



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

April 22, 2021

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: *Yellen v. Confederated Tribes of the Chehalis Reservation*, Nos. 20-543 & 20-544

Dear Mr. Harris:

On April 20, 2021, a group of respondents led by the Confederated Tribes of the Chehalis Reservation filed a letter to “clarify their position on an issue that arose during oral argument.” The purpose of this letter is to respond to the Confederated Tribes’ submission.

The Confederated Tribes largely repeat arguments already addressed in the parties’ briefing. For example, the Confederated Tribes claim that a special statute authorizes the existing Indian Self-Determination Act (ISDA) arrangements involving the regional Alaska Native corporation (ANC) for the Anchorage area, but the government has already explained why that statute presupposes and confirms that ANCs are eligible to be treated as Indian tribes under ISDA. Gov’t Br. 35-36; Gov’t Reply Br. 18. Similarly, the Confederated Tribes claim that the federal government has “rejected” the proposition that ANCs satisfy the language of the recognition clause. But the government has explained that it agrees with the ANC petitioners that the recognition clause can be reasonably read to refer not only to formal recognition for government-to-government relations but also to the distinct statutory status that Congress has conferred on ANCs. Gov’t Br. 47-48; Gov’t Reply Br. 19-20. Finally, the Confederated Tribes are correct that the federal government has historically provided benefits and services to Alaska Natives who are not enrolled members of a federally recognized Indian tribe, cf. 43 U.S.C. 1626(a), but that point does not help respondents. Congress’s authorization of ANCs along with Native villages to administer programs under ISDA helps facilitate the delivery of benefits and services to all eligible Native Alaskans.

Sincerely,

Elizabeth B. Prelogar
Acting Solicitor General

cc: See Attached Service List

20-0543

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