



The Institute for
Health Research & Policy
AT WHITMAN-WALKER



July 13, 2026

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

Andrew Reisig and Joel Savary
OMB Office of Federal Financial Management
725 17th Street, NW
Washington, DC 20503

Re: Comment Opposing NPRM—Regulation for Federal Financial Assistance (Docket No. OMB-2026-0034)

Dear Director Vought, Mr. Reisig, and Mr. Savary:

Campaign Legal Center (“CLC”), the Union of Concerned Scientists (“UCS”), The Institute for Health Research & Policy at Whitman-Walker (“the Institute”), and Natural Resources Defense Council (“NRDC”) submit this comment in opposition to the Office of Management and Budget’s (“the Office” or “OMB”) proposed rule, Regulation for Federal Financial Assistance (Docket No. OMB-2026-0034), which would restructure Title 2 of the Code of Federal Regulations to overhaul the federal grantmaking process, allowing political appointees to administer federal awards based on partisan alignment and other factors unrelated to the quality of the work rather than scientific merit or necessity.

CLC is a nonpartisan, nonprofit organization working to protect the political freedoms of all Americans, defend the rule of law, and preserve the checks and balances that prevent any one branch of government—or any one individual—from becoming too powerful. Consistent with that mission, CLC takes legal action against unlawful overreach and threats to the freedoms of all Americans, challenging dangerous legislation and regulations and promoting solutions that will strengthen our democracy.

UCS, an organization of more than a half-million citizens and scientists, including current and former federal agency workers, is the leading nonprofit group in the United States dedicated to putting rigorous, independent science into action for a healthier planet and a safer world. For its 57-year history, UCS has worked to promote and uphold scientific integrity in public policymaking, and it engages in all aspects of the regulatory process to further this goal.

The Institute is a not for profit organization that fosters healthier communities and advances good health for all through person-centered public health research, innovative clinical trials, and evidence-based policy solutions. The Institute envisions a society where all people are seen for who they are, treated with dignity and respect, and afforded fair opportunities for good health and well-being. The Institute is particularly active in researching and promoting policies that improve

the wellbeing of Federally Qualified Health Center (FQHC) patient populations, especially underserved populations with complex healthcare needs, particularly for LGBTQ communities and people living with HIV.

NRDC combines the power of more than 3 million members and online activists with the expertise of some 700 scientists, lawyers, and other environmental specialists to confront the climate crisis, protect the planet's wildlife and wild places, and to ensure the rights of all people to clean air, clean water, and healthy communities.

OMB's proposed rule would fundamentally alter how federal agencies administer research grants. These changes would disrupt the federal programs that have led the world's most successful scientific projects for nearly a century. If finalized, the proposed rule would give current and future political actors the ability to insert their own ideological, unscientific beliefs into research funding decisions. This would harm the scientific community, research institutions, and scientific advancement in the United States, and violate the Constitution and federal law in several ways.

First, the proposed rule would erode scientific discovery by gutting the current evidence-informed, peer review-based grantmaking process and replacing it with overtly political standards. In doing so, it would stymie scientific progress and a robust, well-rounded national scientific research portfolio by eliminating entire categories of inquiry and applying unscientific standards to others. Second, the proposed rule would violate the constitutional separation of powers by seizing spending and policymaking powers reserved to Congress. Third, the proposed rule would violate the Administrative Procedure Act because it infringes on constitutional rights, exceeds OMB's statutory authority, and is substantively arbitrary and capricious. Finally, the proposed rule would violate the First Amendment by conditioning funding on alignment with the President's viewpoints, which would create a chilling effect within the scientific community.

Taken together, OMB's proposed changes would remove the safeguards that protect scientists from political interference, erode the accuracy and independence of scientific research in the United States, and allow the executive branch to exert undue political influence over the use of federal funds. This would have negative consequences not only for marginalized communities, but also for science generally and all Americans. CLC, UCS, the Institute, and NRDC urge OMB to abandon this unlawful and misguided rule.

I. The proposed rule would erode scientific discovery and the scientific research system.

The proposed rule would replace the current federal scientific grantmaking process, which relies on peer review panels, with political appointee review based on "Gold Standard Science" and ideological Administration priorities. This subjugation of the independent peer review framework that currently governs grantmaking to politically motivated decision-making will lead to the erosion of scientific discovery in the United States and harm several dimensions of the scientific research ecosystem.

A. The proposed rule would harm scientific research by overthrowing the peer-review process.

The current federal peer review system governing research grants is not just a formality or procedural requirement; it is the mechanism by which the United States has built one of the world's

leading scientific enterprises.¹ Under this system, qualified subject-matter experts independently evaluate proposals for scientific work.² While the peer review framework is not perfect, independent evaluation remains one of the strongest and most widely recognized forms of scientific quality control and helps ensure “credibility and robustness” in scientific undertakings.³

Despite claiming to “strengthen requirements for agency merit review,”⁴ the proposed rule would overhaul this system entirely, interrupting decades of largely apolitical efforts that ensure scientific integrity and independence in federal agencies.⁵ The proposed rule would require political appointees at granting agencies to tie their decisions to “Gold Standard Science” and whether grantees “demonstrably advance the President’s policy priorities.”⁶ The proposed rule refers to “Gold Standard Science” several times throughout its text, without defining the term nor how it should be applied.⁷ The definition is apparently tied to the President’s May 2025 Executive Order 14303 “Restoring Gold Standard Science” (“Order”).⁸ And while the Order claims to be consistent with scientific values—including accountability, transparency, and peer review—it actually undermines scientific rigor and scientific progress by creating a system where political appointees are given broad discretion to designate important and common scientific activities as misconduct or defund research that is inconsistent with the Administration’s political messaging.⁹ The NPRM invokes “Gold Standard Science” to suggest a commitment to scientific integrity, but it actually reverses scientific integrity safeguards that previous administrations have implemented, with the input of experts within and outside of the federal government, to protect sound and independent science.¹⁰

OMB’s proposal goes a step further by specifying that peer review—despite being listed as a principle of Gold Standard Science in the Order—should not be determinative for grant decisions. The new Section 200.205 would require senior political appointees to conduct a

¹ Ass’n of Am. Univ., *Merit Review: Critical to America’s Scientific Leadership* (Oct. 3, 2025), <https://www.aau.edu/key-issues/merit-review-critical-americas-scientific-leadership>.

² Wiley, *What is Peer Review?*, <https://authors.wiley.com/Reviewers/journal-reviewers/what-is-peer-review/index.html> (last visited June 29, 2026).

³ Union of Concerned Scientists, *Report: Climate Science in Legal Contexts: Peer Review* (Mar. 24, 2026), <https://www.ucs.org/resources/climate-science-legal-contexts?read-online-content=1>.

⁴ Regul. for Fed. Fin. Assistance, 91 Fed. Reg. 32198, 32212 (proposed May 29, 2026).

⁵ Marcy E. Gallo, Cong. Rsch. Serv., R46614, *Federal Scientific Integrity Policies: A Primer* (2022), <https://www.congress.gov/crs-product/R46614>.

⁶ 91 Fed. Reg. 32198, 32249 (Adding the requirement that senior appointees apply the following principle when evaluating grants: “[d]iscretionary awards must, where applicable, demonstrably advance the President’s policy priorities.”)

⁷ Nor does the proposed rule instruct decision-makers on what to do when these priorities conflict. Congress, however, has regularly determined that in such an instance, science, not political priorities, should carry the day. The proposed rule would undermine that determination and subvert Congress’s appropriations authority. *See infra* Section II.

⁸ Exec. Order. No. 14303, 90 Fed. Reg. 22601 (May 29, 2025).

⁹ Gretchen Gehrke & Izzy Pacenza, *A Year in, the Trump Administration is Exercising “Gold Standard” Suppression of Science*, Union of Concerned Scientists: The Equation (June 24, 2026), <https://blog.ucs.org/science-blogger/a-year-in-the-trump-administration-is-exercising-gold-standard-suppression-of-science>.

¹⁰ Jules Barbati-Dajches, *With New Guidance, Trump Administration Deceptively Targets Scientific Integrity*, The Equation (Aug. 25, 2025), <https://blog.ucs.org/jules-barbati-dajches/with-new-guidance-trump-administration-deceptively-targets-scientific-integrity/>.

mandatory pre-issuance review of discretionary grants using their “independent judgment.”¹¹ And while the new Section 200.205(d) provides that the regulation should not be “construed to discourage or prevent the use of peer review methods to evaluate proposals for discretionary awards or otherwise inform agency decision making,” it also requires that peer review recommendations “remain advisory” and are not be “routinely deferred to.”¹² These proposed changes would interrupt the scientific review mechanisms used by the NIH, NSF, EPA, DOE, and other federal science agencies which use peer review to inform decision making.¹³ Rather than strengthening the existing merit review processes, the rule would make that process secondary to political considerations. In other words, the proposed rule would contradict the Gold Standard Science Order by codifying political control over the federal science grantmaking process.

These provisions would have real and severe consequences for scientific discovery. Scientific progress relies on reproducibility and research integrity, and peer review allows the scientific community in the United States to maintain a verified, cumulative chain of knowledge development. Political appointees do not have the expertise (and, when required to apply Gold Standard Science, do not have the necessary tools or criteria) to replace that independent, expert-driven process.

In the year the Order has been in place, it has become clear that, contrary to what OMB suggests,¹⁴ injecting political appointees who may override experts does not increase accountability.¹⁵ Instead, it results in funding research that supports preferred, pre-determined conclusions rather than advancing knowledge. If OMB’s proposed rule goes into effect, entire fields of inquiry, including those exploring climate, disease prevention, and health disparities, could be defunded because they would be held to unrealistic expectations of certainty and political convenience.¹⁶ Valid scientific information would be suppressed while unsupported findings aligned with the Administration’s political goals would be uplifted. And talented researchers would face job loss and uncertainty, promising research could be halted mid-stream, and labs could

¹¹ 91 Fed. Reg. 32198, 32249 (“When conducting a pre-issuance review, senior appointees (or their designee) must not ministerially ratify or routinely defer to the recommendations of others but must instead use their independent judgment when evaluating Federal award proposals.”).

¹² *Id.*

¹³ See 42 U.S.C. § 289a (mandating NIH peer review); 42 U.S.C. § 1862 (reaffirming NSF’s merit-based-peer review); U.S. Env’t Prot. Agency, *Peer Review Handbook* (4th ed. Oct. 2015), https://www.epa.gov/sites/default/files/2020-08/documents/epa_peer_review_handbook_4th_edition.pdf; Dep’t of Energy, Off. of Basic Energy Sci., *Peer Review Policies*, <https://science.osti.gov/bes/Funding-Opportunities/Peer-Review-Policies> (last visited June 29, 2026).

¹⁴ 91 Fed. Reg. 32198, 32199 (describing the proposed changes as necessary to ensure accountability).

¹⁵ Gretchen Goldman & Jules Barbat-Dajches, *The US Executive Order Establishing “Gold Standard Science” Does Anything But*, 389 BMJ r1173 (2025), <https://doi.org/10.1136/bmj.r1173>.

¹⁶ Jacob Carter et al., *Trump’s Gold Standard Science Is Harming US Science and Health*, 393 BMJ e555297, 1 (2026), <https://doi.org/10.1136/bmj-2026-555297> (describing impact of “gold standard science” and political interference on public health research); The Editors, Editorial, *The OMB and the Politicization of Science*, 395 N. ENGL. J. MED. 187 (June 15, 2026), <https://doi.org/10.1056/NEJMe2608017> (explaining that proposed rule will weaken biomedical research); Ella Nilsen & Andrew Freedman, *Researchers Say This New Trump Rule Could Destroy American Science as We Know It. They’re Fighting Back*, CNN (June 4, 2026), <https://www.cnn.com/2026/06/04/climate/trump-omb-funding-rule-climate-science>.

close.¹⁷ OMB's proposed rule would create permanent setbacks to the U.S. scientific community. When research is interrupted, important evidence degrades and professional development pipelines for researchers are irredeemably interrupted. These losses will be difficult to regain, even if the research regains its funding in the future. Allowing political appointees, rather than experts, to direct the future of scientific research will result in a loss of knowledge that cannot be recovered by a future Administration.

B. The proposed rule's ideological constraints would harm particular communities, such as transgender Americans.

The proposed rule would negatively impact science and evidence-based gender and health policy because it relies on an unscientific description of gender to restrict funding for certain areas of study. The NPRM specifically targets research and policy decisions for transgender Americans. OMB proposes revising Section 200.300 "to reflect key administration policies and priorities," including ending federal funding for "the promotion of "gender ideology," as defined in Executive Order 14168 (the "Gender Ideology Executive Order")¹⁸ and gender affirming care as described in Executive Order 14187 (the "Protecting Children Executive Order") (collectively referred to herein as the "Gender EOs").¹⁹ These executive orders define sex as "an individual's immutable biological classification as either male or female" and declares that there are only "two sexes, male and female."²⁰

This is out of step with science; sex is not a singular, binary, immutable trait but a cluster of traits associated with physical attributes, such as anatomy and chromosomes.²¹ And although the Administration's characterization of sex and gender are not science-based, violating these provisions (committing to using scientifically accurate language) would be disqualifying for federal grant applicants and constitute a material breach for current recipients, and could result in suspension, termination, or recovery of federal research funds.²² Through these provisions, OMB would limit the recognition of sex at birth to male and female and erase the acknowledgment of intersex, transgender, and nonbinary people from federal science.

If enacted, the rule would decimate entire categories of important research and evidence-based policy. The bar on funding research that "facilitate[s]" gender ideology is broad enough to sweep in any research that uses gender identity as a variable, surveys LGBTQ populations and uses correct pronouns to identify participants or even acknowledges the existence of intersex people. This includes gender-affirming care research, clinical and mental-health research using

¹⁷ The Editors, *The OMB and the Politicization of Science*; Melissa L. Finucane, Opinion, *Trump's Assaults on Scientific Research Just Got Worse*, N.Y. Times (June 9, 2026), <https://www.nytimes.com/2026/06/09/opinion/science-federal-government-funding.html>.

¹⁸ 91 Fed. Reg. 32198, 32215 (proposing to revise Section 200.300 to prohibit federal awards that "fund, promote, encourage, subsidize, or facilitate . . . gender ideology"); Exec. Order No. 14198, 90 Fed. Reg. 8615 (Jan. 20, 2025).

¹⁹ Exec. Order No. 14187, "Protecting Children From Chemical and Surgical Mutilation," 90 Fed. Reg. 8771 (Jan. 28, 2025).

²⁰ Exec. Order No. 14198, 90 Fed. Reg. 8615; Exec. Order No. 14187, 90 Fed. Reg. 8771.

²¹ Kiara Alfonseca, *Trump's definition of 'male,' 'female' criticized by medical and legal experts*, ABC News, (Jan. 23, 2025), <https://abcnews.com/Politics/trumps-definition-male-female-criticized-medical-legal-experts/story?id=117975718>.

²² 91 Fed. Reg. 32198, 32222.

gender identity as a variable, aging and long-term care research, and health equity research generally, many of which have already been undermined by the Administration's implementation of the Gender EOs.²³

Sexual orientation and gender identity data collection is essential to understanding the health of transgender populations, identifying disparities, and developing interventions.²⁴ Much of this data is gathered through community-led research programs.²⁵ These programs will be harmed by the proposed rule, as sexual and gender minority people will be reticent to engage in research programs that do not reflect their lived experience, demonstrably weakening the ability of researchers to recruit participants from historically underserved and marginalized groups. The proposal will significantly impair—and in some cases eliminate—the ability of researchers to study and understand disparities, build knowledge around, and develop effective policy interventions for transgender, intersex, nonbinary and other targeted populations. The Administration cannot simply erase transgender, intersex, and nonbinary individuals. Rather than redefine the scientific definition of sex and gender, the proposed rule will only ensure that these populations are further marginalized and excluded from scientifically grounded federal policy decisions.

C. The proposed rule would degrade evidence-based policy in the United States, to the detriment of all Americans.

Eliminating funding for these categories of research will in turn lead to the erosion of evidence-based policy in three ways. *First*, the proposed rule would require agencies to stop pursuing, or facilitating, evidence-based gender and health related policies if those policies could be construed as promoting or facilitating what the Administration refers to as “gender ideology,” and to stop relying on guidance from subject-matter experts in the field.²⁶ This is a particularly dire result for research addressing emerging sexual and reproductive health issues. *Second*, the proposed rule would result in policies drafted based on outdated or biased information, rather than the best available evidence. If U.S. researchers are unable to publish new studies in the areas restricted by the rule (or perceived to be restricted by the rule), policymakers will be left with increasingly stale and inaccurate data informing policy decisions. As a result, there would be an

²³ Elana Redfield & Ishani Chokshi, *Impact of the Executive Order Redefining Sex on Transgender, Nonbinary, and Intersex People*, Williams Inst. (Jan. 2025), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Sex-Definition-EO-Jan-2025.pdf>; Hansi Lo Wang, *Census Bureau stopped work on data for protecting trans rights, former director says*, NPR (Feb. 21, 2025), <https://www.npr.org/2025/02/21/nx-s1-5305265/census-lgbtq-sogi-data-robert-santos>; Lindsey Dawson & Jennifer Kates, *Overview of President Trump's Executive Actions Impacting LGBTQ+ Health*, KFF (July 3, 2026), <https://www.kff.org/lgbtq/overview-of-president-trumps-executive-actions-impacting-lgbtq-health/>; Kierra B. Jones & Sara Estep, *How the Trump Administration's DOGE Cuts Are Harming Women*, Ctr. for Am. Progress (June 9, 2025), <https://www.americanprogress.org/article/how-the-trump-administrations-doge-cuts-are-harming-women/>.

²⁴ Caroline Medina, et al., *What Do The Trump Executive Orders Mean For The Health Of Trans Americans?*, *HealthAffairs*, (Feb. 13, 2025), <https://www.healthaffairs.org/content/forefront/do-trump-executive-orders-mean-health-trans-americans>.

²⁵ Caroline Medina & Lindsay Mahowald, *Collecting Data About LGBTQI+ and Other Sexual and Gender-Diverse Communities*, Ctr. for Am. Progress (May 24, 2022), <https://www.americanprogress.org/article/collecting-data-about-lgbtqi-and-other-sexual-and-gender-diverse-communities/> (explaining that most data on LGBTQI+ populations are captured by surveys of LGBTQI+ individuals, largely conducted by academic institutions and universities, think tanks, nonprofits, and advocacy organizations).

²⁶ 91 Fed. Reg. 32198, 32215.

increasing gap between science and policy. *Third*, and finally, the proposed rule would create an information gap where there is insufficient evidence to create policies to address the needs of certain populations because the Administration has withheld funding for necessary research, and experts in health and gender policy have had their studies and jobs terminated. This will disproportionately impact sexual and gender minority researchers and the communities they serve.

The consequences are especially clear in the context of gender and health policy, since the proposed rule explicitly restricts funding for those areas of study. But the proposed rule would inevitably incite a similar cycle across a wide range of scientifically informed policy areas.

II. The proposed rule violates the separation of powers because it intrudes on Congress's power of the purse.

The proposed rule would take over funding and policymaking decisions that belong to the legislative branch and run afoul of Congress's statutory requirements. The power to spend and allocate money is exclusively reserved to the legislative branch. Const. art. I, § 9, cl. 7. The executive's role in this process is limited to administering and implementing the decisions made by Congress.²⁷ Indeed, "when it comes to spending, the President has none of his own 'constitutional powers' to 'rely' upon." *City & Cnty. of San Francisco v. Trump*, 897 F.3d 1225, 1233–34 (9th Cir. 2018). "Absent congressional authorization, the [Executive Branch] may not redistribute or withhold properly appropriated funds in order to effectuate its own policy goals." *Id.* at 1235.

Congress's "power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people." The Federalist No. 58 (James Madison). This legislative supremacy in appropriations represents a shift from a system in which the monarchy exercised "financial independence" with "little parliamentary interference"—raising and spending revenues at will—to one where Parliament controlled revenue and appropriations and successfully limited the monarchy's ability to defy that power. *Consumer Fin. Prot. Bureau v. Cmty. Fin. Servs. Ass'n of Am., Ltd.*, 601 U.S. 416, 453–57 (2024) (Alito, J., dissenting). At the core of this power is Congress's ability to designate an identifiable purpose for the expenditure of funds. *See id.* at 434. But the proposed rule hijacks congressional appropriations so that executive agencies, rather than Congress, direct the "purposes" behind federal grants. It does so by investing agencies with broad authority and discretion in evaluating the initial approval and continued allotment of federal grants. The proposed rule also expressly imposes ideological instructions for evaluating whether a program is eligible for federal grants, notwithstanding whether Congress—the appropriating authority—has seen fit to impose such requirements.

Congress's ability to make these decisions is well established for scientific funding. Even where presidents have had their own research priorities, whether those priorities received any federal funding was entirely dependent upon Congress.²⁸ And Congress has repeatedly spoken on how money should be appropriated in the sciences: based on the best available science as determined by experts in the field. *See, e.g., Pub. Health Servs. Act*, 42 U.S.C. § 299c-1 (requiring

²⁷ See Kate Stith, *Congress' Power of the Purse*, 97 Yale L.J. 1343, 1356 (1988).

²⁸ See, e.g., Erin Schumaker, *Beating cancer used to be bipartisan. What happened?*, Politico (Apr. 29, 2024), <https://www.politico.com/news/2024/04/29/congress-is-killing-bidens-cancer-moonshot-00154718>, (describing Congress's decision not to fund President Biden's request for cancer research funding under the Cures Act).

“technical and scientific peer review” for all grant applications to the Agency for Healthcare Research and Quality); *id.*, 42 U.S.C. § 290aa-3 (requiring “appropriate peer review” of all grant applications to the Substance Abuse and Mental Health Services Administration”); Endangered Species Act, 16 U.S.C. § 1536 (“In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data.”); Nat’l Env’t Pol’y Act, 42 U.S.C. § 4332 (“[A]ll agencies of the Federal Government shall . . . utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences . . . [and] ensure the professional integrity, including scientific integrity, of the discussion and analysis.”); Food Drug and Cosmetic Act, 21 U.S.C. § 355(d) (requiring evidence “consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience”). In short, Congress has set policy through its exclusive spending power, designating how money is to be spent on the sciences. It is not a decision which OMB or any executive agency has the authority to overrule.

Whatever the Executive Branch’s role is in this process, OMB’s role is even narrower. OMB, like any other federal agency, is a “creature[] of statute . . . and “possess[es] only the authority that Congress has provided.”” *Nat’l Fed’n of Indep. Bus. v. Dep’t of Lab., Occupational Safety & Health Admin.*, 595 U.S. 109, 117 (2022). By statute, OMB is narrowly authorized to “[p]rovide overall direction and leadership to the executive branch on financial management matters by establishing financial management policies and requirements.” 31 U.S.C. § 503(a)(2). Importantly, there is no mention of rulemaking authority invested in OMB under section 503, and agencies cannot exercise “binding authority affecting . . . federal programs” unless Congress confers that power. *Am. Council of Learned Societies v. Nat’l Endowment for the Humans.*, No. 25-cv-3657 (CM), 2026 WL 1256545, at *34 (S.D.N.Y. May 7, 2026) (citing *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988)). Even if OMB possessed authority to issue binding rules in some contexts, the statute relied upon by OMB falls far short of authorizing government-wide restructuring of how federal grants are distributed and what policy and ideological priorities those grants serve. Such sweeping authority should not be lightly found in a general managerial statutory provision; absent an express statutory authorization, such a change is beyond OMB’s authority. *Util. Air Regul. Grp. v. E.P.A.*, 573 U.S. 302, 324 (2014) (“When an agency claims to discover in a long-extant statute an unheralded power to regulate ‘a significant portion of the American economy,’ we typically greet its announcement with a measure of skepticism.”).

III. The proposed rule would violate the APA because the reasoning behind it is arbitrary and capricious.

The proposed rule violates the APA because the reasoning behind it is arbitrary and capricious.²⁹ *See* 5 U.S.C. § 706(2)(A). *First*, the proposed rule is inconsistent with its own stated objectives. *Ohio v. Env’t Prot. Agency*, 603 U.S. 279, 292 (2024) (holding agencies must provide “a satisfactory explanation for its action, including a rational connection between the facts found and the choice made” (citation omitted)). *Second*, the reasoning behind the proposed rule neglects consideration of significant issues relevant to the rule’s adoption, including the costs imposed on grantees and the reliance interests of grantees prior to the proposed rule. *See Motor Vehicle Mfrs.*

²⁹ For the reasons discussed in other sections of this comment, the proposed rule would also violate separate provisions of the APA because the proposed rule is contrary to constitutional rights and in excess of OMB’s statutory authority. *See supra* Section II and *infra* Section IV; *see also* 5 U.S.C. § 706(2)(B) & (C).

Ass’n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983) (“[A]n agency rule would be arbitrary and capricious if the agency . . . entirely failed to consider an important aspect of the problem[.]”).³⁰

A. The proposed rule is inconsistent with its purported objectives.

The proposed rule would not serve any of its purported objectives. The proposal identifies three primary reasons for implementing the proposed rule: (1) improving the “transparency, accountability and oversight” of federal grants, (2) establishing “a standardized framework across all Federal grantmaking agencies”³¹ bound by regulation rather than guidance, and (3) reducing grant “recipient burden” to enable grantees to “focus on timely and efficient delivery of core program purposes.”³² Instead of promoting these objectives, the proposed rule would set federal agencies and grantees back along each of these metrics.

First, the proposed rule would not improve transparency, accountability, or oversight of federal grants. Prior to the rule, well-established peer review procedures were the primary method of vetting and awarding federal grants in the sciences.³³ However, the proposed rule would expressly reduce the role of peer review to merely an “advisory” role in the process.³⁴ Instead, review would be carried out by senior political appointees.³⁵ What’s more, that review would be expressly governed by vague and malleable considerations, including whether an award would “fund, promote, encourage, subsidize, or facilitate” a range of viewpoints including “anti-American values.”³⁶ There are no proposed procedures governing this review process, such as creation of an administrative record, a written decision, or any other form of transparency. Instead of the existing, well-known, and well-considered methods of making such determinations, the rule would require applicants to navigate an opaque process with ill-defined considerations and shifting political priorities.

Second, the proposed rule would not create a predictable, uniform system for grants. Instead, it would create an unpredictable set of problems for agencies by using binding government-wide regulations to manage all federal grantmaking. This is particularly significant given that, in addition to all the general grant procedures, the proposed rule imposes express ideological constraints on the grant review process. Specifically, the proposed rule would broadly

³⁰ The APA requires agencies that use computer models to “explain the assumptions and methodology used in preparing th[os]e model[s].” *Owner-Operator Indep. Drivers Ass’n v. Fed. Motor Carrier Safety Admin.*, 494 F.3d 188, 204 (D.C. Cir. 2007) (citation modified). The APA also requires agencies to provide the public with notice of, and the opportunity to comment on, its use of models and data in proposed regulations. *Am. Radio Relay League, Inc. v. FCC*, 524 F.3d 227, 236 (D.C. Cir. 2008); *Air Transp. Ass’n of Am. v. FAA*, 169 F.3d 1, 7–8 (D.C. Cir. 1999). To the extent OMB is integrating AI models into the rulemaking process, the notice of proposed rulemaking does not disclose where the Office plans to use AI here. We request that OMB and those federal agencies implicated by the proposed rule disclose information related to any use of AI as part of this rulemaking—including to review, analyze, and respond to submitted comments—as well as provide an additional opportunity for public comment on that use.

³¹ 91 Fed. Reg. 32198, 32205.

³² 91 Fed. Reg. 32198, 32208.

³³ Melissa L. Finucane, Opinion, *Trump’s Assaults on Scientific Research Just Got Worse*, N.Y. Times (June 9, 2026), <https://www.nytimes.com/2026/06/09/opinion/science-federal-government-funding.html>.

³⁴ 91 Fed. Reg. 32198, 32249.

³⁵ 91 Fed. Reg. 32198, 32250.

³⁶ 91 Fed. Reg. 32198, 32249.

and vaguely prohibit “DEI initiatives or practices,” which includes “imposing race-conscious quotas or objectives under a variety of names, labels, or proxies; or conducting training sessions that endorse or encourage racial stereotyping and scapegoating.”³⁷ These vague prohibitions run counter to numerous statutory requirements across a range of agencies. For example, grants for the humanities are required to support programs that “foster[] mutual respect for the diverse beliefs and values of all persons and groups.” 20 U.S.C. § 951(6). Similarly, certain educational grant programs are required to serve “individuals from disadvantaged backgrounds.” 20 U.S.C. § 1070a-11(a). Imposing these ideological constraints as a government-wide rulemaking would create a myriad of contradictions and inconsistencies across agencies that are expressly required to fund grants in ways inconsistent with the proposed rule.

Third, the proposed rule would increase burdens on grant recipients. As described above, subjecting grant applications to the review of political appointees rather than experts in the field creates a process that is less transparent and less predictable, shifting the burdens of that uncertainty and complying with these opaque requirements onto applicants. In addition, the decision to expand consideration beyond the confines of the grant application to include an applicant’s “[h]istory of questionable practices” further obscures what considerations are relevant to the acceptance of grant applications.³⁸ These vague and uncertain criteria make it difficult for grant applicants to draft their applications and demonstrate compliance.

B. The proposed rule does not sufficiently consider the reliance interests of grantees.

The proposal also does not adequately consider the reliance interests of grantees who have applied for and received scientific grants for decades under the congressionally established peer-review system. For decades, federal grants for research and development—which now total around \$200 billion—have been primarily allocated by peer-review procedures; the proposed rule uproots these well-established methods.³⁹ The proposed rule also establishes novel procedures for terminating grants after they have been awarded.⁴⁰ These procedures vaguely permit the termination of a grant simply based on a determination that the termination “is in the interest of the Federal agency.”⁴¹ These termination procedures create substantial uncertainty and instability for grant recipients despite any reliance interests they may have developed after receiving a grant and implementing a program accordingly. This uncertainty can have real and immediate consequences. Serious scientific inquiry often requires long-term testing or observation, and scientific projects may extend for years or decades. Making the funding process less consistent, and less predictable, impedes this type of important science.

³⁷ 91 Fed. Reg. 32198, 32220.

³⁸ 91 Fed. Reg. 32198, 32249.

³⁹ Alexa S. Dietrich, *The Trump Administration Has Launched Its Biggest Threat Yet to Scientific Research. We Can Stop Them*, Union of Concerned Scientists: The Equation (June 3, 2026), <https://blog.ucs.org/alexa-dietrich/the-trump-administration-has-launched-its-biggest-threat-yet-to-scientific-research-we-can-stop-them/>.

⁴⁰ 91 Fed. Reg. 32198, 32258.

⁴¹ *Id.*

IV. The proposed rule would violate the First Amendment by replacing peer review with a limitless political review framework.

As discussed *supra* Section I, the proposed rule would replace peer review recommendations with a system that awards grants based on the “President’s policy priorities” and “commitment to achieving Gold Standard Science.” Under the proposed rule, agency officials could not award grants funding activities involving, among other things, “[r]acial preferences or other forms of racial discrimination”; “denial . . . of the sex binary in humans” or “any other initiatives that compromise public safety or promote anti-American values.”⁴² In addition to evaluating proposals for political compliance, the proposed rule requires federal agencies to factor in an analysis of the “risk posed by applicants.”⁴³ This includes considering, among other things, whether the applicant has a “history of questionable practices” “based on publicly available and verifiable information” or affiliations with organizations that “undermine public safety or national security.”⁴⁴ Finally, Section 200.340 of the proposed rule would expand agencies’ authority to terminate active grants “if a federal award does not effectuate program goals, Federal agency priorities, or the national interest as they exist at the time of the termination.”⁴⁵

Taken together, these changes give political actors nearly unlimited discretion over the processes of awarding and terminating grants. In so doing, they raise two separate First Amendment problems. *First*, by conditioning funding on alignment with the President’s policy priorities, the proposed rule impermissibly discriminates based on viewpoint. *Second*, because the standards are vague, discretionary, and viewpoint-based, the proposed rule will chill the scientific community in violation of the First Amendment.

A. The proposed rule would impermissibly condition funding eligibility on fealty to the President’s viewpoints.

The First Amendment prohibits the government from “us[ing] government power—including the power of the purse—‘to punish or suppress disfavored expression’ by others.” *Nat’l Pub. Radio, Inc. v. Trump*, No. 25-1674, 2026 WL 877434, at *1 (D.D.C. Mar. 31, 2026) (quoting *Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 188 (2024)); *see also Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 828–29 (1995) (“[T]he government offends the First Amendment when it imposes financial burdens on certain speakers based on the content of their expression.” (citing *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 115 (1991))). In a similar vein, 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.” *Agency for Int’l Dev. v. All. for Open Soc’y Int’l, Inc.*, 570 U.S. 205, 214 (2013) (citation modified).

The proposed rule would impermissibly condition the availability of federal grants—crucial to not only advancing scientific inquiry but also to the careers of individual scientists—on whether the supported research and researchers align with the President’s political viewpoints. It also thereby denies benefits to those who take a different position. For example, the proposed rule explicitly forbids agencies from funding research contradicting the Administration’s stated view

⁴² 91 Fed. Reg. 32198, 32249.

⁴³ 91 Fed. Reg. 32198, 32249-50.

⁴⁴ *Id.*

⁴⁵ 91 Fed. Reg. 32198, 32258.

that there are “two sexes” that are “not changeable and are grounded in fundamental and incontrovertible reality.”⁴⁶ This is classic viewpoint discrimination, and presumptively unconstitutional. *See Vullo*, 602 U.S. at 187 (“At the heart of the First Amendment’s Free Speech Clause is the recognition that viewpoint discrimination is uniquely harmful to a free and democratic society.”).

B. The proposed rule would have a chilling effect on the scientific community.

In addition to explicitly prohibiting research supporting certain viewpoints, the proposed rule would implement vague standards that could be used to deny or terminate funding for any research deemed contrary to the President’s priorities, no longer “in the national interest,”⁴⁷ or conducted by researchers affiliated with organizations perceived to “undermine public safety.”⁴⁸ Without definition of these terms, scientists are left to guess as to which topics and affiliations are not permissible and what findings could cost them their grants. As the Supreme Court has observed, vague content-based regulations can create an “obvious chilling effect on free speech,” especially when running afoul of the regulations risks serious consequences. *Reno v. Am. C.L. Union*, 521 U.S. 844, 872 (1997).

Public reporting indicates that scientists have already begun to self-censor due to the Administration’s perceived hostility to certain topics. For example, the President has frequently derided climate change as a “hoax” and efforts to mitigate it as a “scam.”⁴⁹ He has also referred to environmentalists as “terrorists.”⁵⁰ As a result, some scientists have begun avoiding the phrase “climate change” in grant proposals to federal agencies.⁵¹ The proposed rule would only intensify this chill, because there is no meaningful definition of the President’s priorities, the national interest, or public safety. Without these boundaries, the scientific community may avoid important topics and associations out of fear of risking their federal grants.

V. Conclusion

For the foregoing reasons, the proposed rule violates the Separation of Powers, APA and the First Amendment and would have deleterious effects on broad swaths of American society. It could hamper scientific research on a variety of topics deemed unsavory by the Administration, including LGBTQ+ health, as well as climate science, vaccine safety, and the disparate impacts of pollutants on different populations. In so doing, it would threaten innovation and hamper society’s ability to understand and craft policy responsive to critical public health and environmental threats. Robust, independent government-funded science is crucial to building a healthier, safer, and more

⁴⁶ Presidential Action on Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>.

⁴⁷ 91 Fed. Reg. 32198, 32258.

⁴⁸ 91 Fed. Reg. 32198, 32249-50.

⁴⁹ *US President Trump criticizes UN, NATO and climate ‘hoax’*, United Nations (Sep. 23, 2025), <https://news.un.org/en/story/2025/09/1165924>.

⁵⁰ Oliver Milman, *Trump’s Iran war and drilling push show ‘dangerous volatility’ of fossil fuel era*, The Guardian (Mar. 31, 2026), <https://www.theguardian.com/us-news/2026/mar/31/trump-iran-war-fossil-fuel-policy-environment>.

⁵¹ Kate Yoder, Ayurella Horn-Muller & Clayton Aldern, *At the National Science Foundation, ‘climate change’ is disappearing from proposals*, Gov’t Exec. (Mar. 31, 2026), <https://www.govexec.com/management/2026/03/national-science-foundation-climate-change-disappearing-proposals/412495/>.

just society for all. The proposed rule would undermine such scientific efforts, harming all Americans. OMB should abandon this unlawful effort.

For more information, please contact CLC's Legal Counsel, Alexis Grady (agrady@campaignlegalcenter.org) and Kate Hamilton (khamilton@campaignlegalcenter.org).

Sincerely,

Campaign Legal Center

Union of Concerned Scientists

The Institute for Health Research & Policy at
Whitman-Walker

Natural Resources Defense Council