



July 13, 2026

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

Submitted electronically via www.regulations.gov

**Re: Prime Mover Institute's Comment on the Proposed Rule Entitled:
Regulation for Federal Financial Assistance, 91 Fed. Reg. 32,198 (May
29, 2026), Docket No. OMB-2026-0034, RIN 0348-AB88**

Dear Mr. Reisig and Mr. Savary:

Prime Mover Institute submits these comments on the Office of Management and Budget's ("OMB" or "the Agency") proposed rule, Regulation for Federal Financial Assistance, 91 Fed. Reg. 32,198 (May 29, 2026) ("Proposed Rule").

The Prime Mover Institute is a new public interest organization dedicated to advancing energy dominance in America. We work with coalition partners to engage in rulemaking processes with technical information and legal arguments, calling attention to the impacts regulation has on citizens, the grid, and the rule of law.

America stands at a crossroads. A legacy of bad policy and worse ideas threatens the nation with blackouts and bill hikes, right as demand for energy rises. In order for America to scale up its energy production and avoid the worst-case scenarios, we cannot cling to the policies and procedures that got us here. Fortunately, both policymakers and the private sector realize the need for dramatic change. And courts have begun to look more skeptically at accretions of arbitrary power, accretions that government officials used to thwart energy production and use. This points the way to a future of streamlined regulation, taxpayer savings, and cheaper, more abundant energy for all.

The main obstacle to energy dominance is what Robert Bryce calls the "anti-industry industry," the non-profits and lawyers dedicated to defending the status

quo. These groups have used litigation, regulatory comments, and intimidation to forestall change. They will no doubt keep at it. But, despite their vast funding, they will not be able to maintain a policy regime that's so far out of touch with the American public and their elected representatives. So long, that is, that the advocates of energy dominance show up to defend their ideas.

In the words of Vaclav Smil, "prime movers are energy converters able to produce kinetic (mechanical) energy in forms suitable for human uses." In the same way, Prime Mover Institute helps convert insight into action.

Thank you for the opportunity to comment.

Respectfully submitted,

/Russell Greene/
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Managing Director
Prime Mover Institute

TABLE OF CONTENTS

1. INTRODUCTION AND INTEREST OF PRIME MOVER INSTITUTE ...	4
2. SUMMARY OF ARGUMENT	5
3. STATUTORY AND REGULATORY BACKGROUND	6
3.1. The Uniform Guidance and the proposed overhaul of merit review	6
3.2. Gold Standard Science is defined outside the regulation.....	6
3.3. The Uniform Guidance’s “must” and “should” convention	7
4. COMMENTS OF PRIME MOVER INSTITUTE	8
4.1. The proposed rule is right to strengthen merit review and to reward rigor over prestige	8
4.2. Gold Standard Science is merely recommended and defined only in guidance that any administration can change	8
4.3. OMB should move Gold Standard Science into the regulation and make it definite, mandatory, evenhanded, and durable	10
4.3.1. Define Gold Standard Science in the regulation, in terms that fit field research as well as laboratory research	10
4.3.2. Convert the science-quality and anti-incumbency principles from recommendations into requirements	11
4.3.3. Require agencies to record a written basis when the standard drives a decision, and to apply it evenhandedly regardless of the research’s policy valence	12
4.3.4. Reach the reviewer conflicts of interest — financial and intellectual — through which incumbency perpetuates itself	13
4.3.5. Make verification work fundable and protect an award’s science standard against retroactive change	13
5. CONCLUSION	14

1. INTRODUCTION AND INTEREST OF PRIME MOVER INSTITUTE

Prime Mover Institute has a substantial interest in the lawful and durable administration of federal research funding, and in ensuring that the standards by which the government evaluates and awards scientific grants are written down, applied evenhandedly, and able to withstand a change in administration.

Prime Mover Institute supports the administration's broader effort to restore rigor, accountability, and merit to federal science funding, and it offers these comments in that spirit — in support of the Proposed Rule, and of proposed § 200.205 in particular. OMB has correctly diagnosed the problems that afflict federal science funding — capture by incumbent institutions, prestige used as a proxy for rigor, and evaluative judgments made without written criteria — and § 200.205 confronts each of them. These comments make a single, focused contribution to the record: they show how OMB can secure that reform against erosion by moving the section's central science-quality commitments out of revocable guidance and into the regulation itself, and by giving them mandatory force. The comment addresses only the science-quality provisions of § 200.205 and takes no position on the other elements of paragraph (b).

2. SUMMARY OF ARGUMENT

OMB has the diagnosis right. Federal science funding is too often captured by incumbent institutions, prestige is treated as a proxy for rigor, and evaluative judgments are made without written criteria. Proposed § 200.205 confronts each of those problems, and Prime Mover Institute supports these changes.

The section's most important science-quality commitments, however, are written as recommendations and left undefined, so their content sits outside the regulation in revocable guidance. A standard built that way lasts only as long as the executive order and guidance that supply its content, and binds only the agencies that choose to follow it. The remedy is to move the standard into the regulatory text and give it mandatory force — to secure in regulation the very reform the administration has set out to achieve.

Prime Mover Institute respectfully requests that OMB finalize § 200.205 with the following revisions. *First*, OMB should define Gold Standard Science in the regulation itself, in terms that fit observational and field research as well as laboratory research.

Second, OMB should convert the science-quality and anti-incumbency principles from recommendations (“should”) into requirements (“must”), as it has already proposed to do for the executive-summary word limit elsewhere in this rule.

Third, OMB should require a short written basis where the Gold Standard Science criteria materially affect an award decision, and should require agencies to apply those criteria evenhandedly, without regard to the policy valence of the research.

Fourth, OMB should reach the reviewer conflicts of interest — financial and material intellectual — through which incumbency perpetuates itself.

Fifth, OMB should confirm that verification work is fundable, and protect an award's science standard against retroactive change.

Each request keeps OMB's design intact, and together they convert a strong reform into a durable one.

3. STATUTORY AND REGULATORY BACKGROUND

3.1. The Uniform Guidance and the proposed overhaul of merit review

OMB’s proposed “Regulation for Federal Financial Assistance” is the most extensive revision of the government-wide grants rulebook — the Uniform Guidance at title 2 of the Code of Federal Regulations — in more than a decade. 91 Fed. Reg. 32,198 (May 29, 2026) (Docket OMB-2026-0034). This comment addresses one section of that rewrite: proposed § 200.205, “Federal agency merit review of proposals,” which the rule revises to strengthen agency merit review and to create a new pre-issuance review process. See 91 Fed. Reg. at 32,212.

Proposed § 200.205 has five parts. Paragraph (a) requires each agency to run a merit review process and defines merit review as “an objective process of evaluating Federal award applications in accordance with the written standards of the Federal agency.” *Id.* at 32,249. Paragraph (b) creates the pre-issuance review: agency heads must designate one or more senior appointees who “must, as relevant and to the extent consistent with applicable law, apply the following principles” when reviewing award proposals — a list that runs from the President’s policy priorities (b)(1) and a set of prohibited funding purposes (b)(2) through a series of science-quality and anti-incumbency principles (b)(4)–(7). *Id.* Paragraph (c) directs those appointees to exercise “independent judgment” rather than ministerially ratifying others’ recommendations. *Id.* Paragraph (d) provides that peer review may continue but that peer-review recommendations “remain advisory.” *Id.* Paragraph (e) confirms that an agency need not issue an award merely because it published a funding opportunity. *Id.* at 32,249.

3.2. Gold Standard Science is defined outside the regulation

Three of paragraph (b)’s principles turn on a term the regulation does not define. Proposed § 200.205(b)(5), (b)(6), and (b)(7) each invoke “Gold Standard Science,” and (b)(5) directs applicants to comply with “administration policies, procedures, and guidance respecting Gold Standard Science.” *Id.* at 32,249. The content of that standard lives outside the regulation, in the Executive Orders the rule implements: Executive Order 14332 of August 7, 2025, which established the pre-issuance review this section codifies, and Executive Order 14303 of May 23, 2025, “Restoring Gold Standard Science,” which enumerates the standard’s tenets — transparency, reproducibility, disclosure of error and uncertainty, falsifiability, conflict-of-interest management, and the like. It lives, too, in the guidance issued under those orders. The Office of Science and Technology Policy’s implementing memorandum directs that “Federal agencies shall implement Gold Standard Science tenets in all agency-managed scientific activities, including both intramural and extramural research, from the selection

phase throughout closeout.” OSTP, Agency Guidance for Implementing Gold Standard Science in the Conduct and Management of Scientific Activities (June 23, 2025). Because that content is fixed by executive order and guidance rather than by regulation, it can be revised or revoked at will.

3.3. The Uniform Guidance’s “must” and “should” convention

One drafting convention frames the analysis that follows. The Uniform Guidance states, in a provision this rulemaking does not amend, that “the word ‘must’ indicates a requirement” while “[t]he words ‘should’ or ‘may’ indicate a recommended approach and permit discretion.” 2 C.F.R. § 200.101(a)(3). OMB uses those words deliberately throughout § 200.205.

4. COMMENTS OF PRIME MOVER INSTITUTE

4.1. The proposed rule is right to strengthen merit review and to reward rigor over prestige

Prime Mover Institute offers these comments respectfully, to help strengthen the rule, and begins where it agrees: proposed § 200.205 gets the fundamentals right. It defines merit review as “an objective process of evaluating Federal award applications in accordance with the written standards of the Federal agency.” 91 Fed. Reg. at 32,249. Objectivity and written standards are the foundation of everything this comment asks for, because OMB has already committed itself to the principle that award decisions should turn on criteria that exist on paper before the decision is made.

The proposed rule also identifies incumbency capture as a problem worth solving. It directs that discretionary awards “should be given to a broad range of recipients,” with research grants awarded to a mix of recipients likely to produce immediately demonstrable results and recipients with potential for longer-term, breakthrough results, consistent with the funding opportunity. § 200.205(b)(4). And it directs agencies to “prioritize an institution’s commitment to rigorous, reproducible scholarship over its historical reputation or perceived prestige.” § 200.205(b)(7). These principles capture the core insight of a serious merit-review regime: past receipt of federal funds does not establish present scientific quality, and prestige does not establish rigor.

The proposed rule also keeps peer review in its proper place, as advisory input that agencies may use while senior appointees exercise “independent judgment.” § 200.205(c), (d). The pre-issuance review structure — senior appointees, personally accountable, applying stated principles — improves accountability over diffuse, anonymous decision-making. This comment does not ask OMB to weaken that structure in any respect. It asks only that OMB carry its own commitment to objective, written standards through to the one place in the section where Gold Standard Science is left neither.

4.2. Gold Standard Science is merely recommended and defined only in guidance that any administration can change

The direction of § 200.205 is sound; its science-quality commitments are simply drafted so that a future administration can weaken them without amending the rule. First, paragraph (b) itself distinguishes mandatory principles from recommended ones, and it places every science-quality principle on the recommended side of that line. It provides that discretionary awards “must, where applicable, demonstrably advance the President’s policy priorities,” § 200.205(b)(1), and “must not be used to fund, promote, encourage, subsidize, or

facilitate” the enumerated purposes, § 200.205(b)(2). The science-quality and anti-incumbency principles that follow are written as “should”: awards “should be given to a broad range of recipients” (b)(4); applicants “should commit” to Gold Standard Science compliance (b)(5); awards “should include benchmarks” and a Gold Standard Science commitment (b)(6); and agencies “should prioritize” rigor over prestige (b)(7). 91 Fed. Reg. at 32,249. Under the Uniform Guidance’s own convention, that difference carries meaning: “the word ‘must’ indicates a requirement,” while “should” and “may” “indicate a recommended approach and permit discretion.” 2 C.F.R. § 200.101(a)(3). OMB applies that convention elsewhere in this very rulemaking — in revising § 200.204, it “proposes to revise the existing best practice that executive summaries should not exceed 500 words” and “proposes to make this a requirement,” subject to agency-head exceptions. 91 Fed. Reg. at 32,212. In OMB’s usage, a “should” is a best practice, and converting it to a requirement is a deliberate step OMB has taken elsewhere in the rule but not here.

The introductory instruction of paragraph (b) does not close this gap. It provides that senior appointees “must, as relevant and to the extent consistent with applicable law, apply the following principles.” A duty to apply a principle whose own verb “permit[s] discretion,” 2 C.F.R. § 200.101(a)(3), is a duty to consider a recommendation — an appointee who considers the broad-recipient principle and sets it aside has complied. The instruction makes applying the principles mandatory; it does not make their content binding when the content is written as a recommendation. Had that instruction made every principle binding, there would have been no reason to write “must” into (b)(1) and “must not” into (b)(2); the varied verbs within the list show that the individual verbs, and not the opening instruction, carry the binding force. The science-quality principles OMB describes as central to the reform thus remain recommendations a reviewing official may set aside.

Second, the regulatory text never says what Gold Standard Science means. As the Background notes, the term appears in (b)(5)–(7) but is defined only in “administration policies, procedures, and guidance,” § 200.205(b)(5) — that is, in Executive Order 14303 and its implementing guidance, which are revocable at will. So long as the standard’s content lives in guidance, it changes whenever the guidance changes.

Indeed, that implementing guidance already imposes as mandatory several of the very practices this comment asks OMB to secure. The Office of Science and Technology Policy’s Gold Standard Science memorandum directs that agencies “shall require disclosure of all relevant conflicts of interest by researchers, reviewers, and agency officials” and that they “shall fund replication studies and statistical validation methods.” OSTP, Agency Guidance for Implementing Gold

Standard Science in the Conduct and Management of Scientific Activities (June 23, 2025). Those are real commitments — but they bind only by guidance, and guidance is revoked as easily as it is issued. That is precisely the fragility this comment asks OMB to cure.

Third, an undefined quality label invites selective application, the consequence that should weigh most on the rule’s supporters. A standard with no written criteria and no documentation requirement can be applied stringently to disfavored applicants and waived for favored ones, by any administration in either direction. Whatever officials hold the pen, “not Gold Standard Science” becomes a conclusion in search of criteria — the kind of unwritten evaluative practice that § 200.205(a)’s own definition of merit review is written to rule out. The standard OMB has chosen is a sound one. It simply does too much work to remain outside the regulation.

4.3. OMB should move Gold Standard Science into the regulation and make it definite, mandatory, evenhanded, and durable

Five revisions would accomplish this. Each keeps OMB’s design intact.

4.3.1. Define Gold Standard Science in the regulation, in terms that fit field research as well as laboratory research

OMB should place the definition of Gold Standard Science in the regulatory text itself. Executive Order 14303 already enumerates the tenets, and the practices they describe — transparent methods, disclosed uncertainty, replication, honest conflict management — command broad assent across the scientific community, whatever one thinks of any particular executive order. A codified definition should capture those practices, qualified so that each applies as suits the field and method at issue, because no single criterion fits every discipline. That qualification is workable alongside the written-basis requirement in Section 4.3.3: when the criteria affect an outcome, the agency states in writing which applied, which did not, and why, so the field-and-method judgments are made on paper. Codifying the definition constrains no administration’s choice of what to fund; it governs only the quality practices the funded work must observe. An administration remains free to direct research dollars to its priorities, and it simply cannot apply or withhold the “gold standard” label without reference to written criteria. If Gold Standard Science means what Executive Order 14303 says it means, writing those tenets into § 200.205 changes no outcome the administration intends and forecloses only the future misuse of the label.

The definition should also fit the research the federal government most often funds in the energy and infrastructure fields, which cannot be rerun in a

laboratory. Grid-disturbance events, geologic characterization, siting and demonstration projects, atmospheric and hydrologic observation, and one-time field campaigns study phenomena that occur once, at scale, in the world. A reproducibility standard written with only bench science in mind would make such work either categorically non-compliant or compliant only by the agency's grace. OMB should therefore provide that, where research involves observational, field-based, infrastructure, grid, geologic, or one-time event data, agencies apply substitute rigor criteria — transparency and auditability of data and methods, data provenance, sensitivity analysis, uncertainty disclosure, independent validation, or replicability of analytic methods — and identify those criteria in advance in the funding opportunity. Criteria fixed before the applicants are known cannot be reverse-engineered around any of them, and naming the substitutes in advance is more demanding than a laboratory-reproducibility test the agency silently excuses. A rule that treats laboratory reproducibility as the only mark of rigor would underserve the applied science federal agencies most often need.

4.3.2. Convert the science-quality and anti-incumbency principles from recommendations into requirements

The science-quality principles at the heart of the reform should carry the same force as the priorities principle in (b)(1) — the “should” provisions should become requirements, in the Uniform Guidance's own vocabulary and by the same conversion OMB has already proposed for executive-summary word limits. Specifically, agencies should be required to consider a broad range of recipients, including applicants without a history of federal awards, and, for research grants, to consider a mix of near-term and breakthrough-potential research where relevant to the funding opportunity (b)(4); science awards should be required to include the applicable Gold Standard Science benchmarks where science quality is material to the award's purpose, consistent with proposed § 200.202(a), which (b)(6) already cross-references; and agencies should be barred from treating an institution's historical reputation or perceived prestige as a substitute for demonstrated rigor (b)(7).

The (b)(5)–(6) conversion assumes the definition requested in Section 4.3.1: if the standard's content were to remain in revocable guidance rather than regulatory text, OMB should not make those provisions mandatory in their current form, because a binding obligation to follow a moving target would be worse than an advisory one. These conversions strengthen OMB's stated design. The preamble says the revisions “strengthen requirements for agency merit review,” 91 Fed. Reg. at 32,212, and under the Uniform Guidance's own convention a “should” is not yet a requirement. If the anti-incumbency principles remain recommendations while the priorities principle binds, agencies will follow the binding instruction and economize on the advisory ones.

4.3.3. Require agencies to record a written basis when the standard drives a decision, and to apply it evenhandedly regardless of the research’s policy valence

Prime Mover Institute also respectfully urges OMB to consider including a short written-basis requirement. When Gold Standard Science criteria materially affect the selection or non-selection of an applicant, or the benchmarks or conditions of an award, the agency should identify in writing the criteria applied and the basis for its determination. Such a requirement creates no entitlement to funding or to any level of review — proposed § 200.205(d) already provides that “nothing in this part must be construed to create any rights to any particular level of review or consideration for any funding applicant except as consistent with applicable law,” and nothing here disturbs that clause. Nor does it slow the process, because an agency applying real criteria has already done the work the writing memorializes. The requirement makes the standard administrable, because programs know what the record must show; it gives applicants notice of the actual bar; it encourages thoughtful invocation of the criteria and helps ensure the administration’s science policy is faithfully applied; and it protects the rule itself, because a documented practice of criteria-based application is the best evidence, in any future controversy, that Gold Standard Science is a quality standard and not a political label. The device is already native to the rule: proposed § 200.205(c) requires “independent judgment,” and a short written basis is what independent judgment looks like on paper. Where an appointee departs from peer-review recommendations on Gold Standard Science grounds and the departure determines the outcome, it should carry the same short written basis, preserving § 200.205(d)’s core command while ensuring the deciding official’s science-quality rationale is stated.

The standard should also apply evenhandedly. OMB should require agencies to apply Gold Standard Science criteria uniformly to similarly situated applicants and awards, without regard to the policy implications of the research at issue. That requirement is fully compatible with § 200.205(b)(1): the priorities principle governs which research an administration funds, a question this comment does not contest, while the uniformity requirement governs only how quality is judged once the priority is set. Its value is clearest looking forward. A later administration with different priorities — one inclined, say, to favor offshore wind over geothermal — could fund according to those priorities, as elections allow, but it could not relax the standard of rigor for the research it preferred. The criteria would bind it exactly as they bind the present administration. Uniform application answers, in advance, the objection the rule’s critics will raise — that Gold Standard Science could become a device for disqualifying disfavored research — and it protects research on every side of every scientific controversy, so that industry-funded

work, agency-inconvenient findings, and non-incumbent institutions all receive the same review.

4.3.4. Reach the reviewer conflicts of interest — financial and intellectual — through which incumbency perpetuates itself

The rule's concern with incumbency and prestige has a natural corollary in how proposals are reviewed. Merit review draws its reviewers from the same expert communities that compete for federal awards, and it is there that incumbency exerts its strongest pull: a small community that evaluates proposals competing with, extending, or contradicting its own work is the mechanism by which prestige perpetuates itself. Honest conflict management is already a tenet of the administration's Gold Standard Science initiative, and the implementing guidance already makes it mandatory: agencies "shall require disclosure of all relevant conflicts of interest by researchers, reviewers, and agency officials involved in the funding or performance of Federal research." OSTP, Agency Guidance for Implementing Gold Standard Science in the Conduct and Management of Scientific Activities (June 23, 2025). OMB should give that reviewer-side commitment durable, regulatory form and make clear that it reaches intellectual as well as financial conflicts. A conflict-of-interest rule that reaches only reviewers' financial interests is too narrow to address how incumbency actually operates.

The limiting principles belong in the text. Holding a scientific view is not a conflict; every competent researcher holds views, and a rule treating published positions as disqualifying would be its own instrument of viewpoint screening. Working in the field is not a conflict either; reviewers are drawn from the discipline by design, and a stake defined at field level would empty every panel. The rule should reach only a reviewer's direct and particularized stake in the outcome — as where a proposal's success would refute the reviewer's own published work — managed the way a financial stake already is, through disclosure and, where warranted, recusal or panel balancing.

4.3.5. Make verification work fundable and protect an award's science standard against retroactive change

A rigorous standard depends on verification work, so OMB should confirm that such work may be funded. The administration's own guidance already directs it: OSTP's Gold Standard Science memorandum provides that agencies "shall fund replication studies and statistical validation methods, such as sensitivity or uncertainty analyses," and it treats acceptance of negative results as a tenet of sound science. OSTP, Agency Guidance for Implementing Gold Standard Science in the Conduct and Management of Scientific Activities (June 23, 2025). OMB should give that direction durable form by confirming, in § 200.205 or its

guidance, that replication studies, validation and reproducibility work, sensitivity analysis, data curation, and publication of negative or null results are permissible and creditable award activities where consistent with the program statute and the funding opportunity. Regulatory text is the better home, for the reason given in Section 4.2. The clarification directs no dollars, mandates no program design, and creates no entitlement; it removes only the doubt that these activities may be funded at all. Under this rule, verification is the work the standard calls for, and agencies should be free to fund it.

An award's science standard should also be protected against retroactive change. The scientific-quality criteria used to select an award, and the binding benchmarks written into its terms, should not be altered retroactively — except as required by law, as the existing award terms already authorize, as necessary to address research integrity or safety, or by an amendment the recipient accepts. Revised criteria may of course apply prospectively — to renewals, continuations, supplements, or new competitions — so long as they are disclosed in advance. That protection preserves the predictability applicants rely on when they commit to multi-year work, without freezing an agency's ability to improve its scientific administration or to act where law or safety requires. It is especially valuable in the energy portfolio, where grid, nuclear, geologic, and demonstration-scale awards run for years and applicants invest against the standard set at the outset; it sits naturally alongside § 200.211's award-term requirements.

5. CONCLUSION

This is the largest revision of the federal grants rulebook in more than a decade, and § 200.205 is its intellectual center. OMB has correctly diagnosed the problem — incumbency, prestige-proxying, and unwritten evaluative practice — and has proposed a sound response. The revisions above are offered to help that response last. Executive orders lapse and guidance moves, but a standard written into § 200.205 as objective, uniformly applied, field-compatible criteria will continue to discipline federal science funding across administrations, including administrations with very different priorities. Codification is what gives the administration's science-integrity policy that staying power — the one durability that guidance alone cannot supply. Prime Mover Institute urges OMB to finalize § 200.205 with the revisions requested above.