



May 15, 2025

Chistine Glassner
Special Assistant to the President and
Deputy Director of the White House Office of Intergovernmental Affairs
White House Office of Intergovernmental Affairs
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: Request to Clarify that Funds Transferred under ISDEAA Agreements are Exempt from New Justification Requirements

Dear Deputy Director Glassner,

On behalf of the Self-Governance Communication & Education Tribal Consortium (SGCETC), a non-profit Tribal organization that supports the advancement and implementation of Tribal Self-Governance authority, I respectfully request that the White House issue guidance to Agency Heads that exempts funds transferred to Tribal governments under the Indian Self-Determination and Education Assistance Act (ISDEAA)¹ from new justification or documentation requirements imposed under Executive Order 14222.

Treasury's New ASAP Justification Requirement

The U.S. Department of the Treasury recently announced that, effective May 19, 2025, all drawdowns in the Automated Standard Application for Payments (ASAP) system will require the submission of a justification statement. This change—applicable to payments from the Department of the Interior to Tribal governments—was made without mention of an exemption for ISDEAA Self-Determination or Self-Governance agreements.

This is a significant procedural shift. Previously, Tribes drawing down funds under ISDEAA agreements were not required to submit justification for each withdrawal. This new requirement introduces unnecessary administrative burdens and risks delays in the disbursement of program funds that Congress has already appropriated and directed to Tribal Nations. The new justification requirement also conflicts with existing legal authorities, including the ISDEAA, the Prompt Payment Act, and the terms of Tribal Self-Governance compacts and funding agreements.

Legal Inconsistencies

Under ISDEAA, funds are not federal grants or discretionary awards. These funds are negotiated obligations under legally binding government-to-government agreements

¹ Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5301–5423.

which outline the conditions and funding amounts for the administration of Tribal programs. Unilateral changes to payment procedures and additional justification or reporting requirements—such as a requirement for payment-by-payment justifications as a condition of receiving funds—are not contemplated in our ISDEAA funding agreements. Imposing this new requirement across the board is arguably invalid per the terms of our agreements. We question whether agencies can lawfully mandate such a change for ISDEAA funds absent Tribal consent.

Once ISDEAA funds are awarded to a Tribal Nation, the federal government is required to transfer those funds expeditiously and fully. ISDEAA strictly limits the circumstances under which federal agencies may suspend, withhold, or delay payments, and none of those conditions are met here.² A blanket policy that pauses payments simply because a justification field is deemed insufficient (or not provided) does not fit these narrow exceptions and procedural safeguards. Imposing these new conditions undercuts the very intent of Self-Governance, which affirms the right of Tribal governments to assume control over programs without unnecessary federal interference or bureaucratic delay.

Moreover, the Prompt Payment Act³ requires timely disbursement of funds, typically within 10 days of appropriation for ISDEAA agreements, and does not authorize agencies to impose new preconditions that could delay payment.⁴

Recommendation and Request

We ask the White House to issue clarifying guidance to Agency Heads that Defend the Spend or similar justification requirements do not apply to ISDEAA transfers, consistent with the law's intent to remove bureaucratic barriers and support Tribal sovereignty. A formal exemption for ISDEAA funds would ensure continued compliance with federal law and reinforce the Administration's commitment to honoring Tribal Self-Governance.

Thank you for your leadership and support. We welcome the opportunity to discuss this further and look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "W. Ron Allen". The signature is fluid and cursive, with the first name "W." and last name "Allen" clearly legible.

W. Ron Allen, Tribal Chairman/CEO
Jamestown S'Klallam Tribe and
President, Board of Directors,
Self-Governance Communication & Education Tribal Consortium

² 25 U.S.C. § 5325(f)(1) (2018)

³ Prompt Payment Act, 31 U.S.C. §§ 3901–3907.

⁴ 25 U.S.C. § 5368(d)(2) (2020).