

VA



U.S. Department
of Veterans Affairs

2012

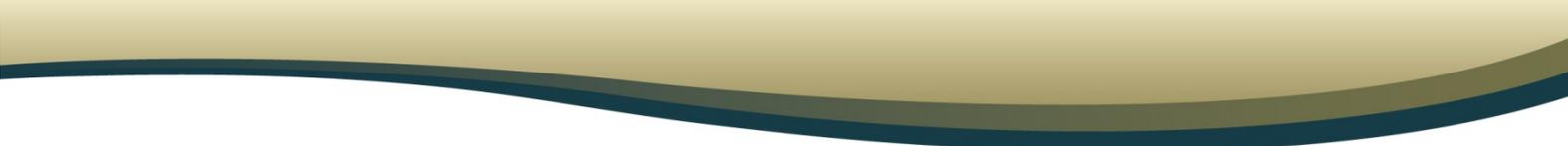
Tribal Consultation Report



Washington, DC, and Anchorage, Alaska



Office of
Tribal Government
Relations



2012 Consultation Report

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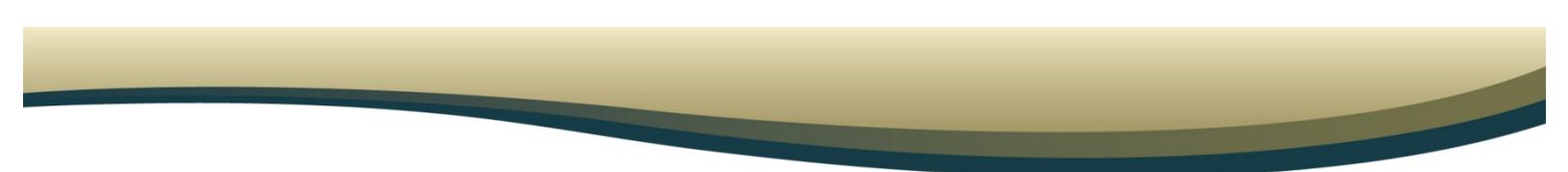
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Acknowledgements

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The Office of Tribal Government Relations gratefully acknowledges the input and participation of representatives of the Veterans Benefits Administration, the Veterans Health Administration, and the National Cemetery Administration in the 2012 tribal consultation events and in the creation and review of this report. Thank you for your ongoing commitment to VA's government-to-government relationship with American Indian and Alaska Native tribal governments.

The 2012 Consultation Report: Washington, DC and Anchorage, Alaska was prepared for the Office of Tribal Government Relations by Kauffman and Associates, Inc., including Jo Ann Kauffman, M.P.H., Corporate Monitor; Kim Blessing, M.A., Project Manager; Sarah Peterson, M.Div., Writer and Editor; Anna Morgan, Graphic Designer; and Janelle McCabe, M.A., Senior Editor and Quality Control.

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Executive Summary

American Indians and Alaska Natives have made innumerable contributions to the armed forces of the United States. Historically and today, they have enlisted in military service at rates higher than any other racial or ethnic group in the United States and have served with valor, offering distinct contributions to the defense of our shared homeland. Among these valuable contributions, the following are only highlights.

- Today, American Indians and Alaska Natives represent 1 percent of the United States population, but make up 2 percent of active duty personnel.
- Of 26 million Veterans in the United States, more than 383,000 identify as American Indian or Alaska Native—1.5 percent of total Veterans.
- American Indians and Alaska Natives have played decisive strategic roles in U.S. military efforts, with contributions grounded in their unique cultures and histories. These efforts include, among others,
 - ... the **Alaska Territorial Guard**, which defended strategic locations and performed vital scouting operations in the Alaska Territory.
 - ... the **Navajo Code Talkers**, who created the only unbreakable code in modern military history.

For American Indian and Alaska Native Veterans, as for all Veterans of the U.S. Armed Forces, the U.S. Department of Veterans Affairs (VA) is committed to its mission of “fulfilling President Lincoln’s promise ‘To care for him who shall have borne the battle, and for his widow, and his orphan’ by serving and honoring the men and women who are America’s Veterans.”

However, while American Indians and Alaska Natives are overrepresented in the Armed Forces, they are underrepresented among Veterans who access VA services and benefits. VA intends to increase the rate at which these Veterans can access the services and benefits that they have earned. This effort includes ensuring that VA benefits are culturally appropriate and accessible, and that American Indian and Alaska Native Veterans, Veterans service providers, and tribal communities are informed about what benefits are available and how to apply for them.

An essential foundation to serving and honoring American Indian and Alaska Native Veterans is the VA commitment to establish and maintain meaningful consultation with tribal governments, so VA can work collaboratively with tribal governments in ensuring Veterans’ access to benefits, services, and recognition.

In fiscal year (FY) 2012, VA planned a cycle of four consultation events in different areas of the United States to meet with tribal government officials and their representatives. The goal of these consultation events was to discuss areas of policy identified by each VA Administration, with the goal of enhancing the delivery of services to American Indian and Alaska Native Service Members and Veterans. This report presents the outcomes of the first two FY 2012 consultation events, which took place in Washington, DC, and Anchorage, Alaska. It includes the following major sections.

VA Tribal Consultation introduces the foundations for VA engagement with tribal governments, including the 2011 VA tribal consultation policy and the Office of Tribal Government Relations (OTGR), an office formed in 2011 to house and direct VA consultation efforts. This section overviews OTGR's activities throughout FY 2012, including this series of tribal consultations and OTGR's other national and regional efforts.

Introduction to Washington, DC, and Anchorage, Alaska, Consultation Events describes the two FY 2012 consultation events covered in this report. The events took place in Washington, DC, on April 5, 2012, and in Anchorage, Alaska, on May 25, 2012.

Consultation Findings offers a detailed report on the input received from tribal representatives in the two consultation events. The findings are organized by policy area and include comments from attendees, summaries of issues raised, and responses from VA. Policy areas addressed are:

- **VA-Indian Health Service (IHS) 2010 Memorandum of Understanding** – This agreement between the Veterans Health Administration (VHA) and Indian Health Service creates many areas of collaboration to enhance the delivery of care and services provided by VA, IHS, and tribal health facilities.
- **Tribal Cemetery Grants** – This grant program is available to tribes to develop Veterans' cemeteries on tribal land.
- **Native American Direct Loan Program** – This home loan program allows American Indian and Alaska Native Veterans to access VA home loan benefits for homes on tribal or Native corporation land.
- **Vocational Rehabilitation & Employment** – This program includes a wide range of rehabilitation and employment services,

including programs well-suited to Veterans living in rural areas and on Indian lands.

- **Other Findings** – This section reports tribal input offered at the consultations that addresses other topics.

Appendices include supporting materials to assist in the understanding of this report, such as policy-specific documents for further reference and a list of all abbreviations used throughout this report, with their definitions (see Appendix 7).

VA Tribal Consultation

VA recognizes and respects the sovereignty of tribal governments and desires to establish a government-to-government relationship with American Indian tribes and Alaska Native villages and corporations through consultation, with the goal of better serving American Indian and Alaska Native Veterans. Meaningful consultation is essential to developing understanding between VA and tribal governments, creating a working relationship, and building that relationship over time. From the foundation of consultation, VA and tribal governments can then work to offer Veteran services, design cultural accommodations in benefits programs where appropriate, and educate Veterans and communities—all with the goal of increasing Veterans' access to and use of benefits and services they have earned.

Foundations of the VA Relationship with Tribal Governments

As a U.S. executive agency, VA participates in the unique relationship the United States Government has with American Indian and Alaska Native tribal governments. VA is subject to the legal requirements that define the relationship between the U.S. Government and American Indian and Alaska Native tribes, which have been articulated in treaties, memoranda, statutes, court decisions, executive orders, and in the Constitution of the United States. Two recent pieces of Federal guidance have played an important role in shaping VA's approach to tribal consultation.

Executive Order 13175, issued in 2000, aimed to strengthen the government-to-government relationship and increase consultation between American Indian and Alaska Native tribes and the U.S. Government. Agencies were directed to consult early and regularly with tribes in the development of policies with tribal implications, to increase the administrative discretion available to tribes in implementing Federal regulations, and to defer to tribes in establishing standards and setting goals to meet Federal program objectives.

In 2009, President Obama signed a memorandum on tribal consultation reaffirming his administration's commitment to Executive Order 13175 and requiring all executive agencies to develop a detailed plan for regular and meaningful consultation with tribal governments on any Federal policies with implications for tribes, tribal governments, or tribal lands and resources.

For many years, VA has recognized the important role played by American Indians and Alaska Natives in the Armed Forces and has therefore been motivated to establish communication and build working relationships with tribes. Informal consultation efforts between VA, tribal governments, and tribal health and Veterans service providers certainly predate these pieces of executive guidance. However, these policies offer valuable direction to Federal consultation efforts, and VA has enthusiastically adhered to their requirements by developing agency policy and identifying leadership to embody the principles of meaningful tribal consultation throughout the agency. The next sections describe two recent landmark steps VA has taken to effectively codify the principles of meaningful consultation within the agency: the establishment of the Office of Tribal Government Relations and the implementation of a new agency consultation policy in 2011.

Office of Tribal Government Relations

OTGR was created in January 2011 within VA's Office of Public and Intergovernmental Affairs as a way to develop the government-to-government relationship between American Indian and Alaska Native tribes and VA. The creation of the OTGR represents a recognition of the importance of VA's ongoing relationship with American Indian and Alaska Native tribes and a commitment by VA to devote resources at a departmental level to promote and enhance tribal consultation processes and tribal government relationships.

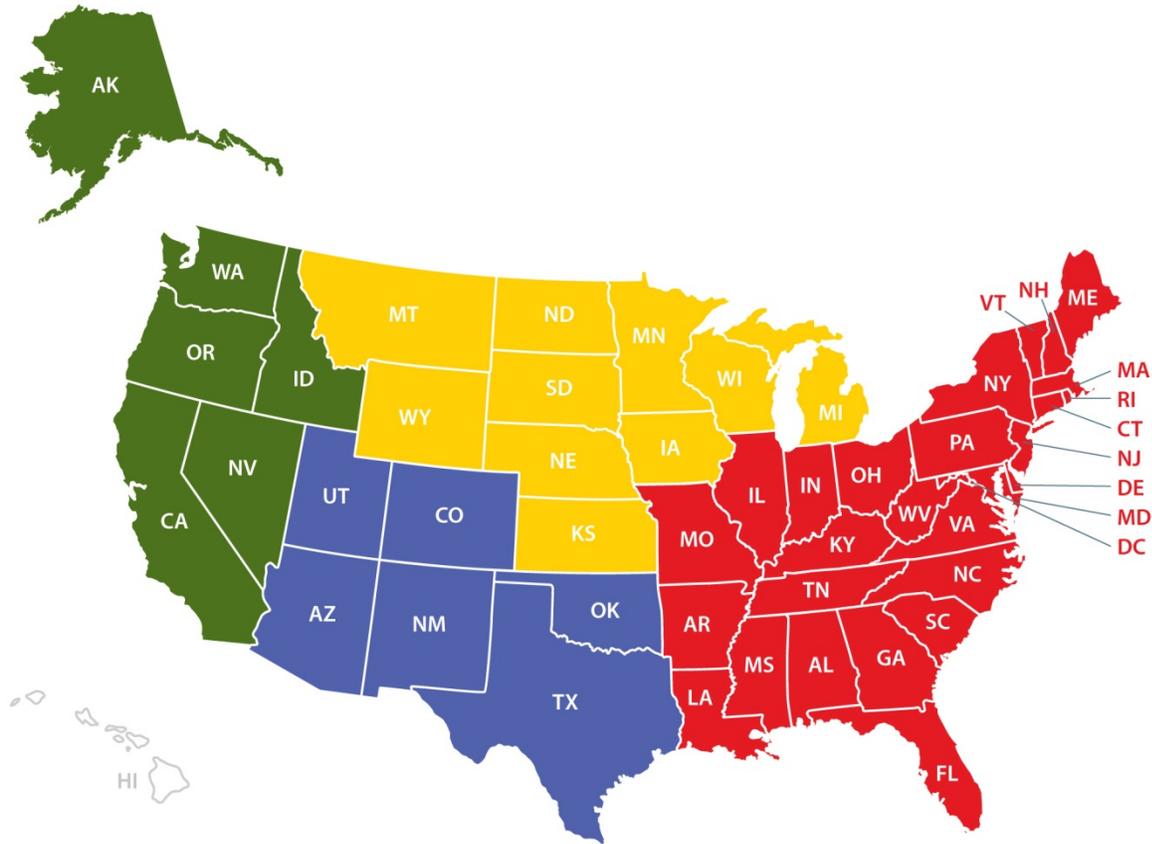
The Deputy Assistant Secretary for Intergovernmental Affairs, Mr. John M. Garcia, serves as the primary point of contact for coordinating VA's relationships with tribal governments and represents VA Secretary Eric Shinseki in these relationships. The staff of OTGR works to enhance relationships with tribal governments, to educate VA on tribal government relationships, consultation, and the needs of American Indian and Alaska Native Veterans, to serve as a clearinghouse for information regarding Veterans, and to engage in education and advocacy on policy and legislation affecting American Indian and Alaska Native tribal governments.

Ms. Stephanie Birdwell (Cherokee Nation of Oklahoma) is the OTGR Director and joined VA in January 2011. OTGR also has tribal government relations specialists that serve each region of the country.

Region	OTGR Specialist
Western Region	Terry Bentley (Karuk Tribe of California)
Central Region	Peter Vicaire (Listuguj Mi'gmaq)
Eastern Region	Erika Moott
Southwestern Region	Mary Culley (Seminole), acting specialist

Since 2011, OTGR has been active in its outreach and engagement with Indian Country. While focused on creating formal consultation opportunities, the office acknowledges that consultation can also occur informally, through meetings, phone calls, and education, informational, or outreach activities. OTGR welcomes requests from tribal leaders and tribal councils to visit and speak. Additionally, the OTGR staff is available to meet with tribal leaders, Veterans, and Veterans services providers.

Office of Tribal Government Relations | Regional Map



Regional Map Legend



Eastern Region

Office of Tribal Government Relations Specialist: Erika Moott
Phone: (202) 461-7868 Washington, DC



Central Region

Office of Tribal Government Relations Specialist: Peter Vicaire
Phone: (612) 629-7587 Minneapolis, MN



Southwestern Region

Office of Tribal Government Relations Specialist (acting): Mary Culley
Phone: (505) 346-4857 Albuquerque, NM



Western Region

Office of Tribal Government Relations Specialist: Terry Bentiey
Phone: (541) 440-1271 Roseburg, OR

VA Tribal Consultation Policy

VA's tribal consultation policy was signed by Secretary Eric Shinseki on February 4, 2011. This policy articulates the values and goals held by VA in its engagement with American Indian and Alaska Native tribal governments. The document was drafted in collaboration with federally recognized tribes and is explicitly identified as a draft document, a living record of policy and intention that can be revised and amended in response to changing circumstances and as VA deems appropriate.

VA's tribal consultation policy is founded in the recognition of the sovereign status and right to self-government of American Indian and Alaska Native tribes. Additional guiding principles include:

- Maintaining **appropriate confidentiality** for sensitive information, in accordance with Federal law;
- **Addressing tribal issues and concerns** during VA policy, program, and services development and **continuously reviewing** the expressed interests and concerns of tribes;
- **Collaboration and mutual resolution** of concerns in collaboration with affected tribes;
- **Communication and positive relations** that are supported by a spirit of mutual respect, an intention to understand tribes' varied perspectives, and a commitment to the government-to-government consultation process for ongoing communication and dispute resolution; and
- Recognition of **informal communication** as an important element of collaboration and relationship building that occurs outside of the formal consultation process, augmenting it but never supplanting it.

The consultation policy also recognizes Indian organizations as important players that represent and provide services to American Indians and Alaska Natives living on and off tribal lands and in urban areas. Tribal representatives, as parties in government-to-government consultation, can include representatives of authorized intertribal organizations, and VA may also communicate and solicit recommendations from American Indian and Alaska Native service and advocacy organizations.

VA recognizes that the process of consultation is most effective and meaningful when it occurs before an agency takes actions that affect American Indian and Alaska Native tribes and communities. While this best-case scenario may not always be possible, VA strives to initiate consultation as soon as possible to discuss

relevant issues with tribes. Consultation can be requested by, and consultation topics may be proposed by, either VA or tribal governments. VA will identify proposed policies, programs, rules, and services that have the potential to impact American Indian and Alaska Native tribes, tribal resources, tribal rights, or tribal land, and will bring these issues to consultation.

VA's goal in tribal consultation is to use consensus as the decision-making process and to engage in consultation in good faith and the intent to reach agreement through communication and cooperation. VA also understands that consensus, while a goal, may not always be achieved during consultation processes. Whether or not a mutually agreeable course of action is decided upon in consultation efforts, any party is offered the opportunity to issue a dissenting opinion for the record.

Current OTGR Activities with Tribes

In FY 2012, OTGR has initiated two cycles of events in Indian Country designed to promote and enhance consultation, build relationships, and educate tribal stakeholders about VA programs and services for American Indian and Alaska Native Veterans.

FY 2012 Consultations

Four consultation sessions were planned for FY 2012 in order to implement the VA tribal consultation policy and receive tribal input on policy issues and programs identified by the three VA Administrations. (See Appendix 4 for Dear Tribal Leader letters announcing these sessions.) The sessions were scheduled as follows:

- April 5, 2012 – Washington, DC – L'Enfant Plaza Hotel.
- May 25, 2012 – Anchorage, Alaska – Dena'ina Civic and Convention Center
in conjunction with the Alaska Tribal Health Programs Compact Negotiations.
- June 17, 2012 – Lincoln, Nebraska – Cornhusker Hotel
in conjunction with the National Congress of American Indians Mid-Year Conference.
- September 24, 2012 – Denver, Colorado – Sheraton Denver Downtown
in conjunction with the National Indian Health Board Annual Consumer Conference.

Findings in this document are reported from the Washington, DC, and Anchorage, Alaska, events. A second report will present findings from the Lincoln, Nebraska, and Denver, Colorado, events.

Other 2012 Efforts

Along with FY 2012 consultation events, OTGR staff members have traveled to each region to present regional trainings. These trainings bring together American Indian and Alaska Native Veterans, tribal leadership, tribal Veteran service providers, and other Federal and state partners who serve American Indian and Alaska Native Veterans. They provide an opportunity for education about VA services and collaboration and networking between programs and agencies, all with the goal of better serving American Indian and Alaska Native Veterans and increasing their access to the benefits and services they have earned through military service. OTGR's regional trainings last 2 days or longer and include a comprehensive introduction to VA programs that serve American Indian and Alaska Native Veterans, as well as intensive breakout sessions that cover targeted programs and special initiatives of VA and its Federal partners in greater depth. OTGR regional trainings were offered as follows:

- April 3-4, 2012 – Eastern Region Training Summit, Washington, DC.
- April 10-11, 2012 – Western Region Conference, Spokane, Washington.
- April 17-18, 2012 – Central Region Training Meeting, Minneapolis, Minnesota.
- April 23-25, 2012 – Southwest Region Training Summit, Albuquerque, New Mexico.
- July 10-11, 2012 – Western Region Training, Grande Ronde, Oregon.
- July 24-26, 2012 – Southwest Training Summit, Norman, Oklahoma.
- September 6-7, 2012 – Central Region Meeting, Milwaukee, Wisconsin.

Introduction to Washington, DC, and Anchorage, Alaska, Consultation Events

This report presents the findings from the first two tribal consultation events held by VA in FY 2012. The first event, on April 5, 2012, in Washington, DC, initiated the year's consultation events and brought together many Federal representatives from within VA, including representatives from the Office of Rural Health, Center for Minority Veterans, and others. The event welcomed Federal staff outside VA as well, including representatives from the Indian Health Service, the Tribal Technical Affairs Group in the Centers for Medicare and Medicaid Services, the Administration for Native Americans in the Administration for Children and Families, and other

agencies serving American Indian and Alaska Native communities and Veterans. (See Appendix 1 for the Washington consultation agenda.)

No tribal leaders or designated representatives were present at the Washington, DC, consultation event. VA program representatives presented to a varied audience of Federal agency staff members, and participants dubbed the event a useful session of “intra-government consultation,” whereby VA increased the visibility of its American Indian and Alaska Native Veterans programs across multiple Federal agencies and within VA itself. The event also educated those present on the fact that Veterans services are underused by American Indian and Alaska Native Veterans and highlighted the importance of encouraging and facilitating increased access. While, regrettably, the most important audience of tribal government representatives was absent, the session served to educate OTGR’s Federal partners about services for American Indian and Alaska Native Veterans and the importance of the OTGR mission.

As a lesson learned from the April 5 event, VA recognizes the importance of collaborative planning and communication with tribes in scheduling and publicizing consultation events. To publicize and prepare for the Alaska consultation, OTGR took the following steps:

- Placed radio ads and public notices to inform a wide regional audience about the consultation.
- Made available an official VA Nationwide Teleconferencing System (VANTS) teleconference line to enable interested parties to call in and participate from remote locations.

The second event, on May 25, 2012, in Anchorage, Alaska, was held in conjunction with the Alaska Tribal Health Programs Compact Negotiations. It was attended by approximately 40 tribal leaders, Veterans, VA staff, and representatives from tribal health and Veterans services organizations. (See Appendix 2 for the Anchorage consultation agenda and Appendix 3 for a list of consultation attendees.)

The OTGR made it a priority to hold a consultation event in Alaska during FY 2012 because it understands that Native Veterans living in Alaska face different needs from American Indian and Alaska Native Veterans in the lower 48 States. Many elements of life in Alaska have a profound effect on the availability, accessibility, and cost of services. These elements include sparse population, high transportation costs for people and materials, harsh weather conditions, and great distances traveled to access health care and other services.

Alaska is home to 229 federally recognized tribes, corporations, and villages—nearly half of the 566 federally recognized tribes in the United States. In addition, Alaska has a significantly higher proportion of Veterans than the continental United States. To gain a complete picture of the needs of American Indian and Alaska Native Veterans in the United States, OTGR recognized that bringing a consultation event to Alaska, so that Alaska Native Veterans and tribal representatives could easily attend and participate, was essential.

Consultation Findings

Consultation findings from the Anchorage, Alaska, event make up the majority of this report. Sections below begin with an introduction to the policy background of the four consultation topics and then present the tribal concerns, questions, and comments offered on each topic at the Alaska event. Important topics areas are presented in table format, as follows:

ISSUE	Identifies the main concern or topic.
TRIBAL COMMENTS/ SUMMARY	Collects the tribal feedback on the issue, sometimes combining comments on various aspects of a concern.
VA RESPONSE	Reports responses, if any, offered by VA staff present at the consultation.
VA DISPOSITION	Presents the formal agency response from VA departments, including planned action steps and timeframe, if applicable.

This thorough treatment of issues raised, including official VA dispositions, is part of VA's effort to be an effective and respectful partner in consultation to American Indian and Alaska Native tribes.

Consultation topics and policy issues were presented for comment by each VA Administration: Veterans Health Administration, National Cemetery Administration, and Veterans Benefits Administration, including Vocational Rehabilitation and Employment Service. Major topics, with policy background and related tribal comments, are presented below.

VA-IHS 2010 Memorandum of Understanding

The main topic of consultation presented by the Veterans Health Administration was the 2010 memorandum of understanding signed between VA and IHS. The

memorandum concerns delivery of health care services to American Indian and Alaska Native Veterans in VA, Indian Health Service, and tribally operated health care facilities.

Policy Background

In October 2010, a new memorandum of understanding (MOU) was signed between VA and the Indian Health Service to increase collaboration between VA, IHS, and the many tribal organizations that offer health care and services to American Indian and Alaska Native populations. (See Appendix 5 for the full text of the VA-IHS 2010 MOU.)

VA and IHS have been cooperating on delivering services to American Indian and Alaska Native Veterans for many years, and the 2010 MOU builds on an existing MOU between VA and IHS that was signed in 2003. The goal of the 2010 MOU is to foster coordination, collaboration, and resource sharing between VA and IHS to improve the health status of American Indians and Alaska Native Veterans. It identifies additional areas of focus, including:

- Coordination of care between agencies;
- Health information technologies;
- New health technologies;
- Payment and reimbursement;
- Program collaborations, including pharmacy and PTSD;
- Training and recruitment; and
- A Joint Implementation Task Force to coordinate and monitor all efforts.

VA recognizes that, while the MOU is national in scope, it must be local in implementation. Thirteen work groups have been formed under the MOU to address various topic areas and implementation challenges. The thirteenth of these work groups is the Alaska work group, established by Robert Petzel, M.D., the VA Under Secretary for Health, and tasked with bringing local implementation of the MOU to Alaska. While Alaska's situation is unique in many regards, one significant

“Alaska, in many ways, is leading the way on implementation of the VA-IHS memorandum of understanding at the local level.”

—Stephanie Birdwell, OTGR Director

difference is that all tribal health care in Alaska is compacted and delivered by Alaska Native organizations. There are no IHS health care facilities in Alaska, which heightens the need for effective, on-the-ground collaboration between VA and tribal health organizations.

The Alaska work group is sponsored by the Alaska Native Health Board (ANHB) and chaired by Lincoln Bean. The work group is co-facilitated by Alaska Native representative Libby Watanabe, IHS Alaska Area Director Chris Mandregan, and Alaska VA Healthcare System Rural Health Program Coordinator Susan Yeager, who was recently appointed Director of the Alaska VA Healthcare System. Members meet regularly and have created a FY 2012 work plan that identifies the following priorities for the work group:

- **Increase access to service and benefits for Veterans.** Expand the Tribal Veterans Representative program and train benefits coordinators at IHS.
- **Improve coordination of care.** Develop innovative approaches for collaboration with Alaska Native organizations, with a focus on disseminating best practices.
- **Develop payment and reimbursement policies,** including a template that can be used for agreements between VA and Alaska Native tribal health organizations.

The Alaska work group creates the opportunity to form working partnerships between VA and IHS in Alaska, as well as including strong representation from Alaska Native tribal health organizations. These collaborations will create the foundation for bringing to life the VA-IHS MOU in Alaska as effectively as possible, and in collaboration with a health care system that is wholly tribally operated.

Tribal Comments

Tribal leaders and other representatives offered the following comments on the VA-IHS 2010 MOU and other issues related to health benefits and the delivery of health care to American Indian and Alaska Native Veterans.

ISSUE	Tribal Representation and Oversight in MOU Implementation
TRIBAL COMMENTS/ SUMMARY	<ul style="list-style-type: none"> ● There should be a more formal oversight process for implementation of the VA-IHS MOU. Many other national work groups use a model where an oversight group is composed of two representatives from each region across the country. A model like that would be appropriate in monitoring and guiding implementation of the MOU.

	<ul style="list-style-type: none"> • Oversight is important because it keeps Federal agencies accountable. Sometimes agencies can go out, hold hearings, and listen to folks, but when they go home, the information received does not go anywhere. Oversight by tribes from each region will make sure that issues will always be addressed in a more formal and comprehensive way. • There is follow-up work to be done on the MOU and in areas like reimbursement, and tribes strongly and urgently believe they should be at the table as these decisions are made. • A specific area where tribal input from Alaska could help is in improving the quality of decisions and materials that apply to tribally operated programs, in contrast to IHS direct-service programs. Currently, some of the policies related to American Indian and Alaska Native health care do not reflect a very sophisticated understanding of the variation within tribal programs or their specific needs.
VA DISPOSITION	VA and IHS have formed 13 work groups to implement the VA-IHS 2010 MOU, with representation from VA, IHS, and tribes. Work Group 12 (Joint Implementation Task Force) advises the other work group activities. Each of these work groups is functioning, and they invite and are open to more tribal participation.

ISSUE	Data Sharing Between IHS, VA, and Tribal Programs
TRIBAL COMMENTS/ SUMMARY	<ul style="list-style-type: none"> • As Alaska tribal health programs become more significant providers for V A, data sharing opportunities should be developed and improved, especially by improving interoperability of the respective data systems for determining Veterans' enrollment and eligibility for particular services. Even when solutions seem rudimentary, if they can minimize the time that tribal health employees and VA employees have to personally spend on each case, it can be a great improvement. • In terms of data sharing, do not just stop with what is mandated in the MOU. Both VA and IHS have long-term technical experience with these issues, and with the data systems involved. The technical people should be talking to the technical people to share the mistakes, outcomes, and best practices that they've already learned. It would be magnificent if VA could pull together some of their best practices and share them with tribes and with IHS. Similarly, tribes have best practices in terms of treatment and a cultural approach that VA can learn from. There

	<p>needs to be deeper sharing than a marketing brochure, and both groups must find a way to effectively share technical learning between experts on both sides.</p> <ul style="list-style-type: none"> • VA, IHS, and tribes need to find a unified way to measure successes, so each group is using the same outcome measures.
VA DISPOSITION	<ul style="list-style-type: none"> • Collaboration on data sharing between VA, IHS, and tribal programs is a matter of ongoing attention under the 2010 VA-IHS MOU. It is specifically addressed under several work groups, including Work Group 3 (Health Information Technology). The Alaska Work Group (Work Group 13) is another appropriate venue to address concerns about data sharing that are specific to Alaska programs. • All MOU work groups are open to tribal participation and input from tribes and villages.

ISSUE	Behavioral Health and Suicide Prevention Under the 2010 MOU
TRIBAL COMMENTS/SUMMARY	<ul style="list-style-type: none"> • Alaska tribes and villages want to expand the opportunities to develop behavioral health care under the MOU. There are so many depressed Veterans, and many, many suicides. Some Veterans are still in the woods, so to speak, and are in such a state of chronic depression or alcoholism that they cannot be reached with services. Alaska's Vietnam-era Veterans are dying at the rate of 1,000 per month, and it will not be long until they are gone. So many of these efforts are for after a Veteran's death, when the most important thing is to be addressing the issues that will keep them alive and healthy.
VA DISPOSITION	<ul style="list-style-type: none"> • VA has provided outreach presentations on suicide prevention to Alaska Native and American Indian tribes but recognizes the ongoing need for support for these Veterans. • VA's Veterans Crisis Line (1-800-273 TALK/ [8255]) is available 24 hours a day, 7 days a week, with trained mental health professionals to provide guidance and support for Veterans and families of Veterans who may be at risk for suicide. There is also an anonymous chat line at www.veteranscrisisline.net, from which Veterans have been successfully referred to the crisis line for support. • The VA-IHS MOU Work Group 7 deals specifically with sharing services for suicide prevention. Ongoing work is taking place on this important issue under the MOU.

ISSUE	Provider Credentialing and the Disability Benefits Questionnaire (DBQ)
TRIBAL COMMENTS/ SUMMARY	<ul style="list-style-type: none"> • Can VA provide clarification about the change in the requirement that tribal or private health providers be credentialed by VA in order to provide reimbursable care to Veterans? • There are two types of credentialing: medical credentialing and VA credentialing. The first is what every provider has, while the second is a lengthy additional qualification. Which type is needed? • Can a physician assistant (PA) or a nurse practitioner (NP) fill out these forms? • Can VA provide additional information about the online DBQ and explain what the form is for? • Information about DBQs and other relevant Veterans information should be posted on the ANHB Web site. Tribes need to have ready access to information like this, especially as they sign their Sharing and Reimbursement Agreements with VA. • DBQs may provide an extremely valuable alternative to having to travel great distances to a Veterans' hospital for an evaluation. Some Veterans, especially those with Post Traumatic Stress Disorder (PTSD), just cannot get on a plane and go to Seattle, Washington. They try to make the trip but may only get as far as Juneau, Alaska before they have to get off the plane and be hospitalized.
VA RESPONSE	<ul style="list-style-type: none"> • DBQs are downloadable forms created for Veterans' use in the evaluation process for disability benefits. DBQs allow Veterans and Servicemembers to have more control over the disability claims process by giving them the option of visiting a primary care provider in their community, at their expense, instead of completing an evaluation at a VA facility. Veterans have always had the option of submitting private medical evidence in support of a claim for disability benefits. However, the DBQs are streamlined forms that use check boxes and standardized language so that the disability rating can be made accurately and quickly. • Providers can access DBQ online, fill it out with the Veteran's information and evaluation, and submit it to VA. Providers with active medical licenses must sign and attest to a medical condition on completed DBQs. Information on the qualifications

	<p>for completing a mental health DBQ are available on the online DBQ Frequently Asked Questions page: http://benefits.va.gov/COMPENSATION/dbq_FAQS.asp</p> <ul style="list-style-type: none"> • VA would love to work with ANHB as a communication vehicle, especially if this is the best way to get information out to tribes. The Alaska work group is also planning to offer training to tribal organizations about what VA needs to make eligibility determinations.
<p>VA DISPOSITION</p>	<ul style="list-style-type: none"> • Detailed information regarding which DBQs are available to the public can be found at: www.benefits.va.gov/TRANSFORMATION/disabilityexams/ • DBQs are not available for the following conditions: Post-traumatic Stress Disorder (Initial Examination), Hearing Loss and Tinnitus, Residuals of Traumatic Brain Injury, Cold Injury Residuals, Prisoner of War Examination Protocol, Gulf War Medical Examination, General Medical Examination for Compensation Purposes, and General Medical Examination for Pension Purposes. VA has determined that the examinations required to complete those DBQs either require specialized training, specialized equipment, or specialized testing generally not available through private providers or, if these examinations are available, the cost to the Veteran would be so great as to render the DBQ cost-prohibitive. For these reasons, VA has determined that it is in the Veteran's best interest to still require these examinations to be conducted by a VA clinician.

Additional Comments on Health Services

- The creation of the Alaska Work Group (Work Group 13) was incredibly important. It set the stage for trust and demonstrated to Alaska Native tribes and health organizations that VA, at every level, was committed to making the MOU successful in Alaska. VA Central Office and all around the country made absolutely astonishing efforts to come to meetings or to call in. This strong and effective working relationship will be a benchmark that VA relationships with other tribes in other areas will be measured against.
- Under the reimbursement agreements, can a provider get reimbursed by VA for performing an evaluation for service-connected disabilities for a Veteran who has not yet been evaluated?
- Veterans, families of Veterans, and the health providers who serve them need to know information on Agent Orange and the health effects of exposure,

especially since the effects can come later, affecting children and grandchildren.

Tribal Cemetery Grants

The National Cemetery Administration (NCA) requested comment on the topic of tribal cemetery grants—VA grants that tribes can apply for that can be used to establish a Veterans cemetery on tribally owned lands.

Policy Background

The Veterans Cemetery Grants Service, under NCA, assists tribal, state, and territorial governments in establishing, expanding, or improving Veterans' cemeteries. The program was originally created in 1978, but in 2006, Public Law (P.L.) 109-461 expanded the cemetery program to include cemeteries administered by tribes on tribal land. VA provides 100 percent of development costs for approved projects that conform to NCA guidelines on site selection, planning, and construction. In FY 2011, the Veterans Cemetery Grants Service was funded at \$46 million.

There are three tribal Veterans' cemeteries that have currently been funded under the National Cemetery Administration:

- Tucson, Arizona – Pascua Yaqui Tribe (2011)
- Rosebud, South Dakota – Rosebud Sioux Tribe (planned to open Memorial Day 2013)
- Humboldt, California – Yurok Tribe (planned to open spring 2013)

Ten other tribes are in various stages of the application process for cemetery grants. Applications are due to VA on July 1 to be considered for funding in the following fiscal year.

VA does not provide funding for acquisition of land or operations and maintenance for grantee cemeteries. In smaller cemeteries that cannot support ongoing staff positions for maintenance and administration, tribes often seek creative arrangements for ensuring maintenance throughout the year. For example, the Oglala Sioux Tribe plans to use staff from the Oglala Lakota College for maintenance.

Tribal cemeteries offer the opportunity for grounds and facilities that reflect the varying cultural practices of tribes. In one planned cemetery, space is designated for burial scaffolds and tie-ups for horseback escorts, however cemetery grants cannot always fully accommodate design requests. Grant funding cannot be used

for banquet or kitchen space in conjunction with a cemetery, nor can it fund buildings such as chapels. For elements not allowed under a cemetery grant, tribes and states may set aside spaces for these features in the cemetery design and construct them using funding from other sources.

Like states, tribes can establish requirements that are more stringent than the Federal guidelines for determining who may be buried in their Veterans' cemetery. Requirements can include residency standards, tribal membership, or other qualifications.

Tribal Comments

Tribal representatives present at the consultation events offered the following questions and comments on the tribal cemetery grants program.

ISSUE	Grants for Cemeteries on Corporately Owned Land
TRIBAL COMMENTS/ SUMMARY	<ul style="list-style-type: none"> • In Kake, Alaska, there are only two-and-a-half acres of trust land; the rest is corporate land. Can tribal Veterans cemeteries only be placed on trust land, or can corporate land be used as well? • If corporately owned land is not included in policy that supports the creation of tribal Veterans cemeteries, can the Alaska State Director of VA advocate for policy change on this issue, so that Alaska Native corporations can have tribal cemeteries just as American Indian tribes in the lower 48 States do?
VA RESPONSE	<p>At the Lincoln, Nebraska, consultation event (June 2012), VA clarified that "tribal trust land" as referenced in the Native American Direct Loan (NADL) program includes corporately owned land. Therefore, this benefit is accessible to Alaska Native Veterans on lands owned by tribal corporations.</p>

ISSUE	Availability of Headstones and Flags in Rural Areas
TRIBAL COMMENTS/ SUMMARY	<ul style="list-style-type: none"> • Rural communities have experienced lags in receiving headstones and flags. Could NCA have an inventory of headstones shipped to Alaska and then inscribed locally, especially because of how difficult it is to ship heavy items like headstones? • While each post office is supposed to have an inventory of U.S. flags, in practice, this has not always been the case and there have been delays in receiving them for Veterans' funerals.

	<p>Especially with planned post office closures, Alaska Native tribes and corporations request that VA continue to work out the kinks in these delivery systems, especially for the most rural communities.</p>
<p>VA SUMMARY</p>	<ul style="list-style-type: none"> • Marking the graves of Veterans and their eligible family members is a priority for NCA, and we strive to mark gravesites within 60 days of interment. VA also strives to process requests for headstones and markers for Veterans interred in public or private VA national cemeteries. Most deliveries to private cemeteries are bronze markers, and transportation is not a problem. However, when we do ship marble or granite stones to Alaska and other remote locations, we realize that it becomes a challenge to ensure the headstones and markers are delivered in good condition. If there are delays, VA contacts the family to let them know the reason for the delay and when to anticipate headstone installation. • The Cemetery Director for both national cemeteries is working with the VHA Rural Outreach Manager to increase outreach and collaboration for Veterans services in rural areas, including the availability of flags through post offices. Twice a year, VHA brings the Tribal Veterans Representatives (TVR) to Anchorage, Alaska for a 5-day training session that includes how to complete all the requisite forms for obtaining a U.S. burial flag and reimbursement for other benefits. TVRs serve as distribution points for the flags. They receive a case of six flags to distribute as required and the stock is replenished as the appropriate documentation is submitted. • Local inscription of headstones and markers in VA national cemeteries is used in some states, and it is a quick process that reduces the time needed to manufacture and deliver a headstone or marker. VA has researched methods in which deliveries to Alaska can be improved. One method is improved packaging, such as individually crating all headstones in lieu of the traditional manner in which they are packaged with simple cardboard and banding. VA has not been successful in past years to locate a Veteran-Owned Small Business in Alaska qualified to inscribe marble or granite headstones and markers. VA will continue to investigate other options for improving headstone delivery.

Additional Comments on Headstones

- VA representatives explained that there is a box on the application

(VA Form 40-1330) that asks “Is the grave marked?” If an applicant marks “yes,” the application will be denied. However, some applicants are marking this box when a grave has only a temporary marker, such as a wooden cross or a piece of concrete. When completing this form, mark “no” if the grave does not have a permanent headstone that bears the name and dates of birth and death of the decedent.

- In response to information provided by VA, tribal representatives recommend that the headstone application be clarified, so that it states “Is the grave marked with an authorized or certified VA headstone?” This would clear up a great deal of confusion.
 - VA response: VA believes that the current wording on these forms is adequate and hopes that the clarification offered in this report will be of assistance.
- If a Veteran’s grave is marked with a headstone provided by the family, please be aware that bronze medallions, which can be affixed to a family stone, are available for Veterans who died on or after November 1, 1990.
- VA cannot ship a headstone or marker to a post office box; a physical delivery location is required. If a headstone is to be shipped to a rural location, where people use post office boxes instead of street addresses, please fill in a placeholder address. VA recommends a business address since they are generally open during delivery hours and have the capability to offload a headstone upon delivery. Make up a street address if necessary, and let the people in the village give verbal directions about the delivery when it arrives. But if there is a post office box written on the form, the headstone cannot be delivered at all.
- If a headstone has not been received, please contact VA. VA will investigate why.

ISSUE	Culturally Appropriate Burial Customs
TRIBAL COMMENTS/ SUMMARY	Alaska Native tribes and villages would like to encourage VA to be sensitive to their unique cultures and burial customs. These customs are part of the healing process. Please ask what the culture is before making decisions about matters like burials. Alaska Native identity is in these ways, and communities need to be asked how they would like to handle aspects of the program.

VA SUMMARY	<ul style="list-style-type: none"> NCA is conducting a study to better understand the current and future burial needs of Veterans. In 2012, NCA, in partnership with Booz Allen Hamilton, a national consulting firm, completed a review of emerging burial practices worldwide. The review and subsequent analysis is helping to inform a nationwide survey of Veterans that will be conducted in 2013. The survey will provide information on the extent to which current VA burial benefits meet the needs of Veterans and which new or emerging burial practices Veterans may wish to see included at national cemeteries. NCA has identified two major racial/ethnic groups, American Indian and Alaska Native Veterans and American Muslim Veterans, for further analysis of their burial practices and how NCA might meet their unique burial needs. As part of this analysis, NCA and Booz Allen Hamilton conducted a Listening Session and individual interviews with American Indians and Alaska Natives during the National Congress of American Indians Annual Meeting in Sacramento, CA, on October 23–25, 2012.
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ISSUE	Alaska Territorial Guard
TRIBAL COMMENTS/ SUMMARY	Veterans and their families would like to express thanks for when the VA traveled to Bethel about a year and a half ago, to honor some of the original Eskimo Scouts who has passed away years ago. This recognition matters greatly to families.
RESPONSE FROM ALASKA STATE DEPARTMENT OF VETERANS AFFAIRS	<ul style="list-style-type: none"> “If any of you have a member of your community that was in the Alaska Territorial Guard that has never received military honors, please let us know, and I will send the National Guard Team out, and they will do military honors. They have been out to Bethel, Kotzebue, Nome, and they are going out to Dillingham.” —Verdie Bowen, Director, Office of Veterans Affairs, State of Alaska The Alaska Office of Veterans Affairs has recently completed the most authoritative list possible of Alaska Territorial Guard members, including 6,413 guard members, based on 70 years of research. This list is posted on the Alaska State Web site (http://atg.alaska.gov/).

ISSUE	Memorials and Healing Places To Serve Living Veterans
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<p>TRIBAL COMMENTS/ SUMMARY</p>	<p>Kake, Alaska, has wanted to create a Veterans park, a place for wellness where Veterans from any campaign can go to for healing. The community asked the Forest Service about how to do this, but nothing has happened on this request for several years. Instead of recognizing Veterans after they are dead, is there a way to provide places of healing for people who come back from service?</p>
<p>VA DISPOSITION</p>	<p>VA encourages Veterans and community members to work closely with Veterans Service Organizations and other community and civic organizations to develop a plan for a Veterans park in Kake and to present that plan to the Department of Interior, which is responsible for the Forest Service.</p>

Native American Direct Loan Program

The first consultation topic presented by the Veterans Benefits Administration (VBA) was the Native American Direct Loan Program, which provides loans for eligible American Indians and Alaska Native Veterans to buy, build, or improve homes on Native American trust land.

Policy Background

NADL was created in 1992 to allow Veterans from American Indian and Alaska Native tribes or American territories to use their VA home loan benefit on trust lands.

Before a Veteran can access this loan benefit, VA and the Veteran’s tribe must sign MOU. The purpose of the MOU is to establish rights and responsibilities of both Nations with regard to access to the land and home, generally relating to inspections to ensure that a home is safe, sanitary, and habitable. It also allows VA personnel to contact the Veteran or their family to address any problems that arise with the loan or property. Once an MOU is signed, it remains in place unless a tribe formally cancels it. There are currently 82 tribes and territories that have signed MOUs with VA for this program. (See Appendix 6 for the current NADL MOU template.)

A NADL loan can cover the purchase, construction, or improvement of a home on tribal trust land or on an allotment. In certain cases, a NADL loan can also be used to lower the interest rate on existing home loans. VA is the lender for NADL loans (as compared to the VA home loan program for non-tribal land, where VA is the loan guarantor). Interest rates are established by VA and generally set lower than market rates. At the time of the May 2012 Alaska consultation, the VA interest rate was 3.5 percent.

There are currently 900 loans established under the NADL program. Of these loans, only 40 are 6 months or more delinquent. Because VA is the lender, it has great discretion in working with a Veteran to resolve mortgage issues and to avoid foreclosure wherever possible. VA is interested in increasing the visibility of this program so that more American Indian and Alaska Native Veterans can take advantage of it. There are currently no NADL loans to Veterans in Alaska.

Tribal Comments

Tribal representatives present at the consultation events offered the following questions and comments on the NADL program.

ISSUE	Outreach for NADL
TRIBAL COMMENTS/ SUMMARY	<ul style="list-style-type: none"> • Many Veterans have only just found out about the VA home loan program. There are many people locally who are not aware of these programs or do not understand them. VA needs to increase the exposure of this program and localize it. Examples might be making a poster that includes some words in the Native tongue, or picture posters, so that older people can understand them. Radio ads would be effective as well. • The NADL program should network with Alaska Native housing authorities to understand how to reach Veterans in the communities. • Outreach for the NADL program to the Alaska Native tribal community should take place at standing Native events, such as the Sealaska Heritage Institute’s biannual celebration in June, the Alaska Native Brotherhood and Alaska Native Sisterhood annual convention, the Alaska Federation of Natives meeting, the Bureau of Indian Affairs Providers Conference, the VA Stand-Down, and many others. • Susan Yeager, Alaska VA Rural Health Program Coordinator [who was recently appointed as Director, Alaska VA Healthcare System] would be a good resource person for outreach efforts like these, because she is very effective at outreach and bringing her staff out into the community. • Outreach and information should also be directed to the corporations themselves. VA staff should contact each of the federally recognized Alaska Native corporations. A list of corporations should be easy to find online.
VA DISPOSITION	<ul style="list-style-type: none"> • VBA is working on a communications plan to promote the NADL program in Alaska that includes airing public service

	<p>announcements on National Public Radio stations.</p> <ul style="list-style-type: none"> • VA information sharing should be focused on VA benefits in general. The goal is to raise awareness of all benefits that are available through VA. • A creative outreach idea VA has had, given the expenses of traveling and the reality that health clinics can be focal points in a community, is to put a VA kiosk with pre-recorded information on it about all the VA benefits programs—and the appropriate contact people for each of them—in clinics, so it would always be available.
ADDITIONAL TRIBAL COMMENTS	<ul style="list-style-type: none"> • Several Alaska tribal health organizations would happily order these kiosks!

ISSUE	NADL Loans on Corporately Owned Land
TRIBAL COMMENTS/SUMMARY	The situation in Alaska is different from American Indians in the lower 48 States because the majority of Alaska Native land is held by corporations, based on the 1971 Alaska Native Claims Settlement Act. How can NADL be applied in Alaska?
VA DISPOSITION	The law defines “trust land” to include more than reservations. It can include land owned by a Native Regional Corporation or a Village Corporation. It does not matter whether the land is allotted or fee simple or restricted fee land. The NADL program can be applied in various situations where a Veteran has a meaningful interest in property and the land and the Veteran is subject to a territorial government, so to speak. For example, the NADL program is also active in the South Pacific Islands.

Additional Comments on NADL Home Loans

- The NADL program is meant to contribute overall to economic sustainability for Veterans. As with VA benefits like compensation and pension, access to home ownership can substantially strengthen a family’s economic viability and stability. Under the NADL program, mortgage payments can be deducted directly from a Veteran’s compensation or pension if the Veteran is eligible. A NADL loan can also be combined with the Specially Adapted Housing Program, a grant program for Veterans who are 100 percent disabled, that can fund adaptations either to an existing home or to the acquisition of a home that better suits their needs. Grants through the

Specially Adapted Housing Program can be up to \$64,960, which may not be enough to buy a whole home—but used in conjunction with a low-interest loan such as a NADL loan, that loan can go much further.

- Questions on the NADL program for Alaska residents can be directed to the regional VA home loan center for Alaska, located in Denver, CO, or to Erica Lewis, the NADL National Program Director in Washington, DC, at Erica.Lewis@VA.gov.

ISSUE	Refinancing Solicitations for Veteran Loans
TRIBAL COMMENTS/ SUMMARY	Some Veterans, who have participated in the VA home loan program, are receiving mail solicitations about refinancing their homes, with no appraisal or credit checks. Are these offers connected to VA at all?
VA DISPOSITION	<ul style="list-style-type: none"> • Please be assured that VA never gives out your information to any commercial venture. VA is barred by statute from identifying members of the military, former members, or their families. However, land records and home purchases are public records, so commercial lenders can easily purchase this information to contact homeowners. • VA does investigate solicitations that make inaccurate or misleading claims about VA loans and contacts them with cease-and-desist letters where appropriate. If follow up is needed on a misleading solicitation, please contact Erica Lewis (Erica.Lewis@VA.gov), who serves as NADL Coordinator on the VA Loan Guaranty staff.

ISSUE	Housing for Homeless Veterans
TRIBAL COMMENTS/ SUMMARY	Can VA housing benefits be used to create assisted living homes for Veterans who are homeless? Is there a possibility for tribal corporations to construct and make available homes for homeless vets?
VA DISPOSITION	VA's Homeless Providers Grant and Per Diem Program (not a home loan program) provides grants and per diem payments to help public and nonprofit organizations establish and operate supportive housing and service centers for homeless Veterans. VA is committed to ending homelessness among Veterans and will work to have information on homeless services distributed through OTGR.

Vocational Rehabilitation and Employment

The second consultation topic presented by VBA was vocational rehabilitation and other benefits available through the Vocational Rehabilitation and Employment Service (VR&E).

Policy Background

The purpose of the VA VR&E is to provide employment and living assistance to Servicemembers and Veterans with service-connected disabilities. One aspect of the program focuses on helping Veterans to obtain and maintain suitable employment and to plan for careers. A second component, the Independent Living Program, focuses on achieving independence in daily living activities for Veterans who are unable to seek employment because of disabilities. Services are available for Veterans and for active duty Servicemembers transitioning out of the military.

“We want to let Veterans know that self-employment is an opportunity for them.”

—Reginald Gladney, Vocational Rehabilitation & Employment Service

Veterans may receive vocational rehabilitation services during a 12-year period of eligibility that begins on the date of discharge from the last period of active service. For Veterans with a serious employment handicap, the basic period of eligibility may be extended in certain circumstances.

Once a Veteran has been determined entitled to services, and career and vocational counseling has identified needs and career choices, there are five tracks of services available:

- **Reemployment.** Assists a Veteran in returning to a job they previously held.
- **Rapid Access to Employment.** Enables a Veteran to find a job with another employer.
- **Self-Employment.** For Veterans with limited access to traditional employment, or who need flexibility/accommodation in the work environment due to disabilities.
- **Employment Through Long-Term Services.** Provides training, including college, certifications, and other qualifications that enable a Veteran to advance vocational objectives.

- **Independent Living.** When employment is not feasible because of disabilities, this program provides services to enhance daily activities and functions. These services are often provided in partnership with VHA.

Self-employment options may be especially relevant in Alaska and other rural areas where transportation and traditional employment opportunities may be limited. VBA partners with the U.S. Small Business Administration to provide small business services and training. While traditional small business loans are not available through VA, resources may be available to cover some start-up costs.

VetSuccess On Campus is a new program that provides services to Veterans on college campuses, primarily through sharing information on accessing Veterans benefits. There are 32 active sites, including one campus in Anchorage, Alaska. There are plans to expand to at least 52 additional sites in 2013. In FY 2012, VetSuccess served more than 9,600 Veterans on college campuses.

Additional programs include Chapter 35, Dependents' Educational Assistance, which provides educational counseling to children, widows, and spouses of Veterans who died in service, died as a result of a service-connected disability, or are permanently and totally disabled because of a service-connected disability. Under Chapter 36, Education and Vocational Counseling Services, educational and vocational counseling is provided to interested Veterans. It can include interest, aptitude, and ability exams or testing, with a focus toward career development. Under Chapter 18, Spina Bifida Program, VA provides vocational training and rehabilitation benefits to children of certain Korea service and Vietnam Veterans who are born with spina bifida and other covered birth defects.

Tribal Comments

ISSUE	Outreach and Referrals for Vocational Rehab
TRIBAL COMMENTS/ SUMMARY	<ul style="list-style-type: none"> ● For outreach related to VA vocational programs in Southeast Alaska, VA should contact the Central Council of Tlingit and Haida Indian Tribes, which has a vocational technical resource center in Juneau. Laird Jones is the director. They also have a higher education component. In Alaska, it is important to recognize the crucial role tribal organizations play in providing training and services and to be sure that VA connects with tribal organizations for outreach. ● Alaska Veterans Affairs is doing a fantastic job with outreach right now. Veterans and communities notice that Alaska VA has made an effort to attend the standing annual Alaska Native functions. Please stay on that path.

	<ul style="list-style-type: none"> • The Inupiat Community of the Arctic Slope has an MOU with VA for vocational rehabilitation. VA should start making referrals out to tribal programs, as well as encouraging tribal programs to refer to VA. VA has time limits on vocational rehabilitation services available, but many tribal programs are different and can go further. Tribal programs can also address spirituality and traditional healing on a case-by-case basis and support Veterans in a more holistic manner. VA needs to know about the tribal programs that exist. • Alaska should create a pilot project in VA that adds simple intake questions about whether a person is Native and eligible for tribal services. This will help VA staff become comfortable with the topic and sharing information about tribal services, rather than ignoring someone's tribal membership or identity and the possibilities for assistance available there.
VA DISPOSITION	<ul style="list-style-type: none"> • VA is committed to continuing outreach efforts throughout Alaska and will continue collaboration with the Inupiat Community of the Arctic Slope. VR&E staff welcome any information about additional resources available to Veterans through tribal programs. • Currently, VR&E does not gather race or ethnicity information on any applicants or participants.

Additional Comments on Vocational Rehabilitation

- For VR&E information in Alaska, contact the Anchorage Regional Office or Sabrina McNeil at VA Central Office in Washington, DC.
- Susan Yeager and Stephanie Birdwell met with the Alaska Consortium of Tribal Vocational Rehabilitation Programs and established an MOU between the Consortium and VA. This is the first agreement like this in the country, and it has been shared it with the tribal vocational rehabilitation programs across the country through the Rehabilitation Services Administration (in the Department of Education), which has been very supportive. The next question is how to take further action on this agreement, so it does not just stop here.

ISSUE	Fishing as Self-Employment
TRIBAL COMMENTS/ SUMMARY	Does self-employment assistance apply to Veterans who want to fish commercially and who need to set up a fishing business and get the appropriate permits? The dialogue about self-employment

	needs to include the industries that are most available in rural areas.
VA DISPOSITION	In evaluating self-employment options, VA looks at the business plan and seeks additional guidance from the U.S. Small Business Administration on the plan's viability. VA can provide various kinds and amounts of assistance, depending on the level of employment handicap, and necessary resources to implement the business plan, including certifications or licenses, are certainly considered.

Additional Comments on Self-Employment

- The director of the VA VR&E Service, Ruth Fanning, made a special request that self-employment options be discussed in consultations to seek feedback and create greater awareness. Self-employment opportunities could be viable options for Veterans, especially in highly rural communities.
- VA wants to raise awareness about the impact of Veteran-Owned Small Businesses and how they can contribute to sustaining a tribal economy.

ISSUE	Education Services Through Distance Learning
TRIBAL COMMENTS/SUMMARY	Does the VBA fund college training for Veterans that is delivered as distance learning or self-study programs? Many rural sites can only access training and higher education that is delivered this way.
VA DISPOSITION	Online and distance learning are definitely available under VA education programs, including Vocational Rehabilitation and the Post-9/11 GI Bill. Self-study programs may depend on the type, and each requires approval. The Post-9/11 GI Bill pays full tuition and fees directly to the school for all eligible public school in-state students. For those attending private or foreign schools, tuition and fees are capped at the national maximum rate. Individuals enrolled exclusively in online courses are eligible to receive up to \$684 in a monthly housing allowance under the Post-9/11 GI Bill. Individuals will also receive up to \$1,000 per academic year for books and supplies.

Other Findings

In the course of the Alaska consultation event, participants raised questions and comments on other issues beyond the policy and program items identified by VA Administrations for consultation. VA welcomes these comments and questions, and the issues raised are reported below.

Tribal Comments

ISSUE	Comments on Federal-Tribal Consultation
TRIBAL COMMENTS/ SUMMARY	<ul style="list-style-type: none"> • A way to make the consultation process more formal, transparent, and accountable would be for Federal agencies to respond in writing to comments that are submitted. The summary comments should be publicly available and Federal responses or specific steps being taken to address the comments should also be identified. When there is not a response, the process feels very one-way. • Participants in tribal consultations sometimes feel that their comments disappear into “the consultation black hole,” where there is no record or response to issues raised. What is talked about in consultations should not be lost when Federal staff changes from year to year. • Alaska participants would like to see an increase in tribal Veteran involvement in future consultation events. Could the invitation be shared with tribal Veterans themselves, so they can become aware of the services and benefits available and have access to the experts on these programs? Having them at the table would give Veterans an opportunity to advocate for themselves. • Some of the pioneering Tribal Veterans Representatives should be invited to these events as well.
VA DISPOSITION	<ul style="list-style-type: none"> • The VA consultation policy is relatively new. The Alaska consultation is the second formal consultation that VA has ever initiated, and we are working to improve the process on an ongoing basis. • The development and dissemination of this report is part of the effort to make VA-tribal consultation more transparent and accountable by creating a written record of tribal comments with responses provided by VA Administrations. The creation of consultation reports also assists in creating a lasting record of VA-tribal consultation and the issues raised. • Veterans can play a very important role in advocating with their tribes about prioritizing services for Veterans. • The OTGR would like to invite input from tribes on what topics should be put forth for consultation, along with recommendations about the best time, venue, and best way to reach out to people who might attend.

ISSUE	Education Benefits for Veterans' Survivors
TRIBAL COMMENTS/SUMMARY	Are education benefits or assistance available for Veterans' widows or children?
VA DISPOSITION	<ul style="list-style-type: none"> • Education benefits are available under certain circumstances. Dependents of a Veteran who died in service, died as a result of a service-connected disability, or is permanently and totally disabled because of a service-connected disability are eligible for the Dependents' Educational Assistance (DEA) program. • The child(ren) of an active duty member of the Armed Forces who died in the line of duty on or after September 11, 2001, may be eligible for Post-9/11 GI Bill benefits under the Marine Gunnery Sergeant John David Fry Scholarship Program. • The Post-9/11 GI Bill also allows Servicemembers to transfer unused education benefits to immediate family members (spouse and children). Because of the potential impact of this benefit on recruiting and retention, the Department of Defense and the military services determine transfer eligibility. • Alaska makes some education benefits available to dependents of Servicemembers who are killed in action or who die while they still hold their active duty card. Benefits availability can depend on state policies.

ISSUE	Alaska Native Veteran Land Claims
TRIBAL COMMENTS/SUMMARY	Alaska Native Veterans were promised land allotments under the Alaska Native Veterans Allotment Act. In some areas, Veterans' requests for land were refused because they were located in the Chugach National Forest, while other land was under the Bureau of Land Management, and claims could be made on it. This issue has never been resolved, and it is an ongoing request that Veterans have. The ones who originally wanted this land under their military entitlements are elders now.
VA DISPOSITION	OTGR is aware of this issue and will advise if the office receives additional information.

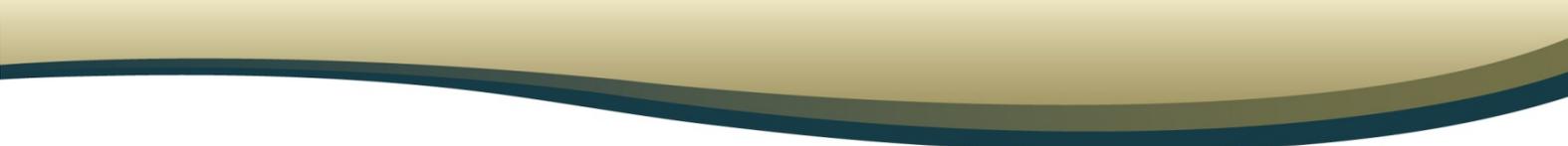
Conclusion

This report represents the input received at VA's first two tribal consultation events of 2012, which took place in Washington, DC, and Anchorage, Alaska. The comments of consultation attendees, including tribal leaders and their designated representatives, are recorded and supplemented by direct responses provided by VA agencies. This format was chosen in an effort to maximize accountability and to support the usefulness and responsiveness of VA's tribal consultation process. A second report will also be released, covering two VA consultations in the latter half of 2012 that took place in Lincoln, Nebraska, and Denver, Colorado. Together, these two reports make up the record of VA's first year of formal government-to-government consultation events with American Indian and Alaska Native tribes and villages.

The 2012 tribal consultations were executed in fulfillment of the VA tribal consultation policy and are an embodiment of VA's commitment to active and frequent dialogue with American Indian and Alaska Native nations. VA recognizes that building and maintaining relationships through formal and informal dialogue with tribal governments is a critical step to ensuring that American Indian and Alaska Native Veterans can effectively access VA benefits and services.

OTGR was established in recognition of this fact and will continue to serve as a home for formal and informal consultation, ongoing education and outreach about benefits available to Native Veterans, and communication with tribes, villages, and Native-serving organizations about how to adapt services, programs, and outreach efforts to best meet the needs of tribal Veterans. OTGR intends to serve as a partner with tribes in advocating for tribal Veterans and encouraging these Veterans to apply for and take advantage of the benefits they have earned through their military service. OTGR is also committed to listening to the voices of American Indian and Alaska Native Veterans, tribal Veterans Service Organizations, and tribal governments on an ongoing basis to learn about concerns that prevent access and to identify and address additional needs of tribal Veterans.

American Indian and Alaska Native Veterans and Servicemembers have made valuable contributions to the United States military and have been steadfast in their service to our shared homeland. VA intends to honor this service by partnering with tribes to improve services for tribal Veterans and working to become a trusted partner for tribal governments in providing for Veterans' needs. VA submits this report on 2012 tribal consultation, which is disseminated to 566 federally recognized tribes, as a part of its ongoing effort to forge strong and effective government-to-government relationships to serve and honor American Indian and Alaska Native



Veterans. VA welcomes continued input from tribal nations, tribal Veterans, and tribal Veterans' organizations in pursuit of this goal.

Appendix 1. Washington, DC Tribal Consultation Agenda

Department of Veterans Affairs Tribal Consultation April 5, 2012

Tribal Blessing

Welcome and Opening Remarks: Deputy Assistant Secretary John M. Garcia, Office of Intergovernmental Affairs

Introduction of the Office of Tribal Government Relations: Director, Ms. Stephanie E. Birdwell

Tribal Leader Introductions

VA Officials Introductions

Consultation

Topic 1: Veterans Health Administration, VA-Indian Health Service Memorandum of Understanding

VA Official: Dr. Mary Beth Skupien, Director, VA Office of Rural Health

Overview/Presentation – The VA-IHS MOU was signed by Dr. Petzel, VA Under Secretary Health and Dr. Roubideaux, Director, Indian Health Service on October 1, 2010. The purpose of the MOU is to enhance the health care status of American Indian and Alaska Native (AI/AN) Veterans through the delivery of accessible and quality health care services. This will be accomplished by establishing greater collaboration and resource-sharing between both agencies. VA is seeking recommendations on engaging Tribes locally and nationally in the workgroup activities pertaining to the VA-IHS Memorandum of Understanding.

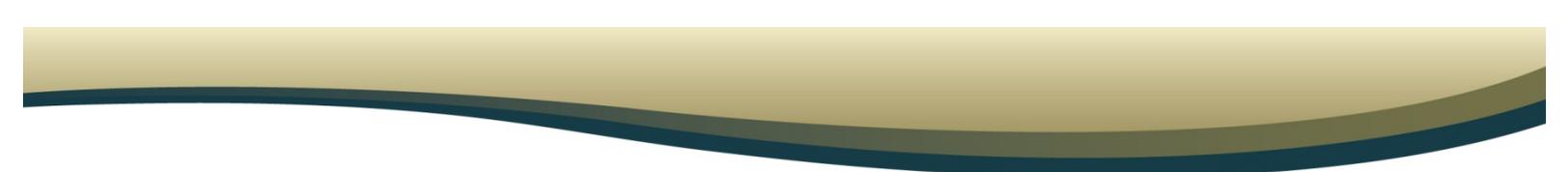
Tribal Leader Comments

Lunch

Topic 2: National Cemetery Administration, Tribal Cemetery Grants Program

VA Official: Ms. Kimberly Wright, Director, Office of Field Programs

Overview/Presentation – In 2010 a proposal to implement PL 109-461, Sec. 403 which states “Eligibility of Indian Tribal Organizations to Apply for Grants for the Establishment



of Veterans Cemeteries on Trust Lands.” This stipulates that Grants to Tribal Organizations will be made in the same manner, and under the same conditions, as grants to States under the Veterans Cemetery Grants Program. VA is seeking recommendations for increasing outreach and awareness of the cemetery grant program in addition to seeking input on challenges Tribes experience in applying for these grants.

Tribal Leader Comments

Break (15 minutes)

Topic 3: Veterans Benefits Administration, Native American Direct Loan Program

VA Official: Mr. Michael Frueh, Director, VA Loan Guaranty Office

Overview/Presentation – The Native American Veteran Direct Loan Program (NADL), created by Congress in 1992, enables eligible Veterans the opportunity to use their VA home loan guaranty benefit on Federal trust land. VA is seeking recommendations from Tribes for increasing awareness and utilization of this loan program.

Tribal Leader Comments

Closing/ Remarks

Appendix 2. Anchorage, Alaska, Tribal Consultation Agenda

VA Consultation Agenda Alaska Native Tribal Health Consortium – Anchorage, Alaska Friday, May 25, 2012

I. **Opening Prayer/Welcome Address** 9:00-9:15 a.m.

Stephanie E. Birdwell, Director, Office of Tribal Government Relations,
Washington, DC, Co-Facilitator
Lincoln A. Bean, Sr., Alaska Native Health Board, Co-Facilitator
Verdie Bowen, Sr., Director Office of Veterans Affairs, State of Alaska

II. **Veterans Health Administration** 9:15-11:00 a.m.

Alex Spector, Director, VHA Alaska Healthcare System, Anchorage, Alaska
Susan Yeager, Rural Health Program Manager, VHA Alaska Healthcare
System, Anchorage, Alaska

Consultation Topic: VA-Indian Health Service MOU

- Education/Overview of the program (10 min)
- Q& A Session: Administration will formulate questions (45 min)
- Open Dialogue (40 min)

***** *Lunch (60 min)* *****

III. **National Cemetery Administration** 12:00-1:45 p.m.

Virginia Walker, Director, Ft. Richardson National Cemetery, Anchorage,
Alaska

Consultation Topic: Tribal Cemetery Grants

- Education/Overview of the program (10 min)
- Q& A Session: Administration will formulate questions (45 min)
- Open Dialogue (40 min)

******Break (15 min)* *****

IV. Veterans Benefits Administration 2:00-3:45 p.m.

Reginald Gladney, Vocational Rehabilitation & Employment, Washington, DC
Erica Lewis, National Director, VA Native American Direct Loan Program,
Washington, DC

Consultation Topic: Vocational Rehabilitation Employment

Consultation Topic: Native American Direct Loan Program

- Education/Overview of the program (10 min)
- Q& A Session: Administration will formulate questions (45 min)
- Open Dialogue (40 min)

V. Closing Remarks/Closing Prayer

Stephanie E. Birdwell, Director, Office of Tribal Government Relations,
Washington, DC, Co-Facilitator

Lincoln A. Bean, Sr., Alaska Native Health Board, Co-Facilitator

Appendix 3. Anchorage, Alaska, Consultation Attendees

At the Anchorage, Alaska, tribal consultation, 40 attendees signed in, as listed below.

NAME	TITLE, ORGANIZATION, OR TRIBE
Charles Clement	CEO, SouthEast Alaska Regional Health Consortium
Lisa Mock	General Counsel, SouthEast Alaska Regional Health Consortium
Chuck Akers	Board Member, Southcentral Foundation
Jim Segura	Chair, Southcentral Foundation Board
Faith Allarde	Ops Director, Kenaitze Indian Tribe
Dal Morgan	Director of Reimbursement, Southcentral Foundation
Sharon Sigmon	Associate General Counsel, Yukon-Kuskokwim Health Corporation
Lincoln Bean	Chair, Alaska Native Health Board
Melissa Robbins	HSS Coordinator, Aleutian Pribilof Islands Association
Jessica Mata Rukovichnikoff	RCLS Administrator, Aleutian Pribilof Islands Association
Valerie Davidson	Senior Director of Intergovernmental and Legal Affairs, Alaska Native Tribal Health Consortium
Roald Helgesen	CEO, Alaska Native Tribal Health Consortium
Ileen Sylvester	Vice President, Southcentral Foundation
Myra Munson	Attorney, Sonosky Chamber Law Firm, LLP
Libby Watanabe	Special Assistant to the President, SouthEast Alaska Regional Health Consortium
Mark King	Vice Chair, Native Village of Eyak
Patience Anderson Faulkner	Tribal Council Member, Native Village of Eyak
Joseph Reeves	Tribal Council, Ketchikan Indian Community, Tribal Veterans Representative
Penney Benn	Health Director, Native Village of Eyak
Eluska John Jr.	2nd Chief, Shageluk Tribal Council
Michael Christensen	CEO, Eastern Aleutian Tribes
Chris Mandregan	Director, Alaska Area IHS
Nora Atenza	CFO, Council of Athabascan Tribal Governments
Christine Rifredi	Health Board Representative, Council of Athabascan Tribal Governments
Joyce Hughes	Deputy Health Director, Council of Athabascan Tribal

NAME	TITLE, ORGANIZATION, OR TRIBE
	Governments
Rob Ottone	Hospital Administrator, Maniilaq
Leslie Dye	Executive Officer, Alaska Area IHS
Lanie Fox	President/CEO, Alaska Native Health Board
Jodie Waters	Planner, Veterans Health Administration, VISN 20
Pat Jackson	State Liaison, Alaska Native Tribal Health Consortium
Dallas-Lee Brower	Acting Executive Director and Director of Tribal Vocational Relations, Inupiat Community of the Arctic Slope
Verdie Bowen	Veterans Affairs Director, SOA
Stephanie Birdwell	Director, VA OTGR
Reginald Gladney	Supervisor of Training, VA
Erica Lewis	NADL National Coordinator, VA
Susan Yeager	VA
Alex Spector	VA Director
Ray Baker	Court Reporter, Accu-Type Depositions
Terry Bentley	Tribal Government Relations Specialist, OTGR
Chad Pomelow	Veteran Service Center Manager, VBA, VA

Appendix 4. Dear Tribal Leader Letters

Dear Tribal Leader Letter dated March 12, 2012.



MAR 12 2012

DEPARTMENT OF VETERANS AFFAIRS
DEPUTY ASSISTANT SECRETARY FOR
INTERGOVERNMENTAL AFFAIRS
WASHINGTON DC 20420

Dear Tribal Leader:

The Department of Veterans Affairs (VA) tribal consultation policy was signed by Secretary Eric K. Shinseki on February 4, 2011. The Department is initiating four Tribal consultation sessions this year, through each of the VA administrations. VA is initiating consultation to request your input to enhance the delivery of services to American Indian/ Alaska Native Veterans. Tribal consultation topics include:

Veterans Benefits Administration, Native American Direct Loan Program: The Native American Veteran Direct Loan Program (NADL), created by Congress in 1992, enables eligible Veterans the opportunity to use their VA home loan guaranty benefit on Federal trust land. VA is seeking recommendations from Tribes for increasing awareness and utilization of this loan program.

National Cemetery Administration, Tribal Cemetery Grants: In 2010 a proposal to implement PL 109-461, Sec. 403 which states "Eligibility of Indian Tribal Organizations to apply for Grants for the Establishment of Veterans Cemeteries on Trust Lands". This stipulates that Grants to Tribal Organizations will be made in the same manner, and under the same conditions, as grants to States under the Veterans Cemetery Grants Program. VA is seeking recommendations for increasing outreach and awareness of the cemetery grant program in addition to seeking input on challenges Tribes experience in applying for these grants.

Veterans Health Administration, VA/ Indian Health Service Memorandum of Understanding (MOU): The VA-IHS MOU was signed by Dr. Robert Petzel, VA Under Secretary for Health and Dr. Yvette Roubideaux, Director, Indian Health Service on October 1, 2010. The purpose of the MOU is to enhance the health care status of American Indian and Alaska Native (AI/AN) Veterans through the delivery of accessible and quality health care services. VA is seeking recommendations from Tribes for increasing tribal government involvement in the MOU workgroups and workgroup activities at the national and local levels.

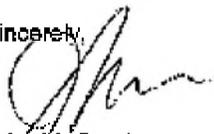
The first tribal consultation session will be held on **Thursday, April 5, 2012** at the L'Enfant Plaza Hotel at 9:00am. The hotel is located at 480 L'Enfant Plaza, SW, Washington, D.C. 20024.

Additional consultation sessions are listed below :

May 25, 2012: Dena'ina Center, Anchorage, Alaska
June 2012: Lincoln, Nebraska
September 2012: Denver, Colorado

Written comments should be submitted to the email address listed below not later than 45 days from the date of this letter, tribalgovernmentconsultation@va.gov. For any questions please feel free to contact the Office of Tribal Government Relations at (202) 461-7400.

Sincerely,



John M. Garcia
Deputy Assistant Secretary for
Intergovernmental Affairs

Dear Tribal Leader Letter dated May 1, 2012.



DEPARTMENT OF VETERANS AFFAIRS
DEPUTY ASSISTANT SECRETARY FOR
INTERGOVERNMENTAL AFFAIRS
WASHINGTON DC 20420

MAY 1 2012

Dear Tribal Leader:

On March 12, 2012 the Department of Veterans Affairs sent you a letter regarding the first Tribal consultation session which was held on April 5, 2012 in Washington, DC. The Department is initiating three additional Tribal consultation sessions, through each of the VA administrations. VA is initiating consultation to request your input to enhance the delivery of services to American Indian/ Alaska Native Veterans. Tribal consultation topics include:

Veterans Benefits Administration:

The Vocational Rehabilitation and Employment (VR&E) Program is authorized by Congress under Title 38, Code of Federal Regulations, Chapter 31. The program assists Veterans with service-connected disabilities to prepare for, find, and keep suitable jobs. For Veterans with service-connected disabilities so severe that they cannot immediately consider work, VR&E offers services to improve their ability to live as independently as possible. VA will consult with Tribes on the most efficient ways of communicating about the VR&E program to Tribal members. Also VA will consult with Tribes on how to involve Tribes in the awareness campaign about VR&E for Tribal members and provide input about occupations that are of special interest.

The Native American Veteran Direct Loan Program (NADL), created by Congress in 1992, enables eligible Veterans the opportunity to use their VA home loan guaranty benefit on Federal trust land. VA is seeking recommendations from Tribes for increasing awareness and utilization of this loan program.

National Cemetery Administration:

Tribal Cemetery Grants: In 2010 a proposal to implement PL 109-461: Sec. 403 which states "Eligibility of Indian Tribal Organizations to apply for Grants for the Establishment of Veterans Cemeteries on Trust Lands". This stipulates that Grants to Tribal Organizations will be made in the same manner, and under the same conditions, as grants to States under the Veterans Cemetery Grants Program. VA is seeking recommendations for increasing outreach and awareness of the cemetery grant program in addition to seeking input on challenges Tribes experience in applying for these grants.

Veterans Health Administration:

VA/ Indian Health Service (IHS) Memorandum of Understanding (MOU): The VA-IHS MOU was signed by Dr. Robert Petzel, VA Under Secretary for Health, and Dr. Yvette Roubideaux, Director, Indian Health Service, on October 1, 2010. The purpose of the MOU is to enhance the health care status of American Indian and Alaska Native (AI/AN) Veterans through the delivery of accessible and quality health care services. VA is seeking recommendations from

Tribes for increasing tribal government involvement in the MOU workgroups and workgroup activities at the national and local levels.

The Consultation Sessions will be held on the following dates:

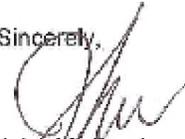
Friday May 25, 2012
Alaska Native Tribal Health Consortium
400 Ambassador Drive
Anchorage, AK 99508

Sunday, June 17, 2012
Corn Husker Hotel
333 S. 13th St.
Lincoln, NE 68508

Monday, September 24, 2012
Denver Sheraton Hotel
1550 Court Place
Denver, Colorado 80202

Comments must be submitted to VA no than 30 days after each session to:
VA Office of Tribal Government Relations at (202) 461-7400, by email at Tribalgovernmentconsultation@va.gov, or by mail at Suite 915L, 810 Vermont Ave, NW, Washington, DC 20420. If you plan on attending to present your comments during one of the sessions, please provide the name, title, and Tribe of the individual who will be presenting to OTGR at the email address above. In order to facilitate the discussion, we ask that presenters provide a brief overview of the comments and include the specific issues to be addressed at the session. For any Tribe unable to attend to present comments, please be aware that OTGR will keep the comments record open for 30 days after the date of the consultation. After 30 days, OTGR will provide written responses to all comments received, including those that were presented in person.

Sincerely,



John W. Garcia
Deputy Assistant Secretary for
Intergovernmental Affairs

Dear Tribal Leader Letter dated August 27, 2012.



DEPARTMENT OF VETERANS AFFAIRS
DEPUTY ASSISTANT SECRETARY FOR
INTERGOVERNMENTAL AFFAIRS
WASHINGTON DC 20420

August 27, 2012

Dear Tribal Leader:

The Department of Veterans Affairs (VA) tribal consultation policy was signed by Secretary Eric K. Shinseki on February 4, 2011. The Department is initiating the final tribal consultation for this fiscal year. The consultation session will coincide with the National Indian Health Board Annual Consumer Conference and will be held on Monday, September 24, 2012 at the Denver Sheraton, Denver, CO. VA is initiating consultation to request your input to enhance the delivery of services to American Indian/ Alaska Native Veterans. Tribal consultation topics include:

Veterans Benefits Administration. Native American Direct Loan Program: The Native American Veteran Direct Loan Program (NADL), created by Congress in 1982, enables eligible Veterans the opportunity to use their VA home loan guaranty benefit on Federal trust land. VA is seeking recommendations from Tribes for increasing awareness and utilization of this loan program.

Veterans Health Administration. VA Indian Health Service Memorandum of Understanding (MOU): The VA-IHS MOU was signed by Dr. Robert Petzel, VA Under Secretary for Health and Dr. Yvette Roubideaux, Director, Indian Health Service on October 1, 2010. The purpose of the MOU is to enhance the health care status of American Indian and Alaska Native (AI/AN) Veterans through the delivery of accessible and quality health care services. VA is seeking recommendations from Tribes for increasing tribal government involvement in the MOU workgroups and workgroup activities at the national and local levels.

The tribal consultation session will be held on **Monday, September 24, 2012** at the Denver Sheraton at 8:00am in the Grand Ballroom. The hotel is located at 1500 Court Place, Denver, CO 20024.

Written comments should be submitted to the email address listed below no later than 45 days from the date of this letter, tribalgovernmentconsultation@va.gov. For any questions please feel free to contact the Office of Tribal Government Relations at (202) 461-7400.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Garcia".

John M. Garcia
Deputy Assistant Secretary for Intergovernmental
Affairs

Appendix 5. VA-IHS 2010 MOU

Memorandum of Understanding Between the Department of Veterans Affairs (VA) and Indian Health Service (IHS)

I. Purpose: The purpose of this Memorandum of Understanding (MOU) is to establish coordination, collaboration, and resource-sharing between the Department of Veterans Affairs (VA) and Indian Health Service (IHS) to improve the health status of American Indian and Alaska Native Veterans. The goal of the MOU is to foster an environment that brings together the strengths and expertise of each organization to actively improve the care and services provided by both. The MOU establishes mutual goals and objectives for ongoing collaboration between VA and IHS in support of their respective missions and to establish a common mission of serving our nation's American Indian (AI) and Alaska Native (AN) Veteran. The MOU is intended to provide authority for a broad range of collaboration between the agencies that facilitate development of additional agreements around specific activities. It is the intent of this MOU to facilitate collaboration between IHS and VA, and not limit initiatives, projects, or interactions between the agencies in any way. The MOU recognizes the importance of a coordinated and cohesive effort on a national scope, while also acknowledging that the implementation of such efforts requires local adaptation to meet the needs of individual tribes, villages, islands, and communities, as well as local VA, IHS, Tribal, and Urban Indian health programs.

II. Authority: The Indian Health Care Improvement Act, 25 U.S.C. Sections 1645, 1647; 38 U.S.C. Sections 523(a), 6301-6307, 8153

II. Background: The mission of the Indian Health Service, in partnership with American Indian and Alaska Native people, is to raise their physical, mental, social and spiritual health to the highest level. The goal of IHS is to ensure that comprehensive, culturally acceptable personal and public health services are available and accessible to all American Indian and Alaska Native people. The foundation of IHS is to uphold the Federal Government's obligation to promote healthy American Indian and Alaska Native people, communities, and cultures and to honor and protect the inherent sovereign rights of Tribes.

The mission of the Department of Veterans Affairs is to "care for him who shall have borne the battle and his widow and orphan." Those words were spoken by Abraham

Lincoln during his second inaugural address and reflect the philosophy and principles that guide VA in everything it does.

IHS and VA enter into this MOU to further their respective missions. This MOU builds upon decades of successful collaboration, as well as the 2003 MOU signed between IHS and VA. This MOU also conforms to the most current legislation. It is the intent of this MOU that, through appropriate coordination, collaboration, and resource sharing, both organizations will achieve greater success in reaching their organizational goals and in more effectively serving as stewards of public resources.

IV. Actions:

A. This MOU sets forth 5 mutual goals:

1. Increase access to and improve quality of health care and services to the mutual benefit of both agencies. Effectively leverage the strengths of the VA and IHS at the national and local levels to afford the delivery of optimal clinical care.
2. Promote patient-centered collaboration and facilitate communication among VA, IHS, American Indian and Alaska Native Veterans, Tribal facilities, and Urban Indian Clinics.
3. In consultation with tribes at the regional and local levels, establish effective partnerships and sharing agreements among VA headquarters and facilities, IHS headquarters and IHS, Tribal, and Urban Indian health programs in support of American Indian and Alaska Native Veterans.
4. Ensure that appropriate resources are identified and available to support programs for American Indian and Alaska Native Veterans.
5. Improve health-promotion and disease-prevention services to American Indians and Alaska Natives to address community-based wellness.

B. To further the goals of this MOU, VA and IHS agree to actively collaborate and coordinate:

1. To **increase access** to services and benefits of IHS and VA (including the Veterans Benefits Administration (VBA)) for AI/AN Veterans, by:
 - a. Expanding the highly successful Tribal Veterans Representative (TVR) program into the Indian health system, through integration into existing infrastructure.
 - b. Providing systematic training for Benefits Coordinators at IHS, Tribal, and Urban programs in eligibility requirements for VBA benefits and priority designations for VA services and tools to assist them with appropriate referrals for benefits and services.

- c. Providing systematic training for appropriate VA staff on IHS services and IHS Contract Health Services (CHS) eligibility and tools to assist them with appropriate referrals for services.
- 2. To **improve coordination of care**, including co-management, for AI/AN Veterans served by both IHS, Tribal, or Urban Indian health programs and VA by:
 - a. Developing and testing of innovative approaches to improve coordination of care and dissemination of best practices.
 - b. Establishing standardized mechanisms for access by providers in one system to the electronic health records in the other system for patients receiving care in both systems.
- 3. To **improve care** through the development of health information technology, including the following:
 - a. Sharing of technology
 - i. Joint development of applications and technologies.
 - ii. Adaptation of applications and technologies developed by one agency to permit use by the other.
 - iii. Mechanisms for the exchange of funds to support this adaptation and sharing.
 - b. Interoperability of systems to facilitate sharing of information on common patients and populations
 - c. The VA and IHS will develop processes to share information regarding planned development of applications and technologies to facilitate this collaboration.
 - d. The VA and IHS will develop standard, pre-approved language for inclusion in sharing agreements to support this collaboration.
- 4. To **enhance access** through the development and implementation of new models of care using new technologies, including:
 - a. Tele-health services such as tele-psychiatry and tele-pharmacy.
 - b. Services using mobile communication technologies.
 - c. Enhanced telecommunications infrastructure to support collaboration in remote areas.
 - d. Sharing of training programs and materials supporting these models of care.
 - e. Sharing of knowledge gained from testing of new models of care.
- 5. To **improve efficiency and effectiveness** of both the VA and IHS at a system level through:
 - a. Sharing of contracts and purchasing agreements that may be advantageous to both IHS and VA, supported by the development of:

- i. Standard, pre-approved language for inclusion of one party into contracts and sharing agreements developed by the other.
 - ii. Processes to share information at an early stage of strategic planning to facilitate inclusion of one party into contracts and sharing agreements developed by the other.
 - b. Development of pre-approved templates for agreements to facilitate local, regional, and national collaborations.
 - c. Development of standard policies for use when IHS and VA facilities are colocated.
- 6. To **increase availability of services, in accordance with law**, by the development of payment and reimbursement policies and mechanisms to:
 - a. Support care delivered to eligible AI/AN Veterans served at VA and IHS.
 - b. Facilitate the sharing and coordination of services, training, contracts, and sharing agreements, sharing of staff, and development of health information technology and improved coordination of care as specified elsewhere in this agreement.
- 7. To **improve the delivery of care** through active sharing of care process, programs, and services with benefit to those served by both IHS and VA.
 - a. Examples of important collaborations currently underway include: the Consolidated Mail Outpatient Pharmacy, Post-Traumatic Stress Disorder, Home-Based Primary Care, and dementia care, but many additional opportunities exist and should be jointly pursued under this agreement. Especially valuable may be services where one party has unique expertise to share with the other, e.g. VA expertise in PTSD treatment and IHS expertise in diabetes management.
 - b. To facilitate this sharing, IHS and VA will, in consultation with the Tribes, develop a strategic investment plan to identify high priority services and programs for collaboration and for possible joint investment of resources.
- 8. To **increase cultural awareness and culturally competent care** for VA and IHS beneficiaries. Recognizing that many cultures are represented in the populations served by IHS, Tribal and Urban Indian health programs and by VA, this will require:
 - a. Attention to cultural issues of importance in caring for American Indians and Alaska Native Veterans in the unique systems of care represented by VA and by IHS, Tribal, and Urban Indian health programs.
 - b. Attention to cultural issues of importance for the local Tribes and communities served.
- 9. To **increase capability and improve quality** through training and workforce development, including:

- a. Sharing of educational and training opportunities and the development of joint training initiatives.
 - b. Provision of continuing education units (CEUs) and continuing medical education (CMEs) activities at VA training to Indian health staff and at Indian health training to VA staff.
 - c. Education of residents, students, preceptors, and staff in IHS, Tribal, Urban and VA settings.
 - d. Sharing and exchange of staff for training opportunities.
 - e. Sharing of existing on-line and satellite training resources.
 - f. Collaboration on development of training opportunities.
 - g. Development of processes to share information regarding planned or projected training opportunities to facilitate this collaboration.
10. To **increase access to care** through sharing of staff and enhanced recruitment and retention of professional staff, including:
- a. Sharing of specialty services.
 - b. Joint credentialing and privileging of staff.
 - c. Joint training initiatives.
 - d. Sharing materials and training in the use of Title 38 wage and benefits system.
 - e. Joint facility/service planning.
 - f. Facilitation of the temporary assignment of Commissioned Officers to the VA
 - i. For short-term training and projects.
 - ii. For long-term training and service delivery
 - iii. For deployment through existing rapid deployment force (RDF) programs and other Public Health Service emergency staffing systems to meet the needs of the VA in responding to public health crises of a regional and national nature.
11. To **address emergency, disaster, and pandemic preparedness and response**, including:
- a. Sharing of contingency planning and preparedness efforts, especially with regard to rural and vulnerable populations.
 - b. Joint development of materials targeting AI/AN Veterans and their families and communities.
 - c. Joint exercises and coordination of emergency response.
12. To **accomplish the broad and ambitious goals of this agreement** through the development of a joint Implementation Task Force to identify the strategies and plans for accomplishing the tasks and aims of this agreement, including:

- a. Development of joint workgroups for both short-term and ongoing work necessary to accomplish the aims of this agreement.
- b. Regular meeting of IHS and VA leadership at multiple levels in the organizations to review progress and set priorities.
- c. An annual report of activities accomplished under the auspices of this agreement.

V. Other Considerations:

A. VA and IHS will comply with all applicable Federal laws and regulations, including those regarding the confidentiality of health information and the release of information to the public. For example, Medical records of IHS and VA patients are Federal records and are subject to some or all of the following laws: the Privacy Act, 5 U.S.C. 552a; the Freedom of Information Act, 5 U.S.C. 552; the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 21 U.S.C. 1101, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, 42 U.S.C. 4541, the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1301, VA's Confidentiality of Certain Medical Records, 38 U.S.C. 7332; Confidential Nature of Claims, 38 U.S.C. 5701; Medical Quality Assurance Records Confidentiality, 38 U.S.C. 5705, and Federal regulations promulgated to implement those acts.

B. Care rendered under this MOU will not be part of a study, research grant, or other test without the written approval of both IHS and VA, subject to all appropriate IHS and VA research protocols.

C. VA and IHS agree to cooperate fully with each other in any investigations, negotiations, settlements or defense in the event of a notice of claim, complaint, or suit relating to care rendered under this MOU.

D. No services under this MOU will result in any reduction in the range of services, quality of care or established priorities for care provided to the Veteran population or IHS service population. Rather the intent of this MOU is to increase the efficiency of services rendered by VA and IHS.

E. VA will provide IHS employees with access to VA automated patient records maintained on VA computer systems to the extent permitted by applicable Federal confidentiality and security laws and policies. Additionally, IHS will likewise provide VA employees access to Veteran IHS records to the same extent permitted by applicable Federal confidentiality and security laws and policies.

F. Both parties to this MOU are Federal agencies and their employees are covered by the Federal Tort Claims Act, 28 U.S.C §§1346(b), 2671-2680, in the event of an

allegation of negligence. It is agreed that any and all claims of negligence attributable to actions taken pursuant to this MOU will be submitted to legal counsel for both parties for investigation and resolution.

G. This MOU replaces and supersedes the MOU signed by the Department of Veterans Affairs and the Department of Health and Human Services on February 25, 2003.

VI. Termination: This MOU can be terminated by either party upon issuance of written notice to the other party not less than 30 days before the proposed termination date. The 30 days' notice may be waived by mutual written consent of both parties involved in the MOU.

VII. Effective Period: VA and IHS will review the MOU annually to determine whether terms and provisions are appropriate and current.

VIII. Severability: If any term or condition of this MOU becomes invalid or unenforceable, such term or provision shall in no way affect the validity or enforceability of any other term or provision contained herein.

FOR THE DEPARTMENT OF
VETERANS AFFAIRS

FOR THE DEPARTMENT OF
AND HEALTH AND HUMAN
SERVICES

/Robert A. Petzel/

ROBERT A. PETZEL
UNDER SECRETARY FOR HEALTH

/Yvette Roubideaux/

YVETTE ROUBIDEAUX
INDIAN HEALTH SERVICE DIRECTOR

Oct 01 2010

Date

10/1/10

Date

Appendix 6. NADL MOU Template

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE _____ NATION

AND

(fill in the name of the reviewing/approving Agency)

Whereas, the Secretaries of Housing and Urban Development (HUD), Veterans Affairs (VA) and Agriculture (USDA) are authorized to make, insure and/or guarantee loans to American Indian borrowers for the purchase of one-to-four family residences located on certain Indian lands (as defined in each Federal Agency's authorizing statute), and

Whereas the Federal Agencies require, as a condition of making, insuring or guaranteeing these mortgages, that the tribal organization which has jurisdiction over the borrower enter into a Memorandum of Understanding with the Departments with respect to such loans, and

Whereas, the signature on this Memorandum of Understanding of any one of the Secretaries for the Department of HUD, VA, or USDA, is deemed to be acceptable to each of the other Departments per the Memorandum of Understanding between those Federal Agencies dated _____.

Now therefore, in consideration of the premises and other good and valuable consideration, the parties hereto do agree and establish as follows:

1. DEFINITIONS

American Indian or Native American shall refer to the borrower/mortgagor or Lessee as defined within each Agency's authorizing statute. Depending upon the authorizing statute, this may mean a member of a federally recognized tribe (Native American, Indian, Alaska Native individual or family), the tribe, a Tribally Designated Housing Entity (TDHE) or Indian Housing Authority (IHA).

Borrower shall mean a federally recognized Tribe, Tribally Designated Housing Entity (TDHE), Indian Housing Authorities (IHA) or any American Indian, Native American(s), Indian or Alaska Native who has executed a Mortgage as defined in this document, or any heir(s) successor(s), executor(s), administrator(s)

or assign(s) of the Tribe, TDHE, IHA or such American Indian, Native American(s), Indian or Alaska Native as may be eligible to participate in a federally sponsored loan program as defined in each Federal Agency's authorizing statute. Eviction the legal process by which lessees in violation of their lease are removed from occupancy of a given residence.

Federal Agency shall refer to the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Veterans Affairs (VA) and the U.S. Department of Agriculture (USDA).

Federally sponsored loan program refers to the loan programs, sponsored by HUD, VA and USDA whose purpose is to provide homeownership opportunities to Native Americans, American Indians or Alaska Natives on certain Indian lands as defined within each of those Federal Agency's authorizing statutes.

Leasehold interest is the name given to the interest conveyed by the tribe to the borrower under the lease. It consists of the right to the quiet enjoyment of the leased premises for the term of the lease, subject to the requirements of the lease.

Lender shall refer to any institution that the specific Federal Agency has approved to originate or service Mortgages made, insured or guaranteed under its programs. The term "lender" also includes any of the lender's successors or assigns of the lender's right, title to, or interest in, the Mortgage, including any subsequent noteholder and mortgagee and, without the consent from the tribe, any secondary mortgage market investor. In some cases, the lender may be the appropriate Federal Agency which is sponsoring a direct loan program.

Mortgage shall mean a mortgage loan made to an eligible borrower for the purchase or refinance of the borrower's real property interest (which may be a leasehold interest) in the trust land, restricted land or fee simple land, as applicable, and made in accordance with a Federally sponsored loan program and complying with the terms and conditions of the lender's mortgage program. The mortgage loan shall be either a first lien or a second lien, in accordance with the Federally sponsored loan program requirements.

Secretary shall mean the Secretary of the U. S. Department of Housing and Urban Development (HUD) or the Secretary of the Department of Veterans Affairs (VA) or the Secretary of the U.S. Department of Agriculture (USDA).

Tribe shall refer to any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services

provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975. For the purpose of this specific Memorandum of Understanding, Tribe refers to the _____ Indian Nation, a federally recognized tribe, of the _____ Indian Reservation as defined in the Tribal constitution, ordinance or other enabling document.

2. AGREEMENT

- (a) That the Department of HUD, VA and/or USDA, will make, insure and/or guarantee mortgages available to qualified American Indian borrowers for the purchase, construction or rehabilitation of homes on Indian lands or refinances of such mortgages to the extent funds are available and subject to such terms and conditions as may be established by the Secretary of the applicable Federal Agency.
- (b) That the _____ Tribe has established standards and procedures that apply to the conveyance of a leasehold interest in real property by an American Indian borrower/mortgagor to a lender, Federal Agency or their assignee as security for the loan, including procedures for foreclosing the interest, eviction and procedures for resale of the lot or the dwelling (or both) purchased, constructed, rehabilitated or refinanced using the proceeds of the loan. It is agreed that for the purpose of foreclosure and eviction actions, the court of jurisdiction is (___) the State of _____, or (___) the Tribal court , or (___) the Federal Court.
- (c) That each American Indian who is under the jurisdiction of the Indian tribe and to whom a lender and/or Federal Agency makes direct, insures or guarantees a loan, holds, possesses or will obtain a leasehold or other acceptable interest in a lot that is located on Indian land and will purchase, construct, rehabilitate or refinance a dwelling on that lot with the proceeds of the loan.
- (d) That each such American Indian will convey the above described interest to the lender and its assignees as specified in the borrower/mortgagor's loan documents, by an appropriate instrument, as security for the loan made pursuant to that Federal Agency's authorizing statute.
- (e) That the tribe and each borrower/mortgagor who obtains a loan from a lender or Federal Agency under this agreement will permit the lender and/or the Federal Agency, its agents and employees to enter upon the land of the tribe and the borrower/mortgagor for the purpose of carrying out such actions as the lender and/or Secretary determines are necessary to evaluate the advisability of the proposed uses of the proceeds of the loan and to service the mortgage according to the applicable Agency's requirements.
- (f) With respect to any leasehold estate financed by a loan, the tribe, as lessor, agrees that it shall not attempt to cancel, modify, amend, terminate, surrender or forfeit such a

leasehold estate without the prior written consent by the Lender and the Secretary of the Federal Agency that has made direct, insured or guaranteed the loan, as long as such a loan remains outstanding. With regard to any loan submitted to HUD, VA or USDA for guarantee or insurance, the authorizing Federal Agency shall have the same rights as the lender with regard to that loan and the security. No action with regard to the loan or security that requires consent of the lender shall be taken unless the Federal Agency also consents, so long as the guarantee or insurance remains in effect or the Federal Agency has an interest in the security.

(g) The tribe will to the maximum extent possible, assist the lender and the Federal Agency in its efforts to manage this program in a prudent and cost-effective manner. This will include assisting the lender or Federal Agency in finding qualified substitute purchasers if the initial borrower/mortgagor is unable to fulfill his or her obligations under the law. This may include carrying out evictions, assuring that mortgages and other legal instruments can be properly recorded and otherwise assuring that the program is operated in a responsible and prudent manner.

In Witness whereof, the parties hereto have signed this agreement as follows.

(fill in name of the reviewing/approving Agency) DATE _____

XXXXXXXXXX Tribe DATE _____

Does the above named Tribe have constitutional authority to sign this Memorandum of Understanding without approval of the US Department of the Interior's Bureau of Indian Affairs?

____ Yes ____ No

If no, below is the approval of the Bureau of Indian Affairs.

BIA Approving Official DATE _____

Appendix 7. Abbreviations and Definitions

AI/AN	American Indian and Alaska Native
ANHB	Alaska Native Health Board
AoA	Administration on Aging
DBQ	Disability Benefits Questionnaire, a form to assess a Veteran's service-connected disability. This form is available online.
FY	Fiscal Year
IGA	VA Office of Intergovernmental Affairs
IHS	Indian Health Service
MOU	Memorandum of Understanding
NADL	Native American Direct Loan
NASDVA	National Association of State Directors of Veterans Affairs
NCA	National Cemetery Administration
NCAI	National Congress of American Indians
NIHB	National Indian Health Board
NP	Nurse Practitioner
ORH	VHA Office of Rural Health
OTGR	VA Office of Tribal Government Relations
PA	Physician's Assistant
PTSD	Post-traumatic Stress Disorder
TBI	Traumatic Brain Injury
TVR	Tribal Veteran Representative
TVSO	Tribal Veterans Service Officer
VA	Department of Veterans Affairs
VAMC	VA Medical Center
VBA	Veterans Benefits Administration
VHA	Veterans Health Administration
VISN	Veterans Integrated Service Network, VA's regional administrative units.
VR&E	Vocational Rehabilitation & Employment