



**2026 Midyear Convention
Ferndale, Washington**

RESOLUTION # 2026 – 033

“CALLING ON THE WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO SUSPEND ITS POLICY ON TREATMENT OF TRIBAL GENERAL WELFARE BENEFITS PENDING MEANINGFUL GOVERNMENT-TO-GOVERNMENT CONSULTATION WITH AFFECTED TRIBES AND FOR THE GOVERNOR OF WASHINGTON STATE TO INTERVENE”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and Constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following Resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are the representatives and advocates for national, regional, and specific tribal concerns; and

WHEREAS, the ATNI is a regional organization comprised of American Indians/Alaska Natives and Indian tribal governments in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, on September 21, 2014, Congress enacted the Tribal General Welfare Exclusion Act, Pub. L. 113-168 (“TGWEA”), codifying that gross income does not include the value of any Indian general welfare benefit (26 U.S.C. § 139E(a)); and

WHEREAS, in December 2025 the Internal Revenue Service issued final regulations confirming that tribal governments hold sole discretion to classify program benefits as general welfare, that the IRS will defer to such determinations, and that Tribal General Welfare Benefits may be funded by any source of revenue including net gaming revenues; and

WHEREAS, many ATNI member tribes exercise their sovereign authority to provide Indian general welfare benefits to their tribal members, and those tribal members may also rely on DSHS-administered programs, including SNAP, the Food Assistance Program (“FAP”), Temporary Assistance for Needy Families (“TANF”), State Family Assistance (“SFA”), and Aged, Blind or Disabled (“ABD”) cash and Medicaid assistance, to meet their basic needs; and

WHEREAS, beginning in early 2025, tribal members across Washington State began experiencing adverse eligibility determinations in which DSHS denied or reduced state-administered federal benefits based solely on the receipt of Tribal General Welfare Benefits; and

WHEREAS, in February 2026, ATNI adopted Resolution #2026-13 calling on state agencies to respect federal Tribal General Welfare regulations when making income-based eligibility determinations, reflecting a regional consensus that state noncompliance constitutes a systemic and ongoing harm to tribal members; and

WHEREAS, on April 27, 2026, the Director of DSHS Community Services Division issued a Dear Tribal Leader Letter (“DTLL”) that states, for the first time as a formal departmental policy, that Tribal General Welfare payments “are counted as income when determining eligibility for primary food and cash assistance programs,” applying this treatment broadly to SNAP, FAP, TANF, SFA, and ABD cash and Medicaid assistance, and acknowledging that this policy “might not align with Tribal income policies,” yet directing staff to apply it immediately; and

WHEREAS, the DTLL policy conflicts with the purpose and intent of the TGWEA and the December 2025 IRS final regulations, which together establish a federal framework expressly protecting tribal members from being economically penalized for receiving assistance from their own tribal governments, raises serious unresolved questions of federal law that DSHS had an obligation to resolve through formal Government-to-Government consultation before issuing any binding policy directive, and frustrates Congress’s intent, erodes tribal self-governance, and discourages tribes from providing critical social welfare programs for their members; and

WHEREAS, the DTLL was issued without prior Government-to-Government consultation with any affected tribe, in direct contravention of the Centennial Accord, RCW 43.376, and DSHS Administrative Policy 07.01; and

WHEREAS, on October 22, 2025, the Governor of Washington State (Governor) issued Executive Order 25-10, directing all cabinet agencies to consult with Tribal Nations “early and often” during the development and implementation of any policy, program, or action that may impact Tribal Nations, to share relevant information in a timely manner, and to identify Free, Prior, and Informed Consent (“FPIC”) as a best practice for engagement, recognizing the intent to seek tribal consent prior to taking actions that directly and tangibly affect tribes, tribal lands, or tribal rights; and

WHEREAS, Executive Order 25-10 directs the Governor’s Office of Indian Affairs (“GOIA”) Director to serve as a permanent member of the Governor’s executive cabinet and to actively monitor state agency compliance with Government-to-Government consultation obligations, and the Governor, as signatory of EO 25-10 and head of the Washington State executive branch, has both the authority and the responsibility to direct DSHS and other cabinet agencies to comply with those obligations; and

WHEREAS, tribal members across Washington State continue to suffer documented and ongoing harm, including denial or reduction of SNAP, Medicaid, TANF, and related benefits, as a direct result of DSHS implementing a contested income-counting policy without the Government-to-Government consultation required under state law, and that the appropriate remedy is the immediate suspension of the DTLL and the conduct of formal consultation to resolve the underlying legal questions before any final policy determination is made; now

THEREFORE, BE IT RESOLVED, that ATNI calls upon the Governor of Washington State (Governor) to direct the Washington State Department of Social and Health Services (DSHS) to immediately suspend the policy set forth in the April 27, 2026 Dear Tribal Leader Letter (DTLL) treating Tribal General Welfare Benefits as countable income for SNAP, FAP, TANF, SFA, and ABD cash and Medicaid assistance, and to cease all adverse eligibility actions against tribal members based solely on receipt of Tribal General Welfare Benefits, pending the completion of meaningful Government-to-Government consultation consistent with applicable state laws and policies; and

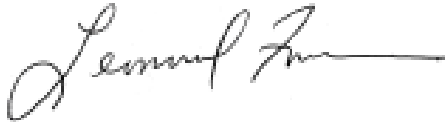
BE IT FURTHER RESOLVED, that ATNI calls upon the Governor to direct DSHS to engage immediately in formal Government-to-Government consultation with all affected Washington State tribal governments, conducted with decision-making authority present, with proper advance written notice; and

BE IT FURTHER RESOLVED, that ATNI calls upon the Governor to direct the Governor’s Office of Indian Affairs (GOIA) to actively monitor, enforce, and report on DSHS’s compliance with its Government-to-Government consultation obligations and to hold DSHS accountable for the ongoing harm caused by the April 27, 2026, DTLL; and

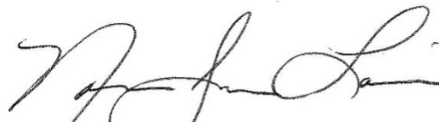
BE IT FINALLY RESOLVED, that this will be the policy of ATNI until it is withdrawn or modified by subsequent resolution(s).

CERTIFICATION

The foregoing Resolution was adopted at the Affiliated Tribes of Northwest Indians 2026 Midyear Convention held at the Silver Reef Casino Resort in Ferndale, Washington, on May 17-21, 2026, with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary