



USET

SOVEREIGNTY PROTECTION FUND

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*Transmitted Electronically
To regulations.gov*

July 21, 2025

Gregory Zerzan
Acting Solicitor
Department of the Interior
Office of the Solicitor
1849 C Street NW,
Washington, DC 20240

RE: USET SPF Comments in Response to the DOI's Request for Information on Regulatory Reform, Docket ID No. DOI-2025-0005

Dear Acting Solicitor Zerzan,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we submit these comments in response to the Department of the Interior's (DOI) Request for Information (RFI) to identify existing regulations that can be modified or repealed. The RFI seeks comments on how to reduce regulatory burdens while continuing to meet statutory obligations, advance American energy independence, and ensure the responsible stewardship of the Nation's public lands and resources. This RFI is being conducted in response to President Trump's Executive Order (EO) 14154, "Unleashing American Energy", EO 14192, "Unleashing Prosperity through Deregulation", and Presidential Document, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative." While USET SPF appreciates DOI's decision to identify and remove burdensome regulations, as Indian Country faces considerable administrative burdens, we note that no Tribal consultations were held regarding this initiative. Since the Department oversees and manages a vast cadre of federal programs and services for Tribal Nations and citizens, it is critically important that it consult with us to identify, modify, and/or rescind existing regulations that hinder the exercise of our inherent sovereignty and self-determination.

USET SPF is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe–Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mi'kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Tribe (VA) and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

Tribal Consultation Must Occur Before Any Development of Proposed Regulatory Reforms

Tribal Nations have an ongoing political, Nation-to-Nation relationship with the United States. The legal foundation of this relationship has been established by the U.S. Constitution, treaties, statutes, Executive Orders, and upheld by the federal judiciary. As DOI seeks to identify burdensome, outdated, and unnecessary or ineffective regulations across its programs and services, it must uphold its trust and treaty obligations to facilitate and improve service delivery, asset management, and the distribution of critical federal dollars for Tribal Nations and citizens. The persistent understaffing and under resourcing of DOI agencies critical to the delivery of Tribal programs and services has established a precarious cycle of unmet trust and treaty obligations. This has led to ever increasing disparities in Tribal education, infrastructure, public safety, public health, and barriers to economic and community development on Tribal lands. Further, the lack of sufficient personnel at DOI agencies responsible for managing Tribal assets and resources or the provision of critical services and programs has led to delays in the execution of agreements and permits, land appraisals, leases, and the release of crucial federal funds.

Due to these persistent issues that directly affect the ability of Tribal Nations to exercise our inherent sovereignty and self-determination, we welcome all opportunities to identify ways the federal government can improve delivery of its trust and treaty obligations, as well as better honor Tribal sovereignty. This process must always begin with initiating formal consultation with Tribal Nations. Prior to the development of any text for new regulations, or initiatives to modify or rescind existing regulations, Tribal Nations must be engaged and involved early in the process. Further, consultation must be ongoing and transparent—meaning that Tribal Nations are kept informed of the process for and progress on developing, revising, or rescinding regulations in a manner that supports Tribal sovereignty and self-determination. While DOI has initiated this RFI to identify problematic regulations that hinder operations and service delivery, USET SPF maintains that the next phase of this process must include formal consultation with Tribal Nations. This will ensure that we have the opportunity to appropriately contribute recommendations on how DOI can improve its programs and services for Tribal Nations by reducing regulatory burdens that hinder service delivery or create unnecessary costs for Tribal Nations and the federal government. Pursuing regulatory reform must be conducted in a focused and targeted manner to prevent harmful impacts to Indian Country and the delivery of trust and treaty obligations.

Expedite Processes to Deliver Federal Funds for Tribal Programs and Services

Due to persistent funding shortfalls, critical programs and services delivered in fulfillment of trust and treaty obligations have been forced to operate on limited funds or halted entirely. This results in very real consequences that place Tribal Nations and our citizens in precarious situations through limited access to critical services and the necessary funds to maintain those services. For instance, many Tribal Nations experience late distribution of Tribal Priority Allocations, delays in Contract Support Cost payments, and repeated grant-cycle disruptions due to short-term continuing resolutions, among other delays. When federal funds are delayed, Tribal Nations and federal agencies waste time and resources, while the delays force hiring freezes, interrupt construction projects, halt procurement, increase costs, and threaten the retention of experienced Tribal staff. For these reasons, and to increase the effectiveness and efficiency of delivering upon DOI's trust and treaty obligations, we urge DOI to seriously evaluate its current payment processes to expedite the delivery of federal funds to Tribal Nations. Further, since the current RFI is focused on regulatory reform that is not Tribal-specific, DOI should initiate consultation with Tribal Nations following completion of this RFI to gather Tribal-specific input on identifying and removing bureaucratic barriers that hinder the delivery of services and federal funds to Tribal Nations and citizens. This consultation process should become common practice so that proposed reforms result in solution oriented deliverables by the Department and continually improve upon the delivery of trust and treaty obligations.

Regulatory Reform Must Advance Tribal Self-Governance and Self-Determination

Despite the success of Tribal Nations in exercising authority under the Indian Self-Determination and Education Assistance Act (ISDEAA), the goals of self-governance have not been fully realized. Overly complex and unnecessary processes get in the way of exercising true Tribal self-governance and self-determination. Current administrative burdens such as reporting requirements under ISDEAA, including site visits, “means testing,” or other standards developed unilaterally by Congress or federal officials, are barriers to efficient self-governance and do not uphold trust and treaty obligations to support Tribal Nations. In addition, self-governance compacts and annual funding agreements are legally binding documents negotiated on a government-to-government basis that outline the conditions and funding amounts for Tribal programs. Nowhere in our compacts and agreements—nor in ISDEAA or its implementing regulations—is there a requirement for payment-by-payment justifications as a condition of receiving funds. Further, while obtaining data around Tribal programs is critical to measuring how well we as Tribal Nations are serving our citizens and how well the federal government is delivering upon its obligations, Tribal Nations are instead expected to report data in order to justify further investment in Indian Country. Moving forward, and in collaboration with Tribal Nations, DOI must evaluate its current processes associated with self-determination and self-governance to identify opportunities to streamline and improve efficiencies to advance the goals of ISDEAA.

DOI Must Address Overly Burdensome Federal Approval Processes and Streamline Technology Applications

Many tracking and reporting software systems utilized by DOI and its agencies are outdated and lack transparency. Ensuring that the necessary, updated software and programs to process payments are in place within DOI would support consistency and oversight to ensure every dollar goes where it’s intended. In addition, DOI must have the appropriate personnel in place to provide support to Tribal Nations should we have trouble in accessing these systems or drawing down funds. Further, requiring Tribal Nations to seek approval for and report on use of federal funding is repetitive, and those approval processes take too long and are too costly.

One such burden is the recent “justification requirements” introduced within the Automated Standard Application for Payments (ASAP) system. Consistent with the ISDEAA and Tribal Nations’ ISDEAA agreements that require an advance lump sum payment at the start of the year, we believe the continued use of the ASAP system imposes unnecessary administrative burdens on both Tribal Nations and DOI. While we appreciate the ongoing efforts by DOI and the Department of the Treasury (Treasury) to address the concerns raised by Tribal Leaders regarding the use of ASAP for ISDEAA fund transfers, more must be done to appropriately address this issue. One action DOI can take is to immediately clarify that ISDEAA self-determination and self-governance funds are exempt from recently established ASAP requirements for drawdown justifications. In addition, DOI should modernize the Financial Business and Management System and the Self-Governance Database to ensure oversight of timely delivery of funds throughout the process and provide Tribal Nations with easy access to information on the source of funds transferred to us.

USET SPF urges DOI to work with Treasury to ensure all federal funds flowing to Indian Country are exempt from any payment portal payment justification requirements, as all such funds are delivered in furtherance of trust and treaty obligations. Further, payment platforms should be consistent, easy to use, easy to access, and allow Tribal Nations to track every dollar we are owed and where payments are in real time. We remind DOI that the Secretary has the authority to waive regulations and should do so to reduce the burden on Tribal Nations administering programs under ISDEAA agreements. We also urge DOI to adopt a direct wire transfer process—which has been successfully utilized by the Indian Health Service and the Department of Transportation—as a more efficient, compliant, and streamlined mechanism for

disbursing ISDEAA funds. Finally, DOI should implement an online payment platform that allows for approvals by awarding officials with the click of a button and allows Tribal Nations to track this process.

Regulatory Reform to Support Energy Development Must Consider Tribal Priorities

Federal statutes, such as the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), require consultation with Tribal Nations so that we can provide input on, and review of, federal actions that may harm our cultural, environmental, and natural resources. This input is necessary to ensure that federal actions avoid damage to these resources and limit the potential of costly litigation activities, for both the federal government and Tribal Nations. We remind DOI that it has trust and treaty obligations to ensure that these areas are protected from development that could cause irreparable harm to our cultural heritage and lifeways. Therefore, as the Administration focuses on enhancing domestic energy development, especially on public lands, DOI must appropriately consider how this development may impact our cultural lifeways. Large areas of Tribal homelands and areas of cultural significance, such as sacred sites, are now located within public lands and subject to federal oversight and protection. The protection of these areas, especially sacred sites, is vital to the maintenance and sustainability of our cultural heritage for current and future generations in Indian Country.

As DOI seeks regulatory reform to support energy development, Tribal Nations must be engaged and consulted with early and throughout this process. This must also include increased opportunities for Tribal co-stewardship of public lands, especially those lands with cultural and historical significance to Tribal Nations. While Indian Country supports the goal of energy independence, it must not come at the expense of the federal government's trust and treaty obligations to protect our religious freedom, cultural heritage, and natural and environmental resources located within public lands.

Conclusion

The delivery of DOI programs, services, and funds for Tribal Nations has long been in dire need of modernization, especially since the initiation of the era of Tribal self-governance and self-determination. While USET SPF supports DOI's effort through this RFI to identify burdensome regulations that hinder service delivery, energy development, and the stewardship of public lands and resources, it must pursue this initiative in coordination and consultation with Tribal Nations. This effort must be ongoing and transparent to ensure that Tribal Nations are kept informed of this process. Moving forward, regulatory reform must focus on streamlining operations, reducing bureaucratic barriers that hinder the delivery of Tribal services and funds, and waiving or removing burdensome reporting requirements. This will support the shift away from the antiquated model of federal paternalism and support Tribal self-governance and self-determination to pursue Tribal Nation building and rebuilding. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at LMalerba@usetinc.org or 615-838-5906.

Sincerely,



Chief Kirk Francis
President



Kitcki A. Carroll
Executive Director