Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

YELLEN, SECRETARY OF TREASURY *v.* CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20–543. Argued April 19, 2021—Decided June 25, 2021*

Title V of the Coronavirus Aid, Relief, and Economic Security (CARES) Act allocates $8 billion to "Tribal governments" to compensate for unbudgeted expenditures made in response to COVID–19. 42 U. S. C. §801(a)(2)(B). The question in these cases is whether Alaska Native Corporations (ANCs) are eligible to receive any of that $8 billion. Under the CARES Act, a "Tribal government" is the "recognized governing body of an Indian tribe" as defined in the Indian Self-Determination and Education Assistance Act (ISDA). §§801(g)(5), (1). ISDA, in turn, defines an "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 [(ANCSA),] 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 the Department of the Interior's longstanding view that ANCs are Indian tribes under ISDA, the Department of the Treasury determined that ANCs are eligible for relief under Title V of the CARES Act, even though ANCs are not "federally recognized tribes" (*i.e.,* tribes with which the United States has entered into a government-to-government relationship). A number of federally recognized

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*Together with No. 20–544, *Alaska Native Village Corp. Association et al.* v. *Confederated Tribes of the Chehalis Reservation et al.,* also on certiorari to the same court.

tribes sued. The District Court entered summary judgment for the Treasury Department and the ANCs, but the Court of Appeals for the District of Columbia Circuit reversed.

Held: ANCs are "Indian tribe[s]" under ISDA and thus eligible for funding under Title V of the CARES Act. Pp. 7–28.

(a) The ANCs argue that they fall under the plain meaning of ISDA's definition of "Indian tribe." Respondents ask the Court to adopt a term-of-art construction that equates being "recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians" with being a "federally recognized tribe." Pp. 7–25.

(1) Under the plain meaning of ISDA, ANCs are Indian tribes. ANCs are "established pursuant to" ANCSA and thereby "recognized as eligible" for that Act's benefits. ANCSA, which made ANCs eligible to select tens of millions of acres of land and receive hundreds of millions of tax-exempt dollars, 43 U. S. C. §§1605, 1610, 1611, is a special program provided by the United States to "Indians," *i.e.,* Alaska Natives. Given that ANCSA is the only statute ISDA's "Indian tribe" definition mentions by name, eligibility for ANCSA's benefits satisfies the definition's final "recognized-as-eligible" clause. Pp. 7–11.

(2) Respondents ask the Court to read ISDA's "Indian tribe" definition as a term of art. But respondents fail to establish that the language of ISDA's recognized-as-eligible clause was an accepted way of saying "a federally recognized tribe" in 1975, when ISDA was passed. Nor is the mere inclusion of the word "recognized" enough to import a term-of-art meaning. Respondents also fail to show that the language of the recognized-as-eligible clause later became a term of art that should be backdated to ISDA's passage in 1975. Pp. 11–18.

(3) Even if ANCs did not satisfy the recognized-as-eligible clause, they would still satisfy ISDA's definition of an "Indian tribe." If respondents were correct that only a federally recognized tribe can satisfy that clause, then the best way to read the "Indian tribe" definition would be for the recognized-as-eligible clause not to apply to ANCs at all. Otherwise, despite being prominently "includ[ed]" in the "Indian tribe" definition, 25 U. S. C. §5304(e), all ANCs would be excluded by a federal-recognition requirement there is no reasonable prospect they could ever satisfy. Pp. 18–23.

(4) Respondents' remaining arguments that ANCs are not Indian tribes under ISDA are unpersuasive. They first argue that the ANCs misrepresent how meaningful a role they play under ISDA because the actual number of ISDA contracts held by ANCs is negligible. This point is largely irrelevant. No one would argue that a federally recognized tribe was not an Indian tribe under ISDA just because it had never entered into an ISDA contract. Respondents further argue that

treating ANCs as Indian tribes would complicate the administration of ISDA. But respondents point to no evidence of such administrative burdens in the 45 years the Executive Branch has treated ANCs as Indian tribes. Respondents also warn that blessing ANCs' status under ISDA will give ANCs ammunition to press for participation in other statutes that incorporate ISDA's "Indian tribe" definition. This concern cuts both ways, as adopting respondents' position would presumably exclude ANCs from the many other statutes incorporating ISDA's definition, even those under which ANCs have long benefited. Pp. 23–25.

(b) One respondent tribe further argues that the CARES Act excludes ANCs regardless of whether they are Indian tribes under ISDA, because ANCs do not have a "recognized governing body." In the ISDA context, the term "recognized governing body" has long been understood to apply to an ANC's board of directors, and nothing in either the CARES Act or ISDA suggests that the term places additional limits on the kinds of Indian tribes eligible to benefit under the statutes. Pp. 26–27.

976 F. 3d 15, reversed and remanded.

SOTOMAYOR, J., delivered the opinion of the Court, in which ROBERTS, C. J., and BREYER, KAVANAUGH, and BARRETT, JJ., joined, and in which ALITO, J., joined as to Parts I, II–C, II–D, III, and IV. GORSUCH, J., filed a dissenting opinion, in which THOMAS and KAGAN, JJ., joined.

SUPREME COURT OF THE UNITED STATES

Nos. 20–543 and 20–544

JANET L. YELLEN, SECRETARY OF THE TREASURY, PETITIONER
20–543 *v.*
CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION, ET AL.

ALASKA NATIVE VILLAGE CORPORATION ASSOCIATION, INC., ET AL., PETITIONERS
20–544 *v.*
CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION, ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

[June 25, 2021]

JUSTICE SOTOMAYOR delivered the opinion of the Court.*

In March 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, 134 Stat. 281. Title V of the Act allocates $8 billion of monetary relief to "Tribal governments." 134 Stat. 502, 42 U. S. C. §801(a)(2)(B). Under the CARES Act, a "Tribal government" is the "recognized governing body of an Indian tribe" as defined in the Indian Self-Determination and Education Assistance Act (ISDA). §§801(g)(5), (1). ISDA, in turn, defines an "Indian tribe" as "any Indian tribe, band, nation,

*JUSTICE ALITO joins Parts I, II–C, II–D, III, and IV of this opinion.

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 Department of the Treasury asked the Department of the Interior, the agency that administers ISDA, whether Alaska Native Corporations (ANCs) meet that definition. Consistent with its longstanding view, the Interior Department said yes. The Treasury Department then set aside approximately $500 million of CARES Act funding for the ANCs. The question presented is whether ANCs are "Indian tribe[s]" under ISDA, and are therefore eligible to receive the CARES Act relief set aside by the Treasury Department. The Court holds that they are.

I

This is not the first time the Court has addressed the unique circumstances of Alaska and its indigenous population. See, *e.g.*, *Sturgeon* v. *Frost*, 587 U. S. ___ (2019); *Sturgeon* v. *Frost*, 577 U. S. 424 (2016); *Alaska* v. *Native Village of Venetie Tribal Government*, 522 U. S. 520 (1998); *Metlakatla Indian Community* v. *Egan*, 369 U. S. 45 (1962). The "simple truth" reflected in those prior cases is that "Alaska is often the exception, not the rule." *Sturgeon*, 577 U. S., at 440. To see why, one must first understand the United States' unique historical relationship with Alaska Natives.

A

When the United States purchased the Territory of Alaska from Russia in 1867, Alaska Natives lived in communities dispersed widely across Alaska's 365 million acres. In the decades that followed, "[t]here was never an

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