



OCT 29 2020

Dear Tribal Leader and Urban Indian Organization Leader:

I am writing to provide clarification on COVID-19 vaccination of non-beneficiaries.

The Indian Health Service (IHS) Vaccine Task Force (VTF) has received several questions from Tribal Consultation, Urban Confer, and IHS Area Directors on the authority to provide non-beneficiaries with COVID-19 vaccines coordinated through the IHS. A beneficiary of the Indian health system includes anyone who is defined by statute or regulation as eligible for services from a Tribe, Tribal Organization, and/or an Urban Indian Organization (UIO), or the IHS.

For sites participating in the Centers for Disease Control and Prevention (CDC) COVID-19 Vaccination Program, the IHS, Tribes, Tribal Organizations, and UIOs may provide COVID-19 vaccine to both beneficiaries and non-beneficiaries under that program. The COVID-19 vaccines are doses that the CDC will provide to the IHS for distribution throughout the Indian health system, including at the IHS, Tribes, Tribal Organizations, and UIOs. The IHS will receive and further distribute the vaccines under the CDC's authority, as part of the CDC COVID-19 Vaccination Program and in accordance with signed agreements.

The IHS's authority to serve non-beneficiaries to prevent the spread of a communicable disease is specified at 25 U.S.C. § 1680c(d)(2). This authority also may be utilized by Tribes and Tribal Organizations, should they wish to exercise the authority for their programs, assuming it is consistent with the terms of their Indian Self-Determination and Education Assistance Act agreement with the IHS. The IHS is working to determine what funds are available and authorized for the purpose of serving non-beneficiaries.

In contrast, 25 U.S.C. § 1680c(d)(2) does not apply a UIO. Any funds received by UIOs from the IHS under the Indian Health Care Improvement Act (IHCIA) are authorized solely for services provided to eligible urban Indians. Accordingly, for any vaccines administered to non-beneficiaries through the CDC COVID-19 Vaccination Program, a UIO cannot use funds received from the IHS under their IHCIA contracts or grants. Urban Indian Organizations must use another authorized source of funds to cover such costs.

Thank you for your continued feedback and support in COVID-19 vaccination planning efforts. I hope this clarification is helpful to your programs as we continue to plan for COVID-19 vaccine distribution.

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The IHS will continue to share updates on COVID-19 vaccine distribution and administration as information becomes available. If you have any questions, please contact RADM Francis Frazier, Lead, IHS Vaccine Task Force, by telephone at (301) 443-0222.

We are committed to ensuring a COVID-19 vaccine is effectively delivered to American Indian and Alaska Native communities. Thank you for your continued partnership.

Sincerely,

/Michael D. Weahkee/

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Director