May 9, 2025

Mr. Russell Vought
Director
White House Office of Management & Budget
725 17th Street NW
Washington, DC 20503

Re: Request for Information (RFI) on Deregulation

Dear Mr. Vought,

On behalf of the Association of Public and Land-grant Universities (APLU) and the Association of American Universities (AAU), we appreciate the opportunity to respond to the Office of Management and Budget's (OMB) RFI on Deregulation. The Association of Public and Land-grant Universities (APLU) is a membership organization of more than 230 public research universities and systems in all 50 states. The Association of American Universities (AAU) is an association representing 69 U.S. leading research universities.

We appreciate the opportunity to comment on the regulatory burden faced by the nation's researchers and academic institutions. The following response focuses on the unique role that research universities play in ensuring American dominance in innovation, and how those efforts can be made more efficient for taxpayer benefit. APLU and AAU also support the recommendations presented in the letters sent by COGR and American Council on Education (ACE) responding to this RFI.

As discussed in further detail below, we recommend several areas to simplify federal regulations to increase efficiency of the U.S. scientific enterprise and reduce unnecessary regulatory burdens on university researchers.

1. Eliminate inconsistencies in both definitions and actions across the federal research agencies.
2. Eliminate duplicative reporting requirements of information already in the government's hands.
3. Right-size the implementation of necessary research security requirements according to the threat and enforce them consistently across the federal agencies.

Across these three broad areas, we outline below regulations that are inconsistent with statutory text, where costs exceed benefits, where the regulation is outdated or unnecessary, or where the regulation is overly burdensome in unforeseen ways.

Constitute the Research Policy Board

As a preliminary matter, we recognize that the chief priorities of this Request for Information are to maximize government efficiency and deregulation. To that effect, we suggest an overarching recommendation that the OMB Director should constitute the Research Policy Board,[1] as directed by Section 2034 of the 21st Century Cures Act (Public Law 114-255). This board is charged with coordinating and improving regulations and policies, identifying policy and regulatory gaps and challenges, and conducting ongoing assessments of regulatory burdens to enhance efficiencies and optimize the federal investment in research. A board with members experienced in research policy and compliance would create an ongoing mechanism to examine deregulation and regulatory efficiency, as well as ensure consistent and coordinated implementation of research policy across the federal government.

Eliminate Inconsistencies Across Research Funding Federal Agencies

A standard framework of federal law would make it easier for researchers to understand federal obligations and streamline compliance. Unfortunately, the current requirements imposed by the federal research agencies require unique forms and procedures that require specialized knowledge to which researchers must adhere. Each deviation from a norm increases the administrative burden and training requirements to follow it, taking valuable time and resources away from focusing on the research itself By enforcing common requirements across the agencies, the Administration has the opportunity to lower the administrative burden of federal research grants, streamline the grant process to improve efficiency, maintain high standards for safety and conduct, and focus researchers' time on discovering the next innovation to propel American excellence.

Examples of actions to eliminate inconsistency include:

- **Eliminate Inconsistencies of Common Disclosure Forms for the Biographical Sketch and Current and Pending (Other) Support –** OSTP requires that agencies 'use harmonized disclosure forms' for grants and cooperative agreements.[2] However, **a**gencies currently have the option of modifying these common forms to include new requirements or have not implemented disclosure requirements in a standard and uniform format. Lack of consistency increases the learning curve and administrative burden for completion of these forms. The Administration should enforce the use of these common forms and manage them through a single database for all agencies. The Administration should similarly use a single database for PI profiles (i.e., SciENcv[3]) and require use of it by all agencies.

- **Eliminate Inconsistencies of Federal Conflicts of Interest/Commitment (COI, COC) -** Each agency has its own COI policy and procedure, and research universities must manage manual reporting systems on their end as well. The Administration should

implement a single COI policy across all research agencies that is based on the current NSF COI policy.[4]

- **Enforce Patent Reporting Through iEdison –** Not all agencies use the iEdison portal maintained by NIST to submit federally required invention reports.[5] This can potentially cause a significant rise in administrative burden if an invention uses funding from multiple federal agencies. This barrier hinders compliance timelines and the successful transition to market for new inventions. The Administration should mandate that all federal funding agencies use iEdison.

Stop Duplicative Reporting Requirements:

The mosaic of federal research agencies have propelled American scientific leadership, but it has unfortunately likewise created a mosaic of duplicative or differing requirements which do not sufficiently increase the safety, security and stability of research to necessitate their differences. The following recommendations suggest how reporting requirements can be streamlined across federal research agencies:

- **Enforce Proposal Submission Through Grants.gov** – Grants.gov was intended to be the central site for all federal grant submissions, however, that intention has never manifested.[6] Federal research agencies such as NIH, NSF, NASA, DOE, and DOD CDMRP each require their own portals and are subject to varying federal requirements. While important cases exist for additional materials in high-risk fields, such as research security considerations, the decentralized IT landscape requires duplicative submission portal training requirements for research institution staff. The Administration should require Grants.gov, or a similar single portal, for federal grant submissions and utilize a single login.gov login mechanism.

- **Eliminate Differences in Foreign Gift Reporting Requirements** – There are duplicative foreign gift reporting requirements for institutions between NSF (over $50k) and the Department of Education (over $250k). The administration should streamline reporting through a single central modernized reporting portal. The Administration should also adopt the IRS definition of ‘gift’ in the context of ‘gifts’ under grant proposals’ “current & pending support” documentation.

- **Reduce FFATA required reporting to every quarter instead of every month –** Recipient grant organizations must report new subawards monthly in SAM.gov.[7] This information already exists within other federal databases. Verification is important and should be required quarterly as opposed to the current monthly cadence. To reduce the administrative burden, the Administration should require federal grant agencies and GSA to coordinate their award data with SAM.gov.

- **Stop Dual Reporting of Inventions –** Each federal research agency requires different, redundant reporting requirements throughout the lifetime of an award, and includes different close-out requirements at the end of the award lifecycle. The Administration should work to eliminate dual reporting of inventions during the closeout process at the conclusion of federal grants.

Rightsize Research Security for the Appropriate Threat, and Do So Consistently:

To ensure that American science and related innovations are not inappropriately co-opted by international rivals, research security requirements must be fine-tuned for the specific threat they seek to address. To ensure compliance with these requirements, researchers must be trained and provided with consistent expectations of behavior. The following recommendations suggest how the Administration can streamline research security provisions to ensure compliance and the nation's safety:

- **Rightsize Research Security For Each Threat and Discipline** - As agencies have worked to implement NSPM-33, new requirements have been imposed on even low-risk activities. Protections for critical and emerging technologies should be higher than other lower-risk disciplines. The lack of consideration for risk across each discipline has created inefficiencies in fields which represent little or no threat to national security. Examples include reporting of all travel, even travel conducted without federal funds and to all countries, and the use of export control regulations beyond the high-risk fields in which they are necessary.

- **Eliminate Inconsistencies in Research Security Implementation –** The enforcement of security regulations is critical to the nation's protection. Federal investment in research should be safeguarded against inappropriate foreign influence. To ensure that the appropriate protections are used for each project, the Administration should harmonize risk assessment requirements across the agencies into a single matrix that considers the needs of each field and technology readiness level. With a common framework and predictable expectations, the research community and the federal agencies can better work together to advance American competitiveness. Examples of differing research security policies among the agencies include research security training timelines, definitions of key personnel, and centralized or piecemeal research security certifications.

  The administration should direct OSTP to maintain and regularly convene the interagency research security working group established under the National Science and Technology Council and authorized by National Defense Authorization Act of 2020 (P.L. 116-92) to ensure continued implementation of NSPM-33 and harmonization of agency research security policies. Additionally, the OSTP director should appoint an Assistant Director for

Research Security within the OSTP staff to oversee NSPM implementation and help coordinate research security policies across federal research agencies.

Ensure Technology Commercialization and Protect the Competitive American Market by Reducing Agency Intrusions in the Bayh-Dole Act:

In recent years, the core objectives of the Bayh-Dole Act have been threatened by ill-advised and unnecessary agency policies that interfere with the effective commercialization of federally funded research. By imposing arbitrary restrictions, excessive reporting requirements, and misguided licensing terms, these actions threaten the very framework that has successfully fostered innovation, public benefit, and economic growth through university-industry collaborations. We believe that rescinding these policies is essential to ensuring that the intent of the Bayh-Dole Act is preserved, enabling continued advancement of U.S. innovation and competitiveness in the global economy.

- **Rescind Attempts to Expand Criteria for March-In Rights –** In December 2023, the National Institute of Standards and Technology's (NIST) "Draft Interagency Guidance Framework,"[8] attempted to expand the criteria for march-in petitions in a manner contrary to both the intention and text of the Bayh-Dole Act. The framework incorrectly asserts that the Bayh-Dole Act allows federal agencies to impose arbitrary price controls on commercialized products resulting from federally funded research. The Bayh-Dole Act does not grant such authority, and in fact, one of the final actions of President Trump's first term was to propose a rule explicitly clarifying this point.[9] The NIST framework misinterprets the law, potentially undermining the private sector's ability to commercialize federally supported innovations. Imposing price controls could discourage investment and innovation in the development of these products. This framework, while not finalized under the previous administration, remains a regulatory "cloud" over Bayh-Dole and should be affirmatively rescinded.

- **Protect Dept. Of Energy Nuclear Inventions from Foreign Rivals –** The Department of Energy's (DOE) policy under the Nuclear Research Program,[10] mandates that inventions supported by DOE funding be transferred without compensation, including to foreign competitors. This directive stands in direct violation of the Bayh-Dole Act, which was designed to protect the interests of U.S. inventors and promote domestic innovation. Furthermore, DOE's decision to withhold this guidance from public view, by failing to publish it on its website, raises serious concerns about transparency and accountability in its regulatory practices. Revisiting and revoking this policy will still meet statutory requirements while more effectively serving broader national security and innovation interests.

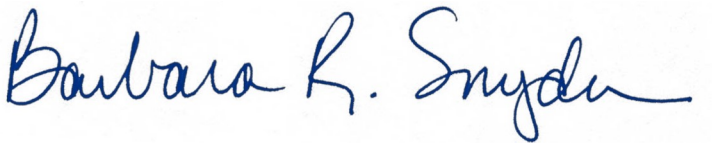
- **Reduce NIH Licensing Reporting Burden –** The National Institutes of Health's (NIH) guidelines[11] impose excessive reporting requirements on industry licensees, including factors that are not mandated by the Bayh-Dole Act, such as the pricing of resulting products. These burdensome requirements create an unnecessary and legally questionable pathway for the NIH to potentially revoke licenses, even after companies have made significant investments of time and resources in developing these products. This regulatory overreach undermines the spirit of the Bayh-Dole Act and jeopardizes the commercial viability of innovations. Rescinding these guidelines would ensure that licensing practices align with both the law and U.S. interests in advancing domestic innovation.

- **Rescind the NSF Licensing Guidelines –** The National Science Foundation's (NSF) proposed "Intellectual Property Options,"[12] imposes restrictive new licensing terms on university inventions developed under industry partnerships and will impede innovation. The NSF lacks the legal authority to enforce such terms, which directly conflict with the Bayh-Dole Act's provision that universities determine the licensing of federally funded inventions. These guidelines could stifle innovation by discouraging collaboration and creating unnecessary regulatory burdens for both universities and industry partners. Furthermore, the proposal disrupts the balance established by the Bayh-Dole Act, which is designed to ensure that federally funded research benefits the public. We urge the OMB to review and withdraw this NSF proposal to preserve the flexibility and objectives of the Bayh-Dole Act.

Thank you for providing the opportunity for the community to respond. APLU and AAU welcome the opportunity to discuss these recommendations in more detail.

Sincerely,

Mark P. Becker, Ph.D., APLU President



Barbara Snyder, AAU President

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[1] https://www.gao.gov/products/gao-21-232r

[2] OSTP-Common-Disclosure-Form-Policy.pdf
[3] SciENcv: Science Experts Network Curriculum Vitae
[4] https://www.nsf.gov/policies/conflict-of-interest
[5] iEdison | NIST
[6] Home | Grants.gov
[7] Home | SAM.gov
[8] NIST Draft Interagency Guidance Framework
[9] Rights to Federally Funded Inventions and Licensing of Government Owned Inventions
[10] DOE Nuclear Research Program
[11] NIH Reporting Guidelines
[12] NSF Licensing Guidelines