



## Navajo Nation Council readies heavy equipment and emergency water projects legislation to continue immediate support for local communities

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**WINDOW ROCK, Ariz.** — Funding to address ongoing Navajo community needs in response to the coronavirus (Covid-19) pandemic is currently going through the Navajo Nation Council’s legislative process. Legislation No. 0309-20, sponsored by Speaker Seth Damon and cosponsored by Council Delegates Daniel Tso and Mark Freeland, identifies Navajo Nation funding for heavy equipment purchases for Navajo chapters and funding for Department of Water Resources emergency water projects. The allocations would meet the ongoing needs of local Navajo communities as federal CARES Act Coronavirus Relief Funding nears the current December 30 deadline for Covid-19 response expenditures.

“Every single Navajo community understands the Covid-19 pandemic will not end on December 30. This legislation provides certainty for our Navajo people and it helps to alleviate the stress and anxiety of managing the new realities we face due to the pandemic. Whether is a road that needs to be cleared for safe passage for emergency transport or a place in which a grieving family may lay their loved one to rest, the heavy equipment is a community need that only the Navajo Nation government can provide, immediately,” said Speaker Damon. “Water access has always been a need and we know, from months of speaking with our technical advisors and partners, these allocations from the Sihásin Fund will provide the security of a funding source without deadlines that keep them from getting off the ground.”

The legislation currently proposes the utilization of \$11,924,571 from the Sihásin Fund to purchase heavy equipment for local chapter communities through the Division of Community Development. Additionally, the legislation proposes utilizing \$33,876,114 to further fund emergency water projects previously identified through the CARES Act process as an appropriation to the Department of Water Resources.

As of November 30, the Office of Management and Budget reported the unappropriated balance of the Sihásin Fund was \$426,729,713. Under allocations for water projects approved by the Council beginning in 2016, a budget of \$80,396,255.24 remained as of November 30. The legislation will reallocate portions of that budget now that some projects lapsed after five years of non-completion.

Over the past week, legislative staff assistants from the Office of the Speaker initiated further coordination with the five Navajo Nation agencies and Council delegates to complete any outstanding documentation needed for purchase requests and to ensure all Navajo chapters had an opportunity to provide further documentation. The effort continued the work by the Division of Community Development and the Office of the Controller previously completed under the Navajo Nation CARES Fund Chapter Distribution Expenditure Plan approved by the Navajo Nation Council.

Council delegates have questioned the delay in processing chapter heavy equipment purchase requests, especially when chapter members rely heavily on local services to dig gravesites, repair roads and provide other essential function during the pandemic. The Controller reported previously the CARES Act deadlines and guidance caused the purchases to be of a high risk for negative audit findings, mostly because delivery of heavy equipment to local communities could not be guaranteed by December 30.

In approving a resolution in support of the legislation, Chinle Chapter stated: “The Chinle Chapter is still in need of securing a new backhoe for the chapter as well as the heavy duty chapter truck as the

amount of burial requests due to the Covid-19 pandemic has increased and the chapter has had to also provide gravesite services to nearby surrounding communities.”

Since the Navajo Nation declared a public health emergency in March, the Navajo Nation has reported 755 related deaths and 21,327 positive cases. Council delegates have reported stories from constituents that, upon losing a loved on, continued to experience unnecessary added grief because functioning heavy equipment was either unavailable or in constant use elsewhere.

The legislation includes documentation for purchases that would immediately address heavy equipment shortages. The majority of Navajo chapters have submitted purchase requests for heavy equipment, including backhoes, trailers and other heavy duty vehicles.

As for water projects, recent projections from the Department of Water resources detail the department’s need for heavy equipment, waterlines, septic systems and drilling equipment totaling \$33,876,114.24. Some of the proposed allocations include \$7.5 million for cistern and septic systems, \$240,000 for multiple waterline projects, \$8,605,000 for other emergency water projects not funded through the CARES Act and other projects.

The legislation continues support for safe and potable water access for Navajo citizens in order to promote frequent washing and cleaning as a means for mitigating the effects of Covid-19.

The source of funding for the Covid-19 response projects is the Navajo Nation SÍhásin Fund, which originated during the 22nd Navajo Nation Council. The Council recognized the US Government was in breach of its trust obligations and fiduciary duties to the Navajo Nation by mismanaging the Nation’s tribal trust assets and resources over past generations. Without sufficient funds to provide basic services and amenities to the Navajo People, the Navajo Nation filed a lawsuit and reached a settlement with the US Government, from which the Navajo Nation Council established the Navajo Nation SÍhásin Fund in Title 12 of the Navajo Nation Code. That action took place through Resolution No. CD-68-14, which enacted the Navajo Nation Breach of Trust Settlement Act of 2014.

“While the Navajo Nation Council is aware a new coronavirus response package for tribal governments might be approved by Congress after the New Year, the Navajo people cannot afford to wait when local assistance is needed now. Water and infrastructure needs on the Navajo Nation far exceed available resources. The 24th Navajo Nation Council supports our local leaders and partners, and that means continuing to focus on getting resources out of Window Rock and into local communities.”

On Dec. 15, the Budget and Finance Committee began consideration of Legislation No. 0309-20 and voted in favor of the allocations without amendment. The legislation continued to the Resources and Development Committee on Dec. 16 and was also provided the committee’s approval without amendment. The Naabik’iyáti’ Committee will further consider and discuss the legislation on Dec. 23, after which the Navajo Nation Council will provide final authority.

The legislation is available through the Navajo Nation Council’s website and the Diné Bibeeshaz’áanii Binaaltsoos legislative tracking system (<http://dibb.nnols.org/>). Meetings of the Navajo Nation Council and its committees may be viewed online through the Council’s Vimeo, YouTube and Facebook accounts.

If approved, President Jonathan Nez is expected to enact the funding legislation, issue a regular veto of the legislation or issue line item vetos to the legislation within ten days of receiving the certified resolution.

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