

Yurok Tribe files lawsuit in federal court to release COVID-19 relief funds

May 4, 2020



The Yurok Tribe and seven other tribal governments filed a lawsuit in the United States District Court for the District of Columbia April 30 to compel the US Treasury to release the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding that was allotted to 574 indigenous nations for the mitigation of extensive, COVID-19-related impacts to public health and financial security.

The Coronavirus Relief Fund, established under Title V of the \$2 trillion CARES Act, included \$8 billion for federally recognized tribes to better confront the ongoing and immense challenges presented by this unparalleled public health emergency. The landmark legislation required the US Treasury to disburse the much-needed funds no later than April 26, but none of the money has made it to tribes. The distribution of the CARES Act funding was initially held up due to a separate federal court case seeking to prohibit Alaska Native Corporations from inclusion in the bill. On April 27, US District Court Judge Amit Mehta ruled that the federal agency could immediately begin delivering the promised emergency relief dollars to tribes, many of which are currently suffering from disproportionate coronavirus infection and fatality rates.

“This disease is especially devastating in Indian Country, where there are substantial vulnerable populations and very few healthcare services,” said Joseph L. James, the Chairman of the Yurok Tribe. “The Treasury needs to quickly release these funds to protect the health and welfare of millions of indigenous people.”

When the coronavirus started spreading across the United States, many tribes, including the Yurok Tribe, voiced concerns about the illness’s potential to disproportionately affect Native Americans, citing a sustained lack of funding for Tribal healthcare systems and the scarcity of medical resources on and in proximity to reservations. Most commonly, tribes reside in rural areas, where existing hospitals and clinics do not have the capacity to contend with a public health emergency of this magnitude. Prior to the COVID-19 crisis, the federal Indian Health Service budget met just half of Tribal health needs, according to the US Commission on Civil Rights.

Due to the decades-long underfunding of tribal healthcare services, Tribal citizens suffer from many of the preexisting medical conditions, which exponentially increase the mortality rate associated with the virus. This reality is illuminated in recent data on the coronavirus.

The states collecting data on Native Americans who have died from the coronavirus are reporting stark disparities in health outcomes. For example, Native Americans account for 16% of the Arizona’s Covid-19 caused deaths, although they represent only 4.6% of the state’s population, according to the Arizona Department of Public Health. More than one-third of the coronavirus cases in New Mexico involve Native Americans, who make up less than 11 percent of the state’s population.

A significant number of people on the Yurok reservation have underlying medical conditions, which is why the Tribe rapidly implemented a series of disease transmission prevention measures after declaring an emergency on March 13. In acknowledgment of the very few healthcare options on or near the Yurok Reservation and the significant risk this illness presents to the Yurok population, the Yurok Tribe’s approach to this crisis has been to exercise the maximum amount of caution in terms of shielding the local community from the virus.

“From the start, our primary goal has been to take every available action to prevent this pathogen from entering our community,” said Yurok Vice-Chairman Frankie Myers. “Taking an aggressive approach toward stopping the spread of the virus is the most effective tool we have to keep our people safe and reduce the strain on the local healthcare system. The Yurok Tribe and hundreds of indigenous nations throughout the United States need the CARES funding to protect the safety of their people, who are suffering more than any other time since the Gold Rush.”

To date, the Tribe has issued a shelter-in-place order, implemented a curfew and closed the reservation to tourists. On a weekly basis, the Tribe is delivering emergency food and supply boxes to help approximately 450 vulnerable citizens stay home and out of harm’s way. The Tribe is conducting regular check-ins with Tribal elders. The Tribe’s business, ranging from the Redwood Hotel Casino to the Klamath Jet Boat Tours, are temporarily closed because of the emergency. The Tribe waived all internet and water service fees for April and May to assist the many reservation residents who are struggling after being laid off or having their

work hours cut as a consequence of the crisis. The Yurok Indian Housing Authority waived all rents for April and May for the same reason.

In the same boat as tribes across the United States, the Yurok Tribe is in a difficult position after losing business revenue, while at the same time expending unbudgeted funds to safeguard the reservation community during the pandemic.

“The Treasury needs to honor its obligation to all of the federally recognized tribes in the US and release the CARES Act funds today. The health and welfare of five million Native American citizens depend on it,” concluded Chairman James.

The plaintiffs in the case include: Agua Caliente Band of Cahuilla Indians, Ak-Chin Indian Community, Arapaho Tribe of the Wind River Reservation, Cherokee Nation, Chickasaw Nation, Choctaw Nation of Oklahoma, Snoqualmie Indian Tribe and the Yurok Tribe.