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April 20, 2021

Mr. Scott S. Harris
Clerk of the Court
The Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

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

Dear Mr. Harris,

The sixteen tribes on the Brief of Respondents Confederated Tribes of the Chehalis Reservation, et al., file this letter to clarify their position on an issue that arose during oral argument yesterday. Several Justices asked questions about whether a gap in services to individual Alaska Natives would result from affirmance of the court of appeals' decision. See, e.g., Tr. 88-100. In the view of the Confederated Tribes respondents, the response does not turn on any distinction between the trust duty owed by the United States to unenrolled versus enrolled individual Alaska Natives. Some Alaska Natives are enrolled in federally recognized tribes; some Alaska Natives are ANC shareholders; some are both; and some are neither. The reason that no gap in services in Alaska would arise is because the federally recognized tribes in Alaska, in conjunction with non-profit intertribal consortia, provide the vast majority of ISDA-related programs and services to both enrolled and unenrolled Alaska Natives. See Confederated Tribes Br. 51-53. While one regional ANC is indirectly involved in the provision of health-care services to Alaska Natives in Anchorage, it does so pursuant to distinct statutory authorization. See *id.* The government does not dispute, moreover, that its obligation to provide services to Alaska Natives is independent of ANCs' status as "Indian tribes" under ISDA. See *id.* Nor would an affirmance in this case affect the separate coronavirus relief funding that Congress has provided for health-care services under both the CARES Act and the American Rescue Plan Act of 2021. See *id.* Finally, the ANCs have not cited any provision making them eligible to receive the special programs and services provided by the federal government to Indians, and the government has rejected that proposition. See Gov't Br. 48.

Respectfully submitted,

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