
Tribal Affairs



Oregon
Health
Authority

SB 770 (ORS 182.162 to 182.168)

Oregon 1st state to adopt formal legal government-to-government relations through legislation. Directs state agencies in government-to-government relationships with Oregon tribes.

State agency” has the meaning given that term in ORS 358.635.

State agency” includes all officers, employees, agencies, boards, committees and commissions of the legislative, executive, administrative and judicial branches of state government.

- State agencies to develop and implement policy on relationship with tribes; cooperation with tribes.
- Training of state agency managers and employees who communicate with tribes; annual meetings of representative of agencies and tribes; annual reports by state agencies.

OHA Tribal Affairs

Tribal Affairs is housed in the OHA Director's Office. They work with staff across the agency to uphold the government-to-government relationship with the Nine Federally Recognized Tribes of Oregon by:

- Implementing the Tribal Consultation Policy.
- Identifying individuals at OHA who are responsible for developing and implementing programs that affect tribes.
- Utilizes a process to identify the programs that affect tribes.
- Coordinates communication between OHA and tribes.
- Promotes positive government-to-government relations between OHA and tribes.
- Provides training to staff on the policy, process and ongoing relationship.

SB770-2001 (ORS 182.162 to 182.168)

Tribal Liaisons works regularly with elected tribal officials, tribal health staff and representatives from tribes, Indian Health Services, the Urban Indian Health Program, the Northwest Portland Area Indian Health Board, as well as other agencies focusing on tribal health priorities.

Tribal Affairs needs you to help OHA do our best work with tribes!

Federally Recognized Tribes

Federally Recognized Tribes are individual Sovereign Nations. The United States Government has a unique legal relationship with American Indian tribal governments as set forth in the Constitution of the United States, numerous treaties, statutes, Federal court decisions and Executive Orders.

This relationship is derived from the political and legal relationship that Indian Tribes have with the federal government and is not based upon race.

Federally recognized tribes are those Native American tribes recognized by the United States Bureau of Indian Affairs for certain federal government purposes. There are currently 573 Federally Recognized Tribes.

Tribal Governments

Tribal governments are separate sovereign nations with powers to protect the **health, safety and welfare** of their members and to govern their lands.

This tribal sovereignty predates the existence of the U.S. government and the state of Oregon. The members residing in Oregon are citizens of their tribes, of Oregon and, since 1924, of the United States of America.

All Oregon tribal governments have reservation or trust lands created by treaties or federal acts. Each tribe determines their own citizenship (enrollment).

Tribal Sovereignty

Tribal sovereignty in the United States is the inherent authority of indigenous tribes to govern themselves within the borders of the United States of America. The U.S. federal government recognizes tribal nations as "domestic dependent nations" and has established a number of laws attempting to clarify the relationship between the federal, state, and tribal governments.



Federal Indian Trust Responsibility

The Federal Indian Trust Responsibility is a legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Indian tribes. It is also a legally enforceable fiduciary obligation on the part of the United States to protect tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of federal law with respect to Federally Recognized Tribes.



Supreme Law of the Land

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

US Constitution, Article VI

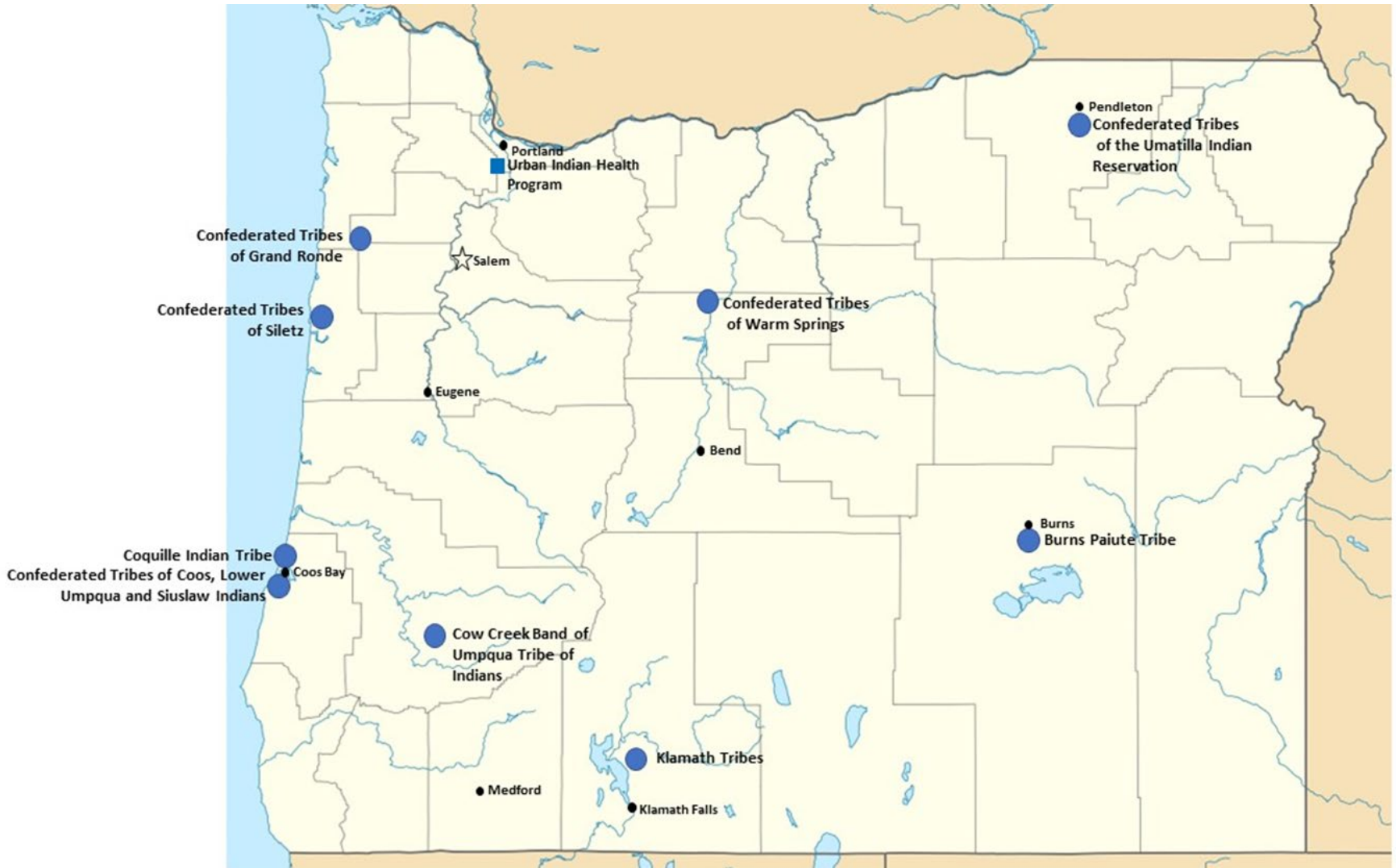
Treaty of 1855 - Cayuse, Umatilla, and Walla Walla Tribes

Treaty with the Tribes of Middle Oregon, 1855

State of Oregon

The state of Oregon also honors tribal sovereignty and recognizes the right of Indian tribes to self-determination and self-governance.





Oregon's Nine Federally Recognized Tribes

Oregon Tribal Governments

- Burns Paiute Tribe
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Siletz Indians
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs
- Coquille Indian Tribe
- Cow Creek Band of Umpqua Tribe of Indians
- Klamath Tribes



Historical Trauma

Historical trauma refers to cumulative emotional and psychological wounding, extending over an individual lifespan and across generations, caused by traumatic experiences.

- Loss of Land
- Loss of Culture
- Loss of Language
- Boarding Schools
- Relocation Act

How do these things continue to affect Native people and where they live, work and play?

Termination & Relocation

The Klamath Termination Act (PL 587) enacted in 1954 and terminated Federal supervision over land and members

The Western Oregon Indian Termination Act (PL 588) was passed in August 1954 as part of the United States Indian termination policy and affected ~60 Oregon Tribes (Siletz, Grand Ronde, Coquille, Coos, Lower Umpqua, Siuslaw, and other Oregon tribes) effective immediately

The Indian Relocation Act of 1956 encouraged Native Americans to leave Indian reservations, acquire vocational skills, and assimilate into the general population

Restoration 1977-1989

1977, the Siletz Tribe was recognized and restored

1982, the Cow Creek Band of the Umpqua Tribe was restored

1983, Grand Ronde Restoration Act (PL 98–165), creating the
Confederated Tribes of Grand Ronde

1984, Coos, Lower Umpqua, and Siuslaw had trust status restored

1986, Klamath had their trust status restored

1989, Coquille Restoration Act to restore federal trust relationship

WE ARE STILL HERE! WE ARE STRONG! WE ARE RESILIENT!

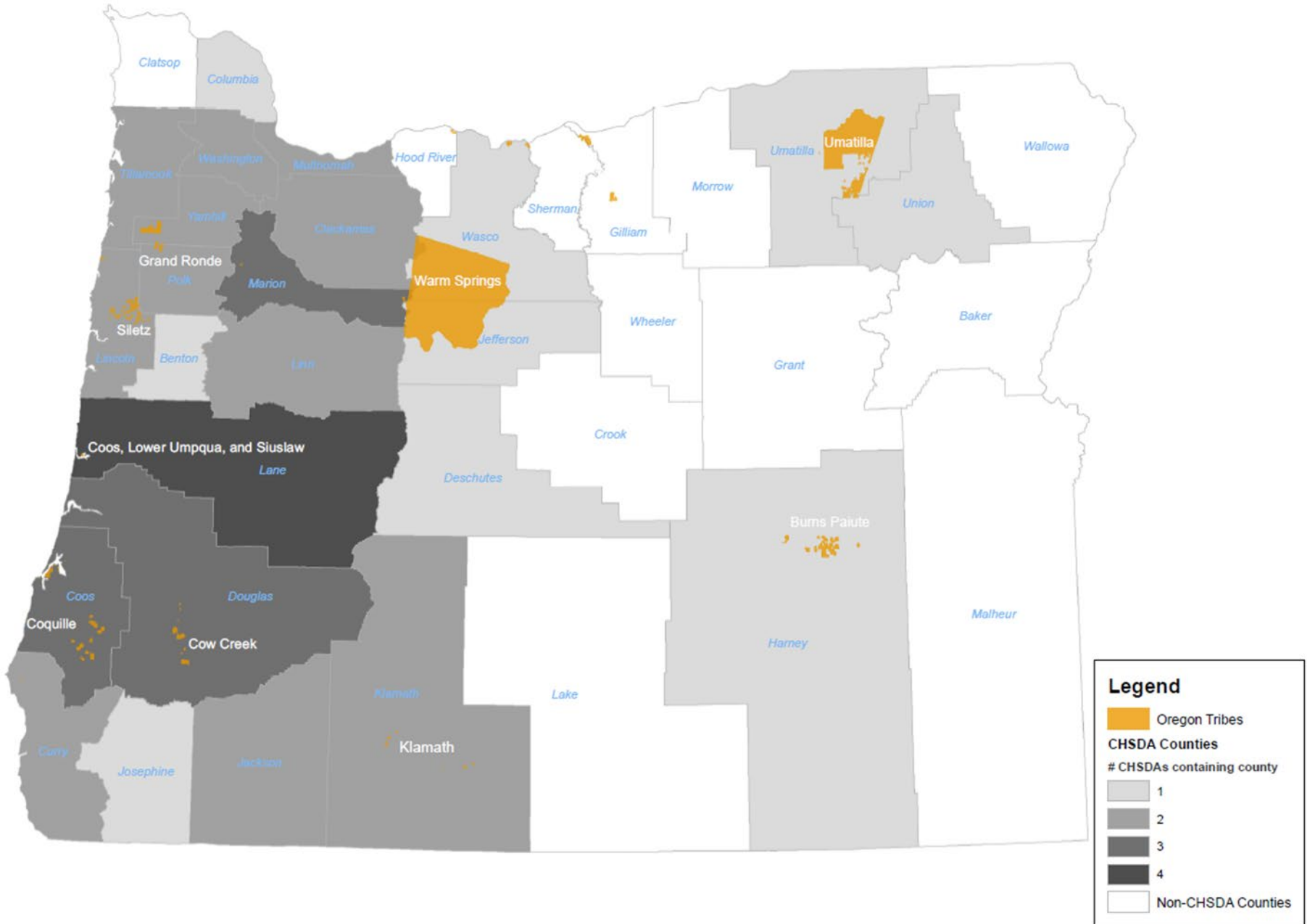
Tribal Service Areas

Each tribe's area of interest may extend far beyond its tribal governmental center or reservation location. The federal government acknowledges that many tribal members do not live on tribal lands and, therefore, allows for tribes to provide governmental programs in specified service areas.

Sometimes referred to as Contract Health Service Delivery Areas (CHSDAs) or Purchase and Referred Care Delivery Areas (PRCDAs)

For example, the Confederated Tribes of Siletz service area includes 11 Oregon counties: Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill.

Oregon Tribes and Tribal CHSDA Counties



Legend

- Oregon Tribes
- CHSDA Counties**
- # CHSDAs containing county**
- 1
- 2
- 3
- 4
- Non-CHSDA Counties

County	Tribe										# of CHSDAs containing County
	Burns-Paiute	Coos, Lower Umpqua, Siuslaw	Coquille	Cow Creek Band of Umpqua	Cowlitz (WA Tribe)	Grand Ronde	Klamath	Siletz	Umatilla	Warm Springs	
Benton								X			1
Clackamas								X		X	2
Columbia					X						1
Coos		X	X	X							3
Curry		X	X								2
Deschutes				X							1
Douglas		X	X	X							3
Harney	X										1
Jackson			X	X							2
Jefferson										X	1
Josephine				X							1
Klamath				X			X				2
Lane		X	X	X				X			4
Lincoln		X						X			2
Linn								X		X	2
Marion						X		X		X	3
Multnomah						X		X			2
Polk						X		X			2
Tillamook						X		X			2
Umatilla									X		1
Union									X		1
Wasco										X	1
Washington						X		X			2
Yamhill						X		X			2
# of Counties in CHSDA	1	5	5	7	1	6	1	11	2	5	

Government to Government

Oregon maintains a government-to-government relationship with the tribal governments:

1975 - Legislative Commission on Indian Services (LCIS)

1996 - Executive Order EO-96-30

2001 - SB 770

2009 - American Recovery and Reinvestment Act Section 5006

2010 - OHA Tribal Consultation Policy

2017 - Attachment I - 1115 Waiver - Tribal Engagement Protocol

2018 - OHA Tribal Consultation and Urban Indian Health Program Confer Policy

Tribes are NOT stakeholders!

What is Tribal Consultation?

To establish and maintain a positive government-to-government relationship, communication and consultation must occur on an ongoing basis so that Tribes have an opportunity to provide ***meaningful*** and ***timely*** input on issues that may have a ***substantial direct effect*** on them.

In the beginning of the thought process of any change or update to programs, funding, requirements, etc. We need to ask ourselves how will this affect the tribes?



Tribal Consultation and Urban Indian Health Program Confer Policy

Examples of Critical Events:

- Policy development
- Program activities
- A State Plan Amendment, demonstration proposal or renewal, waiver proposal or renewal, or state Medicaid regulations changes with a compliance cost or impact to Tribes.
- Results of monitoring, site visits, or audit findings
- Data collection and reporting activities
- Funding or budget developments
- Rulemaking impacting Tribes
- Any other event impacting Tribes

Indian Health Delivery System

Indian Health Programs can be grouped into 3 categories:

- Indian Health Service (IHS) Directly Operated - Warm Springs, Western Oregon Service Unit - Chemawa Indian School
- Tribally Operated (P.L. 93-638 Indian Self-Determination Act)
8 Oregon Tribes
- Urban Program - NARA

Types of Health Services

- Public Health
- Ambulatory Primary Care (outpatient care)
- Inpatient care - Hospitals
- Medical specialties
- Traditional healing practices
- Dental and Vision Care
- Behavioral Health Services
- Specialty Care Services (CHS)



Oregon Indian Population

129,579 AI/AN (alone or in combination, ACS 2015)

15,314 AI/AN in Portland (alone or in combination, ACS 2015)

Portland is 9th largest Native American population in USA

AI/AN Enrolled in OHP - Heritage Native American (HNA)

Fee for Service-Open Card	21,685
Managed Care	36,858
Total	58,543

(Dec. HNA 2021 Fast Facts)

Local Relationships

These relationships are unique and need to be understood to build partnerships at the local level to improve health.

Key components to know include:

- What local tribes are in the area?
- What is the history?
- What is the current environment?

Things to remember

- Great diversity across and within tribes
- Similarities within regions-traditional foods, language, culture
- Forced co-existence
- Historic rivalries, family/community conflicts, and “Tribal politics”
- Concepts of health and wellness are broad-striving for balance-mind, body, spirit
- Statistically high rates of diabetes, heart disease, alcoholism, and suicide
- Focus on strength-based care
- Utilizing tribal based practices-talking circle, sweat lodge, powwow, canoe journey etc.



Strengths in Tribal Community

- Extended family and kinship ties
- Long-term natural support systems;
- Shared sense of collective community responsibility;
- Physical resources
- Indigenous generational knowledge/wisdom
- Historical perspective and strong connection to the past
- Survival skills and resiliency in the face of multiple challenges
- Cultural revival, ceremonies, language
- Ability to “walk in two worlds”
- Community pride



Resources

- Legislative Commission on Indian Services-Government to Government annual reports, links of interest, approach to state tribal relations, tribal government websites and more. <https://www.oregonlegislature.gov/cis>
- Broken Treaties, An Oregon Experience <https://www.youtube.com/watch?v=iHq6ncJJ35w>
- We Shall Remain, video on historical trauma and healing <https://www.youtube.com/watch?v=GsoiwY6YjSk>
- How the US stole thousands of Native American children <https://www.youtube.com/watch?v=UGqWRyBCHhw>





Create a good day!

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