

NCUIH Submits Comments to VA on Tribal Representation Expansion Project

Category: Policy Blog

written by Alexandra Payan | April 18, 2022

On March 30, 2022, the National Council of Urban Indian Health (NCUIH) submitted written comments to the Department of Veteran Affairs (VA) on the Tribal Representation Expansion Project (T.REP). The comments were submitted in response to VA's [notice](#) of Tribal consultation and request for comment. In the comments, NCUIH requested that VA include urban Indian organizations (UIOs) in T. REP or establish a similar program for UIOs. In addition, NCUIH recommended that VA consult with UIOs to gain a better understanding of the needs of American Indian/Alaska Native (AI/AN) veterans living in urban areas.

The Tribal Representation Expansion Project

VA's T.REP represents VA's most recent effort to ensure that AI/AN veterans and their families have access to appropriate representation in the preparation, presentation, and prosecution of their VA benefit claims. The aim of this [program](#) is to "ensure that Native American Veterans have access to responsible, qualified representation in the preparation, presentation, and prosecution of their benefit claims before VA." VA hopes to build on its work from 2017, when it [revised its regulations](#) to permit Tribal veterans' service offices affiliated be recognized by VA as Tribal organizations in a manner similar to State organizations.

In addition to seeking information regarding the availability of representation for veterans' claims in Tribal communities, VA is also planning to provide further options for representation. According to VA, they plan to collaborate with Tribal governments to identify "an individual who is affiliated with their government, is of good character and reputation, and, who, after proper training on VA benefits, would be fit to be authorized by the VA General Counsel to represent on VA benefit claims." If a tribal government identifies such a person "[t]he General Counsel then plans to use his discretionary authority, pursuant to 38 CFR 14.630, to specially authorize such individuals to prepare, present, and prosecute VA benefit claims before VA."

About AI/AN Veterans

AI/ANs have a proud legacy of service in the armed forces of the United States. This includes at least [12,000 AI/AN men](#) who served the United States in World War One, who suffered a casualty rate five times that of other American forces before this country granted universal citizenship to American Indians; [42,000 AI/ANs](#) who served in the Vietnam War, representing 25% of the total AI/AN population at the time; and at least [33,538 AI/ANs](#) who have served following September 11, 2001.

There are at least [140,000 living AI/AN](#) veterans nationwide. NCUIH estimates that 67% percent of the veteran population identifying as AI/AN alone lives in metropolitan areas. UIOs currently serve six of the ten urban counties with the largest veteran AI/AN alone populations, including Maricopa County, Arizona; Los Angeles County, California; San Diego County, California; Bernalillo County, New Mexico; Oklahoma County, Oklahoma; and Tulsa County, Oklahoma. AI/AN veterans regularly prefer to see UIOs over other health care providers thanks to the provision of culturally competent care (including traditional healing services), community and familial relationships, shorter wait

times, and shorter distance to travel.

Unfortunately, despite a distinguished record of service, VA's statistics show that AI/AN veterans were more likely to be unemployed, were more likely to lack health insurance, and were more likely to have a service-connected disability when compared to veterans of other races. In addition, in Fiscal Year 2017, AI/AN veterans used Veterans Benefits Administration (VBA) benefits or services at a lower percentage than veterans of other races. It is important to note that AI/AN veterans living in urban areas face many of the same barriers to accessing competent representation in VA claims that AI/AN veterans face on reservations. For example, AI/AN veterans living in urban areas face significant barriers to accessing representation on VA benefit claims based on their location, they deal with the same language barriers that AI/AN veterans living in rural areas face, and they must overcome cultural barriers to representation as well.

NCUIH's Role

NCUIH has [consistently advocated](#) for UIO inclusion with VA-led initiatives and played a critical role in getting [legislation passed](#) in 2020 which established the VA Advisory Committee on Tribal and Indian Affairs and in the subsequent nomination and selection of NCUIH President-Elect Sonya Tetnowski as a UIO representative on the Committee. Given the large portion of the AI/AN veteran population living in urban areas and UIOs' ability to reach AI/AN veterans, inclusion of UIOs in T.REP would help VA accomplish its goal of "ensur[ing] that Native American Veterans and their families have access to responsible, qualified representation in the preparation, presentation, and prosecution of their benefit claims before VA." Accordingly, NCUIH made the following specific comments, requests, and recommendations to VA in response to the notice:

- NCUIH recommends that VA expand T. REP to provide accreditation opportunities for staff at UIOs.
 - In the alternative, NCUIH requests that VA establish a similar accreditation program for staff at UIOs.
- NCUIH requests that VA consult with UIOs to better understand the needs of AI/AN veterans living in urban areas.
 - NCUIH recommends that VA establish an Urban Confer policy to set the necessary policies and procedures for direct and clear communication with UIOs.

NCUIH appreciates the VA for its commitment to ensuring that AI/AN veterans "have access to responsible, qualified representation in the preparation, presentation, and prosecution of their benefit claims before VA." NCUIH will continue to monitor this program and engage with VA to support greater provision of benefits to AI/AN veterans living in urban areas.