

IHS TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE

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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 Alask Native 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 \(September 2012\).](#)

³ [National Center for Veterans Analysis and Statistics Veteran Population Tables \(2016\).](#)

⁴ [White House. Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships \(2021\).](#)

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).⁵**
- **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).⁶**
- **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

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.