



Cross-Agency Panel: Government-to- Government Relations between the State and Indian Nations

2020 Diversity, Equity, and Inclusion Summit

Tacoma, Washington

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**GOVERNOR'S
OFFICE OF
INDIAN AFFAIRS**

Introductions – Panel Members

Washington State Governor's Office of Indian Affairs
Craig Bill, Executive Director

Washington State Department of Children, Youth, and Families
Kristopher Peters, Early Learning Tribal Liaison

Washington State Department of Social and Health Services
Tim Collins, Senior Director, Office of Indian Policy

Washington State Health Care Authority
Jessie Dean, Tribal Affairs Administrator



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Overview of Today's Workshop

Tribal Sovereignty and the Relationship between Indian Nations and the U.S. Federal Government

State-Tribal Relations in the U.S. Federalist Structure

Centennial Accord: Washington State and the Indian Nations

Current Issue: How to Reintegrate Intergovernmental State-Tribal Engagement on Social Services

Discussion on State-Tribal Government-to-Government Relations and Diversity, Equity, and Inclusion (DEI) Work



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Tribal Sovereignty

Under U.S. Federal Laws

Territorial Sovereignty

Indian Nations are sovereign nations within their territory

States may not regulate Indian Nations

Treaties

Agreements between sovereign nations

Federal Trust Responsibility

U.S. federal government has duty to protect Indian Nations

Under Tribal Laws

Sovereignty

Never relinquished

Treaties

Treaty rights over land and natural resources are recognition and reservation of rights held since time immemorial – not a grant of rights

Treaties include obligations for both the U.S. and the Indian Nation



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Federal-Tribal Intergovernmental Relations

Some Tribes are recognized by Executive Order instead of Treaty.

Executive Order 13175 (2000) requires all federal executive departments and agencies to consult with Indian tribes and respect tribal sovereignty as they develop policy on issues that impact Indian communities.

Federal departments and agencies may have additional requirements.



Brian Cladoosby, Swinomish Tribe Chair, with President Obama



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U.S. Government is Federalist: States Are Also Sovereign

U.S. Constitution (10th Amendment)

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Federal Powers

- Defense and Treaties
- Interstate Commerce
- Postal Service
- Standards for Weights and Measures
- Copyright and Patent

State Powers

- Intrastate Commerce
- Education
- Family Relations
- Corporate Entities
- Professions
- Public Health



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State-Tribal Relations: Federal Requirements

Different federal programs require states to maintain aspects of government-to-government relations with Indian Nations in order to continue participating in the federal program. The requirements can include:

- **Seek advice** on a regular, ongoing basis
- **Notify** Tribal leaders of program or policy changes
- **Meet** with Tribal leaders on state agency program or policy changes
- **Collaborate** with Indian Nations on state agency program or policy changes
- **Allocate** proportion of program funding directly to Indian Nations



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State-Tribal Relations: State Requirements

Centennial Accord/Millennium Agreement

- Each Party...respects the sovereignty of the other...
- ...ultimate purpose is to improve the services delivered to people by the parties...
- ...establish goals for improved services and identify the obstacles to the achievement of those goals...
- ...institutionalize government-to-government processes to promote timely and effective resolution of issues of mutual concern...
- ...work in collaboration to engender mutual understanding and respect and to fight discrimination and racial prejudice...
- ...strive to coordinate and cooperate...

Chapter 43.376 RCW (2012)

In establishing a government-to-government relationship with Indian Tribes, state agencies must:

1. Make reasonable efforts to collaborate with Indian Tribes in the development of policies, agreements, and program implementation that directly affect Indian Tribes
2. Develop a consultation process that is used by the agency for issues involving specific Indian Tribes
3. Designate a tribal liaison who reports directly to the head of the state agency
4. Submit an annual report to the governor on activities of the state agency involving Indian tribes and on implementation of this chapter



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Issue: Complex State-Tribal Engagement on Social Services

History

DSHS and the development of the Indian Policy Advisory Committee (IPAC)

Reorganizations of State Agencies

Movement of different programs from DSHS to stand-alone agencies

Every agency has separate Tribal Consultation policy and tribal advisory workgroup

Increased challenges for Tribes to engage with state agencies on the complex issues inherent in social service programs and policies



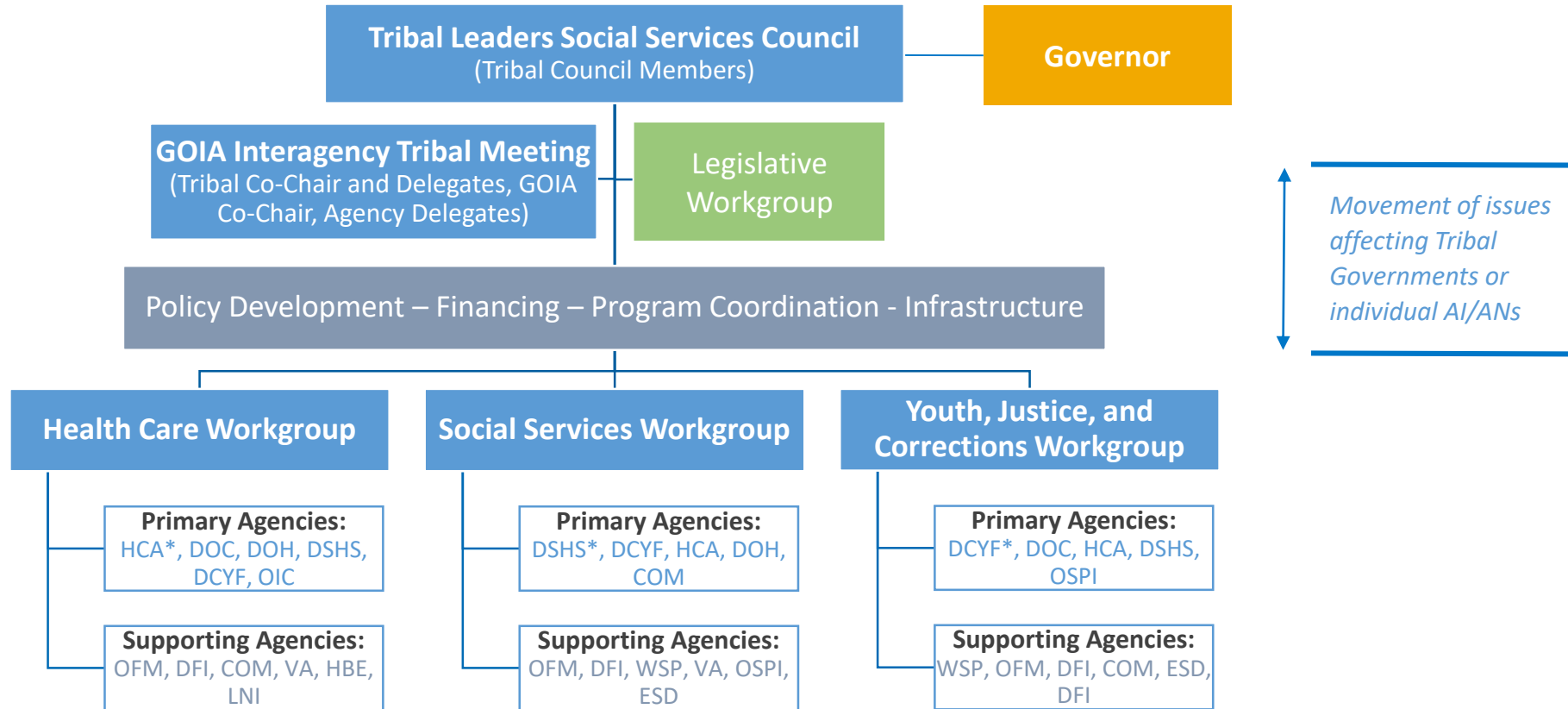
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Proposal: New Intergovernmental Structure for Social Services



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Questions to Consider

What commonalities are there between government-to-government work and Diversity, Equity, and Inclusion (DEI) work?

What differences are there?

How might DEI work complement government-to-government work in a respectful way?



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Thank you!



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