

No. \_\_\_\_\_

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In the  
**Supreme Court of the United States**

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ALASKA NATIVE VILLAGE CORPORATION  
ASSOCIATION, INC., et al.,

*Petitioners,*

STEVEN T. MNUCHIN, in his official capacity as  
Secretary of U.S. Department of Treasury,

v.

CONFEDERATED TRIBES OF THE CHEHALIS  
RESERVATION, et al.,

*Respondents.*

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**On Petition for Writ of Certiorari to the  
United States Court of Appeals for the  
District of Columbia Circuit**

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**PETITION FOR WRIT OF CERTIORARI**

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October 21, 2020

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## 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.

## PARTIES TO THE PROCEEDING

Petitioners, intervenor-defendants below, are the Alaska Native Village Corporation Association, the Association of ANCSA Regional Corporations Presidents/CEOs; Ahtna, Inc., Akiachak, Ltd., Calista Corporation, Kwethluk, Inc., Napaskiak, Inc., Sea Lion Corporation, and St. Mary's Native Corporation.

Respondents, plaintiffs below, are Ute Tribe of the Uintah and Ouray Indian Reservation, Cheyenne River Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Nondalton Tribal Council, Arctic Village Council, Native Village of Venetie Tribal Government, Confederated Tribes of the Chehalis Reservation, Tulalip Tribes, Houlton Band of Maliseet Indians, Akiak Native Community, Asa'carsarmiut Tribe, Aleut Community of St. Paul Island, Pueblo of Picuris, Elk Valley Rancheria California, San Carlos Apache Tribe, Quinault Indian Nation, and Navajo Nation.

The defendant below is Steven Mnuchin, whom the plaintiffs sued in his official capacity as Secretary of the United States Department of the Treasury.

### **CORPORATE DISCLOSURE STATEMENT**

Each petitioner certifies that it does not have a parent corporation and that no publicly held corporation owns more than ten percent of its stock.

## STATEMENT OF RELATED PROCEEDINGS

This case arises from and is related to the following proceedings in the U.S. District Court for the District of Columbia and the U.S. Court of Appeals for the D.C. Circuit:

- *Ute Tribe of the Uintah and Ouray Indian Reservation v. Mnuchin*, No. 5204 (D.C. Cir.), on appeal from No. 1:20-cv-01070-APM (D.D.C.)
- *Confederated Tribes of the Chehalis Reservation, et al. v. Mnuchin*, No. 5205 (D.C. Cir.), on appeal from No. 1:20-cv-01002-APM (D.D.C.)
- *Cheyenne River Sioux Tribe, et al. v. Mnuchin*, No. 5209 (D.C. Cir.), on appeal from No. 1:20-cv-01059-APM (D.D.C.)

In addition, several suits have been brought that do not directly relate to this case but that do (or have) challenge(d) the distribution of the appropriation at issue. Those cases are: *Agua Caliente Band of Cahuilla Indians v. Mnuchin*, No. 20-cv-1136 (D.D.C.) (voluntarily dismissed on July 2, 2020); *Prairie Band Potawatomi Nation v. Mnuchin*, No. 20-cv-1491 (D.D.C.) (voluntarily dismissed on July 9, 2020), appeal No. 20-5171 (D.C. Cir.) (appeal voluntarily dismissed on July 16, 2020); and *Shawnee Tribe v. Mnuchin*, No. 20-cv-1999 (D.D.C.), appeal No. 20-526 (D.C. Cir.) (pending). No other cases directly relate to this case within the meaning of Rule 14.1(b)(iii).

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