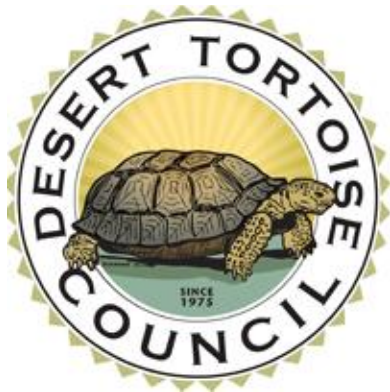




DESERT TORTOISE COUNCIL

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Via regulations.gov

July 11, 2026

Andrew Reisig, Joel Savary
Office of Federal Financial Management
Office of Management and Budget
725 17th St., NW
Washington, DC 20503
MBX.OMB.Grants@OMB.eop.gov

RE: Proposed Regulations - Revisions for Federal Financial Assistance (docket OMB–2026–0034)

Dear Mr. Reisig and Mr. Savary,

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and northern Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

The mission of the Desert Tortoise Council (Council) is to assure the perpetual survival of viable populations of desert tortoises represented throughout their historical ranges. Desert tortoises, for the purposes of the Council, include the tortoise species complex that occurs in the southwestern United States and in Mexico, currently referred to as *Gopherus agassizii*, *Gopherus morafkai*, and *Gopherus evgoodei*.

The eight objectives of the Council are:

- a. To be organized and operated exclusively for charitable, education, and **scientific purposes**, and as such, it is the intent that the Council qualify under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt organization;
- b. to serve in a professional advisory manner on matters involving management, conservation, and protection of desert tortoises and their habitats;

- c. to support and be an advocate of such measures as will contribute to ensuring the continued survival of desert tortoises and the maintenance of their habitats in a natural condition;
- d. to stimulate and encourage studies on the ecology, biology, management, and protection of desert tortoises;
- e. to gather and disseminate information on desert tortoises and their habitats, and to be an advocate of **science-based** management;
- f. to maintain active public information and conservation education programs;
- g. to support conservation actions for the protection of other imperiled tortoises, turtles, and ecosystems, as appropriate; and
- h. to commend outstanding action and dedication by individuals and organizations promoting the mission and objectives of the Council.

The Council funds scientific research on desert tortoises through annual issuance of grants. As part of the grant award, the grantee is required to submit a final report as well as present their results at an annual scientific conference to ensure that the information is shared with the scientific community and our members.

Because several of the objectives of the Council include using science and the results of scientific research to accomplish the Council's mission, we are concerned when changes are proposed that may affect future funding of scientific research. Such changes are likely to affect the funding, frequency, and availability of scientific research on desert tortoises.

Please accept, carefully review, and include in the relevant documents and the project file the following comments from the Council for the proposed action.

Description of the Proposed Action

The Office of Management and Budget (OMB) proposes to revise several parts of the OMB Guidance for Federal Financial Assistance located in Title 2 of the Code of Federal Regulations (CFR), Subtitle A. These changes include:

- Eliminating the use of fixed amount awards and subawards for which there is no routine monitoring of costs incurred by the recipient and no financial reporting is required;
- implementing merit-based selection of recipients for discretionary awards;
- terminating or suspending awards found to be inconsistent with program goals or agency priorities, or that an agency otherwise determines is no longer in the Federal Government's interest;
- clarifying that OMB's government-wide financial management policies and requirements contained in 2 CFR Subtitle A are regulations to be applied government-wide to all Federal grantmaking agencies;
- implementing multi-year awards;
- using one platform, Grants.gov, for posting Federal funding opportunities;
- ensuring that program funds are not used to subsidize political activities or initiatives unrelated to authorized public purposes;

- allowing Federal agencies, to the extent permitted by law, to restrict eligibility among different types of nonprofit organizations;
- requiring Federal agencies to publicly announce funding opportunities for all discretionary awards—not just those that will be openly competed;
- ensuring that discretionary awards advance the President’s policy priorities, prohibit the use of funds for discriminatory or otherwise impermissible purposes, and emphasize ensuring compliance with applicable law;
- incorporating executive orders and Executive Branch policy from the current administration into the regulations;
- incorporating benchmarks for measuring performance of “Gold Standard Science;”
- clarifying that peer review remains advisory and does not replace agency discretion;
- prohibiting recipients and subrecipients from using Federal funds to support bilateral or multilateral collaborations, agreements, programs, or activities with covered foreign countries or covered foreign entities, unless expressly authorized by Federal statute or approved by the Federal agency;
- prohibiting the use of Federal funds for attending conferences unless participation is included in the terms of the award; and,
- prohibiting the use of Federal awards for payment of publications costs unless allowed under Federal statute or approved in advance on a case-by-case basis by the Federal agency.

Comments on the Proposed Revised Regulations

General Comments

OMB’s stated reasons for proposing these changes are to: (1) improve transparency, accountability, and oversight for use of Federal taxpayer dollars in the context of Federal grantmaking; (2) clarify the status of OMB’s policies and requirements set forth in the 2 CFR regulatory text as an OMB regulation; and (3) reduce recipient burden or reduce requirements of grant recipients after a grant is awarded. OMB proposes to make other changes.

The Council is committed to base all of its actions on sound science. For this reason, we are especially concerned with some of the proposed changes as they will adversely impact scientific research. That said, we understand any legitimate intention to improve the care with which Federal funds are allocated and the necessity to avoid any form of impropriety in the use of such funds.

We are concerned that the proposed regulations appear to frequently mention politically partisan materials and the directive/policies of the current administration, with comparisons to previous administrations. We are concerned that some of the quotes presented throughout the document represent partisan interpretations involving past funding or past agency actions. For example: “Federal awards were often used during those years to promote a ‘woke’ policy agenda that did not reflect the values of the vast majority of the American public” and “...prior to this administration, far-left activists hijacked the critical work done...” The Council recommends that the proposed regulations avoid partisan language and any suggestion of bias throughout the regulations. We also recommend that all aspects of these proposed revised regulations be based on the principles and practices that support all Federal agencies administering public funding.

We ask that documents be provided to clearly support any claims of inappropriate funding practices in the past.

We also ask for a complete list of documents that were used to create the proposed regulations (sometimes referred to as Literature Cited or References). We believe these documents or a list must be published and made available to the public with the proposed regulations.

Specific Comments

We comment on the proposed regulations by section as follows:

Section 200.202 – Program Planning and Design. OMB proposes to “clarify that goals and objectives [of grants] must be consistent with the public purpose of Federal authorizing legislation and aligned with administration policies and priorities.” We recommend that the wording “and aligned with administrative policies and priorities” be removed from the final regulations. The federal courts have determined that the executive branch in its issuance of regulations does not have the authority to further restrict the wording, purpose, or intent of a statute passed by Congress. Current or future administrative policies and priorities may restrict or narrow the intent of Congress in funding grantmaking activities that would violate the purpose and intent of that statute.

In addition, all sections of the proposed regulations with similar wording that grantmaking activities including awarding of funds follow administrative policies and priorities should be removed from the final regulations. Administrative policies and priorities change within and between administrations. This requirement adds to the burden of federal agencies and the recipients of grants; it contradicts one of the intents of the proposed regulations – to “reduce recipient burden or reduce requirements of grant recipients after a grant is awarded.”

Further, OMB proposes to issue multi-year grants. If an administrative policy or priority changes after a multi-year grant has been issued, would the grant continue for its original term or would it be cancelled? Again, this situation would not accomplish one of the stated purposes of revising the regulations – to “reduce recipient burden or reduce requirements of grant recipients after a grant is awarded.”

Section 200.205 – Federal Agency Review of Merit of Proposals. We are concerned that this Section gives political appointees a veto over any science that conflicts with the current or future administration’s ideology. Administrations change over time and scientific knowledge does not belong to the current administration but rather to the American people as a whole. Once funding is allocated to an agency for distribution, the recipients should be selected by qualified reviewers with experience in the field. We assert that scientific proposals for funding must be selected by qualified scientists from the field. Political appointees, with no experience in scientific evaluations, should not be allowed to select proposals at this stage. The Council recommends the grant funding be awarded according to the specific recommendations of qualified peer reviewers and not be subject to cancellation for political reasons. Independent expert peer review must be the primary measure of the merits of proposals. Failure to do so gives the impression of discrimination by a Federal agency in the review and approval process. It may also result in poor or inefficient proposals being funded that do not achieve the purpose and intent of the grantmaking because the selecting official was not knowledgeable about current scientific processes and methods for the topic/issue and wastes taxpayer dollars.

Please define clearly the concept of “Gold Standard Science.” This term is used in Executive Order 14303—Restoring Gold Standard Science issued May 23, 2025 but is not defined.

Section 200.340 – Termination and Suspension. This section allows termination of a grant that is “inconsistent with program goals or agency priorities.” The Council does not accept this. While grants might be terminated for cause, that cause does not include temporary priorities set by political appointees or even elected officials, as their tenure is temporary. That cause does not include issuance of multi-year grants that are then terminated because of a change in administrations or change in thinking within the term of an administration. The Council opposes termination of grants without due cause, which would include the inappropriate use of funds or other situations in which the grantee is not acting according to the terms of the grant. Terminating a grant because the Federal government has changed its mind and now determines that the funded research is no longer in the Agency’s interest implies that the Agency did not exercise due diligence in researching the issue and possible solutions before issuing the grant. Termination for discretionary reasons is based on an executive order that has not been upheld by the courts, contradicts the basic tenets of contract law, and again contradicts one of the purposes of the proposed regulations – to “reduce recipient burden or reduce requirements of grant recipients after a grant is awarded.” Terminating or suspending a grant after it has been issued places constant fear on the grantee that funding may be halted at any time for any reason. It is likely to result in fewer qualified entities applying for grants, meaning more unqualified entities will apply for grants, and when grants are awarded, may reduce the likelihood that results will achieve the objectives.

Section 200.202. – Program Planning and Design. International collaboration is an appropriate practice across many scientific disciplines. This section would hinder the creation of the most scientifically valid proposals. Collaboration with international researchers should be predicated on improving the project.

Section 200.206. – Federal Agency Review of Risk Posed by Applicants. The Council is a non-profit organization clearly dedicated to environmental aspects of conservation of desert tortoises and their habitats. We object strongly to any member being denied Federal funding on account of its membership in any legitimate organization.

Section 200.303. – Internal Controls. We do not object to the appropriate use of E-Verify but we request that it be made clear that some researchers working on a Federally funded project be recognized as exempt from the use of E-Verify due to their specific legal status.

Section 200.421. – Advertising and Public Relations/Public Communications. All public relations costs are proposed as unallowable except those explicitly required by statute. This section would restrict researchers from communicating findings to the public or press. It adds another layer of control over how the results and findings of Federally funded science reaches the public. This is a serious violation of transparency in sharing the methods and results of scientific research. It also violates one of the purposes of revising these regulations which is to “improve transparency accountability, and oversight for use of Federal taxpayer dollars in the context of Federal grantmaking.” We request clarification as to how this does not violate the concepts of transparency so frequently required by government agencies. We also request clarification on how this section does not violate free speech or the public’s right to know the results of what their taxes paid for. This would restrict researchers from communicating findings to the public or press.

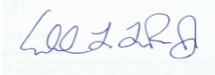
Section 200.432. – Conference Attendance. “The costs for attending conferences are allowable only if participation in the conference is expressly approved by the Federal agency and included in the terms and conditions of the Federal award.” Conference attendance, including attendance at conferences developed and announced after the grant is approved, is a standard and required means of sharing scientific information and receiving appropriate feedback. Conference attendance is important in improving experimental design, implementation, and analysis of data. It frequently leads to better analysis, more robust interpretation of results, and better reports to the Federal agencies. We request clarification as to the reasons for prohibiting conference attendance and that OMB allow attendance to relevant conference(s) especially for multi-year grants when the conference may not be announced until after the grant has been awarded.

Section 200.461. – Publication costs. According to the proposed regulations publication costs, including article processing charges, open access fees, and similar fees would be prohibited. Publication of scientific results is essential both to share the results with others and to obtain relevant feedback concerning the validity of the work. Publication is also needed to provide transparency to the American public by making the results/findings of scientific research funded by grants available to the public. While Grants.gov would be the platform for advertising all Federal agency grant requests and for submission of grant proposals, we are not aware of a consolidated government platform that provides the results of scientific research funded by government grants. The current method available to the public is to search and read the results of research funded by the Federal government by using academic search engines such as Google Scholar. Because this task is currently unfunded and unfulfilled by the Federal government, private entities have undertaken this responsibility to share the results of scientific research including research funded by government grants. Providing this service requires funding.

We request clarification as to the reasons for essentially prohibiting publication of the results of the scientific research funded by government grants for the public to readily search for and read.

We appreciate this opportunity to provide comments on the Office of Management and Budget proposal to revise several parts of the OMB Guidance for Federal Financial Assistance.

Respectfully,



Edward L. LaRue, Jr., M.S.

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

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