

USET SPF Alert: DC District Court Rules in Favor of Treasury in Chehalis

Dear USET SPF Board of Directors and DC Tribal Reps,

Today, the United States District Court for the District of Columbia issued its [decision](#) [linked] in *Chehalis et al v. Mnuchin*. In his opinion, Judge Amit P. Mehta wrote, "although the court initially determined that Plaintiffs were likely to succeed on the merits of their claim, after reviewing the parties' arguments on summary judgment, the court now holds that ANCs are "Indian Tribes," and that their boards of directors are "Tribal governments," for purposes of the CARES Act. Accordingly, ANCs are eligible to receive Title V funds. As a result, the court dissolves the preliminary injunction and enters judgment in favor of Defendants."

The case was filed in response to the Administration's position that ANCSA corporations meet the definition of "Indian Tribe" under Title V of the CARES Act and are therefore eligible to be direct recipients of the \$8 billion Tribal governmental set aside in the Coronavirus Relief Fund (CRF). Many Tribal organizations, including USET SPF, joined an [amicus brief](#) [linked] in support of the plaintiff's complaint that ANCSA corporations are not Indian Tribes in an attempt to help the court better understand the foundations of our government-to-government relationship. The plaintiffs sought to enjoin the distribution of CRF funding to any ANCSA corporation and instead ensure that the entire \$8 billion was distributed to federally-recognized Tribal Nations only.

Judge Mehta acknowledged that, "ANCs are not federally recognized tribes; rather, they are for-profit corporations established by Congress in 1971 under the Alaska Native Claims Settlement Act and recognized under Alaska law," but nonetheless rendered his decision in favor of the U.S. Department of Treasury based on the reading of the definition of "Indian Tribe" under the CARES Act. In the absence of further litigation, the CRF monies that Treasury was holding back for ANCs may now be distributed.

USET SPF was [encouraged](#) [statement linked] by the Judge's earlier decision to enjoin the funding and is disappointed in this reversal. We will continue to fight to ensure the foundations of federal Indian law and Tribal sovereignty are not irreparably damaged by the actions of this Administration.

Thank you,

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