

## CARES Act funding ruling receives accolades

Written by Staff Reports  
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WINDOW ROCK, Ariz. — Navajo Nation President Jonathan Nez and Vice President Myron Lizer applaud U.S. District Court Judge Amit Mehta's recent ruling ordering the final distribution of the remaining \$679 million in federal CARES Act funding be released to Native American tribes, including the Navajo Nation.

On June 15, Judge Mehta ruled that the U.S. Treasury Department's withholding of CARES Act funding intended to assist Native American Nations in their fight against COVID-19, created an unreasonable delay and is no longer acceptable during a time of unprecedented public health crisis and that there is "no court order preventing" the Treasury Department from releasing the \$679 million to tribal governments.

With the passage of the CARES Act funding on March 27, which included \$8 billion for federally recognized tribal governments, Congress directed the Treasury Department to fully distribute CARES Act funding within 30 days, or by April 26. More than 54 days have passed since the funding was congressionally-mandated, putting tribes at a greater disadvantage in the fight against COVID-19.

Within that time, tribal governments and communities, particularly the Navajo Nation, have relied on tribally-generated funds and public donations to fight COVID-19. As a result, tribes have primarily run out of personal protective equipment, hospital resources and medical equipment, and humanitarian food relief for communities and families hit hard by the pandemic.

"The Nez-Lizer Administration acted proactively to protect our tribal members and our communities. With the Navajo Nation Council's help, \$4 million was appropriated to gear up and fight this virus. We called upon Congress and federal agencies, such as the Centers for Disease Control and the Indian Health Service Headquarters, to help us," Nez said. "Our regional Navajo Area Indian Health Service and 638 health facilities stepped up to protect the health of our tribal members, but they quickly ran out of PPE.

"We also took the initiative to set up emergency medical sites, and ran an aggressive public health education awareness campaign.

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“When we heard about the CARES Act funding, we advocated aggressively to ensure that the Navajo Nation and other tribes received adequate funding. Those tireless efforts resulted in an \$8 billion appropriation to Native American tribal governments to fight the virus,” Nez pointed out. “We are thankful that the United States government and the U.S. Treasury Department honored its federal trust responsibility and distributed more than \$600 million to the Navajo Nation to help fight COVID-19.”

However, the delays in CARES Act funding have hindered the Navajo Nation. In the time-frame spent waiting, cases of COVID-19 tripled on the Nation. Many families lost loved ones and the health care system was overrun. Now, 81 days after Congress appropriated these funds, Judge Mehta from the DC Federal District Court recognized the U.S. Treasury Department’s responsibility and obligation to distribute moneys according to the population formula which Judge Mehta said was, ‘fair and equitable.’

As of June 22, there are 7,045 positive cases and 335 deaths — which is more than four-times the national average per capita. To prevent the spread of the virus, the Navajo Nation moved to restrict travel, established daily and weekend curfews, and mandated the use of face masks in public.

As a result, the initial Navajo Area Indian Health Service surge projection for hospital admissions, ICU beds, and ventilators was less than the forecast and the infection peaked in mid-April rather than mid-May.

To address current and future impacts of COVID-19, Nez and Lizer are working with the 24th Navajo Nation Council and Speaker Seth Damon on the expenditure plan for the \$600 million dollars in CARES Act funding.

Discussions include immediately providing \$50 million to protect Navajo Nation front line warriors, doctors, nurses, public safety personnel, and law enforcement with the procurement of PPE and much needed resources to protect our families and communities. The plan also includes more than \$550 million for water and utilities infrastructure, telecommunications, and other critical projects and initiatives to fight COVID-19.

The Nez-Lizer Administration commends Mehta for ordering the U.S Treasury Department to

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fully distribute the second round of funding. Mehta recognized that the funding formula the U.S. Treasury Department utilized in the distribution of 60% of the \$8 billion dollars was fair and equitable. Mehta also ruled that the \$679 million dollars was 90 times more than the amount the plaintiffs' requested of \$7.65 million.

"I applaud Judge Mehta for ordering the U.S Treasury Department to fully distribute the second tranche of funding. As noted, Judge Mehta recognized that the funding formula the U.S. Treasury Department utilized in the distribution of 60% of the \$8 billion dollars was fair and equitable," Lizer said.

"Navajo Nation and other Tribal Nations cannot stand idly by and endure another delay. It's time that the U.S. Treasury promptly distribute the funds since they are well past due to tribal governments," he added.

The Navajo Nation will continue to advocate for the prompt distribution of CARES Act funding, and will continue to pursue Navajo Nation legislations to ensure wise and accountable use of the \$600 million dollars to protect our COVID-19 frontline heroes working in the Navajo Nation hospitals, law enforcement, and communities, to fight for water and electricity lines for communities and homes, and for telecommunications resources for telecommuting, telehealth, education, and economic recovery.