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ARA and ANVCA Comment on Appeal to the Supreme Court of the United States

The ANCSA Regional Association (ARA) and the Alaska Native Village Corporation Association (ANVCA) issued the below statement following the filing of a Petition for Writ of Certiorari to the Supreme Court of the United States:

The ANCSA Regional Association and Alaska Native Village Corporation Association vowed that we would continue to fight for the critical relief assistance our people need to survive this pandemic. Today, as we file a Petition for Writ of Certiorari to the Supreme Court of the United States, we have made good on that promise to our Alaska Native brothers and sisters.

If left to stand, the lower court's decision would prove devastating for our rural communities, who, in the onset of winter in Alaska, are facing extreme difficulties combating the virus. Because of the tribal enrollment structure in Alaska, the decision also means that tens of thousands of Alaska Natives will not receive any federal emergency assistance at all.

The lower court's decision also undoes nearly five decades of legal precedent treating Alaska Natives and Native Americans in the lower 48 fairly and equally. When Congress passed the Alaska Native Claims Settlement Act (ANCSA) in 1971 it mandated that 'Alaska Natives shall remain eligible for all Federal Indian programs on the same basis as other Native Americans.' Furthermore, the Indian Self Determination and Education Assistance Act (ISDEAA) definition of 'Indian tribe' has always been understood to authorize ANC participation. Congress carefully worded of Title V of the CARES Act to mirror ISDEAA, making it clear that it intended to render ANCs eligible for CARES Act relief funds.

Alaska Native people should not be punished for the unique system that Congress established through ANCSA. Nor should they be denied critical aid because of misguided statutory construction. We believe the previous decision fully merits the Supreme Court's plenary review, and we look forward to making our case in front of the Court.

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For background on ANCs and the CARES Act, please go to <https://ancsaregional.com/cares-act/>.