

National Indian Health Board



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September 19, 2016

William I. Russo, Director
Regulation Policy and Management
U.S. Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20420
Room 1068

Re: Proposed Amendment to 38 CFR 14; RIN 2900-AP51 U.S. Department of Veterans Affairs Recognition of Tribal Organizations for Representation of VA Claimants

On behalf of the National Indian Health Board (NIHB), I write to submit comments regarding the *Recognition of Tribal Organizations for Representation of VA Claimants; RIN 2900-AP51*. NIHB is incredibly appreciative of the VA notice of Tribal consultation.

Established in 1972, the NIHB is an inter-Tribal organization that advocates on behalf of Tribal governments for the provision of quality health care to all American Indians and Alaska Natives (AI/AN). The NIHB is governed by a Board of Directors consisting of a representative from each of the twelve Indian Health Service (IHS) Areas. Each Area Health Board elects a representative to sit on the NIHB Board of Directors. In areas where there is no Area Health Board, Tribal governments choose a representative who communicates policy information and concerns of the Tribes in that area with the NIHB. Whether Tribes operate their entire health care program through contracts or compacts with IHS under Public Law 93-638, the Indian Self-Determination and Education Assistance Act (ISDEAA), or continue to also rely on IHS for delivery of some, or even most, of their health care, the NIHB is their advocate.

NIHB expresses our appreciation to the Department of Veterans Affairs for the proposal to amend its current regulations in order to include recognition of Tribal organizations in assisting Native American VA benefit claimants. NIHB strongly supports the VA consideration of issuing a proposed rulemaking to amend the Code of Federal Regulations § 14 of title 38. The amendment would include Tribal organizations and Tribal governments to assist in the preparation, presentation, and prosecution of Native VA claimants alongside national, State, and regional or local organizations. The proposed amendment will also include Tribal employees as eligible accredited county veterans' service officers (CVSO) through a recognized state

organization. NIHB requests to include “Tribal government” in the definition of “Tribal organization.”

NIHB respectfully requests that the VA take into consideration the pre-requisites for Tribal organizations to become recognized as accredited veteran service organizations. A significant number of Tribal organizations will not be able to meet the requirements outlined in 38 CFR 14.628(d). NIHB requests the Department of Veterans Affairs engage in Tribal consultation with Tribes interested in becoming recognized veterans service organizations, but are unable to meet the requirements. NIHB also requests clarification on the measurement of “sizable organizational veteran membership” as well as what constitutes “a sizable number of veterans” or eliminate this requirement for recognizing Tribal nations and Tribal organizations as a VSO, as some Tribes have smaller governments and fewer resources than others.

Tribal governments, which have inherent authority to delegate funding based on the needs of their citizens, cannot comply with the requirement that Tribal nations “commit a significant portion of its assets to veterans’ services” to become recognized as a VSO. The VA should waive this requirement or clarify a narrow application of this language in meaningful consultation with Tribal nations.

Thank you for the opportunity to comment on the *Recognition of Tribal Organizations for Representation of VA Claimants*. NIHB strives to be a partner alongside the VA to ensure that the needs of our Native American Veterans’ are met. Please contact Devin Delrow, NIHB Federal Relations Director at ddelrow@nihb.org if you have any additional comments or questions on the issues addressed in these comments.

Sincerely,



Lester Secatero
Chairman, National Indian Health Board

CC: Stephanie Birdwell, Director, VA Office of Tribal Government Relations