



**DEPARTMENT OF VETERANS AFFAIRS**  
**Veterans Health Administration**  
**Washington DC 20420**

**March 29, 2021**

Dear Tribal Leader:

I would like to invite Tribal Leaders (or their designee) along with Tribal Health Program leadership to participate in a discussion on the documentation that can be used to identify Veterans who are members of an Indian tribe and who access care from the Department of Veterans Affairs (VA) health care system.

Section 3002 of P.L. 116-315, *Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020* (the "Act"), prohibits VA from collecting copayments from covered Veterans for the receipt of hospital care or medical services under laws administered by VA. This tribal consultation session is seeking input from tribal governments, Indians and urban Indians regarding official documentation that can be used to identify Veterans who are Indians or urban Indians (as defined in 25 U.S.C. § 1603).

VA seeks responses to the following questions:

1. In determining whether a Veteran is a member of an Indian tribe, could any or all of the following documentation from the Veteran provide sufficient documentation?
  - Tribal Enrollment Card;
  - Certificate of Degree of Indian; or
  - Certificate of Indian Blood from an American Indian/Alaska Native Tribe.
2. What other information and/or documentation are available for determining if a Veteran is a member of an Indian tribe? To the extent possible, please indicate the source of the information and/or and how the information and/or documentation would assist VA in determining if a Veteran is a member of an Indian tribe.
3. How should VA determine whether a Veteran is a member of an Indian tribe? In making this determination, should VA:
  - Require documentation be provided by the Veteran;
  - Require that the Veteran self-certify that they meet the definition; or
  - Should this determination be made in some other manner?

Due to our Nation's current situation with the Coronavirus Disease 2019 pandemic, we appreciate your patience as we move forward with the consultation in a different format. A virtual tribal consultation session will be held on Thursday, April 29, 2021, from 1:00-3:00 p.m. (Eastern Standard Time). Participants can access

the presentation by logging onto: <https://vacctraining.adobeconnect.com/occ-tribal-consultation/>; for audio, please dial 1-800-767-1750, extension 52908. Written comments may also be submitted before May 29, 2021, by any of the following methods:

- Federal Rulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments;
- Email: [tribalgovernmentconsultation@va.gov](mailto:tribalgovernmentconsultation@va.gov); or
- Mail to: Department of Veterans Affairs, Suite 915L, 810 Vermont Avenue, NW, Washington, DC 20420.

For additional information regarding this effort, please contact Mr. Joseph Duran, Director for Policy, VA Office of Community Care, at 303-370-1637 or by email at [Joseph.Duran2@va.gov](mailto:Joseph.Duran2@va.gov).

I look forward to meeting with you, and I appreciate your support as we move forward together to enhance and improve the experience for our Veterans.

Sincerely,

/s/Mark Upton, M.D.  
Acting Assistant Under Secretary for Health for  
Community Care