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Dear Tribal Leader:

I am writing to provide an update on a recent U.S. District Court for the District of Columbia ruling related to the eligibility of the Cherokee Freedmen of the Cherokee Nation to receive health services from the Indian Health Service (IHS) and/or tribally operated health programs (TOHPs) authorized by the Indian Self-Determination and Education Assistance Act.

On August 30, 2017, Senior United States District Judge Thomas J. Hogan ruled in *Cherokee Nation v. Nash*, Civil Action No. 13-01313 (TFH), that Cherokee Freedmen have the right to Tribal citizenship in the Cherokee Nation. At this time, the U.S. District Court for the District of Columbia ruling only applies to Cherokee Freedmen.

The IHS' longstanding position is that Cherokee Freedmen are eligible to receive health services from the IHS and/or TOHPs on the same basis as other citizens of the Cherokee Nation. IHS has been and will continue to provide services to eligible beneficiaries pursuant to IHS eligibility rules.

The Cherokee Nation has begun issuing Cherokee Citizenship Cards to Tribal citizens, including the Freedmen, which will be considered appropriate documentation for IHS eligibility purposes. I have enclosed a copy of the October 23, 2017-dated letter from Attorney General Todd Hembree and Executive Director of Health Services Connie Davis, Cherokee Nation, which explains Cherokee Freedmen are citizens of the Cherokee Nation and are therefore entitled to any and all health services offered by the Cherokee Nation so long as that individual meets the program-specific eligibility requirements to receive that service.

The principal mission of the IHS is to provide primary health care for American Indians and Alaska Natives throughout the United States. *See* S. Rep. No. 102-392, at 2-3 (1992), *as reprinted in* 1992 U.S.C.C.A.N. 3943. The IHS's authority to provide health care services to American Indians and Alaska Natives derives primarily from two statutes, the Snyder Act (25 U.S.C. § 13) and the Indian Health Care Improvement Act (25 U.S.C. §§ 1601-1683). The regulations pertaining to eligibility for the IHS and TOHPs authorized by these statutes are codified at 42 C.F.R. Part 136.

If you have any questions, please contact CAPT Travis Watts, Acting Area Director, Oklahoma City Area Office, by telephone at (405) 951-3829 or by e-mail at [travis.watts@ihs.gov](mailto:travis.watts@ihs.gov).

Sincerely,

/Michael D. Weahkee/

RADM Michael D. Weahkee, MBA, MHSA  
Assistant Surgeon General, U.S. Public Health Service  
Acting Director

Enclosure: *October 23, 2017, Letter from Cherokee Nation to Cherokee Nation Health Services*