



Office of Management and Budget
725 17th St., N.W.
Washington, DC 20503

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Introduction

The Foundation for Individual Rights and Expression (FIRE) submits this comment in response to the Office of Management and Budget's proposed changes to the Federal Financial Assistance Rule. Since our founding in 1999, FIRE has been a leading, nonpartisan defender of freedom of expression and academic freedom on America's college campuses.¹

Our interest in this proposed rule does not lie in our own funding. FIRE does not apply for and would not accept government funding. Rather, our interest comes from our longstanding defense of scholars and researchers' right to academic freedom, which relies on free and robust inquiry. It also comes from the fact that the research we conduct at FIRE depends on a healthy and independent scientific ecosystem.

The decades FIRE has spent defending faculty have provided us with a thorough understanding of the multitude of forces that can threaten, and in some cases prevent, scientific investigation. These threats² regularly come from university administrations investigating scholars for their research; corporations attempting to end research that they believe threatens their interest;^{3,4} and governments at the state,⁵ local, and federal level attacking institutions for employing scholars to whom they object.

It would be wrong, however, to suggest that all threats to free and independent scientific inquiry are external. All too often, the threat has come from within the

¹ In fact, between our founding in 1999 and 2022, FIRE exclusively focused on the defense of free speech and due process rights on college campuses. In 2022, FIRE expanded its mission to protect the free speech rights of all Americans, both on and off campus. But FIRE retains a special emphasis on student and faculty rights, recognizing the vital role that universities play in preserving free thought in society writ large.

² *Scholars Under Fire*, FIRE, <https://www.fire.org/research-learn/scholars-under-fire> [<https://perma.cc/4J3V-5D4S>].

³ Zach Greenberg, *University of Oklahoma censors fracking research at the request of oil company CEO*, FIRE (Nov. 28, 2017), <https://www.fire.org/news/university-oklahoma-censors-fracking-research-request-oil-company-ceo> [<https://perma.cc/L694-HQKU>].

⁴ *Sanction Attempt J. Timmons Roberts*, FIRE, <https://www.fire.org/research-learn/scholars-under-fire?range=10&orderdir=desc&orderby=year&keyword=J.+Timmons+Roberts&page=1&recordId=a6APj0000dQPsQMAW> [<https://perma.cc/KWP6-95F7>].

⁵ Zach Greenberg, *Washington State University settles wolf researcher's academic freedom claims for \$300,000*, FIRE (May 18, 2018), <https://www.fire.org/news/washington-state-university-settles-wolf-researchers-academic-freedom-claims-300000> [<https://perma.cc/9932-6YKQ>].



scientific community itself.^{6,7} This has taken many forms including scientific journals issuing non-germane political statements that damage public trust or institutional review boards stonewalling research for political reasons.⁸ However, the greatest internal threat to science at the moment is the replication crisis — when retested, massive portions of the scientific literature fail to replicate, casting significant doubt on the original findings as well as the reliability of the scientific literature on the whole.

In other words, there are serious problems within and without the academy that threaten science and demand redress. FIRE has documented and been fighting these problems for nearly thirty years, no matter the source.

But the changes to the Federal Financial Assistance Rule would worsen the problems FIRE fights. The changes suggested, in particular to § 200.340,⁹ effectively end the independence of government-funded science and threaten to accelerate many of the aforementioned threats to credible scientific research.

The rule allows a grant (and the progress on a scientific project it facilitates) to be terminated at any time if it is determined that the “termination is in the interest of the Federal agency or pass-through entity” — without any finding of misconduct. This invites political interference that at best will reduce trust in government-funded research and at worst will further poison the body of scientific knowledge. Additionally, this change only increases many of the perverse incentives that have contributed to the replication crisis. The rule requires no transparency for *why* a grant was terminated, allowing political censorship without anyone’s knowledge, let alone accountability.

We do not suggest that nothing can or should be done to address the very real problems with scientific research. But any reform worth pursuing must not invite arbitrary,

⁶ Cory J. Clark et al., *Prosocial motives underlie scientific censorship by scientists: A perspective and research agenda*, 120 PROC. NAT’L. ACAD. SCI. U.S. e2301642120 (Nov. 20, 2023), <https://www.pnas.org/doi/10.1073/pnas.2301642120> [<https://perma.cc/B8XA-QCGH>].

⁷ Sean T. Stevens, Lee Jussim & Nathan Honeycutt, *Scholarship suppression: Theoretical perspectives and emerging trends*, 10 SOCIETIES 82 (Oct. 27, 2020), <https://www.mdpi.com/2075-4698/10/4/82> [<https://perma.cc/DXC7-PR29>].

⁸ Arthur Lupia, *Political endorsements can affect scientific credibility*, NATURE (Mar. 20, 2023), <https://www.nature.com/articles/d41586-023-00799-3> [<https://perma.cc/2F2F-MS95>]; see also Lee Jussim & Nate Honeycutt, *Weaponizing the IRB 2.0*, UNSAFE SCI. (July 14, 2024), <https://unsafescience.substack.com/p/weaponizing-the-irb-20> [<https://perma.cc/7A4P-YZNN>].

⁹ 91 Fed. Reg. 32,198, 32,258 (proposed May 29, 2026) (to be codified at 2 C.F.R. pt. 200.340) (“(2) *At the discretion of the Federal agency or pass-through entity*. The Federal agency or pass-through entity, to the extent permitted by law, may terminate a Federal award in part or its entirety if the Federal agency or pass-through entity determines that a termination is in the interest of the Federal agency or pass-through entity, including 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.”).



politicized, or viewpoint-discriminatory decision-making. It certainly shouldn't worsen existing problems.

As the United States government is the nation's [largest funder of science](#), these changes to grant funding have the potential to do real harm.

Problems with politicized science

Politics has always been interested in science, even when science is not interested in politics. From Galileo to the modern day, governments and other powerful entities have supported science that affirmed their interests and tried to suppress science that challenged their interests. This phenomenon is not a left or right issue — scientific findings on COVID-19, climate, health, and environmental issues have all been under the gun — but who is holding the gun changes from administration to administration. Academic freedom was created to insulate researchers and allow them to conduct research without political interference.

The temptation to subject science to politics is, unfortunately, mutually shared by some scientists. They may misinterpret their findings because of their unconscious political biases, or even consciously distort their findings to a political end.^{10,11} They may unconsciously apply heightened scrutiny when reviewing studies that challenge their political beliefs, or they may consciously try to spike research or punish researchers who hold different beliefs. Scientific professional associations and journals have even leveraged their standing to weigh in on political controversies, severely damaging their credibility¹² with the public. Additionally, institutional review boards, the bodies at universities that review research with human subjects for potential harm, have often been used¹³ to prevent ethical research over ideological disagreement.

Those are all real problems that require addressing, but putting a political killswitch on federally funded research will not create more trustworthy science. It will instead create science that is more interested in flattering the politics of the funders than it is in scientific truth.

The proposed rule destroys scientific independence for government-funded research by allowing political actors to look over the shoulders of scientists. And as soon as they get so much as a whiff that the results do not further the President's political interests, those actors can end the research in question. It would not be unreasonable to

¹⁰ Nathan Honeycutt & Lee Jussim, *A Model of Political Bias in Social Science Research*, 31 PSYCH. INQUIRY 73 (Mar. 9, 2020), <https://www.tandfonline.com/doi/full/10.1080/1047840X.2020.1722600> [<https://perma.cc/AQP8-ASH3>].

¹¹ Nathan Honeycutt & Lee Jussim, *Political Bias in the Social Sciences: A Critical, Theoretical, and Empirical Review*, in IDEOLOGICAL AND POL. BIAS IN PSYCH. 97, (2023), https://link.springer.com/chapter/10.1007/978-3-031-29148-7_5 [<https://perma.cc/2KJK-MDE4>].

¹² Lupia, *supra* note 8.

¹³ Jussim & Honeycutt, *supra* note 8.



conclude that the results of such a scientific process were only published *because* they align with the political interests of the administration responsible for funding the research. Even properly-conducted science under this system will carry the stench of government propaganda.

People are right to be skeptical of scholarship that reaches the public after passing through a strong ideological filter. This is true whether that filter is placed there by a politically charged professional association or the government. Government investments in scientific findings that no one trusts waste taxpayers' money.

Similarly, political power often changes hands.¹⁴ It is likely that a future administration would use these very same provisions to end research funded by the previous administration, then replace the political filtration with their own, producing just another brand of untrustworthy scientific findings. This would likewise be a waste of everyone's time and taxpayers' money.

Real solutions to politicized science

Proper solutions to politicized science are those that strengthen and protect independence, not undermine it. The proposed rule changes do the opposite of this, and contribute to an already chilled atmosphere for open inquiry.

FIRE's research found that 55% of conservative faculty hide their political beliefs in an attempt to keep their jobs — three times the rate of liberal faculty.¹⁵ The truth is that when a faculty member has their academic freedom rights violated, vindicating their rights in court is a long and expensive process, often due to institutions relying on vague promises of academic freedom in their policies. OMB could, through its grant agreements, require a strong, contractual promise of academic freedom. Such a contract right would make an institution think twice before firing an academic for unpopular research or conclusions, and would allow the faculty member to more quickly and cheaply win in court if it came to it.

Secondly, when peer review politically censors good science, it typically happens where no one can see. Some journals are experimenting with innovative practices to reform peer review, such as open peer review practices that publish the reviews, and the names of the reviewers, alongside the final scholarship.¹⁶ OMB could create, fund, or incentivize publication in journals that use transparent practices.

¹⁴ Anna Krylov et al., *Whiplash: Politicization and Counter-Politicization in Research Funding*, PERSP. IN BIOLOGY AND MEDICINE (forthcoming 2026), <https://muse.jhu.edu/pub/1/article/995379/> [<https://perma.cc/7ZEJ-3ZB9>].

¹⁵ *Silence in the Classroom: The 2024 FIRE Faculty Survey Report*, FIRE (Dec. 12, 2024), <https://www.fire.org/facultyreport> [<https://perma.cc/266E-FDK5>].

¹⁶ FIRE funded the startup of such a journal, the *Journal of Open Inquiry in the Behavioral Sciences*. See J. OPEN INQUIRY BEHAV. SCI., <https://joibs.org/> [<https://perma.cc/D63M-JS8P>].



OMB could fight the abuse of IRBs by requiring that human subject research only be reviewed using the standards laid out in the gold-standard [Belmont Report](#).

These reforms, like those aimed at ending the perverse incentives that contributed to the replication crisis, could make a real difference improving research and academic freedom at America's colleges and universities.

Incentives behind replication crisis

The scientific method — the cycle of hypothesis, experimentation, analysis, conclusion, and replication — is humanity's best means of understanding the world, and it is responsible for much of the remarkable technological and economic advancement that has occurred since the Enlightenment.

The scientific method is a necessary but insufficient condition for the systematic production of credible science. Science also needs:

- Material investments necessary to conduct research;
- Incentives to do reliable research;
- Incentives to publish results whether or not the experiment found what it was looking for;
- Incentives to find and weed out bad research.

Science, like politics and markets, operates best under competition that incentivizes positive behaviors. In an ideal world, it should play out thus: Universities, governments, corporations, or individuals invest in promising science; those who do trustworthy research are rewarded with money and prestige; journals, wanting to be seen as prestigious and trustworthy, aggressively vet research before publishing; other scientists conduct replication studies to confirm or disconfirm the previous experiments; and because the results will be published whether the experiment is successful or not, the body of scientific knowledge has the benefit of knowing what has worked, and, just as importantly, what hasn't.

Reality has not worked out so cleanly, and a number of distortions have warped the incentives of the scientific economy. The first is that the journals,¹⁷ grantmakers,¹⁸ and universities disproportionately reward positive results over null results and prefer results that are splashy, sensational, or captivate the public.¹⁹ This incentivizes

¹⁷ Fujian Song et al., *Extent of publication bias in different categories of research cohorts: a meta-analysis of empirical studies*, 9 BMC MEDICAL RSCH. METHODOLOGY 79 (Nov. 26, 2009), <https://link.springer.com/article/10.1186/1471-2288-9-79> [<https://perma.cc/4PR3-K4M2>].

¹⁸ Scott Lilienfeld, *Psychology's Replication Crisis and the Grant Culture: Righting the Ship*, 12 PERSP. ON PSYCH. SCI. 660 (July 2017), <https://pubmed.ncbi.nlm.nih.gov/28727961/> [<https://perma.cc/HK7C-Q7M7>].

¹⁹ See e.g., *Editorial criteria and processes*, NATURE, <https://www.nature.com/nature/for-authors/editorial-criteria-and-processes> [<https://perma.cc/PR22-NMRL>] ("The criteria for a paper to be sent for peer-review are that the results seem novel, arresting (illuminating, unexpected or surprising),



scientists to choose riskier experimental designs, and to exaggerate or invent results when the experiment is complete.

Conversely, the incentives to replicate or poke holes in published studies are not nearly strong enough. There is not enough demand from journals to publish experiments with null or uninteresting results, and there is not enough demand from journals or funders to replicate existing scientific studies.

And while journal reviewers and editors are meant to ensure that studies are methodologically sound, there is often a large asymmetry where it is much easier to invent or distort data than it is for reviewers to discover that distortion.²⁰ Additionally, if the underlying data is not made public — as it often isn't — once it has passed peer review, there may be no way to detect the fraud at all.

Those who publish sensational results receive grants and job offers. When the difference between publishing exaggerated results or a null result is the difference between career advancement and unemployment, the dishonest researcher is behaving rationally, and the candid researcher is honest to his own detriment.

The result of this confluence of incentives has led to an enormous number of studies that, when checked, fail to replicate.^{21,22,23} This is the replication crisis, and *crisis* is not an understatement.²⁴

Consider, then, the incentive created when, per the change to § 200.340, the government can put an end to a project because political officials do not like preliminary results, or because their interests have suddenly changed. The rational scientist in this situation would choose a project that he is sure would end in a result intended by the funder (thus disincentivizing innovative or prospective work), or he would choose to distort his results and create yet another faulty, irreproducible study to fester in our body of knowledge.

and that the work described has both immediate and far-reaching implications. The initial judgement is not a reflection on the technical validity of the work described, or on its importance to people in the same field.”).

²⁰ Serge P.J.M. Horbach & Willem Halffman, *The ability of different peer review procedures to flag problematic publications*, 118 SCIENTOMETRICS 339 (Nov. 29, 2018), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6404393/> [<https://perma.cc/J9XC-JNN8>].

²¹ Monya Baker, *1,500 scientists lift the lid on reproducibility*, 533 NATURE 452 (May 25, 2016), <https://www.nature.com/articles/533452a> [<https://perma.cc/A6W4-Y5SE>].

²² Andrew Tyner et al., *Investigating the replicability of the social and behavioural sciences*, 652 NATURE 143 (Apr. 1, 2026), <https://www.nature.com/articles/s41586-025-10078-y> [<https://perma.cc/3KUQ-EM5Z>].

²³ Open Science Collaboration, *Estimating the reproducibility of psychological science*, 349 SCI. aac4716 (Aug. 28, 2015), <https://www.science.org/doi/10.1126/science.aac4716> [<https://perma.cc/D5FN-9DRK>].

²⁴ National Institutes of Health Director Jay Bhattacharya has spoken on the problem at length. See Jay Bhattacharya, *Launching a Second Scientific Revolution*, 55 IMPRIMIS 5 (May, 2026), <https://imprimis.hillsdale.edu/launching-a-second-scientific-revolution/> [<https://perma.cc/J37P-JB49>].



Either choice is a waste of the investment made in his work by the federal government and the American taxpayer.

Real solutions to the incentive problems

Given its enormous influence and grantmaking capacity, there are a number of meaningful changes that could address these perverse incentives that the OMB could further along.

The first would be to invest in study replication, directly through grants or indirectly through the creation of journals that offer fora for replications and null results. This not only increases the incentive that is currently lacking to shore up weak science, but also decreases the incentive to distort, exaggerate, or invent results, since replication studies are more likely to find their flaws. Director of the National Institutes for Health Jay Bhattacharya has suggested just this course of action.²⁵

OMB could also encourage granted projects to adhere to open science principles and make data resulting from grant-funded research available to the public. This could ensure that weak studies and data fraud have more opportunities for detection beyond their initial peer review. Greater transparency will be a boon on many levels.

These reforms alone could transform the landscape and make a real dent in the replication crisis — but they are not the only actions that could. Innovation is needed here, but any solution from the government must be mindful of the incentives that got us here. Unfortunately, the system proposed in this rule is poised to only make things worse.

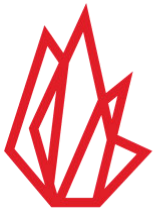
Thank you for your consideration of FIRE's commentary and suggestions on this important issue. If OMB has any questions, please do not hesitate to contact us.

Sincerely submitted,

Greg Lukianoff

President and CEO, Foundation for Individual Rights and Expression

²⁵ Jay Bhattacharya, *A Plan to Restore Trust in Science From a 'Fringe Epidemiologist'*, N.Y. TIMES (Jan. 29, 2026), <https://www.nytimes.com/2026/01/29/opinion/jay-bhattacharya-public-health-covid-trust.html> [<https://perma.cc/JQZ2-4ZGH>].



FIRE

Foundation for Individual
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A handwritten signature in black ink that reads "Ryne Weiss".

Ryne Weiss

Director of Research, Foundation for Individual Rights and Expression