



DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON DC 20420

March 3, 2016

Dear Tribal Leader:

We are writing to facilitate Tribal consultation on the Department of Veterans Affairs' (VA) effort to improve access of Native American veterans to VA-recognized organizations and VA-accredited individuals who may assist them on their benefit claims.

VA is considering issuing a proposed rule that would amend part 14 of title 38, Code of Federal Regulations (CFR), to expressly provide for the recognition of Tribal organizations so that representatives of the organizations may assist Native American claimants in the preparation, presentation, and prosecution of their VA benefit claims. The purpose of the proposed rulemaking would be to address the needs of Native American populations who are geographically isolated from existing recognized Veterans Service Organizations or who may not be utilizing other recognized Veterans Service Organizations due to cultural barriers or lack of familiarity with those organizations.

The proposed rulemaking would allow the Secretary of Veterans Affairs to recognize Tribal organizations in a similar manner as the Secretary recognizes State organizations. Specifically, the proposed rulemaking would consider applications from a Tribal organization that is established and funded by one or more Tribal governments to be recognized for the purpose of providing assistance on VA benefit claims. In addition, the proposed rulemaking would allow an employee of a Tribal government to become accredited through a recognized State organization in a similar manner as VA accredits county Veterans' Service Officers who may become accredited through a recognized State organization. Finally, the proposed rulemaking would extend office space opportunities already granted to employees of State organizations who are accredited to national organizations to similar employees of Tribal organizations. We are seeking Tribal consultation regarding VA's consideration of such proposed rulemaking.

VA is also seeking comment on the potential compliance costs. In order to become accredited as a Tribal organization, the organization must show that it meets the requirements in title 38 CFR 14.628(d). Pursuant to § 14.628(d), an organization requesting recognition must: (i) "[h]ave as a primary purpose serving Veterans", (ii) "[d]emonstrate a substantial service commitment to Veterans either by showing a sizable organizational membership or by showing performance of Veterans' services to a sizable number of Veterans", (iii) "[c]ommit a significant portion of its assets to Veterans' services and have adequate funding to properly perform those services", (iv) "[m]aintain a policy and capability of providing complete claims service to each claimant requesting representation or give written notice of any limitation in its claims service with advice concerning the availability of alternative sources of claims service", and (v) "[t]ake affirmative action, including training and monitoring of accredited representatives, to ensure proper handling of claims." VA is seeking comment on the amount of time and

Page 2.

the costs of persons' time to show that the organization meets these requirements. VA's Office of General Counsel accepts recognition requests via mail, fax, or email.

Written comments may be submitted to Tribalgovernmentconsultation@va.gov within 30 days from the date of this letter. For additional information regarding this effort, please contact Mr. Clay Ward, VA Office of Tribal Government Relations, at (202) 461-7445.

We appreciate your support and collaboration as we move forward to improve access of Native American Veterans to VA-recognized organizations and VA-accredited individuals who may assist them on their benefit claims.

Thank you for your continued support of our mission.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Snyder". The signature is fluid and cursive, with the first name "Robert" being the most prominent.

Robert D. Snyder
Interim Chief of Staff