

20-544 ALASKA NATIVE VILLAGE CORP. V. CONFEDERATED TRIBES

DECISION BELOW: 976 F.3d 15

LOWER COURT CASE NUMBER: 20-5204, 20-5205, 20-5209

QUESTION PRESENTED:

The Indian Self-Determination and Education Assistance Act (ISDEAA) defines “Indian tribe” as:

any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians[.]

25 U.S.C. §5304(e). Consistent with Congress’ express inclusion of “Alaska Native ... regional [and] village corporation[s]” (ANCs) in the text, the Executive has long treated ANCs as “Indian tribes” under ISDEAA and the dozens of statutes that incorporate its definition. The Ninth Circuit, home to all ANCs, likewise has long held that ANCs are “Indian tribes” under ISDEAA. Thus, for decades ANCs have played a critical role in distributing federal benefits to Alaska Natives. Accordingly, when Congress earmarked \$8 billion in Title V of the CARES Act for Indian tribes and incorporated the ISDEAA definition, the Treasury Secretary quite naturally obligated part of those funds to ANCs. Yet in acknowledged conflict with the Ninth Circuit and long-settled agency practice, the decision below holds that ANCs do not satisfy the ISDEAA definition that the CARES Act incorporates.

The question presented is:

Whether ANCs are “Indian tribes” under ISDEAA and therefore are eligible for emergency-relief funds under Title V of the CARES Act.

CONSOLIDATED WITH 20-543 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 1/8/2021