

20-543 YELLEN V. CONFEDERATED TRIBES

DECISION BELOW: 976 F.3d 15

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

QUESTION PRESENTED:

In the Coronavirus Aid, Relief, and Economic Security or CARES Act, Congress directed the Secretary of the Treasury to disburse \$8 billion of relief funds “to Tribal governments.” Pub. L. No. 116-136, Div. A, Tit. V, § 5001(a), 134 Stat. 501-502 (42 U.S.C. 801(a)(2)(B)). The CARES Act defines a “Tribal government” as “the recognized governing body of an Indian Tribe,” 42 U.S.C. 801(g)(5), and provides that “[t]he term ‘Indian Tribe’ has the meaning given that term in” the Indian Self-Determination and Education Assistance Act (ISDA), 25 U.S.C. 5301 *et seq.* 42 U.S.C. 801(g)(1). ISDA, in turn, defines “Indian tribe” to mean “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 * * *, 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). The question presented is as follows:

Whether Alaska Native regional and village corporations established pursuant to the Alaska Native Claims Settlement Act are “Indian Tribe[s]” for purposes of the CARES Act, 42 U.S.C. 801(g)(1).

CONSOLIDATED WITH 20-544 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 1/8/2021