

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0236-26

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to the Naabik'íyáti' Committee; Approving the Navajo Nation's Written Comments Opposing Provisions of the Office of Management and Budget's Proposed Rule on Federal Financial Assistance that many affect Tribal Sovereignty, Trust and Treaty Obligations, and Federal Funding to the Navajo Nation; Authorizing submission of the comments to the United States Office of Management and Budget for Inclusion in the Rulemaking Record; and Authorizing a Formal Request for Government-to- Government Consultation

Date posted: October 06, 2026 at 11:43 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0236-26

DATE: September 11, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE NAVAJO NATION'S WRITTEN COMMENTS OPPOSING PROVISIONS OF THE OFFICE OF MANAGEMENT AND BUDGET'S PROPOSED RULE ON FEDERAL FINANCIAL ASSISTANCE THAT MAY AFFECT TRIBAL SOVEREIGNTY, TRUST AND TREATY OBLIGATIONS, AND FEDERAL FUNDING TO THE NAVAJO NATION; AUTHORIZING SUBMISSION OF THE COMMENTS TO THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET FOR INCLUSION IN THE RULEMAKING RECORD; AND AUTHORIZING A FORMAL REQUEST FOR GOVERNMENT-TO-GOVERNMENT CONSULTATION

PURPOSE: This legislation, if approved, would formally approve and adopt the Navajo Nation's written comments responding to the United States Office of Management and Budget's proposed rule, "Guidance for Federal Financial Assistance" / "Regulation for Federal Financial Assistance," 91 Fed. Reg. 32,198 (May 29, 2026), Docket No. OMB-2026-0034, authorize their submission to the Office of Management and Budget both for inclusion in the rulemaking record and as a formal request for government-to-government consultation with the Navajo Nation, and affirm the Navajo Nation's position protecting its sovereignty, federal funding, and the United States' trust and treaty obligations to the Navajo Nation.

FINAL AUTHORITY: Naabik'íyáti' Committee

VOTE REQUIRED: Simple Majority

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Al Mike Jr
Website Posting Time/Date: _____
Posting End Date: 10/11/26
Eligible for Action: 10/12/26

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL—Fourth Year, 2026

Introduced by:

Primary Sponsor

Tracking No. 0236-26

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE NAVAJO
NATION'S WRITTEN COMMENTS OPPOSING PROVISIONS OF THE OFFICE
OF MANAGEMENT AND BUDGET'S PROPOSED RULE ON FEDERAL
FINANCIAL ASSISTANCE THAT MAY AFFECT TRIBAL SOVEREIGNTY,
TRUST AND TREATY OBLIGATIONS, AND FEDERAL FUNDING TO THE
NAVAJO NATION; AUTHORIZING SUBMISSION OF THE COMMENTS TO THE
UNITED STATES OFFICE OF MANAGEMENT AND BUDGET FOR INCLUSION
IN THE RULEMAKING RECORD; AND AUTHORIZING A FORMAL REQUEST
FOR GOVERNMENT-TO-GOVERNMENT CONSULTATION

WHEREAS:

- A. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council empowered to coordinate all requests for information, appearances, and testimony related to proposed county, state, and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 700(A) and 701(A)(6).
- B. The Navajo Nation is a sovereign Tribal Nation with a government-to-government relationship with the United States, as recognized under the Treaty Between the United States of America and the Navajo Tribe of Indians, June 1, 1868, 15 U.S. Stat. 667, and has an enrolled membership of over 420,000.

- 1 C. A substantial portion of the federal funding administered by the Navajo Nation is
2 provided under the Indian Self-Determination and Education Assistance Act
3 (ISDEAA), 25 U.S.C. §§ 5301–5423, and through statutory-formula, block-grant,
4 entitlement, and Tribal Priority Allocation mechanisms, which supports core
5 governmental functions including public safety, courts, education, health, housing,
6 water, and infrastructure programs.
- 7 D. On May 29, 2026, the United States Office of Management and Budget ("OMB"), in
8 coordination with all federal grant-making agencies, published a proposed rule titled
9 "Guidance for Federal Financial Assistance" / "Regulation for Federal Financial
10 Assistance," 91 Fed. Reg. 32,198 (May 29, 2026), Docket No. OMB–2026–0034,
11 proposing the most significant revisions to the government-wide Uniform Guidance,
12 2 CFR Subtitle A, since 2013, with written comments due on or before July 13, 2026,
13 and with a stated intent to issue a final rule effective October 1, 2026, attached as
14 **Exhibit A.**
- 15 E. The proposed rule, although advancing stated goals of transparency, accountability,
16 and reduced administrative burden that the Navajo Nation supports, contains
17 provisions that, as drafted, would place tribal funding at risk of discretionary mid-
18 stream termination under proposed 2 CFR § 200.340, embed federal policy conditions
19 into the terms of every federal award under proposed 2 CFR § 200.300, convert the
20 Uniform Guidance into a binding regulation, and impose new compliance burdens,
21 each of which implicates the federal government's trust and treaty obligations, the
22 Navajo Nation's sovereignty, and the Navajo Nation's funding.
- 23 F. OMB acknowledged in the proposed rule that, during 2025, Tribal Nations raised
24 concerns regarding the rule's potential impact on the federal government's trust and
25 treaty obligations and on statutes applicable to Tribes such as ISDEAA, and OMB
26 stated in Section IX of the proposed rule that it would initiate formal Tribal
27 consultation before a final rule is promulgated, yet OMB published the proposed rule
28 before conducting any such consultation.
- 29
30

- 1 G. The public comment period on the proposed rule closed on July 13, 2026, and, as of
2 the date of this resolution, OMB has not noticed, scheduled, or conducted formal
3 government-to-government Tribal consultation on the proposed rule.
- 4 H. On September 2, 2026, the President signed into law the Continuing Appropriations
5 and Extensions Act, 2027, Pub. L. No. 119-103, section 157 of which provides that,
6 through December 11, 2026, a rule arising out of the notice of proposed rulemaking
7 titled "Regulation for Federal Financial Assistance" published on May 29, 2026, or a
8 substantially similar rule, shall not be issued or finalized, and further provides that
9 any such rule issued or finalized prior to enactment shall not have force or take effect
10 through that date.
- 11 I. The effect of section 157 is that OMB's proposed October 1, 2026 effective date is
12 barred by statute, that OMB cannot lawfully finalize this rulemaking before
13 December 11, 2026, and that no timing constraint remains that would justify OMB
14 proceeding to a final rule without first conducting the Tribal consultation it
15 committed to undertake.
- 16 J. The closing of the general public comment period neither satisfies nor extinguishes
17 the federal government's separate and independent obligation to engage in
18 meaningful government-to-government consultation with the Navajo Nation under
19 Executive Order 13175 and the federal trust responsibility, because participation in a
20 general public comment docket is not consultation.
- 21 K. The Navajo Nation has previously reaffirmed, in Resolution NABIAP-14-25 and
22 related Council action, that federal funding and programs provided to the Navajo
23 Nation are based on its political and legal status as a sovereign nation, and not on
24 classifications of race or discretionary inclusion in domestic equity programs, and that
25 Tribal Nations are not part of any federal Diversity, Equity, or Inclusion framework.
- 26 L. The Navajo Nation has developed written comments in response to the proposed rule,
27 which (i) support the rule's stated objectives; (ii) object to the provisions that threaten
28 tribal sovereignty, funding, and the trust and treaty relationship; (iii) request formal
29 government-to-government consultation and a dedicated Tribal comment period; and
30

1 (iv) propose specific drafting-level revisions to the regulatory text, attached hereto as
2 **Exhibit B.**

3 M. It is in the best interest of the Navajo Nation to approve and adopt the comments
4 within **Exhibit B**, to authorize their submission to OMB for inclusion in the
5 rulemaking record, and to authorize their separate transmittal to OMB as a formal
6 request for government-to-government consultation.

7
8 **NOW, THEREFORE, BE IT RESOLVED:**

- 9 A. The Navajo Nation hereby approves and adopts the comments of the Navajo Nation
10 in response to the Office of Management and Budget's proposed rule, "Guidance for
11 Federal Financial Assistance" / "Regulation for Federal Financial Assistance," 91
12 Fed. Reg. 32,198 (May 29, 2026), Docket No. OMB-2026-0034, attached as **Exhibit**
13 **B**, and authorizes the submission of those comments to the United States Office of
14 Management and Budget for inclusion in the administrative record of Docket No.
15 OMB-2026-0034, notwithstanding the closing of the general public comment period.
- 16 B. The Navajo Nation hereby authorizes and directs the separate transmittal of the
17 comments attached as **Exhibit B** to the Director of the Office of Management and
18 Budget and to the Office of Federal Financial Management as a formal request for
19 government-to-government consultation with the Navajo Nation under Executive
20 Order 13175 and the federal trust responsibility, and affirms that such consultation is
21 distinct from, and is not satisfied by, participation in the general public comment
22 docket or by engagement with national or regional intertribal organizations.
- 23 C. The Navajo Nation hereby opposes the promulgation of any final rule arising out of
24 Docket No. OMB-2026-0034 that affects Indian Tribes until formal government-to-
25 government consultation with the Navajo Nation has been completed and the results
26 of that consultation are reflected in the regulatory text.
- 27 D. The Navajo Nation hereby authorizes the Navajo Nation President, Navajo Nation
28 Vice-President, and the Speaker of the Navajo Nation Council and their designees to
29 take all steps necessary to advocate for the Navajo Nation's position with respect to
30 this resolution.