

FYI SCIENCE POLICY BRIEFS

Commerce Department moves to take cut of research patent profits

Commerce Secretary Howard Lutnick says he wants the US to receive half the profits from university patents that are the result of federally funded research. In a September interview with *Axios*, Lutnick argues that every US university should be subject to such profit sharing, with “a few universities to start and then it’ll become a master deal.” But implementing such a policy would seemingly violate the Bayh-Dole Act, a 1980 law that allows universities full ownership of such patents.

In an August letter to Harvard University, Lutnick suggests that the Commerce Department would take ownership of the school’s patents or grant patent licenses to third parties. He asserts that Harvard has failed to comply with regulations that mandate timely disclosure and election of title, preference for US industry, and “effective steps to achieve practical application of subject inventions.”

The Commerce Department began implementing new patent-related policies soon after Lutnick’s interview. For example, in a broad funding solicitation issued on 24 September, NIST states that awardees may be required to issue royalties or otherwise share revenue with the Commerce Department “to ensure a return on investment to the Government.”

Responding to Lutnick’s remarks, Stephen Ezell of the Information Technology and Innovation Foundation think tank writes that the federal government receives 20 times as much in annual tax revenues from university research parks as it would by taking half of annual university royalty revenues. The government, he says, also benefits from the “extensive innovations” produced and the tax revenue

from “trillions in industrial output and millions of jobs created as a result of university tech transfer.” —cz

Multiple groups challenge new H-1B visa fee

The Trump administration is facing multiple legal challenges following its introduction of a \$100 000 fee on new petitions for H-1B visas, the avenue through which many skilled workers from abroad are hired in the US.

The US Chamber of Commerce announced in mid-October that it is suing to block the new fee, which it argues is both unlawful and misguided. The Association of American Universities joined the lawsuit shortly after. A separate lawsuit was filed in early October by the American Association of University Professors (AAUP), labor unions, healthcare providers, schools, and religious organizations.

Both lawsuits, which aim to block the 19 September presidential proclamation that is responsible for the increase, argue that the new fee is unlawful under the Immigration and Nationality Act and the Administrative Procedure Act. “The H-1B program has a carefully crafted fee and oversight system set by law,” an AAUP press release says. “The president cannot rewrite it overnight or levy new taxes by proclamation.”

The White House says the new fee, which went into effect on 21 September, is necessary to counter abuse of the H-1B visa program and to improve the job market for US workers. “The H-1B nonimmigrant visa program was created to bring temporary workers into the United States to perform additive, high-skilled functions, but it has been deliberately exploited to replace, rather than supplement, American workers with lower-paid, lower-skilled labor,” the proclamation states. It also argues that abuses of the program threaten national security by both depressing wages and “discouraging Americans from pursuing careers in science and technology.”

The White House initially said the fee would apply to nearly all H-1B visa applicants. US Citizenship and Immigration Services later clarified that the fee does not apply to certain appli-

cants, such as those filing to move to the H-1B visa from another type—for example, an F-1 for international students in the US.

—LM

Department of Energy consolidates advisory committees

The Department of Energy has replaced the six discipline-specific committees that advised the Office of Science with a single entity, the Office of Science Advisory Committee.

The consolidation of the previous committees into a single one was announced on 30 September, a few weeks after former National Science Board Chair Dario Gil was confirmed as DOE undersecretary for science.

The six terminated committees are DOE’s Fusion Energy Sciences Advisory Committee, Biological and Environmental Research Advisory Committee, Basic Energy Sciences Advisory Committee, and Advanced Scientific Computing Advisory Committee and DOE and NSF’s High Energy Physics Advisory Panel and Nuclear Science Advisory Committee.

In a DOE press release, Gil says that the new committee will “connect DOE with leaders from academia, industry, and National Laboratories and will inform exciting new paths to keep us at the forefront of research.” Furthermore, according to the release, the committee will “adopt the core functions” of the six former advisory committees along with “any current charged responsibilities of these former committees.” Gil will appoint the committee members.

A DOE spokesperson told *FYI* that the committee plans to hold its first meeting by April.

—LM

Corrections

September 2025, page 22 — The Deep Synoptic Array-2000 team is considering making the telescope’s data freely available immediately, and it is discussing a collaboration with NANOGrav.

October 2025, page 43 — The correct answer to the example question in the box is C, not A.

November 2025, page 41 — Jacob Lynn has interviewed, not hired, around 200 people for Booking.com.

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