

**AMENDMENT TO H.R. 1401, AS REPORTED
OFFERED BY MR. MCINTYRE OF NORTH
CAROLINA**

At the end of title XXXI (page 453, after line 15),
insert the following new section:

1 **SEC. 3167. TECHNOLOGY TRANSFER COORDINATION FOR**
2 **DEPARTMENT OF ENERGY NATIONAL LAB-**
3 **ORATORIES.**

4 (a) TECHNOLOGY TRANSFER COORDINATION.—

5 Within 90 days after the date of the enactment of this
6 Act, the Secretary of Energy shall ensure, for each na-
7 tional laboratory, the following:

8 (1) Consistency of technology transfer policies
9 and procedures with respect to patenting, licensing,
10 and commercialization.

11 (2) That the contractor operating the national
12 laboratory make available to aggrieved private sector
13 entities a range of expedited alternate dispute reso-
14 lution procedures (including both binding and non-
15 binding procedures) to resolve disputes that arise
16 over patents, licenses, and commercialization activi-
17 ties, with costs and damages to be provided by the
18 contractor to the extent that any such resolution at-
19 tributes fault to the contractor.

1 (3) That for any dispute described in paragraph
2 (2), the contractor operating the national laboratory
3 allow the aggrieved private sector entity to select
4 whether to use an expedited alternate dispute resolu-
5 tion procedure and, if so, whether to use a binding
6 or nonbinding procedure, and that the contractor
7 agree to be subject to (and, if applicable, bound by)
8 that selection.

9 (4) That the contractor operating the national
10 laboratory submit an annual report to the Secretary,
11 as part of the annual performance evaluation of the
12 contractor, on technology transfer and intellectual
13 property successes, current technology transfer and
14 intellectual property disputes involving the labora-
15 tory, and progress toward resolving those disputes.

16 (5) Training to ensure that laboratory per-
17 sonnel responsible for patenting, licensing, and com-
18 mercialization activities are knowledgeable of the ap-
19 propriate legal, procedural, and ethical standards.

20 (b) DEFINITION OF NATIONAL LABORATORY.—As
21 used in this section, the term “national laboratory” means
22 any of the following laboratories:

23 (1) The Los Alamos National Laboratory, Los
24 Alamos, New Mexico.

1 (2) The Lawrence Livermore National Labora-
2 tory, Livermore, California.

3 (3) The Sandia National Laboratories, Albu-
4 querque, New Mexico, and Livermore, California.