



STATE OF WASHINGTON  
**DEPARTMENT OF HEALTH**  
PO Box 47890 • Olympia, Washington 98504-7890

October 26, 2012

Ms. Marilyn Scott, Chairperson  
American Indian Health Commission  
808 North 5th Avenue  
Sequim, Washington 98382

Mr. Joe Finkbonner, Executive Director  
Northwest Portland Area Indian Health Board  
2121 SW Broadway, Suite 300  
Portland, Oregon 97201

Dear Ms. Scott and Mr. Finkbonner:

A tribal representative recently asked Department of Health staff if Nez Perce vs. Salazar settlement funds count as income when considering eligibility for the Women, Infants and Children program (WIC). Six tribes in our state, three in Idaho, and one in Oregon received funds from the settlement.

The U.S. Department of Agriculture (USDA) oversees WIC, so we asked the federal agency for guidance on this issue. The Department of Agriculture initially told us that the settlement funds should be considered income. Because of our concern about how this could impact tribal families, we asked the USDA to re-evaluate its position. As part of that request, we provided information showing legal precedence for excluding settlement funds from eligibility in federal programs. The USDA has referred this issue to their Office of General Counsel for review.

Our goal is to keep you informed because we know how important this information is to Washington tribes involved. The WIC Nutrition program is an important partner in addressing the health disparities experienced by American Indian and Alaska Native pregnant women and their children.

Please share this information with your delegates. We will keep you informed as we learn more from the USDA.

Sincerely,

A handwritten signature in black ink that reads "Mary C. Selecky".

Mary C. Selecky  
Secretary

cc: Craig Bill, Governor's Office of Indian Affairs  
MaryAnne Lindeblad, Health Care Authority  
Robin Arnold-Williams, Department of Social and Health Services  
Kari Burrell, Governor's Executive Policy Office  
Marty Loesch, Office of the Governor

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bcc: Janet Charles  
Kelly Cooper  
Maria Gardipee  
Allene Mares  
Sheryl Pickering