

**[ON YOUR TRIBE'S LETTERHEAD]**

July xx, 2026

Office of Management and Budget  
Executive Office of the President  
725 17th Street NW, Washington, DC 20503  
*Submitted electronically via Regulations.gov*

**Re:** OMB-2026-0034, Regulation for Federal Financial Assistance

To Whom It May Concern:

The **[TRIBE NAME]**, a federally recognized, sovereign Tribal Nation, submits these comments in response to the proposed rule "Regulation for Federal Financial Assistance" (OMB-2026-0034).

We support uniform, transparent guidance that protects federal funds from fraud, waste, and abuse, and we value the federal government's commitment to improving accountability. We write to raise concerns that must be addressed to ensure the final rule honors the government-to-government relationship and the federal trust responsibility.

**1. Tribal Consultation Was Not Conducted, and the Comment Period Is Insufficient.**

The trust and treaty obligations of the United States to Tribal Nations require meaningful Tribal consultation, which did not occur, and the 45-day comment period does not provide Tribal governments with adequate time to assess a 400-page proposed rule. We urge OMB to extend the comment period and conduct formal Tribal consultation before issuing a final rule.

**2. The Discretionary Termination Authority Could Impact Essential Tribal Services.**

The proposed rule allows agencies to cancel grants mid-award based on shifting "agency priorities," with no meaningful appeal rights. For Tribal Nations, federal grants fund services that citizens cannot access elsewhere, and mid-award termination would directly threaten the federal trust responsibility. OMB should restore meaningful pre-termination appeal rights and recognize heightened protections for awards fulfilling trust responsibility obligations.

**3. The DEI Provisions Create Dangerous Ambiguity for Federally Authorized Tribal Programs.**

Under *Morton v. Mancari*, 417 U.S. 535 (1974), Tribal status is a political classification, not a racial one, and federally authorized programs serving Tribal members are constitutional fulfillments of the trust responsibility, not DEI programs. The proposed rule does not acknowledge this distinction and risks restricting essential Tribal programs. The final rule should explicitly clarify that programs authorized under federal Indian law are not subject to the DEI prohibition.

**4. New Administrative Requirements Cannot Be Implemented by October 1, 2026.**

The rule simultaneously imposes E-Verify enrollment, payment justifications, SAM.gov subaward reporting, elimination of fixed-amount awards, new conflict-of-interest disclosures, expanded subrecipient monitoring, and new cost restrictions, each of which requires significant changes to systems, policies, and staff training. Most Tribal governments cannot responsibly implement this volume of change within 60 days of a final rule. OMB should extend the effective date to no earlier than October 1, 2027, and provide dedicated technical assistance for Tribal governments.

**5. The Rule Provides No Clarity on Applicability to Tribal-Specific Funding Programs.**

The proposed rule does not address how it applies to 638 contracts, self-governance compacts, or programs administered under Tribal-specific statutes, which would create the type of inconsistency that uniform guidance is intended to prevent. The final rule should include a dedicated Tribal section clarifying how each major new requirement interacts with existing Tribal-specific statutory authorities.

**6. OMB Should Commit to Ongoing Tribal Consultation and Technical Assistance.**

Converting the Uniform Guidance into a binding regulation eliminates agency-level notice-and-comment periods, reducing future opportunities for Tribal input precisely when the stakes are highest. OMB should commit to formal government-to-government Tribal consultation before any future amendments to this regulation and establish a Tribal Advisory Working Group composed of Tribal finance and grant administration professionals.

For the foregoing reasons, we urge OMB to: (1) extend the comment period and conduct formal Tribal consultation before finalization; (2) restore meaningful appeal rights for discretionary terminations and protect awards fulfilling the trust responsibility; (3) explicitly exempt programs authorized under federal Indian law from the DEI prohibition; (4) extend the effective date to no earlier than October 1, 2027 and provide dedicated Tribal technical assistance; (5) include a Tribal-specific chapter addressing applicability to Tribal-specific statutory authorities; and (6) commit to ongoing Tribal consultation and a Tribal Advisory Working Group.

We are prepared to work with OMB and federal agencies as partners toward a final rule that achieves its accountability and transparency goals while honoring the trust and treaty obligations of the United States to Tribal Nations.

Respectfully submitted,

**[TRIBAL LEADER NAME AND TITLE]**

**[TRIBE NAME]**