

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
<http://science.house.gov>

July 13, 2026

Mr. Russell Vought
Director
The Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Dear Director Vought,

We write to express our opposition to the Office of Management and Budget's (OMB) proposed revisions to the *Guidance for Federal Financial Assistance*.¹ This rule would formalize and accelerate the assault this Administration has inflicted on our nation's scientific enterprise since January 20, 2025. The proposed rule consistently betrays ignorance of science. This is not surprising, given the rule's reliance on sources including Senator Ted Cruz's 2024 report titled "Diversion. Extremism. Ideology: How the Biden-Harris NSF Politicized Science."² This report's analysis was debunked in an April 2025 Science Committee staff report that outlined its deeply flawed methodology,³ and yet the proposed rule uses the entirely fabricated numbers in the Cruz report to underpin its argument that the solution to this made-up problem is *increased* politicization of Federal grantmaking. The rule also cruelly cites the U.S. President's Emergency Plan for AIDS Relief (PEPFAR) as an example of wasteful spending; the PEPFAR funding freeze in early 2025 is estimated to have resulted in over 120,000 deaths by November 2025, including more than 13,000 child deaths, according to a February 2026 study.⁴ The reliance on

¹ Proposed Rule, "Regulation for Federal Financial Assistance," May 29, 2026, accessed here: <https://www.federalregister.gov/documents/2026/05/29/2026-10817/regulation-for-federal-financial-assistance>.

² "New Cruz Investigation Reveals How Biden-Harris Diverted Billions from Scientific Research to DEI Activists," U.S. Senate Committee on Commerce, Science, & Transportation, October 9, 2024, accessed here: <https://www.commerce.senate.gov/press/rep/release/new-cruz-investigation-reveals-how-biden-harris-diverted-billions-from-scientific-research-to-dei-activists-2024-10/>.

³ "Defending the Hidden Figures: A Rebuttal of Erroneous Attacks on Merit-Based, Fair, and Competitive STEM Grants," House Committee on Science, Space, and Technology Minority, April 2025, accessed here: https://democrats-science.house.gov/imo/media/doc/democratic_staff_report-defending_hidden_figures.pdf.

⁴ Ellen Brazier, Stephany N. Duda, Jeremy Ross, et al., "Impact of U.S. government funding freezes on the HIV response: findings from a rapid survey in 32 countries," *Health Affairs Scholar*, Volume 4, Issue 2, February 2026, accessed here: <https://academic.oup.com/healthaffairsscholar/article/4/2/qxag020/8489381>.

false numbers produced by Senate offices, and the corresponding glossing over of actual research that demonstrates the real-world harm of this Administration’s policies, serve as an illustration of the callousness and ignorance at the very core of this proposed rule. The proposed rule must be withdrawn. We have submitted this letter detailing our concerns to the public comment docket.

Setting a Double Standard for Political Influence on Grantmaking

A fundamental throughline of this proposed regulation is “political influence for me and not for thee.” The proposed rule cites, ad nauseam, President Trump’s Executive Orders as authoritative guiding principles for responsible use of taxpayer money. When describing this favorably, OMB states that “OMB and participating agencies are using their discretion to shape financial assistance policy consistent with applicable law and the clear direction from the President provided in the recent EOs.” A clear reading of this text would imply that Democratic presidents are entitled to similar influence over grantmaking. However, the proposed rule simultaneously elevates its own Executive Branch policy as authoritative while insisting that EOs issued under Democratic presidents should not hold similar weight. For example, the rule erroneously describes President Biden’s Executive Order 13985 as “[instructing] Federal agencies to set aside the decision-making processes used in previous years ... and to instead focus on remaking the system of grants administration with divisive identity-based DEI policies imposed throughout.” This is demonstrably false. Executive Order 13985 ordered agencies to assess whether existing programs and policies perpetuated systemic barriers to opportunities, thereby precluding deserving populations and individuals from accessing programs for which they are qualified;⁵ addressing such barriers ensures that Federal resources are being spent as intended, funding the worthiest applicants from all corners of the nation and all walks of life. This Executive Order explicitly did not direct any changes to how agencies made grantmaking decisions. In contrast, the Trump Administration’s Executive Orders 14168⁶ and 14151⁷ mandated the censorship of terms and repressed the ability of scientific agencies to pursue areas of research inquiry in related topics promoting the health and prosperity of Americans from all backgrounds. OMB’s straw man argument not only demonstrates a fundamental lack of comprehension, it also betrays a blatant double standard for how Republican, but not Democratic, administrations are able to set priorities for allocating grant money.

⁵ “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” Executive Order 13985, Federal Register, January 20, 2021, accessed here: <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

⁶ “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” Executive Order 14168, Federal Register, January 20, 2025, accessed here: <https://www.federalregister.gov/documents/2025/01/30/2025-02090/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal>.

⁷ “Ending Radical And Wasteful Government DEI Programs and Preferencing,” Executive Order 14151, Federal Register, January 20, 2025, accessed here: <https://public-inspection.federalregister.gov/2025-01953.pdf>.

Allowing Terminations for Political Reasons is an Attack on Transparency and Responsible Stewardship of Taxpayer Dollars

Though the proposed rule repeatedly touts itself as a boon for transparency, nowhere is this more obviously false than in the carte blanche it gives agencies to terminate duly awarded grants in section 200.340. The rule, if finalized, would “require all discretionary grants to permit termination for discretionary reasons, ‘including when the award no longer advances [Federal] agency priorities or the national interest, but subject to the appropriate exceptions.’” This is the opposite of transparency. Allowing any grant to be terminated for “no longer advancing” agency priorities is absurdly fickle, compelling agencies to act on loose interpretations of poorly written guidance by the White House. This has already been the status quo since January 2025, and the American scientific enterprise is worse off for it. Restoring the reputation of our once-respected science agencies will require such arbitrary terminations to be outlawed entirely, with guardrails to ensure that political appointees who don’t understand science are as far removed as possible from both issuing and terminating grants.

The justification in this rule to allow for arbitrary terminations based on Administration priorities is that “sometimes program goals or Federal priorities may change in response to new direction from politically accountable leadership.” This, at least, is honest – this Administration wants to cancel grants made under previous Presidents and believes scientists should expect no reliability from the Federal government beyond an election year. This admission belies the claim that the drafters considered, instead, “stricter up-front screening during the award selection process or enhanced monitoring.” Stricter screening would allow political appointees to deny proposals that upset or confuse them, but it would not give them sufficient freedom to exact punishment on perceived political enemies by terminating awards granted during a previous Administration.

Like the preposterously backwards justification of “transparency,” it is absurd that this portion of the proposed rulemaking is explained as “ensuring the ongoing stewardship and responsible management and oversight by Federal agencies of taxpayer resources throughout the award lifecycle.” In fact, scrapping Federal support of a duly awarded grant just wastes the money that was already spent on the research, leaving partially completed projects that may never be published. This deprives the public of access to the science that their tax dollars paid for already. This points to a consistent theme of this section – a refusal to understand the difference between grants and contracts. The proposed rule states that “if a project funded by a grant is failing to meet underlying public purposes, program objectives, Federal agency priorities, or the national interest, the government should have a comparable ability to discontinue funding as it would for a similarly misaligned contract.” But federal research awards are not procurement contracts. Suggesting that they are is a novel and disingenuous interpretation. If the government is procuring a particular service or product via a contract, then yes, of course it should maintain the ability to cancel it if the contract recipient is not delivering on the agreed-upon terms. There is no such parallel with fundamental research grants. The government is not providing money for a particular experimental outcome – or, it shouldn’t be. It should be funding the most promising

research questions and allowing the awardees to follow the science wherever it leads, regardless of the government's preferred outcome. Clearly the Trump administration would prefer to cancel awards if they are funding science that is politically inconvenient. This is in stark opposition to what is in the best interest of our scientific enterprise and the American public, and this permission slip for political termination of research grants must be struck from the final rule.

The termination policies outlined in this proposed rule would make the arbitrary, politically motivated terminations the least accountable to objective oversight and adjudication. The rule states that “administrative hearing procedures ... would have less purpose or need for terminations based on the discretionary reasons of the agency. For example, recipients would not generally be in the best position to present facts or information related to the agency's priorities as they exist at the time the termination decision is made.” The idea that political appointees, who were likely not in the government at the time of award, are better positioned than grantees to make such determinations is ludicrous. Researchers are in the best position to present facts or information about the substance of the actual research being conducted under the grant. Clearly, this Administration has determined that the best way to uphold unscientific termination decisions is to deprive terminated grantees from appealing at all, in violation of an awardee's due process rights protected by the 5th Amendment to the U.S. Constitution. This must be amended in the proposed rule, with clear instructions given to agencies regarding equitable procedures for grantees to appeal termination decisions of all types.

This Administration has been preemptively implementing the termination provision of this proposed rule since the President's early days in office. The only part of this proposed rulemaking that could be considered an improvement of this post-January 2025 status quo is the suggestion that the agency explain “why it determined that an award or class of awards is no longer in the public interest, or will no longer best serve the public interest.” At least requiring an explanation of the terminations would require whatever political hack holds the cancellation stamp to explain why, for instance, a program supporting Deaf STEM students no longer advances the public interest.⁸

Ignoring Laws that President Trump Disagrees With

The proposed rule repeatedly and erroneously insists that diversity, equity, and inclusion-related activities are illegal, and that the provisions of this rule would re-align federal grantmaking with the law of the land. This is not correct. Most notably, perhaps, the *America COMPETES Reauthorization Act of 2010*, as amended by Sec. 102 of the 2017 *American Innovation and Competitiveness Act (42 USC 1862p-14)*, requires that every National Science Foundation proposal include a “broader impacts” portion describing activities the research team will undertake to help ensure that the outcome of the funded work benefits society and contributes to

⁸ Phie Jacobs, “Crucial training pipeline for Deaf scientists dismantled by NIH funding cuts,” *Science Magazine*, May 1, 2025, accessed here: <https://www.science.org/content/article/crucial-training-pipeline-deaf-scientists-dismantled-nih-funding-cuts>.

the achievement of specific, desired social outcomes. One of the seven broader impacts review criteria listed in the law is “expanding participation of women and individuals from underrepresented groups in STEM.”⁹ The proposed rule demonizes the types of activities that would plainly fall under this broader impacts criterion as “hypothetical award [conditions] designed to induce recipients to undertake activities unrelated to the underlying purposes of a particular Federal award program,” and as “ideological side missions that are misaligned with Federal law and policy.”

Far from “ideological side missions,” laws such as the broader impacts requirement are rooted in evidence that the United States is not sufficiently tapping into the talent present in our nation. Rural communities,¹⁰ women, and racial and ethnic minorities including Hispanic, Black, and American Indian or Alaska Native Americans are systematically underrepresented in the U.S. STEM workforce.¹¹ Treating broadening participation efforts as orthogonal to the “underlying purposes of a particular Federal award program” is an intentionally prejudiced misreading of applicable law. Federal award programs should prioritize funding the best science, as identified by subject matter experts, and they should maximize the impact of taxpayer dollars by making efforts to broaden participation in STEM for Americans of all backgrounds. Even if this Administration disagrees and believes that any opportunity given to a non-white, non-male researcher is an opportunity stolen from a white man, it remains the case that *America COMPETES* is the law of the land. Barring federal grants from including initiatives pursuant to the broadening participation requirement (which you characterize as DEI) runs contrary to the law, and this provision must be removed from the final rule.

Kneecapping Crucial International Collaborations

The proposed rule undermines years of bipartisan work enacting reasonable, meticulous, protective research security laws that were extensively negotiated with input from federal research, law enforcement, and intelligence agencies. Section 200.220 “establishes a government-wide baseline rule 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.” This would severely limit the ability of American researchers to participate in invaluable collaborations and communication with international researchers with absolutely no benefit to our national security. In fact, keeping American researchers in the dark about the cutting-edge research being conducted by researchers based in

⁹ America COMPETES Reauthorization Act of 2010 (2011 - H.R. 5116). (n.d.). GovTrack.us.

<https://www.govtrack.us/congress/bills/111/hr5116>.

¹⁰ K-12 STEM education and workforce development in rural areas. (2024). In National Academies Press eBooks. <https://doi.org/10.17226/28269>.

¹¹ Arbeit, D. T. a. C. A. (n.d.). The STEM labor force: scientists, engineers, and skilled technical workers | NSF - National Science Foundation. <https://nces.nsf.gov/pubs/nsb20245/representation-of-demographic-groups-instem#women-in-stem>.

countries such as China would only serve to damage our national security posture. While this proposed rule may make more sense if it was exclusive to confidential research pertinent to national security, it foolishly extends to fundamental and discovery-based science. Fundamental research is meant to be published openly, and this rule's attempt to implement such a prohibition is an admission that the crafters of this regulation have no understanding of science.

This rule's sole exception to allow international collaboration with "covered foreign countries or covered foreign entities" is when such activities are "expressly authorized by Federal statute or the Federal agency head (or designee) determines that the activity does not pose a risk to national security and is in the national interest of the United States." Requiring an affirmative contribution to the national interest gets the issue of research security entirely backwards. Again, fundamental research is meant to be openly published for all to learn from and build upon. It is, by default, in our national scientific interest to conduct fundamental research as openly as possible; this principle was first articulated in President Ronald Reagan's National Security Decision Directive 189,¹² and it remains true today.

The proposed rule points to the fact that "Congress has expressly determined that [risk to U.S. national security, defense, or intelligence interests] exists in the case of some agencies." This is true. This is why Congress has enacted many laws in the past decade to address these risks and continues to amend these laws pursuant to advice from the research, intelligence, and law enforcement communities. It is absurd to use the fact of Congressional action as a justification for undermining and supplanting the very rules that Congress has put in place to address the risks that exist in the research space. This provision must be removed from the final rule, and agencies must continue to adhere to existing law and not place undue, ineffective, counterproductive restrictions on fundamental research.

Creating New Avenues to Penalize Out-of-Favor Institutions and Research

Formalizing the Creation of Blacklists

Section 200.202 of the proposed rule is a chilling permission slip for agencies to deem certain nonprofit organizations ineligible for federal grant funding. The rule allows agencies to "restrict eligibility among different types of nonprofit organizations." It is not difficult to imagine how this will be implemented, because this Administration has spent a year and a half blacklisting institutions at its whim. In April 2025, the Trump Administration attempted to bully Harvard University into complying with a list of demands by withholding \$2.2 billion in federal research funding. This was ultimately slapped down by a Federal court.¹³ Despite this defeat, the National Science Foundation secretly implemented a blacklist of four organizations in early 2026, placing

¹² National Security Decision Directive 189, September 21, 1985, accessed here: <https://irp.fas.org/offdocs/nsdd/nsdd-189.htm>.

¹³ Peter Charalambous and Arthur Jones II, "Judge blocks Trump's \$2.2 billion Harvard funding freeze," *ABC News*, September 3, 2025, accessed here: <https://abcnews.com/US/judge-blocks-trumps-22-billion-harvard-funding-freeze/story?id=125233880>.

an internal label on Duke University, Harvard University, Princeton University, and Yale University that put a hold on funding proposals that had passed the merit review process.¹⁴

In addition to targeting politically out-of-favor research institutions, the Trump Administration has sought to claw back duly awarded funding to environmental organizations. In February 2025, the Environmental Protection Agency (EPA) froze funding to groups that had received green bank funding. EPA Administrator Lee Zeldin claimed, without evidence, that there was fraud, though later attributed these cancelations to shifting priorities.¹⁵ Such baseless accusations and thin justifications for barring organizations from funding would no longer be necessary if this rule were finalized – an agency could simply deem a type of nonprofit organization ineligible. The proposed rule text states that “the Federal agency is not required to list every type of ineligible organization, but should ensure that eligibility information is sufficiently clear for prospective applicants.” This flies in the face of the “transparency” this proposed rule repeatedly seeks to achieve – it explicitly states that an agency does not even need to specify the exact types of organizations it deems ineligible for funding. This is a formalization of the blacklists that the Administration has been creating, and it must be removed from the final rule.

Establishing a Bounty System to Target Disfavored Grants

Section 200.339(b) of the proposed rule allows individuals or organizations to partner with the Department of Justice to pursue private remedies in cases where the individual or organization alleges that a grant recipient is not in compliance with the rule. This is an unwarranted expansion of the right individuals and organizations already have under the False Claims Act, which, as amended in 1986, allows private entities to bring forward cases of suspected fraud against the Federal government and share in funds recovered by the government. Elevating the conditions in this misguided, uninformed proposed rulemaking to the level of fraud against the government is wrong. This creates a twisted bounty system, incentivizing individuals and organizations who do not understand science to hurl accusations at any Federally funded research project they deem too “woke.” Given the absence of legitimate scientific expertise amongst political appointees at Federal science agencies and the Department of Justice, this would be a disaster. The so-called Department of Government Efficiency (DOGE) era of this Administration saw unqualified hacks cancel research grants. This section of the proposed rulemaking would give every American the ability to prod the Department of Justice into attacking researchers and institutions doing work that they don’t like. This makes a mockery of the legitimate oversight and litigation tools the government has to prosecute legitimate instances of waste, fraud, abuse, and mismanagement. When it comes to supporting existing independent oversight mechanisms, the Administration’s own actions lay bare that the true motivations of this proposed rule have nothing to do with

¹⁴ Dan Garisto, “Exclusive: NSF puts new research grants to top universities on hold,” *Nature*, May 27, 2026, accessed here: <https://www.nature.com/articles/d41586-026-01667-6>.

¹⁵ Claire Brown, “Billions in Climate Grants, Frozen for a Year, Are Back in Court,” *The New York Times*, February 24, 2026, accessed here: <https://www.nytimes.com/2026/02/24/climate/billions-in-climate-grants-frozen-for-a-year-are-back-in-court.html>.

fighting grantmaking fraud. As is explained further in the following section, this rule is just the latest attack on the very offices that are supposed to ensure the integrity of our Federal research enterprise. This provision must be struck from the final rule.

Hobbling Independent Oversight Entities

Section 200.503 of the proposed rule places limits on Federal agencies', the Government Accountability Office's (GAO), and Offices' of Inspectors General (OIGs) ability to conduct self-initiated audits. This is a bizarre, backwards provision for a proposed rule that claims to increase oversight and transparency in federal grantmaking. The justification for this provision is to limit administrative burden. The idea that GAO and OIGs are seeking out non-statutory, duplicative, useless audits to conduct is absurd. GAO has seen a 10.2 percent reduction in staffing since the end of fiscal year 2024;¹⁶ OIGs have been eviscerated, with President Trump firing or forcing out 21 Inspectors General (including many that he appointed in his first term) and not nominating anyone to take their place.¹⁷ Coerced staff departures at OIGs were unable to be backfilled due to government-wide hiring freezes.¹⁸ According to an analysis by the conservative-leaning Cato Institute, President Trump's Fiscal Year 2027 budget request would cut spending on OIGs "23 percent in real dollars between 2025 and 2031." This provision in the proposed rule invents a problem that does not exist – these under-resourced offices uselessly initiating duplicative and burdensome audits. What good reason is there to hamstring independent oversight bodies from using their judgment to pursue audits? Limiting GAO's and OIGs' auditing abilities only to existing statute or to "[conduct] compliance reviews as necessary to implement other sections of this part" is a clear attempt to ensure that political appointees – who, under these regulations, would have more power than ever in awarding and terminating grants – are able to evade the scrutiny of independent oversight bodies. Creating a carve-out for the implementation of this proposed rule itself is particularly egregious and unlawful. This section must be struck from the final rule.

Disallowing the Use of Funds for Basic Scientific Activities

If the drafters of the rule have any understanding of the range of professional activities outside of the lab itself that are essential to advancing both the careers of individual scientists and the progress of science itself, they seem not to care. Specifically, the draft regulation severely limits the use of federal dollars for both conference participation and publication. These activities are not, by any metric, wasteful uses of taxpayer dollars that fall outside the interests of grantmaking

¹⁶ "Fiscal Year 2027 Budget Request," U.S. Government Accountability Office, March 18, 2026, accessed here: <https://www.gao.gov/products/gao-26-900720>.

¹⁷ Dominik Lett and Chris Edwards, "Trump Cuts the Inspectors General," CATO Institute, April 21, 2025, accessed here: <https://www.cato.org/blog/trump-cuts-inspectors-general>.

¹⁸ David Nakamura, Lisa Rein, and Matt Viser, "Trump defends ousting at least 15 independent inspectors general in late-night purge," *The Washington Post*, January 25, 2025, accessed here: <https://www.washingtonpost.com/politics/2025/01/24/trump-fire-inspectors-general-federal-agencies/>.

agencies. The proposed limitations would put U.S. scientists at a significant disadvantage compared to their global peers.

Conference Participation

Section 200.432 limits the use of federal grants for conference participation unless the “participation in the conference is expressly approved by the agency and included in the terms and conditions of the Federal award.” Conference participation cannot always be anticipated at the time of a proposal for a funding award. New findings, and even new conferences, often provide opportunities with months’, rather than years’ notice. This rule also adds a layer of bureaucracy to an activity that should be understood as a routine part of researchers’ jobs, which allows them to share their work with others in and beyond their discipline, make connections with potential collaborators, and create new opportunities for innovation by encountering people and ideas who they may otherwise not encounter. Conference participation is therefore not unrelated to “[advancing] program outcomes,” as implied in the proposed rulemaking. It improves the work of the Federally funded researcher by providing opportunities for other scientists to collaborate and critique their work. It is important to note that just because American researchers won’t be able to attend conferences without digging into their own pockets, that doesn’t mean that international partners and competitors will not be attending and benefitting from them. Depriving American scientists of the resources to attend these conferences as part of their Federally funded research, while other nations continue to support these activities, will have direct consequences on our international competitiveness.

Conference participation is important for researchers at all levels, but it is especially crucial for graduate students and post-doctoral researchers. It is false to think that the professional development of our nation’s scientific workforce is not a worthwhile investment. These conferences are invaluable opportunities for early-career researchers to connect to and learn from researchers who are more advanced in their careers, and in turn, early-career researchers innovating in their fields can share their fresh perspectives with those in and outside their disciplines who have been in the field for decades. It is foolish to add so much uncertainty for this basic professional expectation, and it only serves to limit the ability of Federally funded researchers to share and build upon the research that taxpayers are paying for.

Given the virulently anti-DEI agenda of this proposed rule in general, and the utter mischaracterization of what “DEI” even means, it is hard to imagine that this limitation on conference participation will not be implemented in a way that disproportionately disallows conferences that the Administration deems as “DEI”-focused. The Trump Administration has already cancelled awards for conferences and activities that broaden participation in STEM, including activities that ensure that people with disabilities have access to suitable scientific equipment to physically perform analyses. A conference would be at risk merely because it attempts to broaden participation of Americans in STEM for a demographic being targeted by the Trump Administration. Or, a conference would be at risk because its focus is aimed at

understanding the cause of a disease tightly linked to a particular socioeconomic or demographic group. If the proposed rule were finalized as-is, it is exceedingly likely that researchers' participation in such conferences would be expressly disallowed. This would serve only to stifle the advancement of Federally funded science and the efforts to expand access and opportunity to underserved populations. This provision must be struck from the final rule.

Publication Costs

Section 200.461 severely limits the ability of researchers to use Federal funding to pay to publish their work in scientific journals. The current publication paradigm is very far from perfect. However, it remains the most widely used and trusted platform for sharing taxpayer-funded research results among scientists and with the public. There is much to debate about the future of scientific communication, but the Federal government must uphold its responsibility to ensure the quality of the research it funds, and this sledgehammer of a prohibition without a reasonable alternative in place would undermine the quality of published research and make it harder to get taxpayer-funded research out to the public. Even the most vocal critics of the publishing industry are troubled by this proposed rule.¹⁹

Barring the use of Federal funds for publication costs will serve only to worsen the United States' trajectory as compared to China. According to the Nature Index 2026 Research Leaders, China leads the world in publications in leading journals.²⁰ Nine of the ten leading institutions in the Nature Index are located in China.²¹ Number of publications is not the be-all end-all of scientific competitiveness, but it is a notable metric that the United States should not ignore. Placing the financial burden of publication on researchers' shoulders will undoubtedly cause the United States to further tumble down these rankings.

It should be common sense that publication of research findings resulting from fundamental (unclassified) research is part of "achieving the programmatic objectives of the award." In fact, existing Executive Orders explicitly require researchers to publish their findings open-access without an embargo.²² Therefore, OMB must strike this section in the final rule and replace it with an explicit direction that taxpayers are entitled to access the products of Federally funded research, and therefore publication costs are allowable for research that is meant to be made

¹⁹ "2026 OMB Proposed Updates to 2 CFR Part 200: Frequently Asked Questions," Scholarly Publishing and Academic Resources Coalition, June 25, 2026, accessed here: <https://sparcopen.org/our-work/2026-proposed-2cfr200-updates-faqs/>.

²⁰ "Nature Index 2026 Research Leaders," *Nature*, accessed here: <https://www.nature.com/nature-index/research-leaders/2026/#figures>.

²¹ "2026 Research Leaders: Leading institutions," *Nature*, accessed here: <https://www.nature.com/nature-index/research-leaders/2026/institution/all/all/global>.

²² "Ensuring Free, Immediate, and Equitable Access to Federally Funded Research," Memorandum from Dr. Alondra Nelson to Heads of Executive Departments and Agencies, August 25, 2022, accessed here: <https://bidenwhitehouse.archives.gov/wp-content/uploads/2022/08/08-2022-OSTP-Public-Access-Memo.pdf>.

public. Failing to do so would place an unfunded mandate on Federally funded researchers and would leave the American public in the dark as to what their tax dollars are funding.

Replacing Career Scientist Expertise with Political Whims

At its core, this rule uproots a federal grantmaking system that is grounded in scientific expertise in favor of one that prioritizes political alignment above all else. The rule states that OMB proposes to clarify “that goals and objectives must be consistent with the public purpose of Federal authorizing legislation and aligned with administration policies and priorities.” Elevating administration policies and priorities to the level of statutory requirements of the program itself is absurd. While all administrations certainly have the ability to prioritize particular areas of interest, this must always happen *in service to faithfully executing* the laws written by Congress, and it should be a given that all proposals should pass a rigorous, expert-driven merit review process.

This proposed rule takes the expectation of a fair, science-based merit review process and directly injects politics, to ensure that grantmaking from now on will be polluted with political interference. Scientists and researchers spend roughly a decade training in objective inquiry and the scientific method to provide answers to questions in their realm of expertise. Empowering political appointees to make decisions on deep, nuanced, technical issues of emerging technology and fundamental research stewardship without scientific input is deeply misguided. Section 200.205 of the proposed rule states that “senior appointees must conduct” reviews that “ensure that proposals selected for funding are consistent with applicable law, Federal agency priorities, and the national interest.” This review would happen “as part of the broader merit review process.” This is an absolute catastrophe for American science. The rule goes on to dictate that “discretionary awards must, where applicable, demonstrably advance the President’s policy interest.” Requiring that a proposal “demonstrably advance the President’s policy interest” slams the door on curiosity-driven research whose value years from now can only be faintly imagined in the present and which has served as the foundation for U.S. leadership in technology and innovation for 80 years. This is exactly the kind of research that most often leads to Nobel prizes. For this reason, while China maintains a large top-down industrial policy, their leadership has also spent the last 20 years trying to replicate America’s strength in curiosity-driven research. It is already difficult enough for subject-matter experts to award such high-risk, high-reward fundamental research at our own agencies; it will be nigh impossible for the “one or more senior appointees” to do so, especially with these stipulations, as the lack of scientific expertise in this Administration makes it clear that President Trump has no intention of ensuring that grantmaking decisions are science-based or agnostic to immediate political and financial objectives.

One needs only to review certain sections of this rulemaking itself to come to the conclusion that political appointees in the Trump Administration are blind to science and disdainful of experts. The transphobic rhetoric and anti-trans policies in this proposed rule deserve scrutiny from legal and human rights experts. As these tangents relate to the impact of this rule on science, they

reflect this Administration’s belief that Executive Orders should determine what is and is not “legitimate healthcare” and research. Justification for the anti-trans provisions includes the absurd attempt to distinguish “intended purposes like education, research, and health” from purportedly improper “gender ideology”-related purposes. Gender-related considerations do, in fact, impact education, research, and health, and ignoring it as a variable is unscientific. The proposed rule destroys a system where American scientific leadership is based on objective merit rather than politics. Directing that political appointees oversee the merit review process will harm science in America. This provision must be struck from the final rule.

Free Speech Concerns

OMB concludes without support that “[t]he proposed revisions also do not implicate free speech concerns under the First Amendment.” However, this is not the case. For example, section 200.300 (b) *Limitations on authorized use of Federal award funds* prevents agencies or pass-through entities from awarding grants that are used to promote, encourage, or facilitate DEI, accessibility, or gender policies. Likewise, revisions to section 200.218 prohibit federal agencies and pass-through entities from awarding federal funds that promote or support theories of disparate-impact liability. “Promotion”, “facilitate”, “encourage” and “support” are speech-related activities. While the government is entitled to its own viewpoint, it cannot proclaim that it “will no longer tolerate” speech it dislikes because of its “motivating ideology;” to do so would be “blatant” and “egregious” violation of the First Amendment.²³

OMB offers that it will not regulate speech beyond the scope of such programs in a manner that complies with relevant case law. However, we have the benefit of already having observed this Administration’s premature implementation of the activities described so vaguely in this rulemaking. At this very moment, the Department of Justice is pursuing an inquiry of Yale University that alleges that the University engaged in preferential treatment of minority applicants to its medical school.²⁴ Despite this allegation occurring at just one of 13 of the professional schools at Yale, the DOJ expanded its investigation into the entire school. Serendipitously, Yale was also recently included as victim of a secretive and unexplained grant freeze by the National Science Foundation – serving as just the latest example of the weaponization of the federal government against perceived enemies of its anti-DEI agenda.²⁵ Given that federal grants, in part, support indirect costs that fund academic institutions’ behind-the-scenes expenses related to research activities, and given this administration’s demonstrated willingness to creep far beyond its purported reasoning for targeting disfavored institutions, it is

²³ *Reed v. Town of Gilbert*, 576 U.S. 155, 168 (2015).

²⁴ Michael S. Schmidt, Alan Blinder, and Michael C. Bender, “Yale Seeks Trump Administration Deal as It Faces Sprawling Investigation,” *The New York Times*, June 26, 2026, accessed here: <https://www.nytimes.com/2026/06/26/us/politics/yale-trump-administration-admissions-race.html>.

²⁵ Dan Garisto, “Exclusive: NSF puts new research grants to top universities on hold,” *Nature*, May 27, 2026, accessed here: <https://www.nature.com/articles/d41586-026-01667-6>.

far more likely than not that OMB will attempt to regulate speech beyond the grant at issue and apply the regulation throughout the entity.

Furthermore, the anti-DEI policies implemented across the government since January 2025 have a high degree of vagueness. In practice they led to expansive interpretations by agencies and awardees alike. Their prophylactic language, “the maximum extent permitted by law,” does nothing to practically constrain the interpretation to the law or limit the scope of the regulations to the specific grant. The anti-DEI policies implemented thus far have inspired self-censoring by awardees, eliminating so-called “DEI”-related words and activities (despite often being encouraged, required, or authorized by federal statute) in the pursuit of maximal possible compliance. This is the broad chilling effect that all people – especially judges – fear when the government takes an expansive position on controlling lawful speech. It demonstrates how the Federal government compels an awardee to adopt a particular belief entity-wide, separate from the scientific merits of the award, as a condition of funding. “And by demanding that funding recipients adopt as their own the Government’s view on an issue of public concern, the condition by its very nature affects ‘protected conduct outside the scope of the federally funded program.’”²⁶

Lastly, even if potential awardees object to a condition on the receipt of federal funding, the assertion that it’s the proper recourse to decline the funds for another fungible financial arrangement to secure research funding would be a first amendment violation, since “‘the government may not deny a benefit to a person on a basis that infringes his constitutionally protected ... freedom of speech even if he has no entitlement to that benefit.’”²⁷ These provisions must be struck from the final rule.

Conclusion

This proposed rule is, in many ways, a mere formalization of the variety of uninformed, irresponsible, and illegal steps this Administration has taken to gut American science since President Trump’s first day in office. The proposed rule must be withdrawn. It is a deep shame that this Administration is so committed to its anti-DEI agenda that it would gladly burn down our scientific enterprise, so long as its perceived enemies burn along with it.

Sincerely,

²⁶*Agency for International Development v. Alliance for Open Society International, Inc.*, 570 U.S. 205, 217 (2013) (citing *Rust*, 500 U. S., at 197.).

²⁷*Agency for International Development*, 570 U.S. at 213 (2013); *Rumsfeld v. Forum for Academic and Institutional Rights, Inc.*, 547 U.S. 47, 59 (2006); *United States v. American Library Assn., Inc.*, 539 U. S. 194, 210 (2003) (quoting *Board of Comm’rs, Wabaunsee Cty. v. Umbehr*, 518 U. S. 668, 674 (1996)).



Zoe Lofgren
Ranking Member
Committee on Science,
Space, and Technology



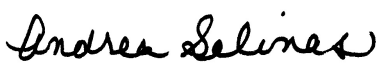
Suzanne Bonamici
Member of Congress



Haley M. Stevens
Member of Congress



Deborah K. Ross
Member of Congress



Andrea Salinas
Member of Congress



Valerie P. Foushee
Member of Congress



Gabe Amo
Member of Congress



Luz M. Rivas
Member of Congress



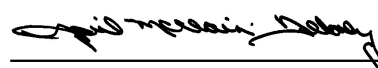
Sarah McBride
Member of Congress



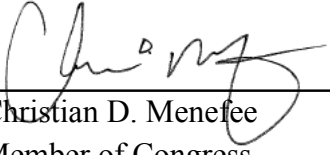
George Whitesides
Member of Congress



Laura Friedman
Member of Congress



April McClain Delaney
Member of Congress



Christian D. Menefee
Member of Congress



Bill Foster
Member of Congress