

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



March 10, 2022

NAVAJO TRIBAL UTILITY AUTHORITY  
P.O. BOX 170  
FORT DEFIANCE, ARIZONA 86504

ATTENTION: WALTER W. HAASE, P.E. GENERAL MANAGER

REFERENCE: 164 Review 018146/Services Contract

Dear Mr. Haase:

Attached please find your copy of the approved Subrecipient Agreement (CO15196) with the Navajo Nation Department of Water Resources. The Agreement has been obligated in the amount of \$2,898,372.00. The Agreement is effective March 03, 2021. Pursuant to Section 7(b), funds are to be obligated by December 31, 2024 and expended by December 31, 2026, et seq.

The above contract number must be referenced on all invoices (in accordance to Appendix C, Disbursement Schedule), documents, and correspondence as it relates to this contract.

Should you have any questions, please contact Mr. Jason John at 928-729-4003.

Sincerely,

A handwritten signature in cursive script that reads "JBen".

Jeremy Ben, Accounting Manager  
OOC – Contract Administration

xc: Jason John, Navajo Nation Department of Water Resources  
Tommy Platero, Navajo Nation Fiscal Recovery Fund Office  
Jeremy Coleman, Contract Accounting/Navajo Nation Office of the Controller  
Contract Folder: CO15196

NAVAJO NATION OFFICE OF THE CONTROLLER

POST OFFICE BOX 3150 · WINDOW ROCK, AZ 86515 · PHONE: (928) 871-6308 · FAX: (928) 871-6026

# THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

September 28, 2021

Walter Haase  
Navajo Tribal Utility Authority  
PO Box 170  
Fort Defiance, AZ 86504  
[walterh@ntua.com](mailto:walterh@ntua.com)

**SUBJECT: Navajo Nation Fiscal Recovery Funds (NNFRF) for Defunded CARES Act Projects**

Dear Mr. Haase,

By resolution CJY-41-21, the Navajo Nation Council established Navajo Nation Fiscal Recovery Funds (NN FRF) and Expenditure Authorization Process for ARPA funding. Vice President Lizer and I signed the resolution into law on August 2, 2021. SECTION SIX of the resolution includes an immediate allocation of funds for defunded Navajo Nation CARES Fund Projects.

On September 9<sup>th</sup>, 2021, NTUA submitted project description forms for projects that had been defunded. The Department of Justice has reviewed the forms and has made a determination of eligibility. The following is a summary of their determination:

| Entity Requesting FRF | Project Title  | Statutory Eligibility Category | Treasury Expenditure Category | Amount of Funds |
|-----------------------|--|--------------------------------|-------------------------------|-----------------|
| NTUA                  | Electric Grid Reliability Program                      | 3                              | 6.1                           | \$4,592,646     |
| NTUA                  | Connecting Homes to Electricity / House Wiring Program | 1                              | 3.12                          | \$28,982,874    |
| NTUA                  | Waste Water Collection and Conveyance                  | 4                              | 5.2                           | \$3,200,004     |
| NTUA                  | Septic Systems Installation                            | 4                              | 5.3                           | \$11,105,636    |
| NTUA                  | Water Distribution and Transmission                    | 4                              | 5.11                          | \$2,898,372     |
| NTUA                  | Drinking Water Storage                                 | 4                              | 5.14                          | \$755,486       |
| NTUA                  | Cistern Systems  | 4                              | 5.15                          | \$3,701,879     |
| NTUA                  | Broadband Last Mile                                    | 4                              | 5.16                          | \$5,370,432     |
| NTUA                  | Broadband Other Projects                               | 4                              | 5.17                          | \$9,679,381     |

K211531

The Electric Grid Reliability Program was found to be eligible under Treasury Expenditure Category 6.1. In order to utilize this category, the Nation has to document revenue loss as per the Treasury Guidance Document. We do not want to expend NNFRF funds utilizing revenue loss at this time.

In accordance with CJY-41-21 the Nation will proceed with the other fund requests besides the Electric Grid Reliability Program.

Two of the determinations as outlined below require a formal response to our office no later than October 8<sup>th</sup> 2021:

- 1) Broadband Last Mile Project (5.16) – Explain the connection between MHz and Mbps. Specifically, the documents provide that the project will enable towers for 600 MHz and/or EBS 2.5 GHz/CBRS 3.5 Ghz. The documents also state that the project meets the “adequate speeds”. However, it is unclear to us that the connections will deliver the 100 Mbps download speed and 20 Mbps upload speed required under Treasury’s guidance.
- 2) Broadband Middle Mile Project (5.17) – Provide information indicating that the broadband infrastructure will deliver the 100 Mbps download speed and 20 Mbps upload speed required under Treasury’s guidance.

Dr. Pearl Yellowman with the Division of Community Development (DCD) and Jason John with the Department of Water Resources (DWR) will both be in contact with you to develop their respective Subrecipient Agreements to transfer the funds to NTUA. There may be an additional \$14.7M in refunded CARES for “Cistern Systems” through DWR’s separate eligibility submittal to DOJ that may be included in the same Subrecipient Agreement with the above referenced NTUA Cistern Project. Our office will provide any updates as they become available for this additional “Cistern Systems” funding.

Sincerely,



Jonathan Nez, *President*  
**THE NAVAJO NATION**

Distribution

cc: Department of Justice  
Office of the Controller  
Office of Management and Budget

**SUBRECIPIENT AGREEMENT  
BETWEEN  
THE NAVAJO NATION AND NAVAJO TRIBAL UTILITY AUTHORITY  
FOR  
SUBAWARD OF AMERICAN RESCUE PLAN ACT FISCAL RECOVERY FUNDS  
FOR PURPOSES OF 5.11 DRINKING WATER: TRANSMISSION AND DISTRIBUTION**

|  |  |  |
|--|--|--|
| <b>Name of Subrecipient</b><br>Navajo Tribal Utility Authority   |  | <b>Phone Number</b><br>(928) 729-6202                        |
| <b>Name and Title of Person Authorized to accept funding for the Subrecipient ("Designated Official")</b><br>Walter W. Haase, P.E. |  | <b>Designated Official Email Address</b><br>walterh@ntua.com |
| <b>Subrecipient Mailing Address</b><br>P.O. Box 170<br>Fort Defiance, AZ 86504   |  |  |
| <b>Subrecipient Employer Identification Number</b><br>86-020-4662  |  |  |
| <b>Subrecipient's DUNS Number</b><br>800021990   |  |  |
| <b>Federal Awarding Agency</b><br>U.S. Department of Treasury  |  |  |
| <b>Business Unit</b><br>K211531 - 8745   | <b>Expenditure Plan Title 5.11 Drinking Water: Transmission and Distribution</b> |  |
| <b>Period of Performance</b><br>See paragraph 7 (b)  | <b>Amount Funded</b><br>\$2,898,372  |  |

This Subrecipient Agreement includes and incorporates:

1. Terms and Conditions;
2. Appendix A – Scope of Work
3. Appendix B – Budget
4. Appendix C – Disbursement Schedule
5. Appendix D – Expenditure Plan
6. Appendix E — Council Resolution Approving Expenditure Plan

A complete Subrecipient Agreement, including all Appendices, must be submitted prior to disbursement of the awarded Navajo Nation Fiscal Recovery Funds ("Subaward Funds").



## TERMS AND CONDITIONS

This Subrecipient Agreement (“Agreement”) is made and entered into by and between the Navajo Nation, hereinafter called the “**NATION**” and the “Navajo Tribal Utility Authority” hereinafter called the “**SUBRECIPIENT**.” Collectively, the **NATION** and the **SUBRECIPIENT** are the “**PARTIES**.” The **PARTIES** agree as follows:

### 1. **Definitions.**

- a. “Disburse / Disbursement” is defined as when the Office of the Controller (“OOC”) has provided notification via email to the **SUBRECIPIENT** that a check for the Subaward Funds is available for pick-up, or when the Office of the Controller initiates the transfer of Funds into the **SUBRECIPIENT’S** account.
- b. “Expenditure Plan” is the **SUBRECIPIENT’S** Fiscal Recovery Funds Request Form and Expenditure Plan, with budget, and supporting documents, attached as **Appendix D**.
- c. “Incur” means that the **SUBRECIPIENT** has obligated the Subaward Funds. Treasury guidance in the Interim Final Rule provides that “obligation” of FRF shall have the same meaning as set forth in the Uniform Guidance. According to 2 CFR § 200.71, “obligations” means “orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.” FRF may be used only to cover costs incurred during the period beginning on March 3, 2021 and ending December 31, 2024.
- d. “Obligated” is defined as an order that has been placed for the delivery of goods or property, or the performance of service, that will be paid for with the Fiscal Recovery Funds (“FRF”); that a contract or subcontract has been executed promising payment with FRF; or that a similar transaction has occurred requiring payment of FRF.
- e. “Expend” is defined as when an expense is actually paid by the **SUBRECIPIENT**.

### 2. **Applicability of Subrecipient Agreement and Provisions.**

This Agreement, including all its Appendices, is intended to be the full and complete expression of, and shall constitute the entire agreement between the Parties. All prior and contemporaneous understandings, agreements, promises, representations, terms and conditions, whether oral or written, are superseded and replaced by this Agreement.

### 3. **Authorized Representative and Administrative Oversight.**

- a. The **SUBRECIPIENT** shall work with the Department of Water Resources (“Program”) under the Division of Natural Resources, and its Authorized Representative with respect to this Agreement.
- b. Each Party shall appoint an Authorized Representative who has the authority and requisite experience to manage all Agreement related matters. Notice of the appointed Authorized Representative shall be provided to each Party within five (5) calendar days of the execution of this Agreement. If either party changes its Authorized Representative or their scope of authority, they shall immediately notify the other Party pursuant to Article 10.

- c. The Program shall serve as the administrative oversight of this Agreement including the **SUBRECIPIENT**'s compliance with applicable federal and Navajo Nation laws, regulations, and policies; and financial reporting.

4. **Agreement Number.**

Contract number C-\_\_\_\_\_ shall cover this Agreement, and reference to this number shall be made on request for release of Subaward Funds submitted by the **SUBRECIPIENT** to the **NATION** for payment.

5. **Effective Date.**

This Agreement is effective March 3, 2021.

6. **Amount of Subaward.**

- a. The **NATION** agrees to allocate and disburse the Subaward Funds to the **SUBRECIPIENT** for purposes specified in the **Appendix A**— Scope of Work by paying a sum not to exceed \$2,898,372 (“Subaward Funds”), per **Appendix B** – Budget.
- b. Payments of the Subaward Funds shall be made in installments according to the Disbursement Schedule in **Appendix C** to this Agreement. The **NATION** may withhold or delay disbursements if the OOC determines that the **SUBRECIPIENT** has failed to comply with its obligations under this Agreement. **SUBRECIPIENT** must provide documentation that it has obligated or expended 75% of its prior disbursement installment before OOC will release the next disbursement installment. If **SUBRECIPIENT** expends 75% of its disbursement installment prior to the end of a twelve-month period, **SUBRECIPIENT** may request that OOC release the next disbursement installment prior to the end of that twelve-month period.
- c. All payments shall be based on actual costs and supported by documentation, including but not limited to work orders, contracts, purchase orders, and invoices.
- d. No payment shall be made unless and until approved by the Navajo Nation Authorized Representative and OOC.

7. **Funds.**

- a. FRF comprising the Subaward Funds, may only be used pursuant to the American Rescue Plan Act of 2021 (“ARPA”) and all the rules, regulations, and guidance implementing the ARPA. The use of FRF must also comply with all applicable Navajo Nation laws.
- b. The period of performance shall begin on March 3, 2021. The **SUBRECIPIENT** shall be required to incur costs meaning to obligate funds by December 31, 2024, and expend funds by December 31, 2026 unless an earlier or later date is determined by the **NATION** through a resolution of the Navajo Nation Council or a Standing Committee of Council, and with written notice provided to the **SUBRECIPIENT**. The period of performance shall end upon the acceptance and approval by the Authorized Representative, OMB, and OOC of **SUBRECIPIENT**'s final financial close out report and performance report.



- c. The **SUBRECIPIENT** affirms and agrees that it shall only incur costs under the Subaward and expend Subaward Funds for the purposes outlined in **Appendix A – Scope of Work**.

If any portion of Subaward Funds remain unexpended on December 31, 2026 unless an earlier or later date is determined by the **NATION** through a resolution of the Navajo Nation Council or a Standing Committee of Council, **SUBRECIPIENT** shall immediately return such portion of the Subaward Funds to the **NATION**. Upon the termination of this Agreement, the **SUBRECIPIENT** may be required to immediately return the unexpended portion of the Subaward Funds to the **NATION**.

- d. Where the **NATION** determines the **SUBRECIPIENT** expended Subaward Funds in violation of this Agreement or any applicable laws and regulations, the **SUBRECIPIENT** shall immediately return such portion of the Subaward Funds the **NATION** determined were improperly expended.
- e. If the **SUBRECIPIENT** fails to return such Subaward Funds to the **NATION** when due, the **SUBRECIPIENT** will incur a delinquent accounts receivable debt, due and owing to the **NATION**. Further, the **NATION** may offset any future payments due to the **SUBRECIPIENT** by the amount owed, and may pursue all other available legal action against the **SUBRECIPIENT**.

8. **Contingency Reserve.**

- a. All Subawards shall include a contingency amount. If the **SUBRECIPIENT** does not identify the contingency amount, the Nation shall reserve 1% of the **SUBRECIPIENT'S** Subaward Funds as contingency, less the 2% administrative costs, as contingency. All contingency amounts shall be placed by OOC in the contingency reserve.
- b. If the **SUBRECIPIENT** needs to access the money in the project contingency reserve, it will submit a written request to the Authorized Representative indicating the purpose of the request and the amount that is being requested.
- c. The Authorized Representative shall review the request and make a determination within five (5) working days from the date of the written request to recommend or deny the request. The Authorized Representative shall provide a written response of its determination to **SUBRECIPIENT**. If the Authorized Representative does not take any action within five (5) working days the request is deemed recommended.
- d. After a request is recommended, the Authorized Representative shall forward the request to the Contract Accounting Section of OOC for confirmation of availability of funds, then Purchasing Section of OOC shall review for final approval. OOC shall approve or deny the request within five (5) working days. If OOC fails to approve or deny the request within the five (5) working days, the request shall be deemed approved or denied as recommended by the Authorized Representative. The five (5) working day period only refers to OOC's approval or denial of the request and does not impose a deadline for OOC to obligate the Contingency Reserve funds.

9. **Administrative Costs.**

The NATION has allowed the SUBRECIPIENT to receive reimbursement for administration costs in the amount of 2% of the total award which will be paid when funds are received. SUBRECIPIENT may use funds for administering the ARPA program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. SUBRECIPIENT is permitted to charge both direct and indirect costs as administrative costs. If the total award is not fully expended within the terms of the Agreement, the equivalent 2% administration costs shall be included in any remaining balance of the award and returned to the Nation.

10. **Availability of Funds.**

The liability of the NATION under this Agreement is contingent upon the availability of funds pursuant to 2 N.N.C. §§ 223(A) and (B).

11. **Contact Information; Notice.**

Copies of all correspondence, reports, and notices under this Agreement shall be furnished to the Authorized Representative, with a copy to the Navajo Nation OOC and Office of Management and Budget (“OMB”) Contracts and Grants Section.

12. **Reporting Requirements.**

- a. The SUBRECIPIENT shall adhere to the following reporting requirements and provide the documentation requested on a quarterly basis, unless specified otherwise, to the Program, with a copy to OOC and OMB, within ten (10) calendar days following the end of the quarter.
- b. The NATION requires the quarterly reporting requirements listed below from the SUBRECIPIENT:
  - i. A detailed report that compares budgeted expenditures to actual expenditures for costs incurred;
  - ii. Completion of the OMB Program Performance Criteria Form;
  - iii. A narrative report providing monthly project assessment, including a summary of project activities, accomplishments with dates, impediments encountered, and impediments forecasted with planned responses; and
  - iv. Other data, records, information, and maps related to the progress of the project, that document changes made to the project since the previous monthly report.
- c. OOC and the Program shall perform a risk assessment on the SUBRECIPIENT. If OOC and the Program determine that the SUBRECIPIENT poses a moderate to high risk for noncompliance with the terms of this Agreement the NATION may require the following additional reporting:
  - i. a detailed line-item expenditure report, with General Ledger detail, for the month reported;
  - ii. supporting documentation for any individual expenditure greater than twenty-five thousand dollars (\$25,000) incurred during the month reported; and
  - iii. a reconciliation of the Subaward Funds, starting with the beginning balance, cash received, disbursements to date, program income (if applicable), and ending



balance.

- iv. The **NATION** finds that the **SUBRECIPIENT** is currently low risk. OOC and the Program may later determine that non-compliance with this Agreement by the **SUBRECIPIENT** warrant performance of a new risk assessment. If upon the performance of a new risk assessment the OOC determines the **SUBRECIPIENT** poses a moderate to high risk, this section 12(c) will apply. OOC may require additional and more frequent reporting, including requiring monthly rather than quarterly reporting.
- d. The risk assessment shall be based on **SUBRECIPIENT'S** past performance, under prior agreements with the **NATION**, to comply with reporting requirements, or on the **SUBRECIPIENT'S** failure to comply with the terms of this Agreement.
- e. The **SUBRECIPIENT** may be required to attend a training on the eligible uses of the Subaward Funds based on past experience with managing federal awards programs or on the **NATION'S** risk assessment of the **SUBRECIPIENT**.
- f. If the **SUBRECIPIENT** fails to timely submit such required reports, it shall be in default under this Agreement. The **NATION** shall not disburse any Subaward Funds until the required reports are submitted.
- g. The **SUBRECIPIENT** shall submit a final financial closeout report providing a final accounting of the uses of the Subaward Funds, which should be supported by documentation, including but not limited to receipts, invoices, and payroll records. This final report must be submitted the earlier of forty-five (45) days after December 31, 2026 unless an earlier or later date is determined by the **NATION** through a resolution of the Navajo Nation Council or a Standing Committee of Council or thirty (30) days after the completion of all projects within the scope of work of this Agreement. If, however, this Agreement is terminated, the final report is due thirty (30) days after termination of the Agreement. The **NATION** shall not release the final disbursement of Subaward Funds until the final financial closeout report is submitted to Administrative Oversight, OOC, and OMB, and is reviewed and approved by OOC. If the **SUBRECIPIENT** fails to timely submit a final financial closeout report, it shall be in default on this Agreement and shall return the Subaward Funds in full to the **NATION** within fifteen (15) days following the reporting deadline. The **SUBRECIPIENT** shall be required to return these Subaward Funds without first receiving Notices of Default or Termination from the **NATION**.
- h. The **SUBRECIPIENT** shall keep detailed and accurate records of all expenditures and receipts related to this Agreement, and shall provide the **NATION** with any requested reporting summarizing actual expenditures, including but not limited to:
  - i. Payroll records;
  - ii. General ledger;
  - iii. Cash disbursements journal;
  - iv. Vendor invoices;
  - v. Expenditure reports; and
  - vi. Debt agreements.

- i. All financial reporting and record keeping requirements shall survive the expiration and termination of this Agreement.

13. **Ownership of Work Product.**

- a. The **SUBRECIPIENT** shall retain title and complete ownership of improvements including but not limited to facilities and equipment (herein after "improvements") installed, constructed, repaired or replaced under this Agreement. The **SUBRECIPIENT** shall have the full right to use improvements owned by the **SUBRECIPIENT** for purposes of operating and maintaining **SUBRECIPIENT'S** total system. The **SUBRECIPIENT** will be responsible for the operation and maintenance of the improvements awarded under this Agreement and will not seek additional operation and maintenance costs of the project awarded within this Agreement.
- b. The **SUBRECIPIENT** shall not use Navajo Nation work product, proprietary information, trademarked information, logos, or seals, in any manner without written permission of the **NATION**.

14. **The Nation's Right to Inspect Places of Business and to Inspect and Audit Books and Records.**

- a. The **SUBRECIPIENT** agrees that the **NATION** may, at reasonable times, inspect the part of the plant or place of business and the project worksites of the **SUBRECIPIENT** that are related to the performance of this Agreement; and the **SUBRECIPIENT** further agrees that the **NATION** and its auditors, may at reasonable times and places, inspect and audit the **SUBRECIPIENT** books and records to the extent that such books and records relate to the performance of this Agreement. The **SUBRECIPIENT** shall maintain such books and records, and such books and records of any Subcontractor, for at least five (5) years from the date of final payment under this Agreement.
- b. Further, the **SUBRECIPIENT** agrees to include in any Subcontractor agreement related to this Agreement, provisions that the Subcontractor agrees (i) that the **NATION** may, at reasonable times, inspect the part of the plant or place of business of the Subcontractor that is related to the performance of this Agreement; (ii) that the **NATION** may, at reasonable times and places, inspect and audit the Subcontractor's books and records to the extent that such books and records relate to the performance of this Agreement; and (iii) that the Subcontractor shall maintain its books and records related to the performance of this Agreement for at least five (5) years from the date of the **SUBRECIPIENT** final payment under this Agreement.

15. **Debarment, Suspension, and Other Responsibility Matters.**

By executing this Agreement, the **SUBRECIPIENT** states that, either in its present form or in any other identifiable capacity, including its owners, partners, officers, members, employees, officials, agents, or parties-in-interest, to the best of the Authorized Representative's knowledge:

- a. Is not debarred, suspended, or otherwise slated for debarment, ineligible and/or excluded from participation in any federal, state, or tribal government contracting opportunities;
- b. Is not presently nor has been under criminal indictment or civilly charged by a



governmental entity (federal, state, or tribal government) for fraud, forgery, falsification, theft, bribery, destruction of records, receiving stolen property, or other criminal offenses in the administration of a government contract;

- c. Has not been terminated for cause or convenience by a governmental entity (federal, state, or tribal government) in the administration of a government contract;
- d. That there is no outstanding money judgment against the **SUBRECIPIENT** in favor of the **NATION** from a court of competent jurisdiction, or a valid delinquent accounts receivable debt which is due and owing to the **NATION** from the **SUBRECIPIENT**;
- e. There is no evidence of default, materially deficient business practices, or failure to meet a material contractual or financial obligation to the **NATION** under any transaction, contract, or legal relationship with the **NATION**;
- f. There has been no failure to materially comply with applicable laws, or other material delay by the **SUBRECIPIENT**, resulting in monetary damages to or other detriment to the **NATION** that remains uncured; and
- g. Has not been found to have engaged in unlawful or criminal actions or other activities which adversely reflect on the honesty and moral character of the **SUBRECIPIENT**, so as to make any dealings with the Navajo Nation undesirable.

**16. Evaluation and On-Site Inspection.**

- a. Progress Inspections. The Program will conduct periodic on-site monitoring to ensure efficient completion of the work.
- b. Final Inspections. Within ten (10) calendar days after completion of the project, the **SUBRECIPIENT** shall notify the Program, in writing, of completion of the work. The **SUBRECIPIENT** and the Program shall perform a final inspection no later than fifteen (15) days from the date the Program receives the completion notice.

**17. Assignment.**

- a. The **SUBRECIPIENT** shall not assign or otherwise transfer its rights, nor delegate any of its obligations, under this Agreement without prior written approval from the **NATION**. This Agreement is for the exclusive benefit of the **SUBRECIPIENT** and the **NATION**, and not for the benefit of any third party, including without limitation, any owner, partner, board member, employee, or volunteer of the **SUBRECIPIENT**.
- b. The **SUBRECIPIENT** shall not pledge nor otherwise assign any monies due under this Agreement or any claim arising thereunder, to any party or parties, bank, trust company or other financial institutions.
- c. The **SUBRECIPIENT** shall immediately provide written notification to the **NATION** of any changes in the **SUBRECIPIENT'S** size or structure that would affect the **SUBRECIPIENT'S** eligibility for or ability to manage the Subaward Funds; any circumstances preventing expenditure of Subaward Funds by the **SUBRECIPIENT** for the

purposes described in this Agreement; or any expenditure using Subaward Funds made for any purpose other than those for which the Agreement is intended.

**18. False Statements by Subrecipient.**

By acceptance of this Agreement, the **SUBRECIPIENT** makes all the statements, representations, warranties, guarantees, certifications, and affirmations contained herein. If any of the statements, representations, warranties, guarantees, certifications, and affirmations are false or if the **SUBRECIPIENT** in any other way executes the Agreement including false statements, or it is subsequently determined that the **SUBRECIPIENT** has violated any of the statements, representations, warranties, guarantees, certifications, or affirmations included in this Agreement, the **NATION** may consider such an act a default under this Agreement and may terminate or void this Agreement for cause and pursue other remedies available to the **NATION** under this Agreement and all applicable laws.

**19. Conflict of Interest Safeguards.**

The **SUBRECIPIENT** will establish safeguards to prohibit its officers, agents, employees, and members from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, self-dealing, or personal gain, whether for themselves or others, particularly those with whom they have family, business, or other ties. The **SUBRECIPIENT** will operate with complete independence and objectivity without potential, actual, or apparent conflict of interest with respect to its performance under this Agreement.

**20. Fraud, Waste, and Abuse.**

The **SUBRECIPIENT** understands that the **NATION** will not tolerate any type of fraud, waste, or misuse of Subaward Funds received from the **NATION**. The **SUBRECIPIENT** understands and agrees that misuse of Subaward Funds shall be considered an act of default under this Agreement as grounds for the **NATION** to terminate this Agreement, and may further result in a range of penalties, including suspension of current and future funds; ineligibility for, suspension, or debarment from Navajo Nation contract opportunities; recoupment and offset of monies provided under an award; and civil and/or criminal penalties. In the event the **SUBRECIPIENT** becomes aware of any allegation or a finding of fraud, waste, or misuse of funds received from the **NATION** or made against the **SUBRECIPIENT**, the **SUBRECIPIENT** shall immediately notify the **NATION** of said allegation or finding and continue to inform the **NATION** of the status of any on-going investigations into the allegations or steps being taken to remedy the finding.

**21. Taxes.**

The **SUBRECIPIENT** shall comply with all applicable Navajo Nation tax laws under Title 24 of the Navajo Nation Code and corresponding regulations as amended from time to time. The **SUBRECIPIENT** is subject to and shall be liable for payment of the Navajo Nation Sales Tax, at the prevailing rate, on gross receipts for all work performed within the territorial jurisdiction of the Navajo Nation pursuant to 24 N.N.C. § 601 *et seq.*, and the Navajo Nation Sales Tax Regulations § 6.101 *et seq.*, as amended from time to time, except that work performed within the To’Nanees’Dizi Local Government (“Tuba City Chapter”) or the Kayenta Township is subject to their respective local sales taxes as amended from time to time. In addition to being subject to Navajo Nation Sales Tax, the **SUBRECIPIENT** is subject to local sales tax on gross receipts for



all work performed within a governance-certified chapter that imposes a local sales tax pursuant to a duly enacted local tax ordinance and the Uniform Local Tax Code, 24 N.N.C. § 150 *et seq.* The **SUBRECIPIENT** is solely responsible for the payment of all applicable taxes related to this Agreement, and the **NATION** is not responsible for withholding or paying any income taxes, Federal Insurance Contributions Act (FICA) taxes, unemployment taxes, or any other taxes, from any payments owed to the **SUBRECIPIENT**, nor shall the **NATION** be responsible for remitting the **SUBRECIPIENT'S** share of employment taxes to the federal or any state governments.

22. **Third Party Work.**

- a. If the **SUBRECIPIENT** utilizes a third party to complete work under this Agreement, it shall notify the **NATION**. **SUBRECIPIENT** will submit a written request to the Authorized Representative requesting the use of a third party.
- b. The Authorized Representative shall review the request and make a determination within five (5) working days from the date of the written request to approve or deny the request. The Authorized Representative shall provide a written response of its determination to **SUBRECIPIENT**.
- c. The use of all third parties is subject to advance written approval by the **NATION**.

23. **Insurance Coverage.**

The **SUBRECIPIENT** shall obtain and maintain adequate insurance coverage as recommended and verified by the Navajo Nation Risk Management Program ("RMP"). The **SUBRECIPIENT** shall provide its Verification of Insurance indicating they are in good standing with the Nation's insurance. The **SUBRECIPIENT** shall notify the Program and the RMP, c/o The Navajo Nation, P.O. Box 1690, Window Rock, Arizona 86515 within five (5) days of any change in the insurance policy. Failure to fully comply with this provision shall render this Agreement voidable by the **NATION** discretion.

24. **Modifications.**

- a. The **NATION** and the **SUBRECIPIENT** may agree to modify the Agreement. Such modifications include, but are not limited to, modifying the Scope of Work, adding funds to previously un-awarded cost items or categories, changing funds in any awarded cost item or category, de-obligating awarded funds, or changing the **SUBRECIPIENT'S** Authorized Representative. The terms of any such modifications must be made in writing, and must be signed by both the **SUBRECIPIENT** and the **NATION** to take effect.
- b. Modifications must adhere to the Fiscal Recovery Fund Procedures set forth in the Budget and Finance Committee Resolution BFS-31-21. Certain modifications may require review by the Department of Justice for an initial eligibility determination review and approval by the Navajo Nation Council. For any modification that includes a modification of the Project's budget, a Budget Revision Request form, shall be completed by the **SUBRECIPIENT** and submitted first to the Authorized Representative for review and then forwarded to the OMB for approval.

25. **Remedies for Non-Compliance.**

- a. If the **NATION** determines that the **SUBRECIPIENT** materially fails to comply with any term of this Agreement, whether stated in a federal or Navajo Nation statute, regulation, an assurance, legislation, a notice of award, or any other applicable requirement, the **NATION** will issue a Notice of Failure to Comply, of Suspension, or of Termination, and may take action, in its sole discretion, including but not limited to:
  - i. Temporarily withholding cash payments pending correction of the deficiency;
  - ii. Disallowing or denying use of Subaward Funds for all or part of the cost of the activity or action not in compliance;
  - iii. Disallowing claims for reimbursement;
  - iv. Wholly or partially suspending this Agreement;
  - v. Requiring return of previous reimbursements;
  - vi. Prohibiting the **SUBRECIPIENT** from applying for or receiving additional funds for other programs administered by the Navajo Nation until repayment to the **NATION** is made and any other compliance or audit finding is satisfactorily resolved;
  - vii. Reducing the allocation award maximum liability of the **NATION**;
  - viii. Imposing a Corrective Action Plan;
  - ix. Withholding further disbursements or offsetting future awards;
  - x. Terminating this Agreement; or
  - xi. Taking other enforcement action or remedies, including imposing sanctions without first requiring a Corrective Action Plan, or pursuing other legal remedies.
- b. The **SUBRECIPIENT'S** costs resulting from obligations incurred during a suspension or after termination of this Agreement will not be allowable unless the **NATION** expressly authorizes such costs in the Notice of Failure to Comply, of Suspension, or of Termination. Absent such express authorization, the **SUBRECIPIENT** shall return that portion of the Subaward Funds to the **NATION**.

**26. Expiration or Termination of the Agreement.**

- a. The **NATION** may, at its sole discretion, terminate this Agreement, without recourse, liability, or penalty against the **NATION**, upon Written Notice to the **SUBRECIPIENT**, without further notice to or opportunity to cure by the **SUBRECIPIENT**. Such notification of termination will be effective on the date of the notification, if no other effective date is specified in the Notice of Termination;
- b. The **NATION** and the **SUBRECIPIENT** may mutually agree to terminate this Agreement. The **NATION** in its sole discretion will determine if, as part of the agreed termination, the **SUBRECIPIENT** is required to return any or all of the disbursed Subaward Funds within twenty (20) business days of termination. This determination and its terms shall be communicated in writing to the **SUBRECIPIENT**;
- c. Termination is not an exclusive remedy for the **NATION**, but will be in addition to any other rights and remedies provided in equity, at law, or under this Agreement. Following termination by the **NATION**, the **SUBRECIPIENT** shall continue to be obligated to the **NATION** for an accounting of and the return of Subaward Funds in accordance with applicable provisions of this Agreement. In the event of termination under this Section, the **NATION's** obligation to reimburse the **SUBRECIPIENT** is limited to allowable costs



incurred and paid by the **SUBRECIPIENT** prior to the effective date of termination, and any costs determined by the **NATION** in its sole discretion to be allowable, reasonable, and necessary for cost-effective wind up of the allocation.

d. Termination of this Agreement for any reason, or expiration of this Agreement shall not release the **PARTIES** from any liability or obligation set forth in this Agreement that is expressly stated to survive any such termination or expiration. The rights and obligations pertaining to the allocation, close-out, cooperation, and provision of additional information, return of funds, audit rights, records retention, public information, and any other provision implying survivability shall remain in effect after the expiration or termination of this Agreement.

27. **Disputes: No Waiver of Sovereign Immunity.**

Any and all disputes arising under, related to, or in connection with this Agreement shall be resolved first through negotiation between the **PARTIES** under the laws of the **NATION**. If negotiation does not resolve the dispute, the **NATION** may pursue legal action. Nothing herein shall be construed as a waiver of the **NATION'S** sovereign immunity.

28. **Applicable Law and Jurisdiction.**

The **SUBRECIPIENT** shall comply with all Navajo Nation laws. Failure to comply with Navajo Nation law shall be an act of default, and grounds for termination by the **NATION**. The **SUBRECIPIENT** agrees to be subject to the jurisdiction of Navajo Nation courts and tribunals.

29. **Force Majeure.**

Neither the **SUBRECIPIENT**, nor the **NATION** shall be required to perform any obligation under this Agreement or be liable or responsible for any loss or damage resulting from its failure to perform so long as performance is delayed by force majeure or acts of God, including but not limited to strikes, lockouts or labor shortages, embargo, riot, war, revolution, terrorism, rebellion, insurrection, flood, or natural disaster. The **SUBRECIPIENT** must inform the **NATION** of any force majeure events delaying performance of its obligations in writing, with proof of receipt of notice, within three (3) business days of the commencement of such force majeure or acts of God, or will otherwise waive this right as a defense.

30. **No Obligation by Federal Government.**

The **PARTIES** acknowledge and agree that the federal government is not a Party to this Agreement and is not subject to any obligations or liabilities to either Party, any third Party, or any subcontractor pertaining to any matter related to this Agreement.

31. **Compliance with Federal Law, Regulations, and Executive Orders.**

The **SUBRECIPIENT** will comply with all applicable federal laws, regulations, executive orders, policies, procedures, and directives.

32. **Certification Regarding Lobbying (2 CFR 200.450).**

By signing this Agreement, the Authorized Representative certifies, to the best of his/her knowledge and belief, that no federally appropriated funds have been or will be paid, by or on behalf of the **SUBRECIPIENT**, to any person or entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee

of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement in accordance with 2 CFR 200.450. If any funds other than federally appropriated funds have been paid or will be paid to any person or entity for influencing or intending to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the **SUBRECIPIENT** shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, to the **NATION**. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**33. No Agency or Employment Relationship.**

In its performance of work pursuant to this Agreement, the **SUBRECIPIENT**, unless it is a Navajo Nation Chapter or Township, shall be an independent entity from the **NATION**. The **SUBRECIPIENT** shall not be considered an employee or agent of the **NATION**. Nothing in this Agreement shall be construed to create any agency or employment relationship between the **SUBRECIPIENT** or any of its employees and the **NATION**. Neither Party shall have any right, power, or authority to assume, create, or incur any expense, liability, or obligation, whether express or implied, on behalf of the other Party. Nothing in this Agreement shall be construed to create any agency or employment relation between the **PARTIES**, and the **SUBRECIPIENT** is free to make its services available to third parties. The **SUBRECIPIENT** is not eligible to participate in, nor eligible for coverage under, any **NATION** employee benefit plan or offering.

**34. Indemnification.**

Except where the **SUBRECIPIENT** is another Navajo Nation Governmental Entity, such as a Chapter or Township, the **SUBRECIPIENT** agrees to hold harmless and indemnify the **NATION** against any and all losses, costs, damages, claims, accident or injury to person or property including death, attorneys' fees, expenses, and other liability whatsoever (collectively, "Claims"), arising under, related to, or in connection with this Agreement, except to the extent such Claims are directly caused by the gross negligence or wanton and willful conduct of the **NATION** or to the extent they result from the negligence of **NATION** officials or employees as provided for and in accordance with 1 N.N.C. § 551 *et seq.*

**35. Rights of Other Parties.**

Nothing in this Agreement shall be interpreted to create any rights in any third party that is not an entity or subdivision of the Navajo Nation government.

**36. Conflicting and Additional Terms.**

All additional terms and conditions of the **SUBRECIPIENT** are attached hereto and incorporated into this Agreement, provided however that in the event of any conflict between these Terms and Conditions and any additional terms and conditions offered by the



**SUBRECIPIENT**, these Terms and Conditions shall control and govern. Any additional terms and conditions not attached to this Agreement shall have no force or effect.


**37. Severability.**

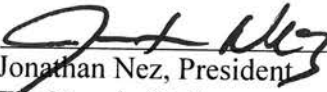
If any provision of this Agreement is held invalid by the Courts of the **NATION**, all remaining provisions which can be implemented shall remain in force and be given full force and effect.

**IN WITNESS WHEREOF**, we the undersigned hereby execute this Agreement:

**For the SUBRECIPIENT:**

**For The NAVAJO NATION:**

  
Walter W. Haase P.E., General Manager      12/28/2021  
Navajo Tribal Utility Authority      Date  
Post Office Box 170  
Fort Defiance, AZ 86504

  
Jonathan Nez, President      03-02-2022  
The Navajo Nation      Date  
Window Rock, AZ 86515

## **SUBRECIPIENT AGREEMENT**

**Between**

**THE NAVAJO NATION AND The Navajo Tribal Utility Authority**  
**FOR SUBAWARD OF NAVAJO NATION FISCAL RECOVERY FUNDS**

### **Appendix A**

#### **Detailed Statement of Work with Timeline (“Scope of Work”)**

##### **Instructions**

The Scope of Work should include information detailing the goals of the proposed project, what activities will take place, and what deliverables will be achieved at the successful completion of the project. For example, an Agreement involving Goods should indicate how many pieces of a good, and their specification, are to be delivered; and an Agreement involving Services should detail what type of service will be conducted, including but not limited the timeframe for service, milestones to be achieved during the project, and particularities for any deliverables (ex: dimensions of a building to be built or how many meals are to be prepared and delivered to a particular community.)

The Scope of Work must be developed by the Navajo Nation, and be as specific as possible.

##### **Attachments**

Appendix A must include the following Attachments:

1. The Scope of Work and Timeline that complies with the Instructions above;
2. The Navajo Nation Expenditure Plan for Subrecipient (if any); and
3. The Navajo Nation Council Resolution approving the Expenditure Plan and/or allocating FRF Funds to Subrecipient (if any).

NNFRF FUNDS

*Navajo Tribal Utility Authority – 5.11 Drinking Water: Transmission and Distribution*

Resolution No. CJY-41-21

*Scope of Work*

December 6, 2021

The Navajo Tribal Utility Authority (NTUA)'s 5.11 Drinking Water: Transmission and Distribution projects consist of replacing or upgrading components within the water transmission and distribution systems including upgrading electrical components with a total proposed budget of \$2,898,372. The projects were previously approved under Resolution No. CJY-67-20 but were later defunded. The Navajo Nation Council reallocated funding for the projects under Section 6 of Resolution No. CJY-41-21. The projects will fit into Expenditure Category 5.11 Drinking Water: Transmission and Distribution as defined in the Interim Final Rule issued by the United States Department of Treasury.

Scope of work included acquiring cultural and environmental compliance forms, permits, obtaining consents of rights holders, submittal and approval from the Navajo Nation for Tribal Access Authorization. Scope of work also included fieldwork to assess, design, and construct necessary equipment, and closeout the project, including purchasing material, services and other appurtenances associated with the proposed water projects.

NTUA will lower and replace water transmission lines which have been exposed by erosion. NTUA will also replace Pressure Reducing Valves (PRV). NTUA will also rehabilitate, replace, and/or install pipes to improve water pressure to safe levels or to prevent contamination caused by leaky or broken pipes. Lastly, NTUA will upgrade existing electric distribution lines to provide power to water transmission line projects.

NTUA will ensure an effective work schedule is implemented for the mobilization of labor, equipment, supplies, and delivery of materials and services. All construction activities will begin once funding is received and to be completed by December 31, 2026.

## **SUBRECIPIENT AGREEMENT**

**Between**

**THE NAVAJO NATION AND The Navajo Tribal Utility Authority**  
**FOR SUBAWARD OF NAVAJO NATION FISCAL RECOVERY FUNDS**

### **Appendix B**

#### **Budget**

##### **Instructions**

The Subrecipient must use Navajo Nation Budget Forms (1) and (4) obtained from the FY2022 Budget Instruction Manual providing the details of all costs associated with this Agreement, including at a minimum all of the following:

1. The Navajo Nation Budget Form (1) specifying the award amount under the line item 9000 Capital Outlay.

The Line Item Budget should be developed by the Subrecipient, and its component amounts should add up to the total amount to be paid under this Agreement.



Job K211531 US TREASURY-NTUA WATER DISTR

Thru Date 2/28/2022

Project

| Cost Code | Cost Type                   | Description | L P M         | Original Budget Amt | Revised Budget Amt | Actual Amount | Open Commit Amount | Budget Balance | % Revised |           |
|-----------|-----------------------------|-------------|---------------|---------------------|--------------------|---------------|--------------------|----------------|-----------|-----------|
|           |                             |             |               |                     |                    |               |                    |                | Spent     | Remaining |
| 1710      | Program Revenue             | 6 B N       | 2,898,372.00- | 2,898,372.00-       |                    |               |                    | 2,898,372.00-  | 1.00      | 1.00      |
| 1710      | Program Revenue             | 6 T         | 2,898,372.00- | 2,898,372.00-       |                    |               |                    | 2,898,372.00-  | 1.00      | 1.00      |
| 1705      | CG Revenue                  | 5 T         | 2,898,372.00- | 2,898,372.00-       |                    |               |                    | 2,898,372.00-  | 1.00      | 1.00      |
| 1700      | External C/G Revenue Source | 4 T         | 2,898,372.00- | 2,898,372.00-       |                    |               |                    | 2,898,372.00-  | 1.00      | 1.00      |
| 1000      | Revenues                    | 3 T         | 2,898,372.00- | 2,898,372.00-       |                    |               |                    | 2,898,372.00-  | 1.00      | 1.00      |
| 8780      | Entities                    | 6 B N       | 2,898,372.00  | 2,898,372.00        |                    |               |                    | 2,898,372.00   | 1.00      | 1.00      |
| 8780      | Entities                    | 6 T         | 2,898,372.00  | 2,898,372.00        |                    |               |                    | 2,898,372.00   | 1.00      | 1.00      |
| 8780      | Grants                      | 5 T         | 2,898,372.00  | 2,898,372.00        |                    |               |                    | 2,898,372.00   | 1.00      | 1.00      |
| 8000      | Assistance                  | 4 T         | 2,898,372.00  | 2,898,372.00        |                    |               |                    | 2,898,372.00   | 1.00      | 1.00      |
| 2000      | Expenses                    | 3 T         | 2,898,372.00  | 2,898,372.00        |                    |               |                    | 2,898,372.00   | 1.00      | 1.00      |

**THE NAVAJO NATION  
 PROGRAM BUDGET SUMMARY**

PART I. Business Unit No.: NEW Program Title: 5.11 Drinking Water: Transmission & Distribution Division/Branch: Division of Natural Resources

Prepared By: Jason John Phone No.: 928 729 4003 Email Address: jasonjohn@navajo-nsn.gov

| PART II. FUNDING SOURCE(S) |  | Fiscal Year /Term | Amount    | % of Total | PART III. BUDGET SUMMARY |                                  |                     | Difference or Total |   |
|----------------------------|--|-------------------|-----------|------------|--------------------------|----------------------------------|---------------------|---------------------|---|
| TBD                        |  | TBD               | 2,898,372 |            | Fund Type Code           | (A) NNC Approved Original Budget | (B) Proposed Budget | (C)                 |   |
|                            |  |                   |           |            | 2001                     | Personnel Expenses               |                     |                     |   |
|                            |  |                   |           |            | 3000                     | Travel Expenses                  |                     |                     |   |
|                            |  |                   |           |            | 3500                     | Meeting Expenses                 |                     |                     |   |
|                            |  |                   |           |            | 4000                     | Supplies                         |                     |                     |   |
|                            |  |                   |           |            | 5000                     | Lease and Rental                 |                     |                     |   |
|                            |  |                   |           |            | 5500                     | Communications and Utilities     |                     |                     |   |
|                            |  |                   |           |            | 6000                     | Repairs and Maintenance          |                     |                     |   |
|                            |  |                   |           |            | 6500                     | Contractual Services             |                     |                     |   |
|                            |  |                   |           |            | 7000                     | Special Transactions             |                     |                     |   |
|                            |  |                   |           |            | 8000                     | Public Assistance                | 2,898,372           |                     |   |
|                            |  |                   |           |            | 9000                     | Capital Outlay                   |                     |                     |   |
|                            |  |                   |           |            | 9500                     | Matching Funds                   |                     |                     |   |
|                            |  |                   |           |            | 9500                     | Indirect Cost                    |                     |                     |   |
| <b>TOTAL</b>               |  |                   |           |            |                          |                                  | \$0.00              | 2,898,372           | 0 |

PART IV. POSITIONS AND VEHICLES (D) (E)

Total # of Positions Budgeted: \_\_\_\_\_  
 Total # of Vehicles Budgeted: \_\_\_\_\_

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: Jason John, Director, DWR APPROVED BY: Dr. Rudolph Shebala, Director, DNR  
Program Manager's Printed Name Division Director / Branch Chief's Printed Name  
Program Manager's Signature and Date Division Director / Branch Chief's Signature and Date



**THE NAVAJO NATION  
 PROGRAM PERFORMANCE CRITERIA**

|  |  |         |        |  |        |   |        |         |        |      |  |
|--|--|---------|--------|--|--------|---|--------|---------|--------|------|--|
| <b>PART I. PROGRAM INFORMATION:</b>  |  |         |        |  |        |   |        |         |        |      |  |
| Business Unit No.:   |  | NEW     |        | Program Name/Title: 5.11 Drinking Water: Transmission & Distribution |        |   |        |         |        |      |  |
| <b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b>  |  |         |        |  |        |   |        |         |        |      |  |
| The purpose and mission of this project is to install and or upgrade water transmission and distribution throughout the Navajo Nation.<br>QTR = YR due to multi year funding of projects |  |         |        |  |        |   |        |         |        |      |  |
| <b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>   |  |         |        |  |        |   |        |         |        |      |  |
|  |  | 1st QTR |        | 2nd QTR  |        | 3rd QTR   |        | 4th QTR |        | Note |  |
|  |  | Goal    | Actual | Goal   | Actual | Goal  | Actual | Goal    | Actual |      |  |
| <b>1. Goal Statement:</b>  |  |         |        |  |        |   |        |         |        |      |  |
| To install and or upgrade water transmission and distribution throughout the Navajo Nation.  |  |         |        |  |        |   |        |         |        |      |  |
| <b>Program Performance Measure/Objective:</b>  |  |         |        |  |        |   |        |         |        |      |  |
| To install and or upgrade water transmission and distribution throughout the Navajo Nation.  |  |         |        |  |        |   |        |         |        |      |  |
| <b>2. Goal Statement:</b>  |  |         |        |  |        |   |        |         |        | 13   |  |
| <b>Program Performance Measure/Objective:</b>  |  |         |        |  |        |   |        |         |        |      |  |
|  |  |         |        |  |        |   |        |         |        |      |  |
| <b>3. Goal Statement:</b>  |  |         |        |  |        |   |        |         |        |      |  |
| <b>Program Performance Measure/Objective:</b>  |  |         |        |  |        |   |        |         |        |      |  |
|  |  |         |        |  |        |   |        |         |        |      |  |
| <b>4. Goal Statement:</b>  |  |         |        |  |        |   |        |         |        |      |  |
| <b>Program Performance Measure/Objective:</b>  |  |         |        |  |        |   |        |         |        |      |  |
|  |  |         |        |  |        |   |        |         |        |      |  |
| <b>5. Goal Statement:</b>  |  |         |        |  |        |   |        |         |        |      |  |
| <b>Program Performance Measure/Objective:</b>  |  |         |        |  |        |   |        |         |        |      |  |
|  |  |         |        |  |        |   |        |         |        |      |  |
| <b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>  |  |         |        |  |        |   |        |         |        |      |  |
|  |  |         |        |  |        | Dr. Rudolph Shebala, Director, DNR                  |        |         |        |      |  |
|  |  |         |        |  |        | Division Director/Branch Chief's Printed Name       |        |         |        |      |  |
|  |  |         |        |  |        | Jason John, Director, DWR                           |        |         |        |      |  |
|  |  |         |        |  |        | Program Manager's Printed Name                      |        |         |        |      |  |
|  |  |         |        |  |        | Program Manager's Signature and Date                |        |         |        |      |  |
|  |  |         |        |  |        | Division Director/Branch Chief's Signature and Date |        |         |        |      |  |

THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE

| PART I. Business Unit No.: <u>new</u>   |                                 | PART II. Project Information          |                   |                 |                   |    |    |    |                |
|---|---------------------------------|---------------------------------------|-------------------|-----------------|-------------------|----|----|----|----------------|
| Project Title: <u>5.11 Drinking Water: Transmission &amp; Distribution</u>  |                                 | Project Type: <u>Water/Wastewater</u> |                   |                 |                   |    |    |    |                |
| Project Description: <u>The purpose and mission of this project is to install and or upgrade water transmission and distribution throughout the Navajo Nation</u>                                     |                                 | Planned Start Date: <u>2/1/2022</u>   |                   |                 |                   |    |    |    |                |
| Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification |                                 | Planned End Date: <u>12/31/2026</u>   |                   |                 |                   |    |    |    |                |
|   |                                 | Project Manager: <u>Jason John</u>    |                   |                 |                   |    |    |    |                |
| <b>PART III.</b> List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.   |                                 |                                       |                   |                 |                   |    |    |    |                |
| Expected Completion Date if project exceeds 8 FY Qtrs.  |                                 |                                       |                   |                 |                   |    |    |    |                |
| Planning and Design   | FY 2022                         |                                       |                   | Date 12/31/2026 |                   |    |    |    |                |
|   | 1st Qtr.<br>O N D               | 2nd Qtr.<br>J F M                     | 3rd Qtr.<br>A M J |                 | 4th Qtr.<br>J A S |    |    |    |                |
| Constuction   | FY 2023                         |                                       |                   | Date 12/31/2026 |                   |    |    |    |                |
|   | 1st Qtr.<br>O N D               | 2nd Qtr.<br>J F M                     | 3rd Qtr.<br>A M J |                 | 4th Qtr.<br>J A S |    |    |    |                |
|   | 13                              |                                       |                   | 13              |                   |    |    |    |                |
|   | 13                              |                                       |                   | 13              |                   |    |    |    |                |
| <b>PART V.</b>  | Expected Quarterly Expenditures | \$                                    | \$                | \$              | \$                | \$ | \$ | \$ | PROJECT TOTAL  |
|   |                                 |                                       |                   |                 |                   |    |    |    | \$2,898,372.00 |

FOR OMB USE ONLY: Resolution No: \_\_\_\_\_ FMS Set Up Date: \_\_\_\_\_ Company No: \_\_\_\_\_ OMB Analyst: \_\_\_\_\_



**THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION**

FY     

| PART I. PROGRAM INFORMATION: |  | Program Name/Title:                              | Business Unit No.:                 |
|------------------------------|--|--|------------------------------------|
|                              |  | 5.11 Drinking Water: Transmission & Distribution | NEW                                |
| PART II. DETAILED BUDGET:    |  |  |                                    |
| (A)                          | (B)  | (C)  | (D)                                |
| Object Code (LOD 6)          | Object Code Description and Justification (LOD 7)  | Total by DETAILED Object Code (LOD 6)            | Total by MAJOR Object Code (LOD 4) |
| 8780                         | <p>8000 Assistance</p> <p>Drinking Water: 5.11 Transmission &amp; Distribution: This project consists of replacing or upgrading crucial components within water transmission and distribution systems throughout the Navajo Nation. Upgrading and replacing these components ensures that these vital systems continue to function. The availability of clean water directly address one of the major sanitation deficiencies that is connected to the high outbreak of COVID-19 on the Navajo Nation.</p> <p>Entities</p> <p>.8785 Entity Grants NTUA Sub-recipient</p> <p>SR EAST HOGBACK TO PUMPING STATION, 967,180.30</p> <p>NGWP PP#7, NEW 3-PHASE LINE 588,694.70</p> <p>NGWP PP#4, 0.21 MILES 3PHASE LINE 192,500.00</p> <p>Seba Dalkai - Bore 125,000.00</p> <p>Upper Fruitland - Bore 125,000.00</p> <p>Park Estates Phase IV 84,997.00</p> <p>Teecnospos - PRV Replacements 52,500.00</p> <p>Aneth- PRV Replacements 52,500.00</p> <p>Red Mesa - Bore 125,000.00</p> <p>St. Michael - Bore 125,000.00</p> <p>Hardrock - Four (4) PRV Replacements 210,000.00</p> <p>Kitsillie - Bore 125,000.00</p> <p>Smoke signal - Bore 125,000.00</p> | 2,898,372  | 2,898,372                          |
| <b>TOTAL</b>                 |  | <b>2,898,372</b>                                 | <b>2,898,372</b>                   |

**SUBRECIPIENT AGREEMENT**

**Between**

**THE NAVAJO NATION AND The Navajo Tribal Utility Authority  
FOR SUBAWARD OF NAVAJO NATION FISCAL RECOVERY FUNDS**

**Appendix C**

**Disbursement Schedule**

The Navajo Nation (the Nation) will make three disbursements to the Navajo Tribal Utility Authority (NTUA), 1st Disbursement = 50% of total /4th Quarter of 2021 (December), 2nd Disbursement = 25% of total /4th Quarter of 2022, 3rd Disbursement = 25% of total /4th Quarter of 2023, in the amount of \$2,898,372 for NTUA's 5.11 Drinking Water: Transmission and Distribution projects. The disbursement will occur upon execution of the subrecipient agreement. NTUA will provide quarterly reports (monitoring) to the Nation starting on the quarter that the disbursement occurs and ending on the date when the funds are expended or December 2026, whichever occurs first.





THE NAVAJO NATION  
SIHASIN, UUF, AND CARES PROJECT DESCRIPTION FORM

- 1) This form needs to be submitted separately for each project type being proposed.
- 2) This form needs to be returned to: paulsonchaco@navajo-nsn.gov

**Part 1. Identification of parties.**

Entity Requesting Funds: \_\_\_\_\_ Navajo Tribal Utility Authority \_\_\_\_\_  
(NN Governmental Unit, Enterprise, Chapter, Etc.)

Entity Mailing Address: \_\_\_\_\_ Po Box 170 Fort Defiance AZ, 86504 \_\_\_\_\_

Form Prepared by: Bidtah Becker \_\_\_\_\_ phone/email: 928-728-6462/BidtahB@ntua.com \_\_\_\_\_

Title & type of Project: \_\_\_\_\_ Drinking Water: 5.11 Transmission & Distribution \_\_\_\_\_

Amount of FRF Funds Being Requested: \_\_\_\_\_ \$2,898,372 \_\_\_\_\_

**Part 2. Project details.**

- (a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

This project consists of replacing or upgrading crucial components within water transmission and distribution systems throughout the Navajo Nation. Upgrading and replacing these components ensures that these vital systems continue to function. The availability of clean water directly address one of the major sanitation deficiencies that is connected to the high outbreak of COVID-19 on the Navajo Nation.

A document showing the estimated costs and locations of septic system installation is attached: Defunded CARES ARPA NTUA Workbook, EC 5.11.

- (b) Explain how the Project will benefit the Navajo Nation, Navajo Communities, or the Navajo People:

A shockingly high number of homes on the Navajo Nation lack access to one or more of the following utilities: electricity, water, wastewater, and broadband. Residents of the United States of America required these utilities to conduct their daily lives and to live the healthiest lives possible. All of NTUA's projects will provide one or more utility service to a home that lacks it or will provide electric grid stability to address the increased electric load from connecting new homes to the electric grid or will improve the water and wastewater systems to address the increased loads from connecting new homes to clean drinking water systems. All of NTUA's projects will assist in promoting public health and economic stimulus.

The pandemic highlighted the health disparities due to inadequate housing in Tribal communities. The number of cases and deaths among the Navajo People was disproportionately high because of overcrowding and lack of access to affordable, reliable, and safe utilities. Research conducted at the beginning of the pandemic determined that the two statistically significant reasons that COVID-19 infections were the highest in Indian Country was because of the lack of piped water to homes and the rate of English spoken in the community<sup>1</sup>. The lower the rate of spoken English, the higher the rate of COVID-19 infections.

This project consists of upgrading or replacing dilapidated components within existing water systems. If left unaddressed the components specified in this project threaten the entire systems ability to deliver water. Some of the components have already failed

<sup>1</sup> American Indian Reservations and COVID-19: Correlates of Early Infection Rates in the Pandemic, Desi Rodriguez-Lonebear, PhD; Nocolás E. Barceló, MD; Randall Akee, PhD; Stephanie Russo Carroll, DrPH, MPH, Journal of Public Health Management & Practice, [American Indian Reservations and COVID-19: Correlates of Ear... : Journal of Public Health Management and Practice \(lww.com\)](#)



and caused scattered water outages. Immediate repairs have been made in these areas but those were meant as temporary solutions. The scope of this project is to supply a more permanent solution.  document attached - no

- (c) Provide a prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the Program(s) or Project(s) by December 31, 2026:

Following are challenges that may prevent NTUA from incurring costs for all funding by December 31, 2024, fully expending funds before December 31, 2024, or completing all eligible house wiring projects before December 31, 2026:

(1) Receipt of Funding. For the most part, most NTUA projects cannot begin until funding is received. NTUA can and has self-funded up to \$4 million of its proposed projects, but certain projects such as installation of solar units cannot begin until NTUA has received funding. NTUA estimates that at the current rate of receiving ARPA funds, one construction season out of four has been lost. The reason is weather. Little to no construction can occur during the winter. Winter weather causes delay to supply chains, delays in the delivery of material, and delays in deploying labor. Of highest concern is that winter weather can create unsafe working conditions and NTUA will not deploy labor during unsafe conditions.

(2) Timeliness in Obtaining Land Access. This concern relates to septic system projects that require the laying of a water line. NTUA must obtain permission from the Navajo Nation to access Navajo trust and fee land to lay new utilities. The timeliness, and even the ability to obtain land access, is a significant challenge. While there are many challenges in this process, there appear to be two immediate issues that need to be addressed. The first is the Navajo Nation Department of Fish and Wildlife's lack of issuance of the clearances necessary to obtain permission from the Navajo Nation to access land. The Department of Fish and Wildlife issues biological resources compliance forms (BRCF) with instructions on when and how to construct projects so that biological resources are protected. A BRCF must accompany all applications to the Navajo Nation for land access. The last time Fish and Wildlife issued a BRCF to NTUA was in March of 2020. NTUA is not able to process service line agreements (SLAs) and Tribal Access Authorizations (TAAs) that lack a BRCF. As such, NTUA is perilously close to being unable to even apply for land access to lay new utilities. The second issue is the amount of people who will be departing the Navajo Nation through the retirement buy-out. It appears a significant number of seasoned employees will depart the Nation on September 30, 2021, including individuals who are part of the land access permission process. NTUA sees this as a significant challenge. One of the reasons that Fish and Wildlife has not issued a BRCF to NTUA in over six months is because two seasoned employees left the Department in February. These two employees each had over twenty of years of experience.

(3) COVID-19. NTUA does not expect the pandemic to be of the same level of challenge that it was during 2020, because the vaccine has alleviated some of the COVID-19 challenges. The pandemic related challenges range from customers becoming sick, thereby delaying installation of house wiring and other in-home services to the home until the household members recover, to manufacturing challenges, especially of solar units, and finally supply chain challenges. That being recognized, obtaining materials is a concern for septic tank projects.

(4) Local Labor. Based on NTUA's CARES Act construction experience, there appears to be a shortage of local labor to deploy at the same rate that NTUA can construct powerlines. There is also a shortage of archaeologists and biologists who can prepare clearance paperwork at the rate that NTUA can construct.

Documents are attached showing the estimated timelines for completing transmission and distribution projects.

- (d) Identify who (person within the Entity) will be responsible for implementing the Project:

\_\_\_\_ NTUA Water/Wastewater Construction Engineering Supervisor \_\_\_\_\_

\_\_\_\_\_  
 document attached

- (e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:

Customers of NTUA are responsible for operations and maintenance costs, which is the business model for all utility companies. NTUA prioritizes the stabilization of rates so that its customers can afford them. NTUA has not raised the electric rate in over thirteen years. NTUA offers discounted rates for seniors and the disable. In addition, two federal programs exist to help low income



homes pay their utility bills. They are Low Income Housing Energy Assistance Program (LIHEAP) and Low-Income Housing Water Assistance Program (LIHWAP). NTUA is currently working with the Navajo Nation Division of Social Services to ensure that the Navajo Nation deploys the significant federal funding that it has received for these two programs. There are also other utility assistance programs run through states, religious organizations, and others.

document attached - no

(f) State which of the (66) Fiscal Recovery Fund eligibility expenditure categories in Exhibit B the proposed Project or Program falls under, and explain the reasons why:

This project title is covered under Expenditure Category Drinking Water: 5.11 Transmission & Distribution.

The ARPA provides funding to State, local and Tribal governments (SLFRF) to make necessary investments in water and sewer infrastructure. <sup>2</sup> By permitting funds to be used for water and sewer infrastructure needs, Congress recognized the critical role that clean drinking water and services for the collection and treatment of wastewater and stormwater play in protecting public health. Understanding that State, local, and Tribal governments have a broad range of water and sewer infrastructure needs, the interim final rule provides these governments with wide latitude to identify investments in water and sewer infrastructure that are of the highest priority for their own communities, which may include projects on privately-owned infrastructure. <sup>3</sup> SLFRF projects are deemed "eligible uses" if they are "eligible" under the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF).

Recipients may use Fiscal Recovery Funds to invest in a broad range of projects that improve drinking water infrastructure, such as building or upgrading facilities and transmission, distribution, and storage systems, including replacement of lead service lines. <sup>4</sup> Fiscal Recovery Funds may also be used to support the consolidation or establishment of drinking water systems. With respect to wastewater infrastructure, recipients may use Fiscal Recovery Funds to construct publicly owned treatment infrastructure, manage and treat stormwater or subsurface drainage water, facilitate water reuse, and secure publicly owned treatment works, among other uses.<sup>5</sup>

The Navajo Tribal Utility Authority has 13 specific projects that will be focused on drinking water: transmission and distribution. These projects include boring and PRV replacements. The boring projects will improve water infrastructure by lowering water transmission lines which have been exposed by erosion. The PRV replacements also improve drinking water infrastructure because it replaces dilapidated components within transmission systems. The rehabilitation, replacement, and/or installation of pipes to improve water pressure to safe levels or to prevent contamination caused by leaky or broken pipes are allowed under DWSRF. <sup>6</sup> These projects would be allowed under the DWSRF and should be funded here because these 13 projects abide by the SLFRF restrictions, the Interim Final Rule, and the reporting requirements and is therefore an allowable expenditure.

### **Part 3. Additional documents.**

List here all additional supporting documents attached to this request (or indicate N/A):

NTUA includes Resolutions CJY-67-20 and CN-89-20, which are the approved NTUA CARES Act expenditure plans. NTUA requests for Navajo Nation Fiscal Recovery Funds (NNFRF) to be released to complete projects that were previously approved by the Navajo Nation through resolution CJY-67-20 and resolution CN-89-20. NTUA's proposed projects all fit into respective ARPA Expenditure Categories required by the Navajo Nation and the U.S. Treasury. Importantly, NTUA is seeking NNFRF funds that will be equal to the total amount of reverted funds that NTUA was previously awarded under resolutions

<sup>2</sup> Interim Final Rule. Pg. 26802.

<sup>3</sup> Id.

<sup>4</sup> Id. At 26803.

<sup>5</sup> Id.

<sup>6</sup> <https://www.epa.gov/dwsrf/dwsrf-eligibilities>



CJY-67-20 and resolution CN-89-20.

CJY-67-20 approved and allocated NTUA \$147,116,561. The Navajo Nation allocated \$39,581,523 under the CARES Fund Water Projects and Cistern Projects Expenditure Plans, \$39,494,831 under the Power Line Projects Expenditure Plan, \$32,847,207 under the Broadband-Telecommunications Project Expenditure Plan, and \$35,192,000 under the Solar Projects Expenditure Plan. Due to time constraints, delays in funding, anticipated weather events, non-eligible projects, and the potential to add eligible projects that could have been completed by December 30, 2020, NTUA requested to amend its projects' expenditure plans and to re-allocate funds. The Navajo Nation approved NTUA's request with resolution CN-89-20. The Navajo Nation recognized that "failure to complete projects will be a failure to provide disaster relief services and supporting direct services to the Navajo people and requires emergency action by Navajo Nation leadership." CN-89-20, Section Two (N). The Navajo Nation approved and authorized NTUA "to reallocate funds between approved projects within an Expenditure Plan when necessary to maximize the completion of projects by the CARES Act Deadline." CN-89-20, Section Three (C). NTUA voluntarily returned \$70,286,219.12 of CARES funding with the understanding that the Navajo Nation would use these funds to fund the CARES Act Hardship Program.

The United States Congress created the State and Local Fund (SLF) of the American Rescue Plan Act (ARPA) to assist States and Tribes with funding to address the public health and economic impacts from the COVID-19 pandemic. Thus far, the United States has provided \$1,861,554,458.43 to the Navajo Nation through. The Navajo Nation Council passed resolution CJY-41-21 and President Nez signed it into law on August 2, 2021, which created the Navajo Nation Fiscal Recovery Fund (NNFRF) which has the same effect as the ARPA SLF. The Council requires the Navajo Nation to immediately allocate NNFRF to replace CARES Act funds that were voluntarily returned. See CJY-41-21 Section 6.

NTUA seeks the total NNFRF amount for its defunded CARES Act projects in the amount of \$70,286,219.12. NTUA has reassigned certain projects from certain CARES Act expenditure plans to align with the ARPA Expenditure Categories. Through resolutions CJY-67-20 and CN-89-20, the Council and President had allowed NTUA a certain amount of flexibility to reallocate funds without obtaining further approval. The flexibility requires that funds be reallocated for the same types of projects that have been funded.

Attachment: CARES NTUA Workbook.

#### **Part 4. Affirmation by Funding Recipient.**

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this project shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

Signature of Preparer: \_\_\_\_\_

Printed Name of Preparer Bidtah Becker



# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



August 16, 2020

Hon. Seth Damon  
Office of the Speaker  
Post Office Box 3390  
Window Rock, AZ 86515

RE: CJY-67-20, *An Action Relating to the Health, Education and Human Resources, Budget and Finance and Resources and Development, and Naabik'iyati' 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, Solar Projects, Solid Waste, Hardship Assistance, Parks and Recreation Economic Assistance, Payroll Support, Housing Projects, Judicial Branch, Controller, Economic Development and Public Health and Health Care*

Dear Speaker Damon,

The coronavirus disease had a devastating effect on the Navajo Nation. Sadly, we have lost 478 of our People to this disease since it arrived here in March. We pray for those families who have lost loved ones; it is a difficult loss made even more so when we cannot gather to say our final good-bye and comfort each other. We pray God will give each family the strength to carry on and to keep us safe and healthy.

We are thankful for those who have recovered after contracting the coronavirus disease. There are 6,948 who have recovered and are back home. But we cannot back down from fighting this disease. Our Health officials are working tirelessly to keep us safe; as well as our Public Safety personnel who put their lives on the line each and every day. We say thank you from the bottom of our hearts to those who have worked every day since the start of this pandemic. To the Social Workers, our Community Development employees, the Chapter frontline workers, Council Delegates, and others who were helping with distribution of PPEs, water, food, and giving comforting words to the People, we appreciate your support and the long hours you have given to help others. Miss Navajo, Shaandiin Parrish, thank you for your inspiration and dedication to our People.

Our vision for the CARES Act funds is to provide direct services to as many of our Navajo People who need help with housing, education, water, electricity, food, internet access for school, telehealth and telework, and basic necessities. Our goal is to have all the projects delivering direct services completed by the end of December this year. Our method is to thoroughly review each proposed project for its purpose and delivery. Many of the proposed expenditures in CJY-67-20 met the criteria for direct help to the Navajo People. We are supportive of these projects and look forward to quickly getting started on the delivery of services. Thank you to the 24<sup>th</sup> Navajo Nation Council for moving the legislation through the process with all the hard work put in by Delegates and Legislative Staff.



We thank the Judicial Branch for considering their needs and paring down their request to an amount that will support judicial services. There are many times when proposals will include more than is needed in the hopes most of the appropriation will come through. The Judicial Branch showed how, by working together, we can find a middle ground to provide the funds for direct services; the Judicial Branch showed true thoughtfulness and consideration for others in requesting only what they needed. Similarly, the Navajo Nation Gaming Enterprise (NNGE) followed the direction of Navajo leadership and worked with their employees to protect them and their customers. The NNGE was the first casino in the Southwest to close and will be the last to reopen; but will reopen with a comprehensive plan to keep everyone safe. We thank the NNGE Board, its Executive Staff, and employees for working with us in the face of this pandemic. NNGE showed how we can help one another for the benefit of all.

The funding for the direct services will benefit many Navajo families with water, electricity, internet access, health services, and economic help. With help from the Department of Water Resources and Navajo Tribal Utility Authority (NTUA) many Navajo families will have access to water; many who desperately need it during this time. NTUA and other local utility companies will bring power to homes which will allow elders to keep their medication refrigerated, keep their food preserved longer, and keep them safe in the upcoming winter months. Economic assistance through the Division of Economic Development and the Navajo Parks and Recreation Department will be a welcomed relief to those small business and entrepreneurs who have been severely affected over the past six months. We only wish we could help more of our Navajo businesses as they are the backbone of our economy and have worked with us in keeping the Navajo customer safe.

Over the past 10 days we have deliberated the value of the proposed projects presented in CJY-67-20. There were many meetings with our Enterprises, local businesses, educators, Division and Department Directors, and experts in many fields. We also heard from many Navajo People directly and through social media who gave us input for our final decisions on finding the appropriateness of how to meet the needs of citizens and communities. There were many factors to consider to ensure we meet the spending criteria of the CARES Act funds but being mindful of the sovereign authority of the Navajo Nation to make decisions for our People and their health and welfare.

In thoroughly reviewing the appropriation for needs and services in CJY-67-20 we found certain projects could not be completed in the next 20 weeks, were not ready to begin, or could be shared with others to meet more of the Nation's need. We are ready to work collectively and swiftly with the Navajo Nation Council to adjust some projects to bring more help to Navajo communities while providing a broader range of services. Additionally, we need to bring more Navajo financial services into the picture to help monitor and process the vast amounts of financial records in the coming months. We thank the Office of Management and Budget staff, the staff from the Office of the Controller, and other Executive Branch staff who keep our financial system operating. We are committed to working with the Legislative Branch to bring in the next phase of CARES funds to support our entire financial services network.



Over the many days of debate and deliberation of CJY-67-20 we recognize the tremendous amount of work put into completing the changes for a final version of the appropriations. We appreciate the consideration for our projects and we certainly know and are reminded of the enormous needs of our Nation. As a Nation we have been neglected for many years and the services we can provide are not nearly enough to bring adequate relief to our People. We can work together to improve the opportunities for our Nation.

In review of the funds provided in CJY-67-20 we considered the purpose of the projects, the timeframe for completion, the stage of the projects, and all the requirements necessary to carry out a successful project. With input from many experts in the field and discussion of how to refine the plan we take action on the following:

- In Exhibit 5, Broadband-Telecommunications Projects, striking \$15,000,000 for non-tribal owned Eligible Telecommunications Carriers. The Navajo Department of Information Technology could move immediately with a preferred carrier recommended by Navajo leadership as opposed to an open-ended selection process.
- In Exhibit 6, Solar Projects, striking \$34,103,910 appropriated to Native Renewables. We believe a pared down project to focus the efforts of Native Renewables on working with families in the Former Bennett Freeze Area will fit the objective of bringing power to those who are in need and meeting the timeline for spending.
- In Exhibit 7, Solid Waste, striking \$23,973,000 for solid waste projects across the Navajo Nation. The Navajo Environmental Protection Agency is a regulatory agency for the Navajo Nation, as such the Agency is not in the best position to carry out the solid waste projects. This is best delivered to the Navajo Division of Community Development working with Navajo Chapters or regional sanitation facilities. Redirecting the funds to the Navajo Division of Community Development, working with Chapters, will meet this objective.
- In Exhibit 11, Payroll Support, striking \$48,803,592 for payroll expenditures for the period after July 1, 2020, this includes the 4<sup>th</sup> Quarter of Fiscal Year 2020, and from October 1 to December 30, 2020, this includes the 1<sup>st</sup> Quarter of Fiscal Year 2021. The Nation may consider other sources of funds for payroll for this time period while making more funds available for direct services to the Navajo People. The General Fund payroll expenditures and 638 funded business units incurred through June 30, 2020 remain in place.
- In Exhibit 12, Housing Projects, striking \$33,423,914 housing and housing improvement projects. The housing project listing allocating \$1,392,663.08 to each Council Delegate district will not provide sufficient funds in some Chapters to complete one house. In addition, an equal distribution to each Chapter does not consider 12 N.N.C. § 820(O) and a waiver of this law was not included in CJY-67-20. We prefer to not have this matter a stumbling block to the resolution. Further, there is doubt about completing housing projects by December 30, 2020.
- In Exhibit 14, Office of the Controller, striking \$20,008,798 to address additional administration and compliance of CARES Act funds. The Navajo Nation's overall financial system includes other Departments who work together to process financial documents, set up federal budgets, and work with Divisions, Departments, Chapters, and contractors for requisitions and payments. We can provide an appropriation across the financial network so our system is adequately funded for the proper personnel, contractors,



and office equipment. We recommend an appropriation to include the Office of the Controller, the Office of Management and Budget, and other departments who are part of the financial system.

The total approved funding of \$476,666,192 represents approximately 72% approval of appropriated amounts. The remaining amount of \$175,313,214, along with the previous balance of \$1,150,000.37 of CARES Fund, provides \$176,463,214.37 to create a second phase appropriation that will provide direct relief services to our People. We pledge our commitment to work with the Navajo Nation Council on quickly completing the second phase of CARES Act projects. For this second phase, we are working with Delegates now to introduce new legislation to provide direct services and relief to our Navajo People. Working together we can move this second phase through the process quickly; we look forward to working with Delegates on this.

As an added note, we appreciate CJY-67-20 and its intent to provide for all citizens across the Navajo Nation. We are taking the added measure of being clear on the action taken in the line item veto in the Resolution. In some instances, the detailed appropriation is found in the Exhibits and the line item vetoes are provided in the Exhibit; however, the language in the body of the Resolution does not provide such details. So, to give notice of line item veto action on portions of an appropriation we are using a modified strike through in the body of the Resolution to show our intent. This modified strike through is in the form of a series of dash marks rather than the solid line strike through. We trust this form will show our intent in the body of the Resolution and specified in the Exhibit.

Pursuant to the authority granted by the People and vested in the Navajo Nation President, I am exercising the line item veto for CJN-46-20 to a portion of the Resolution.

Sincerely,



Jonathan Nez, President  
THE NAVAJO NATION



Myron Lizer, Vice President  
THE NAVAJO NATION

# THE NAVAJO NATION

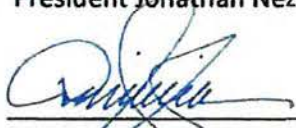
JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT



August 16, 2020

## MEMORANDUM

TO : President Jonathan Nez

FROM :   
Dominic Beval, Executive Director  
Office of Management and Budget

SUBJECT : Navajo Nation Council Resolution CJY-67-20 regarding \$650,980,101 in Fund Expenditure Plans for CARES Act Funds for COVID-19 Costs/Expenses

OMB provides the following comments and information:

- a. The resolution allocates funding to fourteen (14) plans/areas with designated Divisions to develop budgets and to administer and monitor implementation and expenses. It is not clear as to how these areas were determined, the scope of work for each, and the amounts. Normally and generally, the Branches would identify needs and generate plans to address them in their respective area of responsibility and then send recommended plans and budgets to the Legislative Branch. A good example of this is the annual budget process. However, for this resolution the Legislative Branch compiled and decided all of it. OMB is not aware if the President's recommendations were included.
- b. Resolutions CJN-46-20 and CJN-47-20 have also allocated funds for certain expenditure plans for CARES Act funding for COVID-19 related expenses. These were done similarly by the Legislative Branch so most of the plans are not yet implemented because the designated entities or Divisions are unsure how to do it; i.e. they did not do the plans yet they are charged to carry it out.
- c. Because of the above, the funds are yet to be used and it is questionable how much can be done by December 30. It was previously recommended that an inter-Branch team approach should have been used so the full spectrum of COVID-19 needs could be considered, planned for, and the funds allocated and used for the most critical and meaningful needs.
- d. On the Hardship Assistance plan (exhibit 8), \$1,000 is allocated. If this is to be implemented it is way too little and should be administered by the Division of Social Services.
- e. On the Payroll Support Expenses plan (Exhibit 11), an amount of \$90 million total is allocated including \$47 million in General Fund payroll costs and \$43.8 million in PL93-638 payroll costs up to December 30, 2020. How much of the General Fund amount could be paid by CARES funds so the FY 2021 budget now under development could be reduced in personnel costs?

OMB is available for any questions or clarifications.



RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL - SECOND YEAR, 2020

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, BROADBAND-TELECOMMUNICATION PROJECTS, SOLAR PROJECTS, SOLID WASTE, HARDSHIP ASSISTANCE, PARKS AND RECREATION ECONOMIC ASSISTANCE, NAVAJO NATION GAMING ENTERPRISE EMERGENCY ASSISTANCE, PAYROLL SUPPORT, HOUSING PROJECTS, JUDICIAL BRANCH, CONTROLLER, ECONOMIC DEVELOPMENT, AND PUBLIC HEALTH AND HEALTH CARE

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 Naabik'íyáti' 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).
- C. The Health Education and Human Services Committee is a standing committee of the Navajo Nation Council charged with over the Department of Information Technology within the Division of General Services. 2 N.N.C. § 401 (C)(1).
- 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 related to contracting and financial matters. 2 N.N.C. §§ 300 (B)(1) and (2).
- E. The Resources and Development Committee is a standing committee of the Navajo Nation Council empowered to provide legislative oversight on matters involving, but not limited to, water, communications and utilities, information technology, rights-of way, public utilities, gaming and telecommunications. 2 N.N.C. § 500 (C).



## 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. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020 due to COVID-19. Resolution No. CEM 20-03-11. The Navajo Nation Department of Health subsequently issued numerous Public Health Emergency Orders. Public Health Orders 2020-001 through 2020-014 are incorporated by reference into this resolution.
- C. As of June 30, 2020, the Navajo Nation Health Command Operations Center has confirmed 7,532 COVID-19 cases and 363 COVID-related deaths on the Navajo Nation.
- D. The U.S. Congress on March 27, 2020, enacted the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281 (2020) (the "CARES Act"), which, at Title V, §5001, entitled "Coronavirus Relief Funds," attached as **Exhibit 1-A**, sets aside \$8 billion in emergency aid for Tribal governments for the COVID-19 pandemic.
- E. 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. 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.
- F. The U.S. Treasury on April 22, 2020 issued "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments" ("Treasury Guidance") related to the permissible uses of the Coronavirus Relief Fund. **Exhibit 1-B**.

- G. On May 28, 2020, the U.S. Treasury issued "Coronavirus Relief Fund Frequently Asked Questions" ("Treasury FAQ"), attached as **Exhibit 1-C**.
- H. As of June 30, 2020, the Navajo Nation has received seven hundred fourteen million one hundred eighty-nine thousand six hundred thirty-one dollars and forty-seven cents (\$714,189,631.47) Navajo Nation CARES Fund as the Nation's share of the U.S. Treasury's initial distributions of the Coronavirus Relief Fund.
- I. The Navajo Nation has determined that immediately funding water projects, powerline projects and broadband-telecommunication projects, solar projects, solid waste projects, hardship assistance, parks and recreation economic assistance, Navajo Nation Gaming Enterprise emergency assistance, payroll support, housing projects, Judicial Branch assistance, Office of the Controller assistance, economic development, and public health and health care assistance is vital in sustaining its response to the COVID-19 public health emergency and mitigating the effects of the pandemic; a summary of the Navajo Nation CARES Fund Expenditure Plans is attached as **Exhibit 2**.
- J. The purpose of the Navajo Nation CARES Fund Water Projects Expenditure Plan, attached as **Exhibit 3**, is to immediately provide One Hundred Thirty Million, Five Thousand, Ninety-Five Dollars (\$130,005,095) to the Navajo Department of Water Resources for water projects on the Navajo Nation, including but not limited to, waterline and cistern projects, water hauling, windmill repairs, water well infrastructure, and earthen dam and irrigation project rehabilitation; the expenditures set forth in the Water Projects Expenditure Plan are necessary to ensure that the Navajo Nation populace has adequate access to safe potable water necessary to stem the spread of COVID-19 and comply with Center for Disease Control (CDC) COVID-19 prevention guidance.
- K. The purpose of the CARES Fund Powerline Projects Expenditure Plan, attached as **Exhibit 4**, is to immediately provide Forty-Four Million, Two Hundred Twenty Thousand, Eight Hundred Thirty-Two Dollars (\$44,220,832) for power line projects, including power line capital projects and electrical line extensions; the expenditures set forth in the Power Line Projects Expenditure Plan are necessary to ensure that homes and facilities on the Navajo Nation have access to electricity sufficient to comply with CDC COVID-19 prevention guidance and ensure that infection recovery is viable.



- L. The purpose of the CARES Fund Broadband-Telecommunication Projects Expenditure Plan, attached as **Exhibit 5**, is to immediately provide ~~Sixty-Eight Million, Two Hundred Twenty-Four Thousand, Nine Hundred Eighty-Nine Dollars (\$68,224,989)~~ to ensure that the Navajo Nation populace and public facilities, including schools and institutions of higher learning, throughout the Navajo Nation have adequate broadband access and telecommunication capacity to comply with stay-at-home orders issued to stem the spread of the COVID-19 pandemic and access to public safety, healthcare and education. *JMN*  
*my*
- M. The purpose of the CARES Fund Solar Projects Expenditure Plan, attached as **Exhibit 6**, is to immediately provide ~~Sixty-Nine Million, Two Hundred Ninety-Five Thousand, Nine Hundred Ten Dollars (\$69,295,910)~~ for the development and installation of solar projects within the exterior boundaries of the Navajo Nation as a means to immediately provide electricity to underserved communities and households and ensure there is access to electricity sufficient to comply with CDC COVID-19 prevention guidance and ensure the mitigation of the spread of the pandemic. *JMN*  
*my*
- ~~N. The purpose of the CARES Fund Solid Waste Expenditure Plan, attached as **Exhibit 7**, is to immediately provide Twenty-Three Million, Nine Hundred Seventy-Three Thousand Dollars (\$23,973,000) for the development and implementation of solid waste projects that will enhance sanitation in Navajo communities and mitigate the spread of COVID-19.~~ *JMN*  
*my*
- O. The purpose of the CARES Fund Hardship Assistance Expenditure Plan, attached as **Exhibit 8**, is to immediately provide One Thousand Dollars (\$1,000) to the Navajo Nation Executive Branch to provide emergency financial assistance to Navajo tribal members for purchasing Personal Protective Equipment, paying past due utility bills, rent, mortgages, isolation expenses, livestock-related expenses, education-related expenses and other financial burdens created by the COVID-19 pandemic and the public health emergency orders.
- P. The purpose of the CARES Fund Parks and Recreation Economic Assistance Expenditure Plan, attached as **Exhibit 9**, is to immediately provide Eight Hundred Twenty-Eight Thousand, Six Hundred Thirty-Seven Dollars (\$828,637) to mitigate the negative economic impacts caused by the COVID-19 pandemic and inflicted on Navajo businesses and communities serving the Navajo Nation's tribal parks.



- Q. The purpose of the CARES Fund Navajo Nation Gaming Enterprise Emergency Assistance Expenditure Plan, attached as **Exhibit 10**, is to immediately provide Twenty-Four Million, Six Hundred Thousand Dollars (\$24,600,000) to sustain the Navajo Nation Gaming Enterprise whose business operations, including the continued employment of approximately 1,000 Navajo members, have been severely impacted by the COVID-19 pandemic and public health emergency orders.
- R. The purpose of the CARES Fund Payroll Support Expenditure Plan, attached as **Exhibit 11**, is to immediately provide ~~Ninety Million, Nine Hundred Twenty-Eight Thousand, Forty-Seven Dollars (\$90,928,047)~~ of Navajo Nation CARES Funds for payroll expenses eligible under the U.S. Treasury Guidance. JMN  
ML
- ~~S. The purpose of the CARES Fund Housing Projects Expenditure Plan, attached as **Exhibit 12**, is to immediately provide Thirty-Three Million, Four Hundred Twenty-Three Thousand, Nine Hundred Fourteen Dollars (\$33,423,914) to mitigate housing deficiencies within Navajo communities, the effects of which have been exacerbated by the COVID-19 pandemic.~~ JMN  
ML
- T. The purpose of the CARES Fund Judicial Branch Expenditure Plan, attached as **Exhibit 13**, is to immediately provide Nine Million, Six Hundred Thirty-Three Thousand, Eight Hundred Sixty-Three Dollars (\$9,633,863) to address the continuing ability of the Judicial Branch to provide access to the Courts of the Navajo Nation and essential judicial services, including but not limited to, court, peacemaking and probation/parole services to Navajo and Non-Navajo People and entities while protecting the public and staff from the spread of COVID-19.
- ~~U. The purpose of the CARES Fund Controller Expenditure Plan, attached as **Exhibit 14**, is to immediately provide Twenty Million, Eight Thousand, Seven Hundred Ninety-Eight Dollars (\$20,008,798) to address the increase of resources and costs imposed on the Office of the Controller by the COVID-19 pandemic and the receipt of the federal CARES Funds.~~ JMN  
ML
- V. The purpose of the CARES Fund Economic Development Expenditure Plan, attached as **Exhibit 15**, is to immediately provide Sixty Million Dollars (\$60,000,000) to provide immediate relief and assistance to Navajo Businesses and Artisans whose livelihoods were devastated by the public health emergency orders; and for development of COVID-19 related projects by the Division of Economic Development.



- W. The purpose of the CARES Fund Public Health and Health Care Expenditure Plan, attached as **Exhibit 16**, is to immediately provide Seventy-Five Million, Eight Hundred Thirty-Six Thousand, Sixteen Dollars (\$75,836,016) to address the COVID-19 related expenses of public medical facilities and COVID-19 related public health expenses necessary to provide pandemic health care services, as well as to mitigate transmission of COVID-19 within the territorial boundaries of the Navajo Nation.

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

- A. The Navajo Nation hereby approves and adopts the CARES Fund Water Projects Expenditure Plan, as outlined in **Exhibit 3**; the CARES Fund Powerline Projects Expenditure Plan as outlined in **Exhibit 4**; and ~~the CARES Fund Broadband Telecommunication Projects Expenditure Plan as outlined in **Exhibit 5**; and the CARES Fund Solar Projects Expenditure Plan as outlined in **Exhibit 6**; the Solid Waste Expenditure Plan as outlined in **Exhibit 7**; the Hardship Assistance Expenditure Plan as outlined in **Exhibit 8**; the Parks and Recreation Economic Assistance Expenditure Plan as outline in **Exhibit 9**; the Navajo Nation Gaming Enterprise Expenditure Plan as outlined in **Exhibit 10**; the Payroll Support Expenditure Plan as outlined in **Exhibit 11**; the Navajo Nation Housing Projects Expenditure Plan as outlined in **Exhibit 12**; the Judicial Branch Expenditure Plan as outline in **Exhibit 13**; the Navajo Nation Office of the Controller Expenditure Plan as outlined in **Exhibit 14**; the Economic Development Expenditure Plan as outlined in **Exhibit 15**; and the Public Health and Health Care Expenditure Plan as outlined in **Exhibit 16**.~~ JMN  
MK
- B. The Navajo Nation hereby approves and adopts total funding for the Water Projects Expenditure Plan from the Navajo Nation CARES Fund in the amount of One Hundred Thirty Million, Five Thousand, Nine-Five Dollars (\$130,005,095) and allocates the funding to the Department of Water Resources for funding the 2020 projects set forth in **Exhibit 3**.
- C. The Navajo Nation hereby approves and adopts total funding for the Powerline Projects Expenditure Plan from the Navajo Nation CARES Fund in the amount of Forty-Four Million, Two Hundred Twenty Thousand, Eight Hundred Thirty-Two Dollars (\$44,220,832) and allocates the funding through the Division of Community Development to the Navajo Tribal Utility Authority, Jemez Mountains Electrical Cooperative, and



Continental Divide Cooperative for the respective purposes and amounts set forth for 2020 projects in **Exhibit 4**.

- D. The Navajo Nation hereby approves and adopts total funding for the Broadband and Telecommunications Expenditure Plan from the Navajo Nation CARES Fund in the amount of ~~Sixty-Eight Million, Two Hundred-Twenty-Four-Thousand, Nine Hundred Eighty-Nine Dollars (\$68,224,989)~~ and allocates the funding to the Department of Information Technology and through the Department of Information Technology to the Native Broadcast Enterprise, Navajo Technical University and Diné College and ~~non-tribal owned Eligible Telecommunication Carriers (ETC)~~ for the respective purposes and amounts set forth in **Exhibit 5**. JMN  
mz
- E. The Navajo Nation hereby approves and adopts total funding for the Solar Projects Expenditure Plan for the Navajo Nation CARES Fund I the amount of ~~Sixty-Nine Million, Two Hundred Ninety-Five Thousand, Nine Hundred Ten Dollars (\$69,295,910)~~ and allocates the funding to the Navajo Tribal Utility Authority and ~~Native Renewables~~, through the Division of Community Development, as set forth in **Exhibit 6**. ~~The Solar Projects Plan shall allow for 40 units for each delegates' district and an additional 40 units for veterans.~~ JMN  
mz
- ~~F. The Navajo Nation hereby approves and adopts total funding for the Solid Waste Expenditure Plan from the Navajo Nation CARES Fund in the amount of Twenty-Three Million, Nine Hundred Seventy-Three Thousand Dollars (\$23,973,000) and allocates the funding to the Navajo Nation Environmental Protection Agency for funding the projects set forth in **Exhibit 7**.~~ JMN  
mz
- G. The Navajo Nation hereby approves and adopts total funding for the Hardship Assistance Expenditure Plan from the Navajo Nation CARES Fund in the amount of One Thousand Dollars (\$1,000) and allocates the funding to the Navajo Nation Executive Branch, as set forth in **Exhibit 8**.
- H. The Navajo Nation hereby approves and adopts total funding for the Parks and Recreation Economic Assistance Expenditure Plan from the Navajo Nation CARES Fund in the amount of Eight Hundred Twenty-Eight Thousand, Six Hundred Thirty-Seven Dollars (\$828,637) and allocates the funding to the Navajo Parks and Recreation Department, as set forth in **Exhibit 9**.
- I. The Navajo Nation hereby approves and adopts total funding for the Navajo Nation Gaming Enterprise Expenditure Plan from the Navajo Nation CARES Fund in the amount of \$24,600,000 and



allocates the funding to the Navajo Nation Gaming Enterprise for the purpose set forth in **Exhibit 10**.

- J. The Navajo Nation hereby approves and adopts total funding for the Payroll Support Expenditure Plan from the Navajo Nation CARES Fund in the amount of ~~Ninety Million, Nine Hundred Twenty-Eight Thousand, Forty-Seven Dollars (\$90,928,047)~~ and allocates the funding to the Office of the Controller, as set forth in **Exhibit 11**. JMN  
mz
- ~~K. The Navajo Nation hereby approves and adopts total funding for the Housing Projects Expenditure Plan from the Navajo Nation CARES Fund in the amount of Thirty-Three Million, Four Hundred Twenty-Three Thousand, Nine Hundred Fourteen Dollars (\$33,423,914) and allocates the funding to the Housing Improvement Program and LGA Certified Chapters or Non-Certified Chapters, if they so choose, upon execution of a Memorandum of Agreement or sub-recipient agreement with the Housing Improvement Program as set forth in **Exhibit 12**.~~ JMN  
mz
- L. The Navajo Nation hereby approves and adopts total funding for the Judicial Branch Expenditure Plan from the Navajo Nation CARES Fund in the amount of Nine Million, Six Hundred Thirty-Three Thousand, Eight Hundred Sixty-Three Dollars (\$9,633,863) and allocates the funding to the Administrative Office of the Courts within the Judicial Branch, as set forth in **Exhibit 13**.
- ~~M. The Navajo Nation hereby approves and adopts total funding for the Controller Expenditure Plan from the Navajo Nation CARES Fund in the amount of Twenty Million, Eight Thousand, Seven Hundred Ninety-Eight Dollars (\$20,008,798) and allocates the funding to the Office of the Controller as set forth in **Exhibit 14**.~~ JMN  
mz
- N. Navajo Nation hereby approves and adopts total funding for the Economic Development Expenditure Plan from the Navajo Nation CARES Fund in the amount of Sixty Million Dollars (\$60,000,000) and allocates the funding to the Division of Economic Development, as set forth in **Exhibit 15**.
- O. The Navajo Nation hereby approves and adopts total funding for the Public Health and Health Care Expenditure Plan from the Navajo Nation CARES Fund in the amount of Seventy-Five Million, Eight Hundred Thirty-Six Thousand, Sixteen Dollars (\$75,836,016) and allocates the funding to the Department of Health, as set forth in **Exhibit 16**.



- P. The Coronavirus Relief Funds are externally restricted funds and the Navajo Nation Appropriations Act, 12 N.N.C. §§ 800 et seq., as applicable to externally restricted funds, shall apply to the Expenditure Plans set forth herein. Detailed Expenditure Plan budgets shall not be subject to further legislative approval and shall, instead, be developed and implemented through expedited budget procedures. The Office of Management and Budget shall process the detailed budgets in the most expeditious manner available to ensure that the funds are distributed within fifteen (15) days after enactment of this resolution.
- Q. The progress of all Expenditure Plan funded projects shall be reviewed by the Budget and Finance and Naabik'iyáti' Committees during the month of October 2020. The funding for any project that has not made enough progress to demonstrate that it will be fully completed by December 30, 2020, will be re-allocated to the Hardship Assistance Expenditure Plan, **Exhibit 8**, through Naabik'iyáti' Committee resolution.
- R. The Navajo Nation Leadership finds that Navajo People must receive the benefits of the federal CARES Funds within the limited period set forth in the federal CARES Act. As currently enacted, CMY-44-20 and CJN-47-20 have methods of expenditure that do not conform to each other and there are questions concerning their validity and viability. For the benefit of the Navajo Nation and the Navajo People, The Navajo Nation Council must reconcile the two resolutions with regard to CARES Fund Expenditure Plans. This resolution will combine the Expenditure Plan(s) being prepared by the Chiefs of the Navajo Nation's Three Branches under CJN-47-20, and the Expenditure Plans prepared by the Navajo Nation Council under CMY-44-20. The passage of this resolution by the Navajo Nation Council and the signature of the Navajo Nation President, pursuant to 2 N.N.C. § 221 (B) and the budget line-item veto authority delegated to the President by vote of the people in 2009, will demonstrate the agreement between the Navajo Nation Council and the Navajo Nation President, as to which expenditures will be funded by the federal CARES Fund provided to the Navajo Nation.

**SECTION FOUR. APPROVAL AND ADOPTION OF THE EXPENDITURE PLANS' ADMINISTRATION**

- A. All entities receiving Navajo Nation CARES Fund funding herein shall ensure that all funds allocated under their respective Expenditure Plan are only expended for the purposes set forth

in Exhibits 3, 4, ~~5, 6, 7~~, 8, 9, 10, ~~11, 12~~, 13, ~~14~~, 15, and 16. JMN  
LMZ

- B. All entities receiving Navajo Nation CARES Fund funding herein shall ensure that all funds allocated under their respective Expenditure Plans shall be incurred and expended by no later than December 30, 2020.
- C. All entities receiving Navajo Nation CARES Fund funding herein shall ensure that no funds allocated under their respective Expenditure Plans are incurred or expended for costs accounted for in the approved Fiscal Year 2020 Navajo Nation Comprehensive Budget approved by Navajo Nation Council Resolution No. CS-30-19.
- D. The Office of the Controller shall release the funding allocated under the respective Expenditure Plans as soon as the expedited budget procedures are completed.
- ~~E. The CARES Fund Expedited Procurement Rules and Procedures, attached as Exhibit 17, are hereby adopted and shall apply to procurement activities for the Expenditure Plans set forth herein.~~ JMN  
LMZ
- F. The funds allocated under the Navajo Nation CARES Fund Expenditure Plans set forth herein shall be used exclusively and only for the permissible uses set forth in the following:
1. This Resolution approving the Navajo Nation CARES Fund Water Projects Expenditure Plan, CARES Fund Powerline Projects Expenditure Plan, ~~the CARES Fund Broadband and Telecommunication Projects Expenditure Plan, the CARES Fund Solar Projects Expenditure Plan, the CARES Solid Waste Expenditure Plan,~~ the CARES Fund Hardship Assistance Expenditure Plan, the CARES Fund Parks and Recreation Economic Assistance Expenditure Plan, the Navajo Nation Gaming Enterprise Expenditure Plan, ~~the Payroll Support Expenditure Plan, the Navajo Nation Housing Projects Expenditure Plan,~~ the Judicial Branch Expenditure Plan, ~~the Office of the Controller Expenditure Plan,~~ the Economic Development Expenditure Plan, and the Public Health and Health Care Expenditure Plan. JMN  
LMZ
  2. The Coronavirus Relief Fund which allows only those costs that:
    - a. are necessary expenditures incurred due to the public health emergency with respect to COVID-19;



- b. are not accounted for in the Navajo Nation Fiscal Year 2020 Comprehensive Budget.
  - c. are incurred from March 1, 2020 through December 30, 2020;
3. Consistent with the eligible uses described in the Treasury Guidance which includes the following guidance:
- 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;
  - 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; and
  - d. expenditures must be for costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. In its Guidance issued on June 30, 2020, Treasury clarified that "for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred)".

4. Consistent with the eligible uses described in the U.S. Treasury Frequently Asked Questions (FAQ).
  5. Consistent with the eligible uses as may be described in any and all future guidance, rules, or regulations of the Department of the Treasury or the Department of the Interior related to the Coronavirus Relief Fund pursuant to Title V of the CARES Act.
  6. Consistent with Navajo Nation laws, rules, and regulations.
- G. All entities receiving Navajo Nation CARES Fund Expenditure Plan funding herein expressly agree and affirm that by drawing down or receiving any of the funds allocated under their respective Expenditure Plan:
- a. the requested funds shall only be used for the purposes specified in Title V of the federal CARES Act and Treasury Guidance;
  - b. the administration, management, and implementation of this Expenditure Plan shall be consistent with this legislation, and other applicable laws and regulations of the Navajo Nation; and
  - c. the costs to be covered under this Expenditure Plan are not included in the Navajo Nation Fiscal Year 2020 Comprehensive Budget, approved by Navajo Nation Council Resolution No. CS-30-19.
- H. All recipients of Navajo Nation CARES Fund must follow and apply Generally Accepted Accounting Principles (GAAP), as established by the Governmental Accounting Standards Board (GASB) for governmental entities, and by the Financial Accounting Standards Board (FASB) for public and private companies and non-profits.
- I. If the Department of Justice, Office of the Controller, and Office of Management and Budget concur that a proposed expenditure in the Expenditure Plans included herein is an ineligible cost under the Coronavirus Relief Fund or U.S. Treasury guidance, the amount of such proposed expenditure shall be returned to the Navajo Nation CARES Fund after written notice, including analysis, to the Office of the President and Vice-President and Naabik'iyáti' Committee.



- J. The Budget and Finance Committee and Resources and Development Committee of the Navajo Nation Council shall serve as the oversight committees for the Navajo Nation Cares Fund Water Projects, Powerline Projects, Broadband-Telecommunication, ~~Solid Waste~~, Solar Projects, Parks and Recreation, Navajo Nation Gaming Enterprise, ~~Housing~~, and Economic Development Expenditure Plans. The Budget and Finance Committee and the Health, Education and Human Services Committee shall serve as the oversight committees for Department of Information Technology portion of the Broadband-Telecommunication Projects Expenditure Plan, as well as the Hardship Assistance and Public Health and Health Care Expenditure Plans. The Budget and Finance Committee and Law and Order Committee shall serve as the oversight committees for the Judicial Branch Expenditure Plan. The Budget and Finance Committee shall serve as the oversight committee for the Payroll Support ~~and Office of the Controller Expenditure Plans~~.
- K. The Expenditure Plans and expenditures made there under shall be governed by and construed in accordance with the laws and regulations of the Navajo Nation.

JMN  
ML

#### SECTION FIVE. AMENDMENT

This Resolution may be amended by a two-thirds majority vote of the Navajo Nation Council subject to action of the President of the Navajo Nation under 2 N.N.C. §221 (B) and the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009

#### SECTION SIX. EFFECTIVE DATE

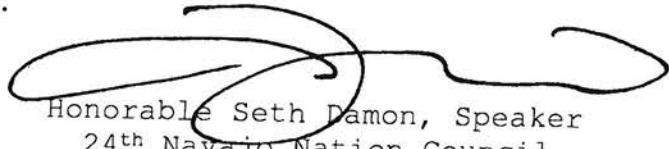
This Resolution is effective upon its approval pursuant to 2 N.N.C. § 221(B) and the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009.

#### SECTION SEVEN. SAVING CLAUSE

Should any provision of this legislation 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 legislation which are not determined invalid shall remain the law of the Navajo Nation.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> 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 20 in Favor, and 00 Opposed, on this 31<sup>st</sup> day of July 2020.



Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council

8/4/2020

DATE

Motion: Honorable Daniel E. Tso

Second: Honorable Jamie Henio

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 budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this 16<sup>th</sup> day of August, 2020.

*J-Nez*  
\_\_\_\_\_  
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 (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

EXHIBIT

1-A

tabbles



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;

(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



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. 501. 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—

**"(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



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.<sup>1</sup>

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

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<sup>1</sup> 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 expenditures<sup>2</sup>*

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.<sup>3</sup>
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.

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<sup>2</sup> 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.

<sup>3</sup> 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  
Frequently Asked Questions  
Updated as of May 28, 2020

The following answers to frequently asked questions supplement Treasury's Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, ("Guidance").<sup>1</sup> Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and 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 ("CARES Act").

**Eligible Expenditures**

*Are governments required to submit proposed expenditures to Treasury for approval?*

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

*The Guidance says that funding can be used to meet 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. How does a government determine whether payroll expenses for a given employee satisfy the "substantially dedicated" condition?*

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

*The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a "substantially different use" for purposes of the Fund eligibility?*

Costs incurred for a "substantially different use" include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty's ordinary responsibilities.

Note that a public function does not become a "substantially different use" merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

<sup>1</sup> The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.



***May a State receiving a payment transfer funds to a local government?***

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

***May a unit of local government receiving a Fund payment transfer funds to another unit of government?***

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

***Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?***

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

***Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?***

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

***Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?***

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, 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, are not eligible uses of Fund payments.

***Are States permitted to use Fund payments to support state unemployment insurance funds generally?***

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

***Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?***

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) 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.

***The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?***

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include 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. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

***In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?***

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

***If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?***

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

***May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?***

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.



***May Fund payments be used for COVID-19 public health emergency recovery planning?***

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

***Are expenses associated with contact tracing eligible?***

Yes, expenses associated with contract tracing are eligible.

***To what extent may a government use Fund payments to support the operations of private hospitals?***

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

***May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?***

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

***May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?***

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

***Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?***

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

***May recipients create a "payroll support program" for public employees?***

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

***May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?***

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

***May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?***

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

***The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a "small business," and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?***

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

***The Guidance provides that expenses associated with the provision of economic support in connection with the 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, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?***

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

***May Fund payments be used to assist impacted property owners with the payment of their property taxes?***

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

***May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?***

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.



***Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?***

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

***The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of "hazard pay"?***

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

***The Guidance provides that ineligible expenditures include "[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency." Is this intended to relate only to public employees?***

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers' employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

***May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?***

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

***Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?***

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

***Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?***

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

***May a State impose restrictions on transfers of funds to local governments?***

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

***If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?***

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the accrued interest expense on TANs and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

***May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?***

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

***Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?***

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

***May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?***

No. The Guidance says that funding may be used to meet 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. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.



***May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?***

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

***May recipients use Fund payments to provide loans?***

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

***May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?***

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

**Questions Related to Administration of Fund Payments**

***Do governments have to return unspent funds to Treasury?***

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

***What records must be kept by governments receiving payment?***

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

***May recipients deposit Fund payments into interest bearing accounts?***

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

***May governments retain assets purchased with payments from the Fund?***

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

***What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?***

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

***Are Fund payments to State, territorial, local, and tribal governments considered grants?***

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

***Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?***

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

***Are Fund payments subject to other requirements of the Uniform Guidance?***

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

***Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?***

Yes. The CFDA number assigned to the Fund is 21.019, pending completion of registration.

***If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?***

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

***Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?***

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

***If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?***

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program



or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

**Navajo Nation CARES Fund Expenditure Plans for Water Projects, Powerline  
Projects and Broadband-Telecommunication Projects  
Legislation 144-20**

SUPPLYJUSTICE.COM  
**EXHIBIT**  
**2**

| <b>PROJECT LISTING:</b>                              | <b>TOTAL</b>          |
|--|-----------------------|
| <b>WATER PROJECTS</b>                                |                       |
| DEPT. WATER RESOURCES                                | \$ 87,485,860         |
| NTUA WASTEWATER                                      | \$ 18,635,000         |
| Whitehorse Lake – Sand Springs Water Supply Pipeline | \$ 937,712            |
| NTUA Cisterns System                                 | \$ 20,946,523         |
| To'hajiilee ABQ Water Supply Line                    | \$ 2,000,000          |
| <b>SUBTOTAL</b>                                      | <b>\$ 130,005,095</b> |

|                           |                      |
|---------------------------|----------------------|
| <b>POWERLINE PROJECTS</b> |                      |
| NTUA - POWERLINE PROJ.    | \$ 13,897,562        |
| NTUA - CAPACITY           | \$ 24,747,269        |
| JEMEZ MTN ELECTRIC        | \$ 163,723           |
| CONTINENTAL DIVIDE        | \$ 1,062,278         |
| RAMAH/PINE HILL CAMPUS    | \$ 3,500,000         |
| SAND SPRINGS SOUTH        | \$ 850,000           |
| <b>SUBTOTAL</b>           | <b>\$ 44,220,832</b> |

|   |                          |
|---|--------------------------|
| <b>BROADBAND - TELECOMMUNICATION</b>          |                          |
| NTUA-WIRELESS                                 | \$ 32,848,207            |
| NN DEPT. OF IT                                | \$ 3,400,000             |
| NTU-BROADBAND TEAM                            | \$ 470,000               |
| NTU-CAMPUS SUPPORT                            | \$ 7,634,533             |
| NATIVE BROADCAST ENT.                         | \$ 393,670               |
| DINÉ COLLEGE                                  | \$ 8,478,579             |
| <del>NON-TRIBAL OWNED TELECOMMUNICATION</del> | <del>\$ 15,000,000</del> |
| <b>SUBTOTAL</b>                               | <b>\$ 68,224,989</b>     |

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|                               |                          |
|-------------------------------|--------------------------|
| <b>SOLID WASTE</b>            |                          |
| <del>NN EPA-SOLID WASTE</del> | <del>\$ 23,973,000</del> |
| <b>SUBTOTAL</b>               | <b>\$ 23,973,000</b>     |

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|                              |                          |
|------------------------------|--------------------------|
| <b>SOLAR PROJECTS</b>        |                          |
| NTUA-SOLAR                   | \$ 35,192,000            |
| <del>Native Renewables</del> | <del>\$ 34,103,910</del> |
| <b>SUBTOTAL</b>              | <b>\$ 69,295,910</b>     |

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|                        |                          |
|------------------------|--------------------------|
| <b>PAYROLL SUPPORT</b> |                          |
| <del>PAYROLL</del>     | <del>\$ 90,928,047</del> |

*Jmd  
mk*



**Navajo Nation CARES Fund Expenditure Plans for Water Projects, Powerline  
Projects and Broadband-Telecommunication Projects  
Legislation 144-20**

SUBTOTAL \$ **90,928,047**

*JMN*  
*my*

**HARDSHIP ASSISTANCE**

HARDSHIP \$ 1,000  
SUBTOTAL \$ **1,000**

**HOUSING PROJECTS**

~~Housing for each Chapter~~ \$ ~~33,423,914~~  
SUBTOTAL \$ **33,423,914**

*JMN*  
*my*

**NN ENTERPRISE**

NNGE \$ 24,600,000  
SUBTOTAL \$ **24,600,000**

**NN DEPARTMENTS**

NN Parks and Recreation \$ 828,637  
Division of Economic Devel. \$ 60,000,000  
Department of Health \$ 75,836,016  
~~Office of the Controller~~ \$ ~~20,008,798~~  
SUBTOTAL \$ **156,673,451**

*JMN*  
*my*

**JUDICIAL BRANCH**

Judicial Branch \$ 9,633,863  
SUBTOTAL \$ **9,633,863**

GRAND TOTAL \$ **650,980,101**

CJN-46-20 \$ 41,000,000.00  
CJN-47-20 \$ 21,059,530.10  
\$ 62,059,530.10

144-20 + CJN-46-20 + CJN-47-20 \$ **713,039,631.10**

TOTAL NN CARES FUNDS \$ 714,189,631.00

UNALLOCATED NN CARES FUNDS \$ **1,149,999.90**



**NAVAJO NATION CARES FUND  
WATER PROJECTS EXPENDITURE PLAN**

**I. PURPOSE**

The purpose of this Water Projects Expenditure Plan is to allow for the use and expenditure of One Hundred Thirty Million, Five Thousand, Ninety-Five Dollars (\$130,005,095) for regional water projects on the Navajo Nation for the first year. 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).

*JMN*  
*my*

**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 the federal CARES Act, the Treasury Guidance, as well as other applicable laws and regulations of the Navajo Nation.

CARES Act Funding Discussion  
 Water Infrastructure Five Year Plan Summary  
 Nevada Department of Water Resources  
 7/28/2020

|  | 2020              | 2021              | 2022             | 2023             | 2024             | Total             |
|--|-------------------|-------------------|------------------|------------------|------------------|-------------------|
| Immediate Utility Customer Assistance  |                   |                   |                  |                  |                  |                   |
| Water and Electricity to Homes   |                   |                   |                  |                  |                  |                   |
| Electricity  |                   |                   |                  |                  |                  |                   |
| Bathroom Additions   |                   |                   |                  |                  |                  |                   |
| Waterline and Cistern Projects - Funding Transition and Other                              |                   |                   |                  |                  |                  |                   |
| Cisterns   | \$ 3,881,000.00   | \$ 26,977,600.00  | \$ 11,222,019.00 | \$ 11,289,619.90 | \$ -             | \$ 76,937,138.70  |
| Support to Water Haulers   | \$ 37,881,158.90  | \$ -              | \$ -             | \$ -             | \$ -             | \$ 37,881,158.90  |
| Assistance to Water Haulers - Water Hauling, Dig Deep, At Well Treatment, etc.             | \$ 9,187,100.00   | \$ 5,430,000.00   | \$ 4,330,000.00  | \$ 4,330,000.00  | \$ 4,330,000.00  | \$ 37,587,100.00  |
| Regional and Local Water Projects including Nevada-Gallup Water Supply Project Connections |                   |                   |                  |                  |                  |                   |
| Regional and Local Projects  | \$ 9,686,000.00   | \$ 58,894,817.00  | \$ 56,239,069.00 | \$ 15,500,000.00 | \$ 6,300,000.00  | \$ 163,051,703.00 |
| Strategic Stockpile of Construction Materials for Water                                    | \$ 32,087,501.43  | \$ -              | \$ -             | \$ -             | \$ -             | \$ 32,087,501.43  |
| OBM 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   |                   |                   |                  |                  |                  |                   |
| Infrastructure Access, Roads and Other   |                   |                   |                  |                  |                  |                   |
| Wastewater Infrastructure  |                   |                   |                  |                  |                  |                   |
| Livestock Windmills  |                   |                   |                  |                  |                  |                   |
| Windmill and Related Repairs   |                   |                   |                  |                  |                  |                   |
| Water Well Fund  | \$ 16,670,000.00  | \$ 1,200,000.00   | \$ 1,200,000.00  | \$ -             | \$ -             | \$ 19,070,000.00  |
| Agriculture  | \$ 200,000.00     | \$ 1,300,000.00   | \$ 1,500,000.00  | \$ 2,000,000.00  | \$ -             | \$ 5,000,000.00   |
| Earthen Dam Rehabilitation   | \$ 1,620,000.00   | \$ 10,000,000.00  | \$ 10,000,000.00 | \$ 10,000,000.00 | \$ 10,000,000.00 | \$ 41,600,000.00  |
| Irrigation Project Rehabilitation  | \$ 7,180,000.00   | \$ 6,190,000.00   | \$ 3,500,000.00  | \$ 2,000,000.00  | \$ 1,000,000.00  | \$ 14,870,000.00  |
| Long-Range Water Planning  | \$ 222,500.00     | \$ 907,500.00     | \$ 932,500.00    | \$ 735,500.00    | \$ -             | \$ 2,798,000.00   |
| Long-Range Water Planning Tool   |                   |                   |                  |                  |                  |                   |
| NDWR Program Assistance  | \$ 1,000,000.00   | \$ -              | \$ -             | \$ -             | \$ -             | \$ 1,000,000.00   |
| NDWR Building(s), Supplies, etc. - Response to COVID-19                                    | \$ 119,485,860.33 | \$ 116,899,917.00 | \$ 94,973,598.00 | \$ 51,855,119.90 | \$ 27,650,000.00 | \$ 451,833,201.53 |
| <b>Total (All)</b>   | \$ 110,300,360.33 | \$ 116,899,917.00 | \$ 94,973,598.00 | \$ 51,855,119.90 | \$ 27,650,000.00 | \$ 451,833,201.53 |

**Total (Potential) (Completed in 2020 - included in CCD list)**



| No. | Category   | Project   | Year<br>Month   | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030         | 2031 | 2032 | 2033 | 2034 | Comments  |
|-----|--|---|---|------|------|------|------|------|------|------|------|------|------|--------------|------|------|------|------|---|
| 1.  | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W32 - SHASHIN Nakhin Additional Water Source            | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 775,000   |      |      |      |      | Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA.  |
| 2.  | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W41 - SHASHIN Rough Neck South Variation Ext. Phase 2   | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 1,451,000 |      |      |      |      | Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA.  |
| 3.  | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W45 - SHASHIN Spider Risk Chair Variation Ext. Phase 3  | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 5,301,000 |      |      |      |      | Paid \$130,000 for planning. Proposed procuring through design-build MOA with NECA.   |
| 4.  | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W47 - SHASHIN Sinoan Lab W/L Extension                  | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 1,417,000 |      |      |      |      | Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA. Established account for \$1,417,000. No payment. |
| 5.  | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W49 - SHASHIN Tula City NV Sewerline Phase 1            | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 1,038,000 |      |      |      |      | Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA. Established account for \$937,000. No payment.   |
| 6.  | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W53 - SHASHIN Burharm East W/L Ext. 1                   | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 1,462,000 |      |      |      |      | Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA.  |
| 7.  | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W52 - SHASHIN Burharm NW W/L Ext. 1                     | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 661,000   |      |      |      |      | Paid \$30,000 for planning. Proposed procuring through design-build MOA with NECA.  |
| 8.  | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W54 - SHASHIN Moten Poma Creek Extension                | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 444,000   |      |      |      |      | Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA.  |
| 9.  | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W55 - SHASHIN Morgan Lake W/L Ext. Phase 2              | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 1,078,000 |      |      |      |      | Paid \$30,000 for planning. Proposed procuring through design-build MOA with NECA. Established account for \$786,000. No payment.   |
| 10. | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W56 - SHASHIN Newcomb Horns W/L Ext. 1                  | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 441,000   |      |      |      |      | Paid \$30,000 for planning. Proposed procuring through design-build MOA with NECA.  |
| 11. | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W57 - SHASHIN Unionscamp W/L Ext w/Boone PAQ            | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 803,000   |      |      |      |      | Paid \$30,000 for planning. Proposed procuring through design-build MOA with NECA. Established account for \$717,000. No payment.   |
| 12. | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W58 - SHASHIN Tree Yellow Hook Point W/L Ext Phase 1    | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 947,000   |      |      |      |      | Paid \$30,000 for planning. Proposed procuring through design-build MOA with NECA. Established account for \$917,000. No payment.   |
| 13. | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W62 - SHASHIN Twin Lakes - Tokaha South Ext.            | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 409,000   |      |      |      |      | Paid \$50,000 for planning. Proposed procuring through design-build MOA with NECA. Established account for \$353,000. No payment.   |
| 14. | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W64 - SHASHIN COSE INTERLACE 071 - Already Paid - DBETE | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$           |      |      |      |      | Proposed procuring through design-build MOA with NECA.  |
| 15. | Water to Homes and Caters Projects - Shivan Food Transition to CARES Act Funds | MA18W60 - SHASHIN LeCheer - Horrothel Mesa Water Let.       | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 4,777,000 |      |      |      |      | Paid \$100,000 for planning. Proposed procuring through design-build MOA with NECA.   |

| No. | Category   | Project   | Year  | 2020 | 2021 | 2022 | 2023 | 2024 | 2020         | 2021         | 2022 | 2023         | 2024 | 2024 Comments   |
|-----|--|---|---|------|------|------|------|------|--------------|--------------|------|--------------|------|---|
| 16. | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds. | NALRW33 - TTT Redito Goldwater Loop Phase 1           | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      | \$ 3,483,000 |              |      |              |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA   |
| 17  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW34 - SHASTA Juddco Goldwater Loop Phase 2        | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              | \$ 1,591,178 |      |              |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA   |
| 18  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW35 - SHASTA Knap-Arnp Waterline                  | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              | \$ 953,000   |      |              |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA   |
| 19  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW37 - SHASTA Mary Farms Lake Phase 3              | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              | \$ 2,525,000 |      |              |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA   |
| 20  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW38 - SHASTA Hunters Point/Oak Spring Inter Tie   | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              | \$ 1,478,000 |      |              |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA<br>Prepaid Oak Spring South Ext. Project            |
| 21  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW39 - SHASTA Pine Springs Addressed Water Source  | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              | \$ 488,000   |      |              |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA   |
| 22  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW40 - SHASTA Rough Rock North Phase W/E Extension | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              | \$ 2,811,000 |      |              |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA   |
| 23  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW42 - SHASTA Steamboat Canyon Phase 1             | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              | \$ 1,888,000 |      |              |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA   |
| 24  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW44 - SHASTA Chubbuckito Yellowtail CWD Upgrade   | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              | \$ 1,795,000 |      |              |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA<br>Established account for \$1,749,000. No payment. |
| 25  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW45 - SHASTA Distribution Laguna Falls W/E Ext.   | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              | \$ 1,167,000 |      |              |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA   |
| 26  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW46 - SHASTA Tub Coy O2 Airport Sewer Ext.        | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              | \$ 1,195,000 |      |              |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA<br>Established account for \$1,095,000. No payment. |
| 27  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW47 - SHASTA Toccoa Water Blowing Ext.            | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              | \$ 1,386,000 |      |              |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA   |
| 28  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW49 - SHASTA Fruitland Addressed Water Source     | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              | \$           |      |              |      | Paid \$30,000 for planning. Project cancelled   |
| 29  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds  | NALRW40 - SHASTA Mesa on Spring Saddle Park Extension | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |              |              |      |              |      |   |
|     |  |   |   |      |      |      |      |      |              |              |      | \$ 2,554,000 |      | Paid \$50,000 for planning. Proposed procuring through design-build MDA with NECA<br>Established account for \$1,007,000. No payment. |



| No. | Category  | Project  | Year Month  | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031         | 2032 | 2033 | 2034 | Comments  |
|-----|---|--|---|------|------|------|------|------|------|------|------|------|------|------|--------------|------|------|------|---|
| 30  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds | MAJORS - SHASTA, Warehouse Lake Reservoir Marquet Oaks, U4 | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 1,779,000 |      |      |      | Paid \$50,000 for planning. Processed pricing through design-build MOA with RECA established account for \$1,811,000. No payment. |
| 31  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds | MAJORS - SHASTA, Alamo OSM                                 | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 2,488,152 |      |      |      | Paid \$100,000 for planning. Proposed pricing through design-build MOA with RECA established account for \$2,588,000. No payment. |
| 32  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds | Many Farms Lake Cisterns                                   | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 1,251,000 |      |      |      | Shasta - No funds for planning issued.  |
| 33  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds | Mississippi Scattered                                      | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 571,000   |      |      |      | Shasta - No funds for planning issued.  |
| 34  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds | Dixon - Pyramid Butte Ext. 1&2                             | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 3,560,024 |      |      |      | Shasta - No funds for planning issued.  |
| 35  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds | Hendrix Shopy Mountain W. Ext Phase 1 & 2 (30)             | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 1,849,000 |      |      |      | Shasta - No funds for planning issued.  |
| 36  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds | Chubbah Extension  | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 266,299   |      |      |      | Shasta - No funds for planning issued.  |
| 37  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds | Carmelo Lake West Ext                                      | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 156,000   |      |      |      | Shasta - No funds for planning issued.  |
| 38  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds | Cousins Basin Tower Loop PH5 Ext                           | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 570,000   |      |      |      | Shasta - No funds for planning issued.  |
| 39  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds | Cousins Basin Tower Loop PH5 Ext                           | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 236,000   |      |      |      | Shasta - No funds for planning issued.  |
| 40  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds | Manuelito Big Rock Canyon Ext.                             | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 295,000   |      |      |      | Shasta - No funds for planning issued.  |
| 41  | Water to Homes and Cistern Projects - Shasta Fund Transition to CARES Act Funds | Thousand Bays Scattered Homes (Extensions & Well)          | Planning, Pre-design Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 316,000   |      |      |      | Shasta - No funds for planning issued.  |





| No. | Category                          | Project   | Year<br>Month   | Year |      |      |      |      |      |      |      |      |      |      |      | 2024<br>Comment |      |              |      |  |  |  |  |  |  |  |                            |
|-----|-----------------------------------|---|---|------|------|------|------|------|------|------|------|------|------|------|------|-----------------|------|--------------|------|--|--|--|--|--|--|--|----------------------------|
|     |                                   |   |   | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 |                 | 2032 | 2033         | 2034 |  |  |  |  |  |  |  |                            |
| 49  | IHS SDS Listing - Custom Projects | BUCKINGHAM BIRCHWATER<br>COSTERNS DOLS                  | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      |              |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 50  | IHS SDS Listing - Custom Projects | IB, REMOTE COSTERS DIST. 5 WP1                          | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 331,990.00   |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 51  | IHS SDS Listing - Custom Projects | COMBINE CANYON - Apakona<br>High Costers Phase II       | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 615,000.00   |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 52  | IHS SDS Listing - Custom Projects | Mesa Mujeres Costers Ph 3.5                             | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 260,000.00   |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 53  | IHS SDS Listing - Custom Projects | IRONY WELLS - PEANUT COSTERS                            | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 4,227,369.00 |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 54  | IHS SDS Listing - Custom Projects | SANBROCK FARM AREA A COSTERS                            | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 197,665.00   |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 55  | IHS SDS Listing - Custom Projects | Campano Scattered - Costers                             | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 79,900.00    |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 56  | IHS SDS Listing - Custom Projects | TSUJE-BLACK ROCK COSTERS                                | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 722,000.00   |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 57  | IHS SDS Listing - Custom Projects | QUATON MACHITA COSTERS 1 &<br>WP                        | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 3,717,013.00 |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 58  | IHS SDS Listing - Custom Projects | TIDHATCH COSTERS WP                                     | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 1,040,000.00 |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 59  | IHS SDS Listing - Custom Projects | KAMERSON Gray Mountain Lerra<br>Wahs Costers - Phase IV | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 211,000.00   |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 60  | IHS SDS Listing - Custom Projects | DELOON - TAMA COSTERS                                   | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 615,000.00   |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 61  | IHS SDS Listing - Custom Projects | DELEON RABBIT COSTERS                                   | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 371,200.00   |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 62  | IHS SDS Listing - Custom Projects | SANMUEL WHITE CLAY COSTERS                              | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 334,000.00   |      |  |  |  |  |  |  |  | Custom Project on SDS list |
| 63  | IHS SDS Listing - Custom Projects | NASHVILLE Wildcat Springs Costers                       | Planning, Pre design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 3,650,000.00 |      |  |  |  |  |  |  |  | Custom Project on SDS list |
|     |                                   |   |   |      |      |      |      |      |      |      |      |      |      |      |      |                 |      | 666,000.00   |      |  |  |  |  |  |  |  | Custom Project on SDS list |

| No. | Category                           | Project  | Year  | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030          | 2031 | 2032 | 2033 | 2034 | Comments                                |
|-----|------------------------------------|--|---|------|------|------|------|------|------|------|------|------|------|---------------|------|------|------|------|---|
| 64  | IHS S05 Listing - Cistern Projects | Neurospiral Blowers Without Cisterns (changed recently 2020) | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 768,000.00 |      |      |      |      | Sitwait - No funds for planning issued. |
| 65  | IHS S05 Listing - Cistern Projects | MAARTEE CANYON SPRINGS CIST. WPT (X 2019)                    | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | \$ 788,000.00 |      |      |      |      | Sitwait - No funds for planning issued. |
| 66  | IHS S05 Listing - Cistern Projects | MAARTEE CANYON SPRINGS PH2 CIST. (X 2019)                    | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 253,008.00    |      |      |      |      | Sitwait - No funds for planning issued. |
| 67  | IHS S05 Listing - Cistern Projects | INDIAN WELLS-PIE BLO CO 3 CISTERS (X 2019)                   | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 875,013.00    |      |      |      |      | Sitwait - No funds for planning issued. |
| 68  | IHS S05 Listing - Cistern Projects | INDIAN WELLS - ROUND BUTTE CIST                              | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 296,038.00    |      |      |      |      | Sitwait - No funds for planning issued. |
| 69  | IHS S05 Listing - Cistern Projects | COALMINE CANYON - Little Colorado Cisterns - Phase 1         | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 170,000.00    |      |      |      |      | Sitwait - No funds for planning issued. |
| 70  | IHS S05 Listing - Cistern Projects | MAARTEE CANYON CISTERS 1                                     | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 86,000.00     |      |      |      |      | Sitwait - No funds for planning issued. |
| 71  | IHS S05 Listing - Cistern Projects | WHPY99 CISTERS PHASE 2                                       | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 720,880.00    |      |      |      |      | Sitwait - No funds for planning issued. |
| 72  | IHS S05 Listing - Cistern Projects | Teslan-Cottonwood Cisterns (Sitwait 2018?)                   | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 90,000.00     |      |      |      |      | Sitwait - No funds for planning issued. |
| 73  | IHS S05 Listing - Cistern Projects | BUDON JOHN'S DRAW 2 CISTERS                                  | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 418,010.00    |      |      |      |      | Sitwait - No funds for planning issued. |
| 74  | IHS S05 Listing - Cistern Projects | SCATTERED SOLEM CISTERS                                      | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 875,000.00    |      |      |      |      | Sitwait - No funds for planning issued. |
| 75  | IHS S05 Listing - Cistern Projects | SHONTO SCATTERED CISTERS                                     | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 381,000.00    |      |      |      |      | Sitwait - No funds for planning issued. |
| 76  | IHS S05 Listing - Cistern Projects | TOLANI LAKE SCATTERED CISTERS                                | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 186,000.00    |      |      |      |      | Sitwait - No funds for planning issued. |
| 77  | IHS S05 Listing - Cistern Projects | CAMERON West Cisterns - Phase 1                              | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 330,000.00    |      |      |      |      | Sitwait - No funds for planning issued. |
| 78  | IHS S05 Listing - Cistern Projects | DEUKON - TAYLOR CISTERS                                      | Year<br>Month<br>Day<br>Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 888,000.00    |      |      |      |      | Sitwait - No funds for planning issued. |



| No. | Category                          | Project  | Year  | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030       | 2031 | 2032 | 2033 | 2034 | 2035 | 2036 | 2037 | 2038 | 2039 | 2040 | Comments                                  |
|-----|-----------------------------------|--|---|------|------|------|------|------|------|------|------|------|------|------------|------|------|------|------|------|------|------|------|------|------|---|
| 79  | IHS SDS Living - Cistern Projects | HADROCK/SCATTERED CISTERNS P1                          | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 233,000.00 |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 80  | IHS SDS Living - Cistern Projects | WHITE COVE - SCATTERED CISTERNS                        | Revising, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 94,000.00  |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 81  | IHS SDS Living - Cistern Projects | LEOPP SAN FRANCISCO WASH<br>CSD DIST5                  | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 894,000.00 |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 82  | IHS SDS Living - Cistern Projects | BRIDGESOUTH HWY 99 CISTERNS,<br>PHASE 1                | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 517,000.00 |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 83  | IHS SDS Living - Cistern Projects | CAMERON LCR Group Cisterns                             | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 561,000.00 |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 84  | IHS SDS Living - Cistern Projects | TOLANI LAKE PRICE II CSD, DIST. 5                      | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 380,000.00 |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 85  | IHS SDS Living - Cistern Projects | LEOPP - GRAND FALLS SCATT<br>CISTERNS                  | Revising, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 474,000.00 |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 86  | IHS SDS Living - Cistern Projects | KARETO SCATTERED CISTERN                               | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 164,000.00 |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 87  | IHS SDS Living - Cistern Projects | Sierra Campus South Cisterns                           | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 153,999.00 |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 88  | IHS SDS Living - Cistern Projects | Purdy Farms West Scattered Cisterns<br>& WVP           | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 168,000.00 |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 89  | IHS SDS Living - Cistern Projects | BRIDGESOUTH CISTERNS DIST.<br>5                        | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 59,000.00  |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 90  | IHS SDS Living - Cistern Projects | New Mira Rainbow City Cisterns                         | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 411,000.00 |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 91  | IHS SDS Living - Cistern Projects | Mission Springs/Toddley PVA<br>Cisterns                | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 427,000.00 |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |
| 92  | IHS SDS Living - Cistern Projects | CRACKA, NUTWOOD Cistern Scattered<br>CISTERNS (A-2017) | Planning, Pre-design<br>Permitting, Design, Right of Way, Bid<br>Construction |      |      |      |      |      |      |      |      |      |      | 283,000.00 |      |      |      |      |      |      |      |      |      |      | Situation - No funds for planning issued. |

| No. | Category                        | Project                            | Year  | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2020  | 2021                 | 2022 | 2023 | 2024 | Comments                              |  |
|-----|---------------------------------|------------------------------------|---|------|------|------|------|------|------|---|----------------------|------|------|------|---------------------------------------|--|
| 91  | IMS SDS Listing - CULM Projects | CAUTION Mountainview Culm Phase II | Planing, Pre-design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      | 20,000.00   |                      |      |      |      | Shuts - No funds for planning issued. |  |
| 94  | IMS SDS Listing - Culm Projects | LUPP PADRE CANYON CSD D13 S        | Planing, Pre-design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      | 1,439,316.00  |                      |      |      |      | Shuts - No funds for planning issued. |  |
| 95  | IMS SDS Listing - Culm Projects | LUPP CANYON (PALEO CSD D13 S)      | Planing, Pre-design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      | 1,019,500.00  |                      |      |      |      | Shuts - No funds for planning issued. |  |
| 96  | IMS SDS Listing - Culm Projects | Copamine Culm (R 2019)             | Planing, Pre-design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      | 1,009,800.00  |                      |      |      |      | Shuts - No funds for planning issued. |  |
| 97  | IMS SDS Listing - Culm Projects | WEST LUPP SCATTERED CSD (R)        | Planing, Pre-design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      | 166,100.00  |                      |      |      |      | Shuts - No funds for planning issued. |  |
| 98  | IMS SDS Listing - Culm Projects | LUPP SOLAR PROJECT (CENTENN)       | Planing, Pre-design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      | 1,715,112.00  |                      |      |      |      | Shuts - No funds for planning issued. |  |
|     |                                 |                                    |   |      |      |      |      |      |      | CULM Subtotal \$ 29,199,353<br>30% Contingency \$ 8,741,806<br>CULM \$ 37,941,159 |                      |      |      |      | 29,199,353<br>8,741,806<br>37,941,159 |  |
|     |                                 |                                    |   |      |      |      |      |      |      | <b>CULM - List of Potential Closures in 2020</b>                                  | <b>\$ 37,941,159</b> |      |      |      |                                       |  |



| No.  | Category  | Project  | Year         |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|--|---|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
|  |   |  | 2020         | 2021         | 2022         | 2023         | 2024         | 2025         | 2026         | 2027         | 2028         | 2029         | 2030         | 2031         | 2032         | 2033         | 2034         | Comments     |
| 93   | Assistance to Water Users - Water Raising Program | Water Raising Program - 7 Districts<br>Purchase Truck buildings, staff implementation. |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| 100  | Assistance to Water Users - Water Raising Program | Water Raising Program - 1 Tract for 45166A Certified Chapters                          |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| 101  | Assistance to Water Users - Dig/Rep               | Local Dig/Rep Proposal to install 300' mains   |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| 102  | Assistance to Water Users - Water Tech Box        | Water Treatment at WWS Site for Water Users  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| Assistance to Water Users - Water Raising, Dig, Rep, or Well Treatment, etc.<br>Complete to 2020 |   |  | \$ 9,107,200 | \$ 5,430,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 |
|  |   |  | \$ 9,107,200 | \$ 5,430,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 |

27,587,100

| No.  | Category  | Project  | Year         |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|--|---|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
|  |   |  | 2020         | 2021         | 2022         | 2023         | 2024         | 2025         | 2026         | 2027         | 2028         | 2029         | 2030         | 2031         | 2032         | 2033         | 2034         | Comments     |
| 103  | Regional and Local Projects - Western Nevada Pipeline Phase 1                               | Western Nevada Pipeline (WNP) Phase 1            |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| 104  | Regional and Local Projects - Southwest Nevada Pipeline                                     | Southwest Nevada Pipeline                        |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| 105  | Regional and Local Projects - Donahedillo Baby Rocks  | Donahedillo Baby Rocks                           |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| 106  | Regional and Local Projects - County Radio Tower  | County Radio Tower                               |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| 107  | Regional and Local Water System Projects - Truckee Inflow Channel Distribution Improvements | Truckee Inflow Channel Distribution Improvements |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| 108  | Regional and Local Water System Projects - Elko Springs to Toiyabe Connection               | Elko Springs to Toiyabe Connection               |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| 109  | Regional and Local Water System Projects - Rock Springs/Temptash NGWSP Connection           | Rock Springs/Temptash NGWSP Connection           |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| 110  | Regional and Local Water System Projects - Meadows NGWSP Connection                         | Meadows NGWSP Connection                         |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| 111  | Regional and Local Water System Projects - Sheep Springs NGWSP Connection                   | Sheep Springs NGWSP Connection                   |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|  |   |  |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| Assistance to Water Users - List of Potential Complete to 2020 |   |  | \$ 9,107,200 | \$ 5,430,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 | \$ 4,330,000 |

27,587,100

| No. | Category                                 | Project  | Year |      |      |      |      |      |      |      |      |      |      |          |            |              |  |              |              |   |
|-----|--|--|------|------|------|------|------|------|------|------|------|------|------|----------|------------|--------------|--|--------------|--------------|---|
|     |  |  | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | Comments |            |              |  |              |              |   |
| 112 | Regional and Local Water System Projects | Newcomb/Trinidad NCRSP Connection                      |      |      |      |      |      |      |      |      |      |      |      |          |            |              | Field Scaling, Arch. & Bid in 2020. Survey, Environmental Assessment, ROW app. & Prelim Design in 2021 |              |              |   |
| 113 | Regional and Local Water System Projects | Standing Rock Waterline Extension                      |      |      |      |      |      |      |      |      |      |      |      |          | \$ 200,000 | \$ 500,000   | \$ 175,000   | \$ 1,700,000 | \$ 1,000,000 |   |
| 114 | Regional and Local Water System Projects | Concho Canyon Waterline Extension                      |      |      |      |      |      |      |      |      |      |      |      |          | \$ 500,000 | \$ 500,000   | \$ 1,000,000   | \$ 1,500,000 | \$ 1,000,000 | Field Scaling, Arch. & Bid in 2020. Survey, Environmental Assessment, ROW app. & Prelim Design in 2021  |
| 115 | Regional and Local Water System Projects | Concho Canyon Waterline Extension                      |      |      |      |      |      |      |      |      |      |      |      |          | \$ 800,000 | \$ 400,000   | \$ 300,000   | \$ 2,100,000 | \$ 2,000,000 | Design already funded by U.S. Bureau of Reclamation, but construction is not funded. Construction in 2021, assumes sole source to NECA and approved ROW process                 |
| 116 | Regional and Local Water System Projects | Camero Lake - Thorough Waterline Extension             |      |      |      |      |      |      |      |      |      |      |      |          | \$ 100,000 | \$ 200,000   | \$ 300,000   | \$ 1,200,000 | \$ 1,500,000 | Field Scaling, Arch. & Bid in 2021. Survey, IA, ROW A Design in 2022-23. Includes waterlines and rapid systems for 48 families to residents can comply with CDC recommendations |
| 117 | Regional and Local Water System Projects | Chickah Water Supply Works                             |      |      |      |      |      |      |      |      |      |      |      |          | \$ 400,000 | \$ 1,000,000 | \$ 1,000,000   | \$ 1,000,000 | \$ 1,000,000 | Planning in 2021. Field Scaling, Arch. & Bid in 2021. Survey, IA, ROW & Design in 2022-24   |
| 118 | Regional and Local Water System Projects | Chickah Bathroom Addition                              |      |      |      |      |      |      |      |      |      |      |      |          | \$ 200,000 | \$ 1,000,000 | \$ 3,000,000   | \$ 1,000,000 | \$ 1,000,000 | Design, NEPA, ROW of fill line concurrent with well drilling to save time. Could be phased between 2020 and 2021. Construction components                                       |
| 119 | Regional and Local Water System Projects | Thomson Beta Street Pumpstation and Water Supply Lines |      |      |      |      |      |      |      |      |      |      |      |          | \$ 350,000 | \$ 750,000   | \$ 3,000,000   | \$ 1,000,000 | \$ 1,000,000 | Architect design concurrent with starting construction. Construction in 2020 and 2021. Construction components  |
| 120 | Regional and Local Water System Projects | Upper Nueces Water System Phase 2, S & L               |      |      |      |      |      |      |      |      |      |      |      |          | \$ 500,000 | \$ 1,300,000 | \$ 1,300,000   | \$ 1,300,000 | \$ 1,300,000 | Ready for final design. Construction in 2020 prefunded on expending ROW   |
| 121 | Regional and Local Water System Projects | Newcomb Emergency Water Holding Station                |      |      |      |      |      |      |      |      |      |      |      |          | \$ 250,000 | \$ 250,000   | \$ 250,000   | \$ 250,000   | \$ 250,000   | Construction phase engineering, inspections, and commissioning concurrent with construction. Construction starting in 2020. NECA contract in place, just needs # number.        |
| 122 | Regional and Local Water System Projects | Newcomb Water System Upgrade                           |      |      |      |      |      |      |      |      |      |      |      |          | \$ 50,000  | \$ 200,000   | \$ 3,000,000   | \$ 3,000,000 | \$ 3,000,000 | Construction in 2020. Emergency water source for residents staying at home.   |
| 123 | Regional and Local Water System Projects | Concho Canyon Water System Upgrade                     |      |      |      |      |      |      |      |      |      |      |      |          | \$ 50,000  | \$ 200,000   | \$ 3,000,000   | \$ 3,000,000 | \$ 3,000,000 | Water supply well and treatment plant equipment replacement. Two additional wells. Two additional tanks.  |
| 124 | Regional and Local Water System Projects | Terrell Tank Repairs                                   |      |      |      |      |      |      |      |      |      |      |      |          | \$ 250,000 | \$ 250,000   | \$ 250,000   | \$ 250,000   | \$ 250,000   | Design already funded by State of NM. Construction in 2020.   |
| 125 | Regional and Local Water System Projects | Terrell Tank Repairs                                   |      |      |      |      |      |      |      |      |      |      |      |          | \$ 50,000  | \$ 50,000    | \$ 50,000  | \$ 50,000    | \$ 50,000    | Public safety request from County Fire Dept. due to COVID Stay-at-home order  |



| No. | Category                                 | Project  | Year   | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029         | 2030         | 2031         | 2032          | 2033 | 2034 | Comments  |
|-----|--|--|--|------|------|------|------|------|------|------|------|------|--------------|--------------|--------------|---------------|------|------|---|
| 125 | Regional and Local Water System Projects | Surface Flow Wash State Precipitation Monitoring, Design, Right of Way, Bid Construction | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 400,000   | \$ 1,000,000 | \$ 1,000,000 |               |      |      | Chlorinator & tank design concurrent with PIV construction to save time PIV replacement in 2035. Chlorinator construction and tank replacement in 2031                                |
| 126 | Regional and Local Water System Projects | South Lake Water Treatment   | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 75,000    | \$ 500,000   |              |               |      |      | Needed to complete project already under construction. Emergency water supply.  |
| 127 | Regional and Local Water System Projects | Component to South Lake Interline  | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 100,000   |              |              |               |      |      | Construction materials included in Strategic Study  |
| 128 | Regional and Local Water System Projects | Sand Springs Transmission Line and Wastewater Point                                      | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 100,000   |              |              |               |      |      | Construction materials included in Strategic Study  |
| 129 | Regional and Local Water System Projects | 200-watt supply water - Assist in design   | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 420,000   | \$ 1,500,000 |              |               |      |      | Construction materials included in Strategic Study  |
| 130 | Regional and Local Water System Projects | WTP Phase 1 - Backbone Gals Well and Pads  | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 176,000   | \$ 1,581,917 | \$ 8,000,000 |               |      |      | Land already acquired for well site. Environmental clearances already completed. Supply water to chapters & communities surrounding Gallop, e.g. Churchrock, Manalito, Red Rock, etc. |
| 131 | Regional and Local Water System Projects | WTP Phase 1 - Cedar Ridge Pump Station and Pipelines                                     | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 200,000   | \$ 500,000   | \$ 800,000   |               |      |      |   |
| 132 | Regional and Local Water System Projects | WTP Phase 1 - Cameron Pump Station   | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 126,000   | \$ 132,563   | \$ 1,458,417 |               |      |      |   |
| 133 | Regional and Local Water System Projects | WTP Phase 1 - LeChive Inlet, Water Treatment Plant, Pump Station, Pipeline               | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 830,000   | \$ 785,000   | \$ 6,179,034 | \$ 12,938,869 |      |      |   |
| 134 | Regional and Local Water System Projects | Oljito Well N-5 Improvements   | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 1,400,000 |              |              |               |      |      |   |
| 135 | Regional and Local Water System Projects | Westwater Community Well Project   | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 100,000   | \$ 100,000   | \$ 25,000    | \$ 1,275,000  |      |      |   |
| 136 | Regional and Local Water System Projects | Deep Dillon Pipeline, Phase II   | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 465,000   | \$ 780,000   | \$ 6,700,000 | \$ 10,105,200 |      |      |   |
| 137 | Regional and Local Water System Projects | Garwood Well Project   | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 150,000   | \$ 350,000   | \$ 1,100,000 |               |      |      |   |
| 138 | Regional and Local Water System Projects | Alamo - Community Water System Upgrades  | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 250,000   | \$ 1,000,000 |              |               |      |      |   |
| 139 | Regional and Local Water System Projects | Alamo Springs Well Connection  | Planning, Pre-Design, Permitting, Design, Right of Way, Bid Construction |      |      |      |      |      |      |      |      |      | \$ 90,000    | \$ 260,000   |              |               |      |      |   |







| No. | Category        | Project  | Year Month                                  | Year |      |      |      |      |      |      |      |      |      |      |                            |                            |  |                            |               |
|-----|-----------------|--|---|------|------|------|------|------|------|------|------|------|------|------|----------------------------|----------------------------|--|----------------------------|---------------|
|     |                 |  |   | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | Comments                   |                            |  |                            |               |
| 163 | Irrigation      | Irrigation - Many Farms Overton Dam  | Design Construction                         |      |      |      |      |      |      |      |      |      |      |      | \$ 50,000<br>\$ 100,000    | \$ 100,000                 | List of repairs based on limited existing data.  |                            |               |
| 164 | Irrigation      | Irrigation - Captain Tom Dam repairs   | Design Construction                         |      |      |      |      |      |      |      |      |      |      |      | \$ 10,000<br>\$ 40,000     | \$ 40,000                  | List of repairs based on limited existing data.  |                            |               |
| 165 | Irrigation      | Irrigation - Milby Farms Agricultural Weir   | Design Construction                         |      |      |      |      |      |      |      |      |      |      |      | \$ 10,000<br>\$ 10,000     | \$ 200,000                 | List of repairs based on limited existing data.  |                            |               |
| 166 | Irrigation      | Irrigation - DeWitts Overton Dam repairs   | Design Construction                         |      |      |      |      |      |      |      |      |      |      |      | \$ 15,000<br>\$ 50,000     | \$ 100,000                 | List of repairs based on limited existing data.  |                            |               |
| 167 | Irrigation      | Irrigation - Charles Lake Diversion Dam repairs  | Design Construction                         |      |      |      |      |      |      |      |      |      |      |      | \$ 100,000<br>\$ 200,000   | \$ 1,500,000               | List of repairs based on limited existing data.  |                            |               |
| 168 | Irrigation      | Two Gray Hills - Upper Blackhouse Valley Farms Irrigation Overton Dam Rehabilitation Project | Design Construction                         |      |      |      |      |      |      |      |      |      |      |      | \$ 50,000<br>\$ 200,000    | \$ 800,000                 | List of repairs based on limited existing data.  |                            |               |
| 169 | Irrigation      | Two Gray Hills - Turnbale Down House Valley Farms Irrigation Rehab                           | Design Construction                         |      |      |      |      |      |      |      |      |      |      |      | \$ 100,000<br>\$ 200,000   | \$ 1,400,000               | List of repairs based on limited existing data.  |                            |               |
| 170 | Irrigation      | Red Valley/Goon Irrigation Overton Improvements  | Design Construction                         |      |      |      |      |      |      |      |      |      |      |      | \$ 15,000<br>\$ 100,000    |                            | List of repairs based on limited existing data.  |                            |               |
| 171 | Irrigation      | Lawleya Diversion Dam and Reservoir Rehabilitation Planning and Design                       | Design Construction                         |      |      |      |      |      |      |      |      |      |      |      | \$ 200,000<br>\$ 500,000   | \$ 350,000<br>\$ 1,000,000 | List of repairs based on limited existing data.  |                            |               |
| 172 | Irrigation      | Shappings Farms Irrigation System Improvement Project  | Design Construction                         |      |      |      |      |      |      |      |      |      |      |      | \$ 200,000<br>\$ 500,000   | \$ 200,000<br>\$ 1,000,000 | List of repairs based on limited existing data.  |                            |               |
| 173 | Irrigation      | Lake Powell to Shands Irrigation Water Delivery Project                                      | Feasibility Study<br>Design<br>Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 200,000<br>\$ 200,000   | \$ 200,000                 | Study to utilize NGS links for water delivery along NGS railroad corridor for irrigation and other uses. |                            |               |
| 174 | Irrigation      | CCR Bishopsgate Irrigation Feasibility Study   | Feasibility Study<br>Design<br>Construction |      |      |      |      |      |      |      |      |      |      |      | \$ 200,000<br>\$ 300,000   | \$ 300,000                 | Study to utilize NGS links for water delivery along NGS railroad corridor for irrigation and other uses. |                            |               |
| 175 | Planning        | Long Range Water Planning Tool   | Planning                                    |      |      |      |      |      |      |      |      |      |      |      | \$ 2,180,000<br>\$ 772,500 | \$ 6,190,000<br>\$ 907,000 | \$ 3,500,000<br>\$ 911,500   | \$ 2,000,000<br>\$ 711,000 | \$ 14,870,000 |
| 176 | RDWP Assistance | Buildings, Supplies, etc   | Purchase                                    |      |      |      |      |      |      |      |      |      |      |      | \$ 1,000,000               |                            |  |                            | \$ 1,000,000  |



**Navajo Nation Strategic Stockpile for Water Infrastructure  
Detailed Line-Item Budget, 6/26/2020  
NOTE: Covers projects in Arizona, New Mexico, and Utah**

| Item   | Quantity | Unit | Unit Cost                         | Sub-Total            | Specifications   |
|--|----------|------|-----------------------------------|----------------------|--|
| <b>PVC Pipe (C900) - Water</b>   |          |      |                                   |                      |  |
| 16" DR18 C900 PVC  | 301,230  | LF   | \$ 31.25                          | \$ 9,413,451         | Per project specifications and NTUA/ IHS standards   |
| 16" DR14 C900 PVC  | 3,061    | LF   | \$ 39.85                          | \$ 121,961           | Per project specifications and NTUA/ IHS standards   |
| 14" DR18 C900 PVC  | 15,500   | LF   | \$ 23.90                          | \$ 370,450           | Per project specifications and NTUA/ IHS standards   |
| 12" DR25 C900 PVC  | 91,700   | LF   | \$ 10.89                          | \$ 998,613           | Per project specifications and NTUA/ IHS standards   |
| 10" DR25 C900 PVC  | 72,484   | LF   | \$ 7.70                           | \$ 558,127           | Per project specifications and NTUA/ IHS standards   |
| 10" DR18 C900 PVC  | 194,100  | LF   | \$ 10.59                          | \$ 2,055,519         | Per project specifications and NTUA/ IHS standards   |
| 10" DR14 C900 PVC  | 26,400   | LF   | \$ 13.38                          | \$ 353,232           | Per project specifications and NTUA/ IHS standards   |
| 8" DR18 C900 PVC   | 113,726  | LF   | \$ 6.95                           | \$ 790,393           | Per project specifications and NTUA/ IHS standards   |
| 8" DR14 C900 PVC   | 21,314   | LF   | \$ 8.79                           | \$ 187,353           | Per project specifications and NTUA/ IHS standards   |
| 6" DR25 C900 PVC   | 1,106    | LF   | \$ 2.96                           | \$ 3,274             | Per project specifications and NTUA/ IHS standards   |
| 6" DR18 C900 PVC   | 398,562  | LF   | \$ 4.07                           | \$ 1,622,147         | Per project specifications and NTUA/ IHS standards   |
| 6" DR14 C900 PVC   | 56,904   | LF   | \$ 5.12                           | \$ 291,348           | Per project specifications and NTUA/ IHS standards   |
| 4" DR18 C900 PVC   | 285,186  | LF   | \$ 2.05                           | \$ 584,631           | Per project specifications and NTUA/ IHS standards   |
| <b>PVC Pipe (SDR) - Water</b>  |          |      |                                   |                      |  |
| 6" SDR 26 PVC Pipe   | 500,000  | LF   | \$ 2.61                           | \$ 1,305,000         | Per NTUA/ IHS specifications for waterlines  |
| 6" SDR 21 PVC Pipe   | 100,000  | LF   | \$ 3.28                           | \$ 328,000           | Per NTUA/ IHS specifications for waterlines  |
| 4" SDR 26 PVC Pipe   | 500,000  | LF   | \$ 1.21                           | \$ 605,000           | Per NTUA/ IHS specifications for waterlines  |
| 4" SDR 21 PVC Pipe   | 100,000  | LF   | \$ 1.50                           | \$ 150,000           | Per NTUA/ IHS specifications for waterlines  |
| 2" SDR 21 PVC Pipe   | 622,212  | LF   | \$ 0.45                           | \$ 279,995           | Per NTUA/ IHS specifications for waterlines  |
|  | 345.12   | mi   |                                   |                      |  |
| <b>Fusible PVC Pipe - Water</b>  |          |      |                                   |                      |  |
| 16" DR18 C900 Fusible PVC  | 29,353   | LF   | \$ 53.50                          | \$ 1,570,396         | Per project specifications and NTUA acceptance   |
| 16" DR18 C900 Fusible PVC Bell   | 135      | EA   | \$ 100.00                         | \$ 13,500            | Per project specifications and NTUA acceptance   |
| 16" DR14 C900 Fusible PVC  | 1,261    | LF   | \$ 68.50                          | \$ 86,392            | Per project specifications and NTUA acceptance   |
| 16" DR14 C900 Fusible PVC Bell   | 10       | EA   | \$ 100.00                         | \$ 1,000             | Per project specifications and NTUA acceptance   |
| 8" DR18 C900 Fusible PVC   | 2,153    | LF   | \$ 14.50                          | \$ 31,224            | Per project specifications and NTUA acceptance   |
| 8" DR18 C900 Fusible PVC Bell  | 10       | EA   | \$ 100.00                         | \$ 1,000             | Per project specifications and NTUA acceptance   |
| 8" DR14 C900 Fusible PVC   | 8,783    | LF   | \$ 18.25                          | \$ 160,297           | Per project specifications and NTUA acceptance   |
| 8" DR14 C900 Fusible PVC Bell  | 40       | EA   | \$ 100.00                         | \$ 4,000             | Per project specifications and NTUA acceptance   |
| <b>Ductile Iron Pipe - Water</b>   |          |      |                                   |                      |  |
| 6" CL 350 Ductile Iron Pipe  | 6,000    | LF   | \$ 15.93                          | \$ 95,580            | Per project specifications and NTUA acceptance   |
| <b>Valves - Water</b>  |          |      |                                   |                      |  |
| 16-inch AWWA C504, 250B Butterfly valve with 4" Gate Valve bypass assembly     | 26       | EA   | \$ 20,178.00                      | \$ 524,628           | Per SM Reach 21 drawing on 850-C-3307  |
| 16-inch AWWA C504, 150B Butterfly valve without bypass assembly                | 57       | EA   | \$ 4,336.00                       | \$ 247,152           |  |
| 14-inch AWWA C504, 150B Butterfly valve without bypass assembly                | 4        | EA   | \$ 3,836.00                       | \$ 15,344            |  |
| 12-inch Gate valve assembly, 350 psi   | 51       | EA   | \$ 1,726.00                       | \$ 88,026            |  |
| 10-inch Gate valve assembly, 350 psi   | 172      | EA   | \$ 1,422.00                       | \$ 244,584           |  |
| 8-inch Gate valve assembly, 350 psi  | 75       | EA   | \$ 1,059.00                       | \$ 79,425            | MJ Valve, VB, 2- MJ B&G, 2-Mega-lugs   |
| 6-inch Gate valve assembly, 350 psi  | 384      | EA   | \$ 724.00                         | \$ 277,979           | MJ Valve, VB, 2- MJ B&G, 2-Mega-lugs   |
| 4-inch Gate valve assembly, 350 psi  | 562      | EA   | \$ 598.00                         | \$ 336,076           | MJ Valve, VB, 2- MJ B&G, 2-Mega-lugs   |
| 2" Gate Valve Assembly   | 1,097    | EA   | \$ 401.00                         | \$ 439,897           | Valve, VB, PVC Push On   |
| 2" Gate Valve FIPT   | 1,000    | EA   | \$ 401.00                         | \$ 401,000           | SE Valve, VB   |
| 3-inch VBV/ 2-inch ARV assembly w/ stainless steel plumbing and frost-free can | 65       | EA   | \$ 7,300.00                       | \$ 474,500           | 3" ValMatic 1853AVB.35VH Vacuum Breaker Valve with Hood, 2" ValMatic 45.5XFSV Air Release Valve, 3" NPT Apollo SS Ball Valve with Gearbox and 2" Nut, 2" NPT Apollo SS Ball Valve with Lever Operator, 1/2" NPT Apollo SS Ball Valve Drain, 3" 300R SST Companion Flange, Duplex Trojan Gasket, SS Bolts/Washers/Nuts, SS Tees, SS Reducing Bushings, SS Nipples, 4" ValMatic 1504 FrostSafe, Saddle, Dielectric, and Field Fit Buried Nipple Included |
| 2-inch Combination Air Valve Assembly with Meter Can                           | 17       | EA   | \$ 3,200.00                       | \$ 54,400            | 2" ValMatic 202C.2DISV Combination Air Valve, 2" NPT Apollo SS Ball Valve with Gearbox and 2" Nut, 1/2" NPT Apollo SS Ball Valve Drain, SS Elbow, SS Nipples, 4" ValMatic 1504 FrostSafe, Saddle, Dielectric, PVC Air Vent and Field Fit Buried Nipple Included  |
| 1-inch Combination Air Valve Assembly with Meter Can                           | 304      | EA   | \$ 2,600.00                       | \$ 790,712           | 1" ValMatic 201C.2DISV Combination Air Valve, 1" NPT Apollo SS with Gearbox and 2" Nut, 1/2" NPT Apollo SS Ball Valve Drain, SS Elbow, SS Nipples, 4" ValMatic 1504 FrostSafe, Saddle, Dielectric, PVC Air Vent and Field Fit Buried Nipple Included   |
| 2" Flush Valve Assembly  | 70       | EA   | \$ 972.00                         | \$ 68,040            | Based off BX2 MJ Tept Tee w/Megalugs   |
| <b>Steel Casing - Water</b>  |          |      |                                   |                      |  |
| 30-inch STD Wall Steel Casing  | 550      | LF   | \$ 86.40                          | \$ 47,520            | Per IHS and DOT standards for waterline road crossings   |
| 18-inch STD Wall Steel Casing  | 2,020    | LF   | \$ 41.85                          | \$ 84,537            | Per IHS and DOT standards for waterline road crossings   |
| 16-inch STD Wall Steel Casing  | 1,430    | LF   | \$ 33.40                          | \$ 47,762            | Per IHS and DOT standards for waterline road crossings   |
| 12-inch STD Wall Steel Casing  | 2,650    | LF   | \$ 27.20                          | \$ 72,080            | Per IHS and DOT standards for waterline road crossings   |
| 10-inch STD Wall Steel Casing  | 950      | LF   | \$ 22.30                          | \$ 21,185            | Per IHS and DOT standards for waterline road crossings   |
| <b>PVC Pipe - Sewer/ Bathroom Plumbing</b>                                     |          |      |                                   |                      |  |
| 4" SDR35 Sewer Pipe  | 200,000  | LF   | \$ 0.85                           | \$ 170,000           | Per specifications for bathroom plumbing and sanitation projects   |
| 4" DWV Sewer Pipe  | 500,000  | LF   | \$ 1.44                           | \$ 720,000           | Per specifications for bathroom plumbing and sanitation projects   |
| 3" DWV Sewer Pipe  | 500,000  | LF   | \$ 1.19                           | \$ 595,000           | Per specifications for bathroom plumbing and sanitation projects   |
|  |          |      | Subtotal                          | \$ 27,781,733        |  |
|  |          |      | Shipping, Storage, Bonding @5%    | \$ 1,389,087         |  |
|  |          |      | Contingency @10%                  | \$ 2,917,082         |  |
|  |          |      | <b>STRATEGIC STOCKPILE TOTAL:</b> | <b>\$ 32,087,901</b> |  |

## PROJECT FUNDING REQUEST

### Whitehorse Lake – Sand Springs Water Supply Pipeline

- Entity: Whitehorse Lake Chapter, Navajo Nation
- Project Type: Drinking Water
- Funding Request: \$4.5 million
- Description: The Sand Springs community (60 people) does not have a water supply; everyone here hauls water and uses outhouses. The proposed 8-mile, 6-inch PVC water supply line will be a lifeline to this community, bringing water from the Whitehorse Lake tanks to a central watering point within the community. Once this water supply is established, the community will seek additional resources for Phase 2 to extend the waterlines to individual homes.
- Project Readiness: Currently in Design/ ROW Acquisition Phase
- Map: See next page

| <b>PROJECT COST ESTIMATE</b>                      |                    |
|---|--------------------|
| <b>Sand Spring Water Supply Pipeline</b>          |                    |
| Description                                       | Construction Cost  |
| Mobilization, Safety, Environmental               | \$298,862          |
| NGWSP Tie-in                                      | \$64,290           |
| Water Mainline - Pipeline                         | \$2,149,171        |
| Water Mainline - Valves                           | \$358,195          |
| Booster Pump Station                              | \$200,000          |
| Sand Springs Community Water Tank, 50,000 gallons | \$125,000          |
| SCADA/ Communications/ Electrical                 | \$144,674          |
| Design, Surveying                                 | \$334,019          |
| ROW, Cultural Resources, Environmental            | \$334,019          |
| Construction Inspection, QAQC                     | \$83,505           |
| <b>TOTAL CONSTRUCTION COST:</b>                   | <b>\$4,091,736</b> |



# Sand Springs Water Supply Pipeline

8 mile, 4-inch PVC pipeline



Whitcomb Lake - 5000 ft. Elevation

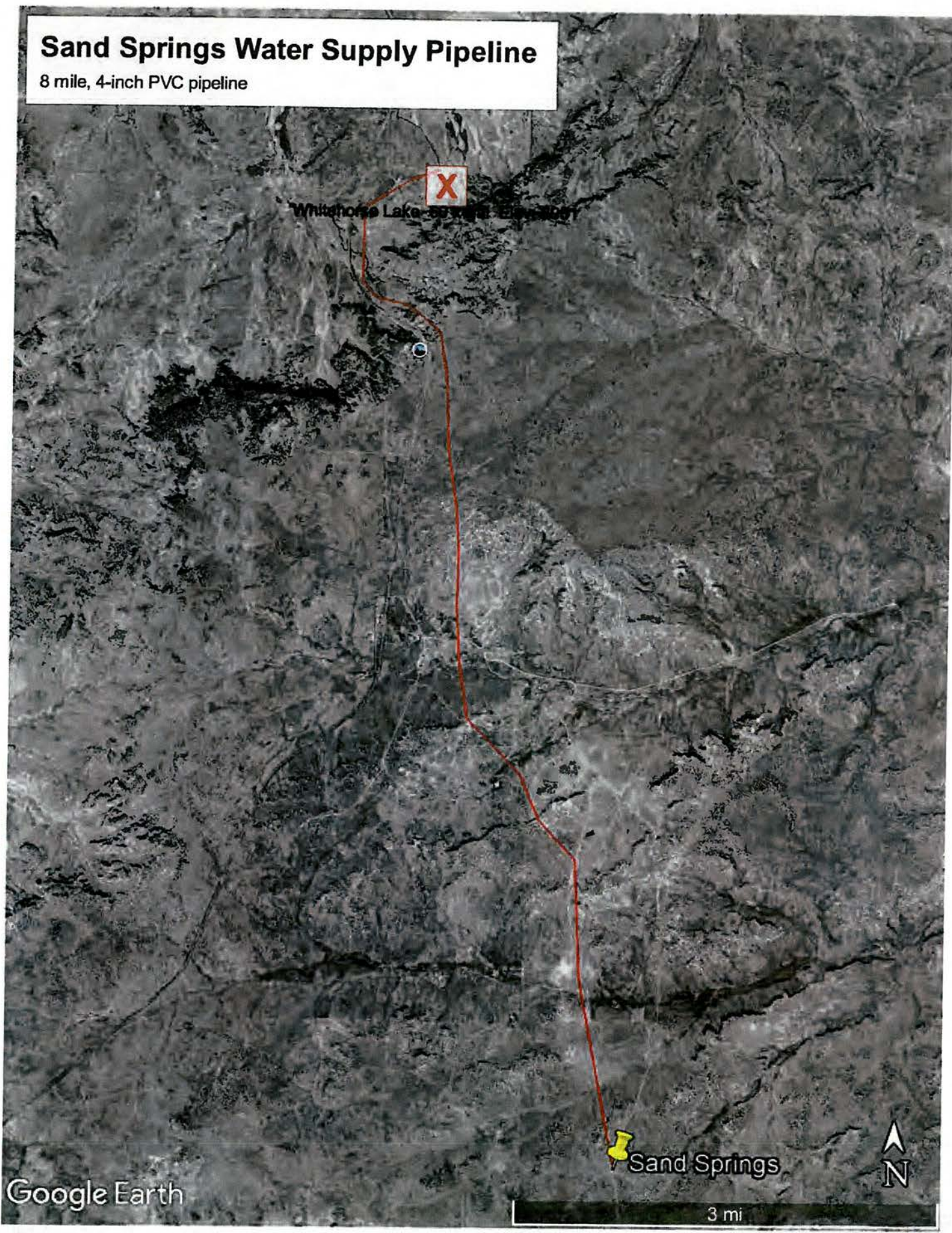


Sand Springs



Google Earth

3 mi





NTUA W/WW CARES ACT PROJECT PROPOSALS

David Shultz, PE, HQ W/WW Engineering Division, NTUA

14-Jul-2020

Water

2020

| Sub-Location              | Description of Work Proposed  | 2020 Estimated Value | 2020 Total Cost   |
|---------------------------|---|----------------------|-------------------|
| Reservation Wide          | Watering Point 5 Each (As ID'd by IHS, CDC)   |                      | 650,000           |
| Reservation Wide          | Offline Well to Water Loading Station Conversion 5 Ea. Non potable water stations for livestock or construction supply. (Hunter's Point, Newcomb 3, Sheep Springs North, Chinle South Well, Round Rock 1) |                      | 1,050,000         |
| Reservation Wide          | Wells 1 Each strategically placed off current COVID19 assessment of water needs, includes New Smeal Rig 67 elevate pump/motor replacements  |                      | 2,785,000         |
| Park Estates, Sanders, AZ | Replacement of waterlines below design and construction standards, requiring frequent repair  |                      | 3,200,000         |
| Reservation Wide          | Scattered waterline extensions to 10 homes. Incl plumbing, septic, BR add'n. Names to be determined   |                      | 1,325,000         |
| Ganado, AZ                | Ganado Water Supply Well - Total Project cost \$1,372,353 and total need \$1,372,353  |                      | 1,500,000         |
| Fort Defiance, AZ         | Construction & installation of water loading station for consumption. Construction Phase.   |                      | 55,000            |
| Crownpoint, NM            | Construction & installation of water loading station for consumption. Construction Phase.   |                      | 55,000            |
| Greasewood Springs, AZ    | Construction & installation of water loading station for consumption. Construction Phase.   |                      | 55,000            |
| Cameron, AZ               | Construction & installation of water loading station for consumption. Construction Phase.   |                      | 55,000            |
| Reservation Wide          | Replacements of various types pumps/motors within water system  |                      | 850,000           |
| Reservation Wide          | 10 Well Renovations   |                      | 305,000           |
| Reservation Wide          | 10 storage tank renovations   |                      | 1,500,000         |
| Sanders, AZ               | Park Estates Water Systems. Design Complete.  |                      | 3,100,000         |
| Tsala, AZ                 | Well Pump Replacements. Construction Complete.  |                      | 80,000            |
| <b>Sub Total</b>          |   |                      | <b>16,015,000</b> |

2021

| Sub-Location     | Description of Work Proposed   | 2021 Estimated Value | 2021 Total Cost  |
|------------------|--|----------------------|------------------|
| Reservation Wide | Offline Well to Water Loading Station Conversion 5 Ea. Non potable water stations for livestock or construction supply. (Holly Village, Dixon Well2, Dixon3, Jeddito1, Jeddito2) | 650,000              | 1,050,000        |
| Reservation Wide | Wells 1 Each strategically placed off current COVID19 assessment of water needs  |                      | 1,785,000        |
| <b>Sub Total</b> |  |                      | <b>650,000</b>   |
| <b>Sub Total</b> |  |                      | <b>2,835,000</b> |

Wastewater

2020

| Sub-Location     | Description of Work Proposed  | 2020 Estimated Value | 2020 Total Cost  |
|------------------|---|----------------------|------------------|
| Pinon, AZ        | Total Retention Expansion - Total Project cost \$1,505,350 USEPA \$739,000. Construction Ready. |                      | 804,668          |
| Window Rock, AZ  | Window Rock Emerg. Sewer Repair. Construction 95% 5/2020.                                       |                      | 1,700,000        |
| Window Rock, AZ  | Window Rock Emerg. Sewer Repair Bypass Pumping  |                      | 450,000          |
| Tohatchi, NM     | Sewer Wash Crossing. Design Needed.   |                      | 200,000          |
| Shiprock, NM     | SR WWTP Pumps, 2 ea (C/O 60HP Pumps)  |                      | 10,000           |
| Lechee, AZ       | WWTP Liftstation Wet Well, Pumps, Controls SCADA & Gen. Design Needed.                          |                      | 250,000          |
| Iyanbito, NM     | Iyanbito Lift Station Pump 1 Equip. Replc. Design Needed.                                       |                      | 10,000           |
| <b>Sub Total</b> |   |                      | <b>2,620,000</b> |

2022

| Sub-Location            | Description of Work Proposed  | 2022 Estimated Value | 2022 Total Cost  |
|-------------------------|---|----------------------|------------------|
| Ganado, AZ              | Total Retention Expansion - Total Project cost \$2,269,000 and total need \$592,000. Design 60% 5/2020. | 300,000              | 621,600          |
| <b>Sub Total</b>        |   |                      | <b>300,000</b>   |
| <b>Sub Total</b>        |   |                      | <b>621,600</b>   |
| <b>Wastewater Total</b> |   |                      | <b>300,000</b>   |
| <b>Wastewater Total</b> |   |                      | <b>3,241,600</b> |



NAVAJO NATION CISTERN PROJECT

| 2020<br>Item                 | Unit Cost   | Total Units | Total Cost       |
|------------------------------|-------------|-------------|------------------|
| Cistern                      | \$46,823.36 | 150 ea      | \$ 7,023,504.00  |
| Plumbing w Addition          | \$25,000    | 150 ea      | \$ 3,750,000.00  |
| Septic Tank & Drainfield     | \$25,000    | 150 ea      | \$ 3,750,000.00  |
| Solar 3000w, Pump and Refrig | \$30,000    | 150 ea      | \$ 4,500,000.00  |
|                              |             | Total Cost  | \$ 19,023,514.00 |

2020

Cistern Contingency

|            |                 |
|------------|-----------------|
| open       | \$1,923,009.00  |
| Total Cost | \$20,946,523.00 |

**Project/Entity:** To'hajiilee - Albuquerque Water Supply Line  
**Project Type:** Design, Easement and Construction  
**Requested Amount:** \$8,000,000 (\$200k Design, \$2M Easement and \$5.8M Construction)

**Description:**

To'hajiilee is severely water-stressed and desperately needs a dependable water source: a new 7.4-mile-long, 8-inch diameter water supply line connected to the City of Albuquerque's water system, including a booster pump and water tank (project map attached – Figure 1). This critically needed project will provide dependable and safe drinking water for approximately 1320 Navajo family members within the Chapter. Planning for the project has been completed and \$1,850,000 in funds have already been secured, with remaining design, easement and construction funds needed (project budget below).

The water system has approximately 350 metered connections which serve houses, government offices, schools, health care facilities, police substation and the Chapter house. The water system currently has only one operational water supply well, Well No. 5, with no backup water supply available. This single and undependable water well does not provide enough water for the community's current demands and provides very poor-quality water. The water smells like rotten eggs and has very corrosive properties, which damages the water system infrastructure (including house plumbing/water heaters). There is a high need for new housing in the community but NHA and residents are not able to construct houses because no additional water service connections are being allowed due to water supply shortage.

A cooperative agreement between the Navajo Nation, To'hajiilee and ABCWUA is secured and was recently confirmed as valid by all parties involved (attached as Exhibit 1). The Chapter has a resolution supporting the project (attached as Exhibit 2). The proposed line must cross privately owned tracts of lands and the required easements will be purchased.

**Project Budget:**

|               | Secured Funding         | Funding Needed     | Project Totals     |
|---------------|-------------------------|--------------------|--------------------|
| Planning      | \$350,000 (NMIAD - TIF) | \$0                | \$350,000          |
| Design        | \$1,500,000 (NN - PTF)  | \$200,000          | \$1,700,000        |
| Easement      |                         | \$2,000,000        | \$2,000,000        |
| Construction  |                         | \$5,800,000        | \$5,800,000        |
| <b>Totals</b> | <b>\$1,850,000</b>      | <b>\$8,000,000</b> | <b>\$9,850,000</b> |

The \$5.8M for construction includes \$5.1M for the water pipeline, \$325k for a water tank and \$375k for a water booster pump.

Project can be split into phases:  
 \$2.0 million in 2020  
 Remainder can be deferred

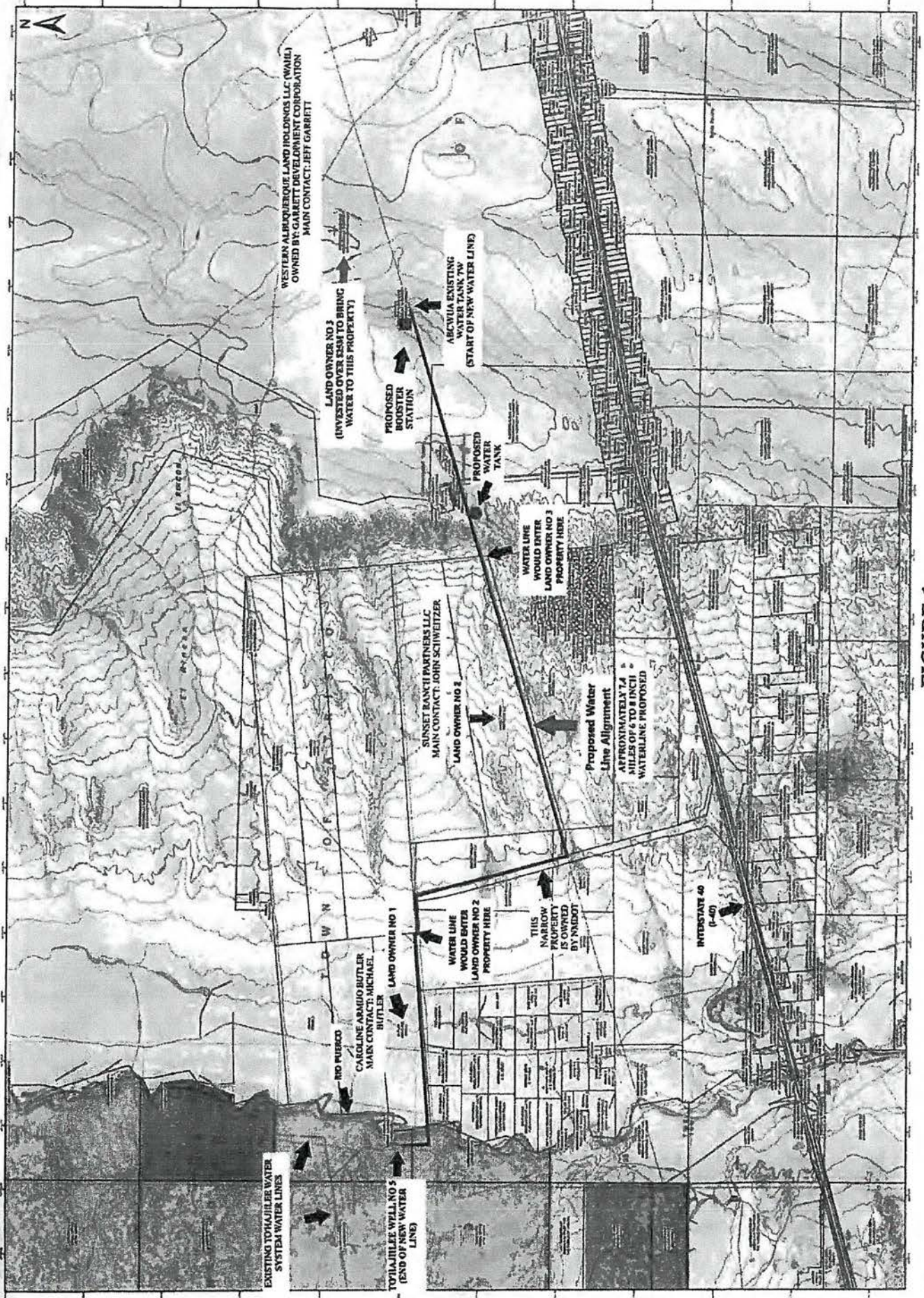
**ATTACHMENTS**

FIGURE 1: Map of To'hajiilee Water Supply Project

EXHIBIT 1: Cooperative Agreement between To'hajiilee Chapter, Navajo Nation and Albuquerque-Bernalillo County Water Authority

EXHIBIT 2: To'hajiilee Chapter Resolution supporting project





**FIGURE 1**  
**Tohajilee - ABCWUA Water Line Project**

