

March 14, 2025

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump:

The Bayh-Dole Coalition would like to bring to your attention several federal agency-level actions taken in the final days of the Biden Administration that clearly violate your Executive Order, [Ensuring Lawful Governance and Implementing the President's "Department Of Government Efficiency" Deregulatory Initiative](#), of February 19, 2025. This order requires each agency head, in coordination with the Office of Management and Budget, to review any regulations "that are based on anything other than the best reading of the underlying statutory authority" and that would "harm the national interest by significantly and unjustifiably impeding technological innovation."

We wish to highlight five such actions, which, if not reversed, will result in billions of dollars of taxpayer-funded R&D going to waste instead of being developed into new products, companies, and even industries.

The Bayh-Dole Coalition is composed of American companies, associations, universities, venture capitalists, manufacturers, and others committed to protecting this landmark law, which has helped make the United States a global leader in innovation. We greatly appreciated your strong support for the Bayh-Dole Act during your first term.

The Bayh-Dole Act decentralizes the management of inventions made with government support, moving control from Washington bureaucracies to the universities, federal laboratories, and small companies who make these discoveries. It creates incentives for private-sector entrepreneurs to invest their time and money in turning early-stage discoveries into marketable products -- improving lives while growing the economy.

While the Bayh-Dole Act is widely recognized as critical to maintaining our technological edge over competitors like China, some within the Washington bureaucracy have long

sought to undermine it in an effort to reclaim centralized control. In the final days of the Biden Administration, they seized the opportunity to act.

The first three issues outlined below involve actions taken after your victory in November 2024 but before your administration assumed office. For your convenience, we provide a brief description of each concerning action, followed by a link for further details. The last two actions are unresolved issues from the Biden Administration that should be repealed.

1. In direct violation of the Bayh-Dole Act, the **Nuclear Research Program** under the **Department of Energy (DOE)** mandated that any inventions supported by its funding be given away -- even to foreign rivals. The agency attempted to conceal this action by not publishing [this guidance](#) on its website. (See: [The Department of Energy's Technology Giveaway](#))
2. The **National Institutes of Health (NIH)** issued [licensing guidelines](#) requiring industry licensees to submit continuous and burdensome access planning reports on their commercialization plans. In direct violation of the Bayh-Dole Act, the guidelines make clear that the NIH can then use this information to revoke licenses after a product has been developed. (See: [The Biden Administration Rolls the Dice on NIH Patent Licensing](#))
3. The **National Science Foundation (NSF)** proposed new "[Intellectual Property Options](#)" mandating how university inventions made under industry partnerships must be licensed. The Bayh-Dole Coalition has submitted comments detailing why this proposal violates the Bayh-Dole Act, as NSF lacks the authority to impose such terms. (See: [Bayh-Dole Coalition Comments on NSF Proposed Intellectual Property Options](#))
4. In December 2023, the **National Institute of Standards and Technology (NIST)** issued a "[Draft Interagency Guidance Framework](#)" asserting that the Bayh-Dole Act permits federal agencies to impose arbitrary price controls on commercialized products developed by private industry in which federal research may have played a role in early discoveries. However, the law grants no such authority. In fact, one of the final actions of your first term was to [issue a proposed rule](#) explicitly clarifying this point. (See: [New March-In Guidelines Threaten U.S. Innovation](#))

5. In June 2021, the DOE imposed [a sweeping policy](#) requiring that all inventions developed with taxpayer funding through its Science and Energy Programs be “substantially manufactured” in the United States. While promoting domestic manufacturing is a worthy goal, this policy is far more restrictive than the Bayh-Dole Act’s carefully balanced domestic manufacturing provisions. DOE tried to justify this overreach by invoking the Act’s “exceptional circumstances” provision, which is meant for narrowly tailored cases -- not as a blanket policy covering an entire agency. The Bayh-Dole Act is designed to encourage commercialization, but this mandate instead creates new barriers for companies trying to bring federally funded innovations to market. Compounding the problem, the Department of Commerce, which Congress charged with enforcing compliance with Bayh-Dole to prevent abuses like this, failed to offer any objection to this violation of the law’s clear intent. (See: [More DOE Bureaucracy Equals Less Innovation](#)).

We greatly appreciate your leadership in ensuring that these bureaucratic oversteps are swiftly reversed. Please let us know if you require any additional information.

Sincerely,



Joseph P. Allen
Executive Director
Bayh-Dole Coalition

cc:

Secretary Chris Wright, Department of Energy
Secretary Robert F. Kennedy, Jr., Department of Health and Human Services
Secretary Howard Lutnick, Department of Commerce
Director Sethuraman Panchanathan, National Science Foundation
Director Russell Vought, Office of Management and Budget