



May 14, 2025

Scott Davis

Exercising the delegated authority of the Assistant Secretary for Indian Affairs
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Re: Concerns Regarding New Budget Justification Requirement

Dear Mr. Davis,

On behalf of the Department of the Interior's Self-Governance Advisory Committee (SGAC) and the Self-Governance Communication & Education Tribal Consortium (SGCETC), I write to express serious concern regarding the new payment justification feature in the Automated Standard Application for Payments (ASAP) system. As we understand, effective May 19, 2025, all payment drawdowns in ASAP will require Tribal governments to submit a budget justification statement before accessing program funds agreed upon in Indian Self-Determination and Education Assistance Act (ISDEAA) Self-Determination and Self-Governance agreements.

This represents a significant change in procedure: previously, Tribal recipients drawing down funds negotiated in ISDEAA agreements were not required to justify each individual withdrawal. We are concerned that this abrupt shift, without prior Tribal consultation or an explicit exemption for Tribal governments, will impose new administrative burdens and delays on the disbursement of funds that Congress directed to Tribal Nations.

The new justification requirement also conflicts with existing legal authorities, including the ISDEAA,¹ the Prompt Payment Act,² and the terms of Tribal Self-Governance compacts and funding agreements.

ISDEAA

Under ISDEAA, once funds are awarded to a Tribe, the government is required to transfer those funds expeditiously and fully. Any delay or withholding is tightly constrained by statute. ISDEAA expressly provides that the Secretary may only suspend, withhold, or delay the payment of funds to a Tribe under an ISDEAA agreement in very narrow circumstances not present here.³ A blanket policy that pauses payments simply because a justification field is deemed insufficient (or not

¹ Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5301–5423 (2018).

² Prompt Payment Act, 31 U.S.C. §§ 3901–3907 (2018).

³ 25 U.S.C. § 5325(f)(1) (2018)

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.

Prompt Payment Act

The Prompt Payment Act requires federal agencies to pay vendors—including Tribal governments under ISDEAA agreements—on time, for ISDEAA agreements typically within 10 days of appropriation.⁴ The Prompt Payment Act was enacted to prevent payment delays and does not provide authority for agencies to impose new preconditions or justification requirements before disbursing funds. Adding documentation requirements not included in the terms of the original agreement that delay payments violates the Prompt Payment Act.

ISDEAA Agreements

ISDEAA agreements are legally binding documents, negotiated on a government-to-government basis, which outline the conditions and funding amounts for Tribal programs. Our agreements do not contain a requirement for payment-by-payment justifications as a condition of receiving funds. Unilaterally 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.

SGAC and SGCETC respectfully request that the DOI seek immediate clarification from the Department of Treasury and issue guidance that funds negotiated and agreed upon in ISDEAA agreements are excluded from this new requirement.

Thank you for your leadership in this matter. We look forward to your response and to working together to ensure that Tribal funding continues unimpeded and in accordance with the law.

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
Tribal Chair, DOI Self-Governance Advisory Committee

⁴25 U.S.C. § 5368(d)(2) (2020).