March 8, 2021

The Honorable Denis McDonough, Secretary
Department of Veterans Affairs
Veteran's Affairs Building, Room 1000
810 Vermont Avenue, NW
Washington, DC 20420

RE: Establishment of the Department of Veterans’ Affairs (VA) Tribal Veterans Advisory Committee

Dear Secretary McDonough:

On behalf of the Indian Health Service’s (IHS) Tribal Self-Governance Advisory Committee (TSGAC) which is representative of more than 375 Tribal Nations that elected to take over administration of Federal health care programs through Self-Governance, we write to urge the agency to establish the Tribal Veterans Advisory Committee as an initial priority under the recently enacted Department of Veterans Affairs Tribal Advisory Committee Act.¹

American Indians and Alaskan Natives Veterans serve in the U.S. Armed Forces at higher rates per capita, are younger as a cohort and have a higher concentration of female servicemembers compared to all over servicemembers.² However, Native Veterans are underrepresented among Veterans who access services and benefits provided by the VA.³

Tribal consultation is an evolving process to honor the commitments to Tribal Nations and Native Veterans. The January 26, 2021, Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships emphasizes that “the Federal government has much to learn from Tribal Nations and strong communication is fundamental to a constructive relationship.”⁴ The Memorandum instructs all executive departments and agencies with engaging in regular, meaningful, and robust consultation with Tribal officials.

The formal establishment of a VA Tribal Advisory Committee (VA-TAC) will provide a forum for Tribes and the agency to enhance and facilitate, not supplant, the government-to-government partnership. VA must improve Native Veteran eligibility for services by improving partnerships and addressing needs of Tribal health care providers to provide quality and cultural responsive care. The VA-TAC will address policy, legislative, budget, program and service issues and develop Tribally-based recommended actions that advance health care access and quality, housing, education, memorial benefits, and a host of other programs, services and supports for Native Veterans. The VA-TAC will also assist in advancing implementation issues related to VA-Indian Health Service (IHS) MOU, related individual Tribal MOUs, and ensure cooperation and coordination of health care programs and services for Native Veterans.

¹ H.R. 7105 Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act (2020).
² Department of Veterans Affairs. American Indian and Alaska Native Servicemembers and Veterans Report (September 2012).
To fulfill the VA Tribal Consultation Policy, Executive Order 13175, and the Presidential Memorandum on Tribal Consultation, the TSGAC offers the following recommendations:

- Prior to the establishment of the VA-TAC, we request that VA conduct consultation with Tribes regarding the VA-TAC charter, priorities, organizational structure, duties and process, including confirmation that the VA-TAC is exempt from the Federal Advisory Committee Act (FACA).  

- In addition to membership from the twelve IHS service areas, we request that the TSGAC be provided an opportunity to appoint a delegate from our Committee to the VA-TAC in order to specifically advise the VA on evolving issues of relevance to Self-Governance Tribes, similar to the Centers for Medicare and Medicaid Services (CMS) Tribal Technical Advisory Group (TTAG).

- VA should ensure training and education for VA personnel about the Tribal consultation processes and government-to-government relationship.

- In consultation with the VA-TAC, VA should develop a Strategic Plan to address opportunities and challenges of implementing legislation.

Tribal Nations must have a seat at the table to offer expertise on technical issues involving their communities and the Indian health care system. TSGAC firmly believes that developing Tribally-based and solution-oriented processes will create policies that promote and support culturally responsive care for Native Veterans while respecting Tribal sovereignty, self-governance and self-determination.

We look forward to working with you as the agency moves forward in the establishment of the VA-TAC. In the meantime, please do not hesitate to contact me directly regarding any questions you may have at (860) 862-6192; or via email: lmalerba@moheganmail.com. Thank you.

Sincerely,

Chief Lynn Malerba, Mohegan Tribe of Connecticut
Chairwoman, IHS TSGAC

cc:  P. Benjamin Smith, Deputy Director for Intergovernmental Affairs, IHS  
     Jennifer Cooper, Director, Office of Tribal Self-Governance, IHS  
     Stephanie Birdwell, Director, Office of Tribal Government Relations, VA  
     Jay Spaan, Executive Director, Self-Governance Communication and Education Tribal Consortium

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5 38 U.S.C. § 547(i) (2021)

6 Centers for Medicare and Medicaid Services Tribal Technical Advisory Group (TTAG) was codified pursuant to § 5006(e)(1) of ARRA, Pub. L. 111-5, and is exempt from FACA.