

April 24, 2025

Director Russell Vought
The Office of Management and Budget
725 17th St NW
Washington, DC 20503

Dear Director Vought:

We greatly appreciate your commitment to promote America's economic growth and protect American innovation. Our nation must continue to lead the world in bringing critical technological innovations to market.

To that end, I write on behalf of the Bayh-Dole Coalition in response to President Trump's recent memorandum, [Directing the Repeal of Unlawful Regulations](#), instructing federal agencies to repeal regulations that exceed their statutory authority. In light of this directive, along with the Office of Management and Budget's [Request for Information](#) on regulations and rules to be rescinded, we thought it an appropriate time to follow up on several agency-level actions by the Biden administration that violate federal law and threaten U.S. innovation.

Each of these actions does more than violate statute. They actively threaten U.S. leadership in critical sectors and counteract the administration's work to promote economic growth. The DOE's technology giveaway policy, for instance, would allow foreign competitors to take advantage of taxpayer-funded advancements in nuclear energy, an emerging field spotlighted in the president's recent [letter to the Office of Science and Technology Policy](#).

As you may recall from our [previous letter](#) dated March 14, the Bayh-Dole Coalition is a group of American companies, associations, universities, venture capitalists, manufacturers, and others committed to protecting the Bayh-Dole Act, the landmark law that allowed U.S. research institutions to partner with the private sector to commercialize inventions they make with government support.

The market-based incentives created by Bayh-Dole have driven U.S. economic growth and technological leadership for nearly 45 years. Unfortunately, several actions taken in the

Biden administration have violated this historic law and put America's world-leading system of innovation at risk.

Considering these new directives and the supportive response to our previous letter, we wanted to take the opportunity to once again urge the administration to reverse each of these actions before they undermine American competitiveness and further impede the administration's economic goals. For your convenience, we outline each of the five concerning actions below:

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 [guidelines](#) requiring industry licensees to submit continuous and burdensome reports, including many factors not required by the Bayh-Dole Act -- such as how a resulting product will be priced. The bureaucracy can then use this information in violation of the law to revoke the license, even after the company has invested significant amounts of time and money needed to successfully develop the product. (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 President Trump's 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](#) of Washington micro-management 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 Biden administration’s 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](#)).

America’s economic and technological strength will be severely constrained so long as these actions are allowed to stand, and we appreciate the opportunity to bring them to your attention. Please do not hesitate to let us know if we can provide any additional support or information as you continue these efforts.

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