

112TH CONGRESS
2D SESSION

S. 2063

To prohibit the transfer of technology developed using funding provided by the United States Government to entities of certain countries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2012

Mr. WEBB introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit the transfer of technology developed using funding provided by the United States Government to entities of certain countries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION ON TRANSFER OF PROPRIETARY**
4 **TECHNOLOGY AND INTELLECTUAL PROP-**
5 **ERTY DEVELOPED WITH FUNDING PROVIDED**
6 **BY THE UNITED STATES GOVERNMENT TO**
7 **ENTITIES OF CERTAIN COUNTRIES.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, a United States commercial entity may not

1 transfer to any entity described in subsection (b) any pro-
2 prietary technology or intellectual property that was re-
3 searched, developed, or commercialized using a contract,
4 grant, loan, loan guarantee, or other financial assistance
5 provided or awarded by the United States Government.

6 (b) ENTITIES DESCRIBED.—

7 (1) IN GENERAL.—An entity described in this
8 subsection is an entity—

9 (A) owned or controlled by the government
10 of a country described in paragraph (2); or

11 (B) in which citizens of such a country
12 hold interests representing at least 5 percent of
13 the capital structure of the entity.

14 (2) COUNTRIES DESCRIBED.—A country de-
15 scribed in this paragraph is a country in which, by
16 law, practice, or policy, any United States commer-
17 cial entity is required to transfer proprietary tech-
18 nology or intellectual property as a condition of
19 doing business in that country.

20 (c) WAIVER.—The Secretary of Commerce may waive
21 the prohibition in subsection (a) with respect to a transfer
22 of proprietary technology or intellectual property if the
23 Secretary determines that the transfer would not com-
24 promise the economic interests or competitiveness of the
25 United States.

1 (d) APPLICABILITY.—This section applies with re-
2 spect to the transfer on or after the date of the enactment
3 of this Act of any proprietary technology or intellectual
4 property developed before, on, or after such date of enact-
5 ment.

6 (e) REGULATIONS.—The Secretary of Commerce, in
7 consultation with other relevant Federal agencies, shall
8 prescribe such regulations as may be necessary to carry
9 out this section.

10 (f) UNITED STATES COMMERCIAL ENTITY DE-
11 FINED.—In this section, the term “United States commer-
12 cial entity” means a commercial entity organized under
13 the laws of the United States or any jurisdiction within
14 the United States.

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