents) is being secured to address these needs:

1) Emergency Student and Faculty Response	\$ 173,881.69
2) Laptop and MyFi Loaner Program	\$ 722,500.00
3) Internet and Wide Area Network Bandwidth	\$1,934,377.47
4) Infrastructure Upgrades	\$ 613,192.50
5) Software Integrations and Enhancements	\$ 217,600.00
6) AV Technology	\$1,367,185.89
7) Personnel	\$ 248,000.00
8) Contingency	\$1,125,000.00

The evaluation of these solutions takes into account that, in order to be successful:

- 1) Students will be need to continue to take classes remotely or from home.
- 2) Faculty will need to be provided with the best tools and practices.
- 3) Reliable internet access needs to be increased at all Diné College locations.
- 4) Integrated software and cloud solutions are necessary to allow remote functioning for staff and faculty.

GOAL:

Diné College is now a 4-year institution and its unique offerings must continue to be made available online to students. The long term goal is to provide these offerings to students, not only on Navajo, but everywhere, especially Navajo students throughout the world. The College in the short term was required to move online, and with these tools, the College will be able to sustain a robust offering.

OBJECTIVES:

1. Diné College will continue to develop the distance learning capabilities and opportunities in many innovative ways.
2. Implement all projects of the categories listed above.
3. The College desires to continue this expand and create a delivery environment strategy to produce high quality courses.
4. Diné College has the capability to use the EBS 2.5 Ghz spectrum to provide service to students in multiple remote areas and desires to extend this network of access into Navajo communities to reach students who are underserved.

IMPACT OF THE NAVAJO NATION-OUTCOME:

While enriching education provided online for the betterment of student learning, Diné College will maintain high quality courses and online degrees for students and Navajo communities. With Internet-enabled local classrooms in key locations, Diné College can be significant to creating a bridge for all students K-20, continuing its heritage as resilient; mentally, physically, emotionally, sociably, economically, spiritually and educationally.

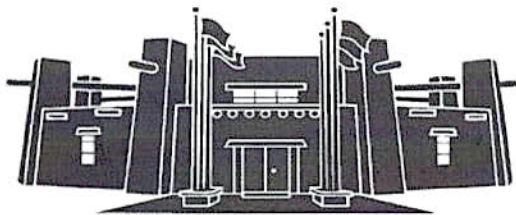
Diné College Funding Request Planning July 2020

One time Expense				Ongoing Expense				Totals
Emergency Student and Faculty Response				Emergency Student and Faculty Response				
	Qty	Unit	Total		Qty	Unit	Total	
Hot Spots - MyFi	125		10,000.00	Hot Spots - MyFi	-	80.00	-	
Unlimited Plan	5	4,375.00	21,875.00	Unlimited Plan	-	4,375.00	-	
Laptops - STEM students	14		6,951.37	Laptops - STEM students	-		-	
Laptops - Other students/Staff	60		56,874.50	Laptops - Other students/Staff	-		-	
Laptops - personnel	9		13,737.85	Laptops - personnel	-		-	
Faculty Tower (Radio Upgrade)			25,102.22	Faculty Tower (Radio Upgrade)	-		-	
Electrical Contract			5,000.00	Electrical Contract				
Additional WLC licensing			500.00	Additional WLC licensing			500.00	
EBS - install 2.5 GHz 10 watt radio	1		6,496.00	EBS - install 2.5 GHz 10 watt radio	-		-	
Band 43 - install 3.5 GHz (Switch)	1		7,000.00	Band 43 - install 3.5 GHz (Switch)	-		-	
Band 43 - install 3.5 GHz (Indoor CPE)	20		3,500.00	Band 43 - install 3.5 GHz (Indoor CPE)	-		-	
Band 43 - install 3.5 GHz (Outdoor CPE)	5		875.00	Band 43 - install 3.5 GHz (Outdoor CPE)	-		-	
Band 43 - install 3.5 GHz (Licensing)	25		83.75	Band 43 - install 3.5 GHz (Licensing)	25		83.75	
Wi-Fi (Switches and Access Points)	2		13,966.00	Wi-Fi (Switches and Access Points)	-		-	
Wi-Fi (cables and materials)			1,336.25	Wi-Fi (cables and materials)	-		-	
Total			173,297.94	Total			583.75	173,881.69
Laptop and MyFi Student Program				Laptop and MyFi Student Program				
Laptops w/MS Office - all students	500	800.00	400,000.00					
Hot Spots - MyFi	500	105.00	52,500.00	Student 9-month Plan	500	540.00	270,000.00	
			452,500.00				270,000.00	722,500.00
Internet and Wide Area Network Bandwidth Increases				Internet and Wide Area Network Bandwidth Increases				
Wide Area Network				Wide Area Network				
Cell One	Term	Monthly	Annual	Cell One	Term	Monthly	Annual	
Chinle (L2) 50 Mbps	3	390.00	1,170.00	Chinle (L2) 50 Mbps	12	1,710.00	20,520.00	
Crowpoint (L2) 50 Mbps	3	390.00	1,170.00	Crowpoint (L2) 50 Mbps	12	1,710.00	20,520.00	

Window Rock (L2) 50 Mbps	3	390.00	1,170.00	Window Rock (L2) 50 Mbps	12	1,710.00	20,520.00	
Shiprock North (L2) 50 Mbps	3	390.00	1,170.00	Shiprock North (L2) 50 Mbps	12	1,710.00	20,520.00	
Shiprock South (L2) 50 Mbps	3	390.00	1,170.00	Shiprock South (L2) 50 Mbps	12	1,710.00	20,520.00	
Tuba City (L2) 50 Mbps	3	390.00	1,170.00	Tuba City (L2) 50 Mbps	12	1,710.00	20,520.00	
			7,020.00				123,120.00	
Internet at Tsaille				Internet at Tsaille				
ISP Tsaille (Frontier) 100 Mbps	0	1,869.00	-	ISP Tsaille (Frontier) 100 Mbps	12	1,869.00	22,428.00	
ISP Tsaille (NTUA) 2 Gbps	36	40,500.00	1,458,000.00	ISP Tsaille (NTUA) 2 Gbps (3-years)	12	40,500.00	486,000.00	
ISP Tsaille (NTUA)	3	(6,063.75)	(18,191.25)					
ISP Tsaille (CellOne)	3	(4,500.00)	(13,500.00)					
			1,426,308.75				508,428.00	
Internet at Centers				Internet at Centers				
ISP Chinle (Cell One) 50 Mbps	3	1,795.00	5,385.00	ISP Chinle (Cell One) 50 Mbps	12	1,795.00	21,540.00	
ISP Crownpoint (Cell One) 50 Mbps	3	1,795.00	5,385.00	ISP Crownpoint (Cell One) 50 Mbps	12	1,795.00	21,540.00	
ISP Window Rock (Cell One) 50 Mbps	3	1,795.00	5,385.00	ISP Window Rock (Cell One) 50 Mbps	12	1,795.00	21,540.00	
ISP Shiprock North(Frontier) 100 Mbps	0	1,927.06	-	ISP Shiprock North(Frontier) 100 Mbps	12	1,927.06	23,124.72	
ISP Shiprock South (Frontier) 100 Mbps	0	1,694.00	-	ISP Shiprock South (Frontier) 100 Mbps	12	1,694.00	20,328.00	
ISP Tuba City (NTUA) 50 Mbps	0	2,972.75	-	ISP Tuba City (NTUA) 50 Mbps	12	2,972.75	35,673.00	
			16,155.00				143,745.72	
Total New Cost 2019-20 Budget year			1,449,483.75	Total New Annual Cost			775,293.72	2,224,777.47
Infrastructure Upgrades				Infrastructure Upgrades				
Virtualization Migration - Outlook			10,000.00	Virtualization Migration - Outlook			-	
Network Equipment				Network Equipment				
Consulting			25,000.00	Consulting			-	
Equipment Upgrade & 3yr Maint			400,000.00	Equipment Upgrade & 3yr Maint			-	
			425,000.00				-	
Fiber/Cabling Extensions				Fiber/Cabling Extensions				
Fiber installs and Recertification			15,000.00	Fiber installs and Recertification			-	
Land Grant/Rodeo grounds			80,000.00	Land Grant			-	
Wi-Fi (Switches and Access Points)		10	69,830.00	Wi-Fi (Switches and Access Points)		10	-	
Wi-Fi (cables and materials)		10	13,362.50	Wi-Fi (cables and materials)		10	-	

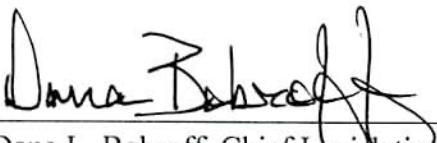
			178,192.50				-	
			613,192.50				-	613,192.50
Software Integration and Enhancements				Software Integration and Enhancements				
Integration of Systems				Cloud Services				
			7,000.00					
			5,000.00					
			11,000.00					
			8,500.00	Web Chat Capability			7,500.00	
			31,500.00				7,500.00	
Student Mobile Platform				Student Mobile Platform				
			9,500.00	Single Sign On			7,500.00	
			7,800.00	Student/Staff/Faculty App			6,800.00	
			17,300.00				14,300.00	
Document Management				Document Management				
			95,000.00	Forms and document uploads			15,000.00	
			15,000.00	Signature Service (DocuSign)			15,000.00	
				Email Encryption				
			110,000.00				30,000.00	
			165,800.00				51,800.00	217,600.00
AV Technology				AV Technology				
Zoom Rooms				Zoom Rooms				
		5	65,000.00	Equipment, installation and configuration				
			2,000.00	Annual Cloud Service			2,000.00	
	4	250000	1,000,000.00	Recording studios - TC, SR & TS				
	1	250000	250,000.00	Student Recording studio				
			20,000.00	Media Share - Online classes			17,000.00	
Online Degree				Online Degree				
		1200	1,200.00	Quality Matters			1,200.00	
		1000	1,000.00	State Authorization Network (SARA)			1,000.00	
			6,785.89	ITV replacement				

			1,345,985.89				21,200.00	1,367,185.89
Contingency				Contiguency				
Construction			500,000.00	Construction			250,000.00	
Health and Safety			250,000.00	Health and Safety			125,000.00	
			750,000.00				375,000.00	1,125,000.00
Grand Total			4,950,260.08	Grand Total			1,493,877.47	6,444,137.55



MEMORANDUM

TO: Hon. Amber Crotty, Delegate
24th Navajo Nation Council

FROM: 
Dana L. Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: June 30, 2020

SUBJECT: **AN ACTION RELATING TO HEALTH EDUCATION AND HUMAN RESOURCES, BUDGET AND FINANCE AND RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE NAVAJO NATION CARES FUND EXPENDITURE PLANS FOR WATER PROJECTS, POWERLINE PROJECTS AND BROADBAND-TELECOMMUNICATION PROJECTS**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0144-20__

SPONSOR: Amber Kanazbah Crotty

TITLE: An Action Relating to Health Education and Human Resources, Budget and Finance and Resources and Development, and Naabik'iyáti' Committee, and the Navajo Nation Council; Approving and Adopting the Navajo Nation CARES Fund Expenditure Plans for Water Projects, Powerline Projects and Broadband-Telecommunication Projects

Date posted: June 30, 2020 at 11:58PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0144-20

SPONSOR: Honorable Amber Kanazbah Crotty


TITLE: An Action Relating to Health Education and Human Resources, Budget and Finance and Resources and Development, and Naabik'iyáti' Committee, and the Navajo Nation Council; Approving and Adopting the Navajo Nation CARES Fund Expenditure Plans for Water Projects, Powerline Projects and Broadband-Telecommunication Projects

Posted: June 30, 2020 at 11:58PM

5 DAY Comment Period Ended: July 05, 2020

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	1) Willie Tracey, Jr., Ganado Chapter
Inconclusive Comments	1) Pearline Kirk, NNOOC 2) Brian Gilbert, Telecom Consultant 3) Wahleah Johns, Native Renewables 4) Jacqueline Huskie 5) Ed Becenti



 Legislative Tracking Secretary
 Office of Legislative Services

07/06/20 9:30AM
 Date/Time

Legislation No. 0144-20

Ganado Chapter ganado@navajochapters.org

Wed 7/1/2020 11:12 AM

To: comments <comments@navajo-nsn.gov>;

Respective Members of the NNC ...

Vote RED ... direct each Chapter Administration to develop it's own unique needs for waterline extensions, etc. Actual administration of projects belongs with the Executive Branch, NOT Legislative Branch!

Chapter's know their priorities ... they are not political pet projects!

NNC - wake up you all ... local folks are suffering but yet you all only concentrate on a select few.

Willie Tracey Jr., Chapter Manager

GANADO CHAPTER ADMINISTRATION

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THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

To: 24th Navajo Nation Council
Navajo Nation Legislative Branch

From: 
Pearline Kirk, Controller
Navajo Nation Office of the Controller

Date: July 5, 2020

RE: NNOOC comments related to Legislation 0144-20

In response to the internet review publication distributed related to Navajo Nation Legislation 0144-20, the Office of the Controller ("OOC") offers the following comments related to proposed Navajo Nation (the "Nation") infrastructure projects (collectively, "projects") including expansion and enhancement of access to water, expansion of power line capacity, and various broadband telecommunications projects.

Background:

The Nation received \$714,189,631 in Coronavirus Relief Funding from the Department of Treasury ("Treasury") which is currently available to the Nation to cover costs that are:

- a) necessary expenditures incurred due to the public health emergency with respect to COVID-19; and
- 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.

Expenditures that are not incurred by December 30, 2020, will be considered disallowed, requiring the corresponding unspent funding to be returned to the Department of Treasury.

By virtue of the Controller's duties and responsibilities under Title 12 Section 203 Navajo Nation Code and in accordance with legislation CMY-44-20, OOC is given the responsibility for determination of whether expenditures of the CARES Act funding are in compliance with the applicable guidance outlined in the

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CARES Act, the Coronavirus Relief Fund (“CRF”) 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.

Because the process, under Legislation CMY-44-20, is not finalized, we offer the following technical and practical observations related to the projects described in the proposed legislation 144-20:

Observation 1 – Eligible to only expend CRF funds for costs that are not accounted for in the most recently approved Tribal budget as of March 27, 2020.

Practical application guidance has been provided by the Department of Treasury in relation to what is meant by a “budget most recently approved” given the diversity in practice across state, local and tribal governments, but a clear definition that broadly applies to all circumstances has not been provided.

The Nation prepares its annual comprehensive budget which includes the inflows and outflows of resources for the General Fund and does not include expected outlays for capital projects. Such projects are budgeted through an alternative process, depending upon the funding source. Permanent fund income outflows are budgeted on a 5-year basis, with the most recent budget approved in 2016. These projects are funded from the income generated by the Permanent Fund after a moratorium of 20 years. The outflows are reasonably expected to occur over the 5-year period, despite not incorporating an articulated timeline for completion of these projects. Currently, the Nation is behind completing these projects. We are in the fifth and final year of the 5-year plan and the Nation earmarked the completion of all remaining capital projects, too which may be interpreted as named projects already budgeted for. Therefore, we run the risk of an unallowable expenditure under the CRF funds. Other capital projects such as those appropriated and budgeted from the Sihasin funds which contain project budgets that have a high degree of specificity around the project and the appropriated funding source, including the anticipated completion dates. As such, these projects would have been part of a budget despite not being included in the most recently approved comprehensive budget.

Given the ambiguity in the guidance provided and its relative significance to the cost allowability, we would caution using CRF funds for projects which has been planned and included in a capital budget and for which funding sources had been identified and/or appropriated as of March 27, 2020. Direct examples of this would be projects that are currently under construction that would seek to utilize CRF funds instead of the previously appropriated funding. Prior to approving any infrastructure projects, we would suggest a detailed review of the most recent, applicable budget(s), if any, to ensure funding had not been previously appropriated to avoid risking recapture of any CRF funds by the Treasury.

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Observation 2 – Requirement for costs to be incurred by December 30, 2020

Treasury has provided significant guidance around the definition of “incurred” and the related period of performance, noting the requirement that costs must be incurred by December 30. For a cost to be considered “incurred”, performance or delivery must occur by December 30, 2020. As December 30 is approaching, we would caution committing CRF funding to projects that have a high degree of risk of being “delivered” by December 30, to avoid potential CRF fund recapture. A project with a high degree of risk of CRF fund recapture might be a project such as a water pipeline project that includes need for environmental or archaeological studies, right of way approvals, or other long lead time activities. A project with a lower degree of risk of recapture might be a water hauling program that wouldn’t require such long lead times or significant approvals. If funds were committed to projects with higher risk of performance or delivery by December 30, 2020, we would encourage taking into consideration such things as:

- a) significant contractual penalties for contractors who fail to deliver the projects by December 30, 2020,
- b) backup plans put in place that are ready to deploy for re-appropriation of CRF funding if it becomes apparent that a project cannot be delivered by December 30, 2020, and
- c) certain milestones that would need to be met by the project development team in order to continue to demonstrate the project could reasonably be expected to be delivered by December 30, 2020, such as environmental approvals being obtained by a certain date, etc..

Observation 3 – Elevated potential scrutiny associated with infrastructure project expenditures

Although it is not specifically referred to as an ineligible expenditure, the Treasury Guidance appears to reflect a high degree of scrutiny around capital or infrastructure projects and places a higher emphasis on shorter-term, immediate solutions to address the public health emergency. This can be seen in various Treasury FAQ’s as of the date of this comment letter. Due to the significant oversight on the Nation given the relative dollar value of funding received, it can be expected that there will be a high degree of scrutiny on how we spend the funding from external auditors, Federal agencies and the Office of Inspector General. It will be imperative that we make justification for any decision to earmark CRF funding for permanent, long-term infrastructure enhancements over a temporary, short-term solution that could immediately help members of the Nation.

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Observation 4 – Need for development and approval of “backup” expenditure plans if the decision is made to move forward with approval of expenditures for water, powerline, and broadband infrastructure projects.

Should the Nation determine it is in its best interest to move forward with infrastructure projects as described in current Legislation 0144-20, it should also consider several backup plans for expenditures that can be deployed rapidly in the event it becomes apparent that some or all of the infrastructure projects will not be delivered by December 30, 2020. This plan might include such things as CRF eligible assistance directly to Chapters and other/additional Tribal departments or businesses, a payroll support program for frontline and other essential workers, or a general CRF eligible welfare program to provide direct benefit to Nation members such as utility payment relief, personal healthcare relief, child care relief funding, food assistance, and other eligible living expenditures. Such a backup plan that could be scalable in terms of ramping up or down the amount of direct CRF assistance deployed that could quickly be expended based on progress of other first priority expenditures would avoid the worst case scenario of recapture of unspent funds by the Treasury and provide much needed assistance to the Nation.

Observation 5 – Caution in relying upon an overall or special extension granted to the December 30, 2020 deadline for incurring costs related to CRF.

While an extension to the covered period to expend the CRF funding would provide much needed burden relief, and relieve pressure to execute infrastructure projects, we provide context that CRF funding Tribal governments received as a set aside (\$8 billion) represents only 5% of the overall \$150 billion provided to State, Local, and Tribal Governments under the CARES Act. The intent of the legislation was for funding to be deployed rapidly to address the needs of governments to deal with the coronavirus pandemic in 2020. The rules and compliance requirements of the CRF funds apply broadly to all governments. It is not yet apparent if the State and local governments, which represent 95% of the \$150 billion of the CRF funding allocated, will have any challenges in deploying this funding, or if they will be pushing for an extension. Many state CRF programs have provided funding to state and municipal governments through a pass-through program that provides a period of performance ending November 30, 2020 to allow for the state to report and capture all eligible expenditures by December 30, 2020. It may be more difficult for the Navajo Nation individually, or other Tribal Governments generally to receive an extension in a situation where a number of Tribal, State, and Local governments are able to expend their funding within the current rules and are not seeking an extension. Further, one could see a scenario where State, Local, and Tribal governments whom would have otherwise chose to develop and execute infrastructure projects may be against an extension if they chose to provide other forms of relief based on the rules as

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they are currently promulgated. Finally, 2020 is an election year which may result in less new legislation being introduced as we get closer to November as Congressmen and Congresswomen focus on getting elected and/or reelected, and a risk for legislative stalemates or gridlock preventing any extension from being introduced or passing.

Concluding remarks

While infrastructure is a clear and vital need for the Nation as a response to the coronavirus pandemic and solves a long term problem, it can present significant risks for CRF fund compliant expenditure based on the challenges of project execution in such a compressed timeframe, the congressional intent that the CRF funds are meant to provide immediate relief to those in need and the ambiguity in guidance currently published. The fallout from this could result in CRF funds being returned to Treasury, the potential need to pay significant premiums to Non-Navajo owned contractors to help expedite the projects, and other challenges as we fight the pandemic. There may be further opportunities to explore expenditures which would have less risk related to the Dec. 30, 2020 deadline, while at the same time freeing up significant Navajo Nation general funds that could be appropriated to the infrastructure projects identified by Council with less restrictions and pressure to expedite the delivery of the project. We would welcome the opportunity to present these various alternatives should the legislative branch wish to further explore spend plan scenarios as it relates to ensuring that all CRF funds are ultimately used to the highest and best use to benefit the Nation, its members and remain in compliance with the Treasury guidance.

We respectfully submit these comments to Legislation 0144-20 and stand ready to continue to support compliance with CRF funding.

July 4, 2020

SUBJ: Public Comments on Legislation 0144-20

Greetings,

As a professional telecom consultant with 21 years of experience working across Navajo lands, I wish to submit the following comments with respect to legislation 0144-20, as it relates to telecom and broadband projects proposed under the Navajo CARES Expenditure Fund.

- 0144-20 contends that broadband connectivity should be addressed at both public facilities and to residences. If so, it is important to support commercial carrier services with CARES Funds. Although public institutions and educational facilities can play a role, it is impractical for them to provide broadband to residences, which is what four major ETC carriers already do, i.e, Sacred Wind, Cellular One, NTUAW, and Navajo Frontier. Moreover, since no one carrier serves all of the Navajo population, it is crucial that they are ALL engaged to determine the most comprehensive and cost-effective solution.
- Since many users increasingly rely upon smartphones or other mobile devices to access telehealth, education, and public safety (Amber Alerts) applications, wireless networks and the fiber facilities they depend on must be expanded to un-served and underserved areas. While I do not discount the importance of the other projects listed within Exhibit "5", they seem to target long-term solutions and not immediate relief that is mandated within less than 6-months.
- It is strongly recommended that the CARES Fund Broadband-Telecommunications Projects Expenditure Plan include funding for the four major commercial ETC carriers, with a caveat that any carrier seeking funds must propose a plan consisting of a project description, mapping, and a budget detailing the area(s) and population to be served for evaluation.

In summary, not making any amendments to 0144-20 to provide funding to all of the ETC carriers means that many existing Navajo residents and customers needing improved telecom and broadband services will not receive benefits under the Navajo CARES Fund.

Respectfully submitted,

Brian Gilbert
Telecom Consultant
1295 Escalante Drive
Durango, CO 81303
928-358-7364
brian@youngturksconsulting.com

July 5, 2020

Re: Legislation 0144-20

Dear Honorable Navajo Nation Council Delegates,

My name is Wahleah Johns and I'm the executive director of Native Renewables.

I'm writing to express my comments to legislation 0144-20. While I understand the need for power line extension, I'm advocating that funds be set aside for off-grid solar, which is a much more cost-effective way to address the needs of 15,000 families on the Navajo Nation still without electricity.

To extend a power line to a home without electricity costs \$27,000 per mile of extension, often \$70,000 - \$80,000 per household. Once connected that family has to pay for electricity thereafter (usually more than \$100 per month).

In contrast, off-grid solar and battery systems cost \$15,000 (includes a refrigerator) and produce power for over 20 years with very little ongoing cost (figure 1). CARES funding could subsidize half the cost of the off-grid solar unit (or \$7,500 per family) and offer a payment plan to customers where they would pay just \$75 per month.

The result is 1/10 of the cost to provide electricity to a family (\$7,500 rather than \$75,000) and then lower electricity costs for that family on an ongoing basis.

Off-grid solar also creates far more jobs than power line extensions. Solar installer was the fastest growing job category in the U.S. last year, and Navajo Nation could create hundreds of good paying jobs if it invested in building out our solar capacity.

Sincerely,

Wahleah Johns
Native Renewables
Contact Email: wahleah@nativerenewables.com
Website: www.nativerenewables.com

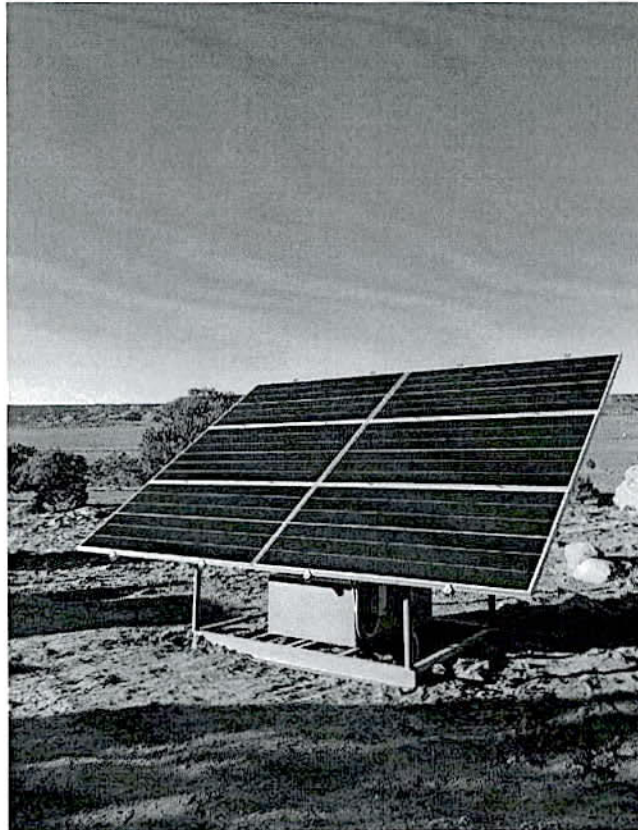


Figure 1: Off-grid Solar + Battery Storage System

The image above is a 2.3 kilowatt (kW) off-grid solar and battery storage system that can power a refrigerator and most electrical needs for a family. Space heaters or washers/dryers are not recommended.

Last day for 5 Day Comment for the Care Fund Expenditure Legislation 0144-20

Candis Yazzie <cly23@nau.edu>

Sun 7/5/2020 7:07 PM

To: comments <comments@navajo-nsn.gov>;

On Sun, Jul 5, 2020, 6:02 PM Jacqueline Huskie <huskiejacqueline@gmail.com> wrote:

Dear Mr. Thomas Walker, Jr.,

Ya'a'tééh. On behalf of my community of Cameron Chapter, I would like to input my voice for the Care Fund Expenditure Plan proposals of the Navajo Nation.

In Cameron, there's families that need electricity, water infrastructure for homes and for ranchers, plumbing for homes and public use, broadband telecommunications using fiber optic internet for education, personal use, and for businesses, and relief funds for local artists.

Our community is in the state of giving up for some kind of infrastructures that is greatly needed. People get excited when there's funds for housing, water, electricity, telecommunications, and plumbing for home and public use.

We still have out houses, in the middle of where there's water pipe lines that could be connected, and need at least a rest area where locals can go use a public restrooms, or even maybe added to local chapter premises added with shower stalls.

With the extension on the Navajo Nation about the curfew for COVID-19, I'm starting to have worries what will happen after July. Artistes (the self employed individuals) throughout the NN will need funds for their personal expenses, and most likely for all other workers that are closed to them from employments.

I only hope our local leaders have the support of their opinions on behalf of their community that have elected them in office, and not for self interest.

Ahéhéé for taking the time for reading my email, and God bless to everyone during this pandemic in our homeland of the NN; also to others that live in the cities throughout the US.

Sincerely, Jacqueline Huskie, advocate for Cameron Chapter service area

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Comments on Navajo Nation Council Legislation 0144-20

BECENTI <reztone@yahoo.com>

Sun 7/5/2020 11:19 PM

To: comments <comments@navajo-nsn.gov>;

TITLE: An Action Relating to Health Education and Human Resources, Budget and Finance and Resources and Development, and Naabik'iyáti' Committee, and the Navajo Nation Council; Approving and Adopting the Navajo Nation CARES Fund Expenditure Plans for Water Projects, Powerline Projects and Broadband-Telecommunication Projects

My brief comments on Legislation 0144-20 are as follows:

1. WATER PROJECTS: The expenditure amounts in the Expenditure Plan (\$64,226,317) and (\$291,907,869) equal out to approximately \$356,134,186 of the Navajo Nation CARES Fund Act. Everyone knows our Dine'/Navajo people desperately need WATER. But I would caution giving this entire amount of money to the Navajo Department of Water Resources due to their historical negligence in quantifying and waiving much of our water rights settlements in New Mexico, Utah and Arizona.

I highly recommend that the Budget and Finance Committee take the lead oversight over internally and externally restricted funding.

2. POWERLINE PROJECTS: Another basic need that our Dine'/Navajo people have been waiting for years. However these projects must not become monopolized by one central entity. We have many young professional entities across our Navajo Nation who are able to perform the electrical work needed to help our Navajo people.

I also highly recommend the the Budget and Finance Committee and the Division of Community Development take the lead oversight internally and externally restricted funding with a keen eye.

3. BROADBAND-TELECOMMUNICATION PROJECTS: I support the Navajo Nation Department of Information Technology and other specialized Navajo IT professionals to engage in this challenge of bringing in high-performance Wi-Fi Hotspots to our Navajo people.

If I remember correctly years back during the Ben Shelly Administration, wasn't there a certain agreement made between Verizon and the Navajo Nation?

Ahe'hee/Thank you.

Ed Becenti
Dine'/Navajo Grassroots Liaison
P.O. Box 121
St. Michaels, AZ 86511

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