

112TH CONGRESS
1ST SESSION

S. 493

To reauthorize and improve the SBIR and STTR programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2011

Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, Mr. BROWN of Massachusetts, Mrs. SHAHEEN, Ms. AYOTTE, Mr. CARDIN, Mr. PRYOR, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To reauthorize and improve the SBIR and STTR programs,
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. SHORT TITLE.**

4 This Act may be cited as the “SBIR/STTR Reau-
5 thorization Act of 2011”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

- Sec. 101. Extension of termination dates.
- Sec. 102. Status of the Office of Technology.
- Sec. 103. SBIR allocation increase.
- Sec. 104. STTR allocation increase.
- Sec. 105. SBIR and STTR award levels.
- Sec. 106. Agency and program flexibility.
- Sec. 107. Elimination of Phase II invitations.
- Sec. 108. Participation by firms with substantial investment from multiple venture capital operating companies in a portion of the SBIR program.
- Sec. 109. SBIR and STTR special acquisition preference.
- Sec. 110. Collaborating with Federal laboratories and research and development centers.
- Sec. 111. Notice requirement.
- Sec. 112. Express authority for an agency to award sequential Phase II awards for SBIR or STTR funded projects.

TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES

- Sec. 201. Rural and State outreach.
- Sec. 202. SBIR—STEM Workforce Development Grant Pilot Program.
- Sec. 203. Technical assistance for awardees.
- Sec. 204. Commercialization Readiness Program at Department of Defense.
- Sec. 205. Commercialization Readiness Pilot Program for civilian agencies.
- Sec. 206. Accelerating cures.
- Sec. 207. Federal agency engagement with SBIR and STTR awardees that have been awarded multiple Phase I awards but have not been awarded Phase II awards.
- Sec. 208. Clarifying the definition of “Phase III”.
- Sec. 209. Shortened period for final decisions on proposals and applications.

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- Sec. 301. Streamlining annual evaluation requirements.
- Sec. 302. Data collection from agencies for SBIR.
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- Sec. 304. Public database.
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- Sec. 308. Technology insertion reporting requirements.
- Sec. 309. Intellectual property protections.
- Sec. 310. Obtaining consent from SBIR and STTR applicants to release contact information to economic development organizations.
- Sec. 311. Pilot to allow funding for administrative, oversight, and contract processing costs.
- Sec. 312. GAO study with respect to venture capital operating company involvement.
- Sec. 313. Reducing vulnerability of SBIR and STTR programs to fraud, waste, and abuse.
- Sec. 314. Interagency policy committee.

TITLE IV—POLICY DIRECTIVES

- Sec. 401. Conforming amendments to the SBIR and the STTR Policy Directives.

TITLE V—OTHER PROVISIONS

Sec. 501. Research topics and program diversification.

Sec. 502. Report on SBIR and STTR program goals.

Sec. 503. Competitive selection procedures for SBIR and STTR programs.

1 **SEC. 3. DEFINITIONS.**

2 In this Act—

3 (1) the terms “Administration” and “Adminis-
4 trator” mean the Small Business Administration
5 and the Administrator thereof, respectively;

6 (2) the terms “extramural budget”, “Federal
7 agency”, “Small Business Innovation Research Pro-
8 gram”, “SBIR”, “Small Business Technology
9 Transfer Program”, and “STTR” have the mean-
10 ings given such terms in section 9 of the Small Busi-
11 ness Act (15 U.S.C. 638); and

12 (3) the term “small business concern” has the
13 meaning given that term under section 3 of the
14 Small Business Act (15 U.S.C. 632).

15 **TITLE I—REAUTHORIZATION OF**
16 **THE SBIR AND STTR PROGRAMS**

17 **SEC. 101. EXTENSION OF TERMINATION DATES.**

18 (a) SBIR.—Section 9(m) of the Small Business Act
19 (15 U.S.C. 638(m)) is amended—

20 (1) by striking “TERMINATION.—” and all that
21 follows through “the authorization” and inserting
22 “TERMINATION.—The authorization”;

1 (2) by striking “2008” and inserting “2019”;

2 and

3 (3) by striking paragraph (2).

4 (b) STTR.—Section 9(n)(1)(A) of the Small Busi-
5 ness Act (15 U.S.C. 638(n)(1)(A)) is amended—

6 (1) by striking “IN GENERAL.—” and all that
7 follows through “with respect” and inserting “IN
8 GENERAL.—With respect”;

9 (2) by striking “2009” and inserting “2019”;

10 and

11 (3) by striking clause (ii).

12 **SEC. 102. STATUS OF THE OFFICE OF TECHNOLOGY.**

13 Section 9(b) of the Small Business Act (15 U.S.C.
14 638(b)) is amended—

15 (1) in paragraph (7), by striking “and” at the
16 end;

17 (2) in paragraph (8), by striking the period at
18 the end and inserting “; and”;

19 (3) by redesignating paragraph (8) as para-
20 graph (9); and

21 (4) by adding at the end the following:

22 “(10) to maintain an Office of Technology to
23 carry out the responsibilities of the Administration
24 under this section, which shall be—

1 “(A) headed by the Assistant Adminis-
2 trator for Technology, who shall report directly
3 to the Administrator; and

4 “(B) independent from the Office of Gov-
5 ernment Contracting of the Administration and
6 sufficiently staffed and funded to comply with
7 the oversight, reporting, and public database re-
8 sponsibilities assigned to the Office of Tech-
9 nology by the Administrator.”.

10 **SEC. 103. SBIR ALLOCATION INCREASE.**

11 Section 9(f) of the Small Business Act (15 U.S.C.
12 638(f)) is amended—

13 (1) in paragraph (1)—

14 (A) in the matter preceding subparagraph
15 (A), by striking “Each” and inserting “Except
16 as provided in paragraph (2)(B), each”;

17 (B) in subparagraph (B), by striking
18 “and” at the end; and

19 (C) by striking subparagraph (C) and in-
20 serting the following:

21 “(C) not less than 2.5 percent of such
22 budget in fiscal year 2013;

23 “(D) not less than 2.6 percent of such
24 budget in fiscal year 2014;

1 “(E) not less than 2.7 percent of such
2 budget in fiscal year 2015;

3 “(F) not less than 2.8 percent of such
4 budget in fiscal year 2016;

5 “(G) not less than 2.9 percent of such
6 budget in fiscal year 2017;

7 “(H) not less than 3.0 percent of such
8 budget in fiscal year 2018;

9 “(I) not less than 3.1 percent of such
10 budget in fiscal year 2019;

11 “(J) not less than 3.2 percent of such
12 budget in fiscal year 2020;

13 “(K) not less than 3.3 percent of such
14 budget in fiscal year 2021;

15 “(L) not less than 3.4 percent of such
16 budget in fiscal year 2022; and

17 “(M) not less than 3.5 percent of such
18 budget in fiscal year 2023 and each fiscal year
19 thereafter,”; and

20 (2) in paragraph (2)—

21 (A) by redesignating subparagraphs (A)
22 and (B) as clauses (i) and (ii), respectively, and
23 adjusting the margins accordingly;

24 (B) by striking “A Federal agency” and
25 inserting the following:

1 “(A) IN GENERAL.—A Federal agency”;

2 and

3 (C) by adding at the end the following:

4 “(B) DEPARTMENT OF DEFENSE AND DE-
5 PARTMENT OF ENERGY.—For the Department
6 of Defense and the Department of Energy, to
7 the greatest extent practicable, the percentage
8 of the extramural budget in excess of 2.5 per-
9 cent required to be expended with small busi-
10 ness concerns under subparagraphs (D)
11 through (M) of paragraph (1)—

12 “(i) may not be used for new Phase I
13 or Phase II awards; and

14 “(ii) shall be used for activities that
15 further the readiness levels of technologies
16 developed under Phase II awards, includ-
17 ing conducting testing and evaluation to
18 promote the transition of such technologies
19 into commercial or defense products, or
20 systems furthering the mission needs of
21 the Department of Defense or the Depart-
22 ment of Energy, as the case may be.”.

23 **SEC. 104. STTR ALLOCATION INCREASE.**

24 Section 9(n)(1)(B) of the Small Business Act (15
25 U.S.C. 638(n)(1)(B)) is amended—

1 (1) in clause (i), by striking “and” at the end;

2 (2) in clause (ii), by striking “thereafter.” and

3 inserting “through fiscal year 2012;”; and

4 (3) by adding at the end the following:

5 “(iii) 0.4 percent for fiscal years 2013

6 and 2014;

7 “(iv) 0.5 percent for fiscal years 2015

8 and 2016; and

9 “(v) 0.6 percent for fiscal year 2017

10 and each fiscal year thereafter.”.

11 **SEC. 105. SBIR AND STTR AWARD LEVELS.**

12 (a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the

13 Small Business Act (15 U.S.C. 638(j)(2)(D)) is amend-

14 ed—

15 (1) by striking “\$100,000” and inserting

16 “\$150,000”; and

17 (2) by striking “\$750,000” and inserting

18 “\$1,000,000”.

19 (b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of

20 the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is

21 amended—

22 (1) by striking “\$100,000” and inserting

23 “\$150,000”; and

24 (2) by striking “\$750,000” and inserting

25 “\$1,000,000”.

1 (c) ANNUAL ADJUSTMENTS.—Section 9 of the Small
2 Business Act (15 U.S.C. 638) is amended—

3 (1) in subsection (j)(2)(D), by striking “once
4 every 5 years to reflect economic adjustments and
5 programmatic considerations” and inserting “every
6 year for inflation”; and

7 (2) in subsection (p)(2)(B)(ix), as amended by
8 subsection (b) of this section, by inserting “(each of
9 which the Administrator shall adjust for inflation
10 annually)” after “\$1,000,000,”.

11 (d) LIMITATION ON SIZE OF AWARDS.—Section 9 of
12 the Small Business Act (15 U.S.C. 638) is amended by
13 adding at the end the following:

14 “(aa) LIMITATION ON SIZE OF AWARDS.—

15 “(1) LIMITATION.—No Federal agency may
16 issue an award under the SBIR program or the
17 STTR program if the size of the award exceeds the
18 award guidelines established under this section by
19 more than 50 percent.

20 “(2) MAINTENANCE OF INFORMATION.—Par-
21 ticipating agencies shall maintain information on
22 awards exceeding the guidelines established under
23 this section, including—

24 “(A) the amount of each award;

1 “(B) a justification for exceeding the
2 award amount;

3 “(C) the identity and location of each
4 award recipient; and

5 “(D) whether an award recipient has re-
6 ceived any venture capital investment and, if so,
7 whether the recipient is majority-owned by mul-
8 tiple venture capital operating companies.

9 “(3) REPORTS.—The Administrator shall in-
10 clude the information described in paragraph (2) in
11 the annual report of the Administrator to Congress.

12 “(4) RULE OF CONSTRUCTION.—Nothing in
13 this subsection shall be construed to prevent a Fed-
14 eral agency from supplementing an award under the
15 SBIR program or the STTR program using funds of
16 the Federal agency that are not part of the SBIR
17 program or the STTR program of the Federal agen-
18 cy.”.

19 **SEC. 106. AGENCY AND PROGRAM FLEXIBILITY.**

20 Section 9 of the Small Business Act (15 U.S.C. 638),
21 as amended by this Act, is amended by adding at the end
22 the following:

23 “(bb) SUBSEQUENT PHASE II AWARDS.—

24 “(1) AGENCY FLEXIBILITY.—A small business
25 concern that received an award from a Federal

1 agency under this section shall be eligible to receive
2 a subsequent Phase II award from another Federal
3 agency, if the head of each relevant Federal agency
4 or the relevant component of the Federal agency
5 makes a written determination that the topics of the
6 relevant awards are the same and both agencies re-
7 port the awards to the Administrator for inclusion in
8 the public database under subsection (k).

9 “(2) SBIR AND STTR PROGRAM FLEXIBILITY.—

10 A small business concern that received an award
11 under this section under the SBIR program or the
12 STTR program may receive a subsequent Phase II
13 award in either the SBIR program or the STTR
14 program and the participating agency or agencies
15 shall report the awards to the Administrator for in-
16 clusion in the public database under subsection (k).

17 “(3) PREVENTING DUPLICATIVE AWARDS.—Be-

18 fore making an award under paragraph (1) or (2),
19 the head of a Federal agency shall verify that the
20 project to be performed with the award has not been
21 funded under the SBIR program or STTR program
22 of another Federal agency.”.

23 **SEC. 107. ELIMINATION OF PHASE II INVITATIONS.**

24 (a) IN GENERAL.—Section 9(e) of the Small Busi-
25 ness Act (15 U.S.C. 638(e)) is amended—

1 (1) in paragraph (4)(B), by striking “to fur-
 2 ther” and inserting: “which shall not include any in-
 3 vitation, pre-screening, pre-selection, or down-selec-
 4 tion process for eligibility for the second phase, that
 5 will further”; and

6 (2) in paragraph (6)(B), by striking “to further
 7 develop proposed ideas to” and inserting “which
 8 shall not include any invitation, pre-screening, pre-
 9 selection, or down-selection process for eligibility for
 10 the second phase, that will further develop proposals
 11 that”.

12 **SEC. 108. PARTICIPATION BY FIRMS WITH SUBSTANTIAL IN-**
 13 **VESTMENT FROM MULTIPLE VENTURE CAP-**
 14 **ITAL OPERATING COMPANIES IN A PORTION**
 15 **OF THE SBIR PROGRAM.**

16 (a) IN GENERAL.—Section 9 of the Small Business
 17 Act (15 U.S.C. 638), as amended by this Act, is amended
 18 by adding at the end the following:

19 “(cc) PARTICIPATION OF SMALL BUSINESS CON-
 20 CERNS MAJORITY-OWNED BY VENTURE CAPITAL OPER-
 21 ATING COMPANIES IN THE SBIR PROGRAM.—

22 “(1) AUTHORITY.—Upon a written determina-
 23 tion described in paragraph (2) provided to the Ad-
 24 ministrator and to the Committee on Small Business
 25 and Entrepreneurship of the Senate and the Com-

1 mittee on Small Business of the House of Rep-
2 representatives not later than 30 days before the date
3 on which an award is made—

4 “(A) the Director of the National Insti-
5 tutes of Health, the Secretary of Energy, and
6 the Director of the National Science Founda-
7 tion may award not more than 25 percent of
8 the funds allocated for the SBIR program of
9 the Federal agency to small business concerns
10 that are owned in majority part by multiple
11 venture capital operating companies through
12 competitive, merit-based procedures that are
13 open to all eligible small business concerns; and

14 “(B) the head of a Federal agency other
15 than a Federal agency described in subpara-
16 graph (A) that participates in the SBIR pro-
17 gram may award not more than 15 percent of
18 the funds allocated for the SBIR program of
19 the Federal agency to small business concerns
20 that are owned in majority part by multiple
21 venture capital operating companies through
22 competitive, merit-based procedures that are
23 open to all eligible small business concerns.

24 “(2) DETERMINATION.—A written determina-
25 tion described in this paragraph is a written deter-

1 mination by the head of a Federal agency that ex-
2 plains how the use of the authority under paragraph
3 (1) will—

4 “(A) induce additional venture capital
5 funding of small business innovations;

6 “(B) substantially contribute to the mis-
7 sion of the Federal agency;

8 “(C) demonstrate a need for public re-
9 search; and

10 “(D) otherwise fulfill the capital needs of
11 small business concerns for additional financing
12 for the SBIR project.

13 “(3) REGISTRATION.—A small business concern
14 that is majority-owned by multiple venture capital
15 operating companies and qualified for participation
16 in the program authorized under paragraph (1)
17 shall—

18 “(A) register with the Administrator on
19 the date that the small business concern sub-
20 mits an application for an award under the
21 SBIR program; and

22 “(B) indicate in any SBIR proposal that
23 the small business concern is registered under
24 subparagraph (A) as majority-owned by mul-
25 tiple venture capital operating companies.

1 “(4) COMPLIANCE.—

2 “(A) IN GENERAL.—The head of a Federal
3 agency that makes an award under this sub-
4 section during a fiscal year shall collect and
5 submit to the Administrator data relating to
6 the number and dollar amount of Phase I
7 awards, Phase II awards, and any other cat-
8 egory of awards by the Federal agency under
9 the SBIR program during that fiscal year.

10 “(B) ANNUAL REPORTING.—The Adminis-
11 trator shall include as part of each annual re-
12 port by the Administration under subsection
13 (b)(7) any data submitted under subparagraph
14 (A) and a discussion of the compliance of each
15 Federal agency that makes an award under this
16 subsection during the fiscal year with the max-
17 imum percentages under paragraph (1).

18 “(5) ENFORCEMENT.—If a Federal agency
19 awards more than the percent of the funds allocated
20 for the SBIR program of the Federal agency author-
21 ized under paragraph (1) for a purpose described in
22 paragraph (1), the head of the Federal agency shall
23 transfer an amount equal to the amount awarded in
24 excess of the amount authorized under paragraph
25 (1) to the funds for general SBIR programs from

1 the non-SBIR and non-STTR research and develop-
2 ment funds of the Federal agency not later than 180
3 days after the date on which the Federal agency
4 made the award that caused the total awarded under
5 paragraph (1) to be more than the amount author-
6 ized under paragraph (1) for a purpose described in
7 paragraph (1).

8 “(6) EVALUATION CRITERIA.—A Federal agen-
9 cy may not use investment of venture capital as a
10 criterion for the award of contracts under the SBIR
11 program or STTR program.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
13 Section 3 of the Small Business Act (15 U.S.C. 632) is
14 amended by adding at the end the following:

15 “(aa) VENTURE CAPITAL OPERATING COMPANY.—In
16 this Act, the term ‘venture capital operating company’
17 means an entity described in clause (i), (v), or (vi) of sec-
18 tion 121.103(b)(5) of title 13, Code of Federal Regula-
19 tions (or any successor thereto).”.

20 (c) RULEMAKING TO ENSURE THAT FIRMS THAT
21 ARE MAJORITY-OWNED BY MULTIPLE VENTURE CAPITAL
22 OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN
23 A PORTION OF THE SBIR PROGRAM.—

24 (1) STATEMENT OF CONGRESSIONAL INTENT.—

25 It is the stated intent of Congress that the Adminis-

1 trator should promulgate regulations to carry out
2 the authority under section 9(cc) of the Small Busi-
3 ness Act, as added by this section, that—

4 (A) permit small business concerns that
5 are majority-owned by multiple venture capital
6 operating companies to participate in the SBIR
7 program in accordance with section 9(cc) of the
8 Small Business Act;

9 (B) provide specific guidance for small
10 business concerns that are majority-owned by
11 multiple venture capital operating companies
12 with regard to eligibility, participation, and af-
13 filiation rules; and

14 (C) preserve and maintain the integrity of
15 the SBIR program as a program for small busi-
16 ness concerns in the United States, prohibiting
17 large businesses or large entities or foreign-
18 owned businesses or entities from participation
19 in the program established under section 9 of
20 the Small Business Act.

21 (2) RULEMAKING REQUIRED.—

22 (A) PROPOSED REGULATIONS.—Not later
23 than 4 months after the date of enactment of
24 this Act, the Administrator shall issue proposed
25 regulations to amend section 121.103 (relating

1 to determinations of affiliation applicable to the
2 SBIR program) and section 121.702 (relating
3 to ownership and control standards and size
4 standards applicable to the SBIR program) of
5 title 13, Code of Federal Regulations, for firms
6 that are majority-owned by multiple venture
7 capital operating companies and participating
8 in the SBIR program solely under the authority
9 under section 9(cc) of the Small Business Act,
10 as added by this section.

11 (B) FINAL REGULATIONS.—Not later than
12 1 year after the date of enactment of this Act,
13 and after providing notice of and opportunity
14 for comment on the proposed regulations issued
15 under subparagraph (A), the Administrator
16 shall issue final or interim final regulations
17 under this subsection.

18 (3) CONTENTS.—

19 (A) IN GENERAL.—The regulations issued
20 under this subsection shall permit the participa-
21 tion of applicants majority-owned by multiple
22 venture capital operating companies in the
23 SBIR program in accordance with section 9(cc)
24 of the Small Business Act, as added by this sec-
25 tion, unless the Administrator determines—

1 (i) in accordance with the size stand-
2 ards established under subparagraph (B),
3 that the applicant is—

4 (I) a large business or large enti-
5 ty; or

6 (II) majority-owned or controlled
7 by a large business or large entity; or

8 (ii) in accordance with the criteria es-
9 tablished under subparagraph (C), that the
10 applicant—

11 (I) is a foreign business or a for-
12 eign entity or is not a citizen of the
13 United States or alien lawfully admit-
14 ted for permanent residence; or

15 (II) is majority-owned or con-
16 trolled by a foreign business, foreign
17 entity, or person who is not a citizen
18 of the United States or alien lawfully
19 admitted for permanent residence.

20 (B) SIZE STANDARDS.—Under the author-
21 ity to establish size standards under paragraphs
22 (2) and (3) of section 3(a) of the Small Busi-
23 ness Act (15 U.S.C. 632(a)), the Administrator
24 shall, in accordance with paragraph (1) of this
25 subsection, establish size standards for appli-

1 cants seeking to participate in the SBIR pro-
2 gram solely under the authority under section
3 9(cc) of the Small Business Act, as added by
4 this section.

5 (C) CRITERIA FOR DETERMINING FOREIGN
6 OWNERSHIP.—The Administrator shall establish
7 criteria for determining whether an applicant
8 meets the requirements under subparagraph
9 (A)(ii), and, in establishing the criteria, shall
10 consider whether the criteria should include—

11 (i) whether the applicant is at least 51
12 percent owned or controlled by citizens of
13 the United States or domestic venture cap-
14 ital operating companies;

15 (ii) whether the applicant is domiciled
16 in the United States; and

17 (iii) whether the applicant is a direct
18 or indirect subsidiary of a foreign-owned
19 firm, including whether the criteria should
20 include that an applicant is a direct or in-
21 direct subsidiary of a foreign-owned entity
22 if—

23 (I) any venture capital operating
24 company that owns more than 20 per-
25 cent of the applicant is a direct or in-

1 direct subsidiary of a foreign-owned
2 entity; or

3 (II) in the aggregate, entities
4 that are direct or indirect subsidiaries
5 of foreign-owned entities own more
6 than 49 percent of the applicant.

7 (D) CRITERIA FOR DETERMINING AFFILI-
8 ATION.—The Administrator shall establish cri-
9 teria, in accordance with paragraph (1), for de-
10 termining whether an applicant is affiliated
11 with a venture capital operating company or
12 any other business that the venture capital op-
13 erating company has financed and, in estab-
14 lishing the criteria, shall specify that—

15 (i) if a venture capital operating com-
16 pany that is determined to be affiliated
17 with an applicant is a minority investor in
18 the applicant, the portfolio companies of
19 the venture capital operating company
20 shall not be determined to be affiliated
21 with the applicant, unless—

22 (I) the venture capital operating
23 company owns a majority of the port-
24 folio company; or

1 (II) the venture capital operating
2 company holds a majority of the seats
3 on the board of directors of the port-
4 folio company;

5 (ii) subject to clause (i), the Adminis-
6 trator retains the authority to determine
7 whether a venture capital operating com-
8 pany is affiliated with an applicant, includ-
9 ing establishing other criteria;

10 (iii) the Administrator may not deter-
11 mine that a portfolio company of a venture
12 capital operating company is affiliated with
13 an applicant based solely on one or more
14 shared investors; and

15 (iv) subject to clauses (i), (ii), and
16 (iii), the Administrator retains the author-
17 ity to determine whether a portfolio com-
18 pany of a venture capital operating com-
19 pany is affiliated with an applicant based
20 on factors independent of whether there is
21 a shared investor, such as whether there
22 are contractual obligations between the
23 portfolio company and the applicant.

24 (4) ENFORCEMENT.—If the Administrator does
25 not issue final or interim final regulations under this

1 subsection on or before the date that is 1 year after
2 the date of enactment of this Act, the Administrator
3 may not carry out any activities under section 4(h)
4 of the Small Business Act (15 U.S.C. 633(h)) (as
5 continued in effect pursuant to the Act entitled “An
6 Act to extend temporarily certain authorities of the
7 Small Business Administration”, approved October
8 10, 2006 (Public Law 109–316; 120 Stat. 1742))
9 during the period beginning on the date that is 1
10 year and 1 day after the date of enactment of this
11 Act, and ending on the date on which the final or
12 interim final regulations are issued.

13 (5) DEFINITION.—In this subsection, the term
14 “venture capital operating company” has the same
15 meaning as in section 3(aa) of the Small Business
16 Act, as added by this section.

17 (d) ASSISTANCE FOR DETERMINING AFFILIATES.—

18 (1) CLEAR EXPLANATION REQUIRED.—Not
19 later than 30 days after the date of enactment of
20 this Act, the Administrator shall post on the Web
21 site of the Administration (with a direct link dis-
22 played on the homepage of the Web site of the Ad-
23 ministration or the SBIR and STTR Web sites of
24 the Administration)—

1 (A) a clear explanation of the SBIR and
2 STTR affiliation rules under part 121 of title
3 13, Code of Federal Regulations; and

4 (B) contact information for officers or em-
5 ployees of the Administration who—

6 (i) upon request, shall review an issue
7 relating to the rules described in subpara-
8 graph (A); and

9 (ii) shall respond to a request under
10 clause (i) not later than 20 business days
11 after the date on which the request is re-
12 ceived.

13 (2) INCLUSION OF AFFILIATION RULES FOR
14 CERTAIN SMALL BUSINESS CONCERNS.—On and
15 after the date on which the final regulations under
16 subsection (c) are issued, the Administrator shall
17 post on the Web site of the Administration informa-
18 tion relating to the regulations, in accordance with
19 paragraph (1).

20 **SEC. 109. SBIR AND STTR SPECIAL ACQUISITION PREF-**
21 **ERENCE.**

22 Section 9(r) of the Small Business Act (15 U.S.C.
23 638(r)) is amended by adding at the end the following:

24 “(4) PHASE III AWARDS.—To the greatest ex-
25 tent practicable, Federal agencies and Federal prime

1 contractors shall issue Phase III awards relating to
2 technology, including sole source awards, to the
3 SBIR and STTR award recipients that developed
4 the technology.”.

5 **SEC. 110. COLLABORATING WITH FEDERAL LABORATORIES**
6 **AND RESEARCH AND DEVELOPMENT CEN-**
7 **TERS.**

8 Section 9 of the Small Business Act (15 U.S.C. 638),
9 as amended by this Act, is amended by adding at the end
10 the following:

11 “(dd) COLLABORATING WITH FEDERAL LABORA-
12 TORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

13 “(1) AUTHORIZATION.—Subject to the limita-
14 tions under this section, the head of each partici-
15 pating Federal agency may make SBIR and STTR
16 awards to any eligible small business concern that—

17 “(A) intends to enter into an agreement
18 with a Federal laboratory or federally funded
19 research and development center for portions of
20 the activities to be performed under that award;
21 or

22 “(B) has entered into a cooperative re-
23 search and development agreement (as defined
24 in section 12(d) of the Stevenson-Wydler Tech-

1 nology Innovation Act of 1980 (15 U.S.C.
2 3710a(d))) with a Federal laboratory.

3 “(2) PROHIBITION.—No Federal agency shall—

4 “(A) condition an SBIR or STTR award
5 upon entering into agreement with any Federal
6 laboratory or any federally funded laboratory or
7 research and development center for any por-
8 tion of the activities to be performed under that
9 award;

10 “(B) approve an agreement between a
11 small business concern receiving a SBIR or
12 STTR award and a Federal laboratory or feder-
13 ally funded laboratory or research and develop-
14 ment center, if the small business concern per-
15 forms a lesser portion of the activities to be
16 performed under that award than required by
17 this section and by the SBIR Policy Directive
18 and the STTR Policy Directive of the Adminis-
19 trator; or

20 “(C) approve an agreement that violates
21 any provision, including any data rights protec-
22 tions provision, of this section or the SBIR and
23 the STTR Policy Directives.

24 “(3) IMPLEMENTATION.—Not later than 180
25 days after the date of enactment of this subsection,

1 the Administrator shall modify the SBIR Policy Di-
2 rective and the STTR Policy Directive issued under
3 this section to ensure that small business concerns—

4 “(A) have the flexibility to use the re-
5 sources of the Federal laboratories and feder-
6 ally funded research and development centers;
7 and

8 “(B) are not mandated to enter into agree-
9 ment with any Federal laboratory or any feder-
10 ally funded laboratory or research and develop-
11 ment center as a condition of an award.”.

12 **SEC. 111. NOTICE REQUIREMENT.**

13 (a) SBIR PROGRAM.—Section 9(g) of the Small
14 Business Act (15 U.S.C. 638(g)) is amended—

15 (1) in paragraph (10), by striking “and” at the
16 end;

17 (2) in paragraph (11), by striking the period at
18 the end and inserting a semicolon; and

19 (3) by adding at the end the following:

20 “(12) provide timely notice to the Adminis-
21 trator of any case or controversy before any Federal
22 judicial or administrative tribunal concerning the
23 SBIR program of the Federal agency; and”.

24 (b) STTR PROGRAM.—Section 9(o) of the Small
25 Business Act (15 U.S.C. 638(o)) is amended—

1 (1) by striking paragraph (15);

2 (2) in paragraph (16), by striking the period at
3 the end and inserting “; and”;

4 (3) by redesignating paragraph (16) as para-
5 graph (15); and

6 (4) by adding at the end the following:

7 “(16) provide timely notice to the Adminis-
8 trator of any case or controversy before any Federal
9 judicial or administrative tribunal concerning the
10 STTR program of the Federal agency.”.

11 **SEC. 112. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD**
12 **SEQUENTIAL PHASE II AWARDS FOR SBIR OR**
13 **STTR FUNDED PROJECTS.**

14 Section 9 of the Small Business Act (15 U.S.C. 638),
15 as amended by this Act, is amended by adding at the end
16 the following:

17 “(ee) **ADDITIONAL PHASE II SBIR AND STTR**
18 **AWARDS.**—A small business concern that receives a Phase
19 II SBIR award or a Phase II STTR award for a project
20 remains eligible to receive an additional Phase II SBIR
21 award or Phase II STTR award for that project.”.

1 **TITLE II—OUTREACH AND COM-**
2 **MERCIALIZATION INITIA-**
3 **TIVES**

4 **SEC. 201. RURAL AND STATE OUTREACH.**

5 (a) IN GENERAL.—Section 9 of the Small Business
6 Act (15 U.S.C. 638) is amended by inserting after sub-
7 section (r) the following:

8 “(s) FEDERAL AND STATE TECHNOLOGY PARTNER-
9 SHIP PROGRAM.—

10 “(1) DEFINITIONS.—In this subsection, the fol-
11 lowing definitions apply:

12 “(A) APPLICANT.—The term ‘applicant’
13 means an entity, organization, or individual
14 that submits a proposal for an award or a coop-
15 erative agreement under this subsection.

16 “(B) FAST PROGRAM.—The term ‘FAST
17 program’ means the Federal and State Tech-
18 nology Partnership Program established under
19 this subsection.

20 “(C) RECIPIENT.—The term ‘recipient’
21 means a person that receives an award or be-
22 comes party to a cooperative agreement under
23 this subsection.

24 “(D) STATE.—The term ‘State’ means
25 each of the several States, the District of Co-

1 lumbia, the Commonwealth of Puerto Rico, the
2 Virgin Islands, Guam, and American Samoa.

3 “(E) DEFINITIONS RELATING TO MEN-
4 TORING NETWORKS.—The terms ‘business ad-
5 vice and counseling’, ‘mentor’, and ‘mentoring
6 network’ have the meanings given those terms
7 in section 34(e).

8 “(2) ESTABLISHMENT OF PROGRAM.—The Ad-
9 ministrator shall establish a program to be known as
10 the Federal and State Technology Partnership Pro-
11 gram, the purpose of which shall be to strengthen
12 the technological competitiveness of small business
13 concerns in the States.

14 “(3) GRANTS AND COOPERATIVE AGREE-
15 MENTS.—

16 “(A) JOINT REVIEW.—In carrying out the
17 FAST program, the Administrator and the pro-
18 gram managers for the SBIR program and
19 STTR program at the National Science Foun-
20 dation, the Department of Defense, and any
21 other Federal agency determined appropriate by
22 the Administrator shall jointly review proposals
23 submitted by applicants and may make awards
24 or enter into cooperative agreements under this
25 subsection based on the factors for consider-

1 ation set forth in subparagraph (B), in order to
2 enhance or develop in a State—

3 “(i) technology research and develop-
4 ment by small business concerns;

5 “(ii) technology transfer from univer-
6 sity research to technology-based small
7 business concerns;

8 “(iii) technology deployment and dif-
9 fusion benefitting small business concerns;

10 “(iv) the technological capabilities of
11 small business concerns through the estab-
12 lishment or operation of consortia com-
13 prised of entities, organizations, or individ-
14 uals, including—

15 “(I) State and local development
16 agencies and entities;

17 “(II) representatives of tech-
18 nology-based small business concerns;

19 “(III) industries and emerging
20 companies;

21 “(IV) universities; and

22 “(V) small business development
23 centers; and

24 “(v) outreach, financial support, and
25 technical assistance to technology-based

1 small business concerns participating in or
2 interested in participating in an SBIR pro-
3 gram or STTR program, including initia-
4 tives—

5 “(I) to make grants or loans to
6 companies to pay a portion or all of
7 the cost of developing SBIR or STTR
8 proposals;

9 “(II) to establish or operate a
10 Mentoring Network within the FAST
11 program to provide business advice
12 and counseling that will assist small
13 business concerns that have been
14 identified by FAST program partici-
15 pants, program managers of partici-
16 pating SBIR agencies, the Adminis-
17 tration, or other entities that are
18 knowledgeable about the SBIR and
19 STTR programs as good candidates
20 for the SBIR and STTR programs,
21 and that would benefit from men-
22 toring, in accordance with section 34;

23 “(III) to create or participate in
24 a training program for individuals
25 providing SBIR or STTR outreach

1 and assistance at the State and local
2 levels; and

3 “(IV) to encourage the commer-
4 cialization of technology developed
5 through funding under the SBIR pro-
6 gram or the STTR program.

7 “(B) SELECTION CONSIDERATIONS.—In
8 making awards or entering into cooperative
9 agreements under this subsection, the Adminis-
10 trator and the program managers referred to in
11 subparagraph (A)—

12 “(i) may only consider proposals by
13 applicants that intend to use a portion of
14 the Federal assistance provided under this
15 subsection to provide outreach, financial
16 support, or technical assistance to tech-
17 nology-based small business concerns par-
18 ticipating in or interested in participating
19 in the SBIR program or STTR program;
20 and

21 “(ii) shall consider, at a minimum—

22 “(I) whether the applicant has
23 demonstrated that the assistance to
24 be provided would address unmet
25 needs of small business concerns in

1 the community, and whether it is im-
2 portant to use Federal funding for the
3 proposed activities;

4 “(II) whether the applicant has
5 demonstrated that a need exists to in-
6 crease the number or success of small
7 high-technology businesses in the
8 State or an area of the State, as
9 measured by the number of Phase I
10 and Phase II SBIR awards that have
11 historically been received by small
12 business concerns in the State or area
13 of the State;

14 “(III) whether the projected costs
15 of the proposed activities are reason-
16 able;

17 “(IV) whether the proposal inte-
18 grates and coordinates the proposed
19 activities with other State and local
20 programs assisting small high-tech-
21 nology firms in the State;

22 “(V) the manner in which the ap-
23 plicant will measure the results of the
24 activities to be conducted; and

1 “(VI) whether the proposal ad-
2 dresses the needs of small business
3 concerns—

4 “(aa) owned and controlled
5 by women;

6 “(bb) that are socially and
7 economically disadvantaged small
8 business concerns (as defined in
9 section 8(a)(4)(A));

10 “(cc) that are HUBZone
11 small business concerns;

12 “(dd) located in areas that
13 have historically not participated
14 in the SBIR and STTR pro-
15 grams;

16 “(ee) owned and controlled
17 by service-disabled veterans;

18 “(ff) owned and controlled
19 by Native Americans; and

20 “(gg) located in geographic
21 areas with an unemployment rate
22 that exceeds the national unem-
23 ployment rate, based on the most
24 recently available monthly publi-
25 cations of the Bureau of Labor

1 Statistics of the Department of
2 Labor.

3 “(C) PROPOSAL LIMIT.—Not more than 1
4 proposal may be submitted for inclusion in the
5 FAST program under this subsection to provide
6 services in any one State in any 1 fiscal year.

7 “(D) PROCESS.—Proposals and applica-
8 tions for assistance under this subsection shall
9 be in such form and subject to such procedures
10 as the Administrator shall establish. The Ad-
11 ministrator shall promulgate regulations estab-
12 lishing standards for the consideration of pro-
13 posals under subparagraph (B), including
14 standards regarding each of the considerations
15 identified in subparagraph (B)(ii).

16 “(4) COOPERATION AND COORDINATION.—In
17 carrying out the FAST program, the Administrator
18 shall cooperate and coordinate with—

19 “(A) Federal agencies required by this sec-
20 tion to have an SBIR program; and

21 “(B) entities, organizations, and individ-
22 uals actively engaged in enhancing or devel-
23 oping the technological capabilities of small
24 business concerns, including—

1 “(i) State and local development agen-
2 cies and entities;

3 “(ii) State committees established
4 under the Experimental Program to Stim-
5 ulate Competitive Research of the National
6 Science Foundation (as established under
7 section 113 of the National Science Foun-
8 dation Authorization Act of 1988 (42
9 U.S.C. 1862g));

10 “(iii) State science and technology
11 councils; and

12 “(iv) representatives of technology-
13 based small business concerns.

14 “(5) ADMINISTRATIVE REQUIREMENTS.—

15 “(A) COMPETITIVE BASIS.—Awards and
16 cooperative agreements under this subsection
17 shall be made or entered into, as applicable, on
18 a competitive basis.

19 “(B) MATCHING REQUIREMENTS.—

20 “(i) IN GENERAL.—The non-Federal
21 share of the cost of an activity (other than
22 a planning activity) carried out using an
23 award or under a cooperative agreement
24 under this subsection shall be—

1 “(I) except as provided in clause
2 (iii), 35 cents for each Federal dollar,
3 in the case of a recipient that will
4 serve small business concerns located
5 in 1 of the 18 States receiving the
6 fewest Phase I SBIR awards;

7 “(II) except as provided in clause
8 (ii) or (iii), 1 dollar for each Federal
9 dollar, in the case of a recipient that
10 will serve small business concerns lo-
11 cated in 1 of the 16 States receiving
12 the greatest number of Phase I SBIR
13 awards; and

14 “(III) except as provided in
15 clause (ii) or (iii), 50 cents for each
16 Federal dollar, in the case of a recipi-
17 ent that will serve small business con-
18 cerns located in a State that is not de-
19 scribed in subclause (I) or (II) that is
20 receiving Phase I SBIR awards.

21 “(ii) LOW-INCOME AREAS.—The non-
22 Federal share of the cost of the activity
23 carried out using an award or under a co-
24 operative agreement under this subsection
25 shall be 35 cents for each Federal dollar

1 that will be directly allocated by a recipient
2 described in clause (i) to serve small busi-
3 ness concerns located in a qualified census
4 tract, as that term is defined in section
5 42(d)(5)(B)(ii)(I) of the Internal Revenue
6 Code of 1986. Federal dollars not so allo-
7 cated by that recipient shall be subject to
8 the matching requirements of clause (i).

9 “(iii) RURAL AREAS.—

10 “(I) IN GENERAL.—Except as
11 provided in subclause (II), the non-
12 Federal share of the cost of the activ-
13 ity carried out using an award or
14 under a cooperative agreement under
15 this subsection shall be 35 cents for
16 each Federal dollar that will be di-
17 rectly allocated by a recipient de-
18 scribed in clause (i) to serve small
19 business concerns located in a rural
20 area.

21 “(II) ENHANCED RURAL
22 AWARDS.—For a recipient located in a
23 rural area that is located in a State
24 described in clause (i)(I), the non-
25 Federal share of the cost of the activ-

1 ity carried out using an award or
2 under a cooperative agreement under
3 this subsection shall be 15 cents for
4 each Federal dollar that will be di-
5 rectly allocated by a recipient de-
6 scribed in clause (i) to serve small
7 business concerns located in the rural
8 area.

9 “(III) DEFINITION OF RURAL
10 AREA.—In this clause, the term ‘rural
11 area’ has the meaning given that term
12 in section 1393(a)(2) of the Internal
13 Revenue Code of 1986.

14 “(iv) TYPES OF FUNDING.—The non-
15 Federal share of the cost of an activity
16 carried out by a recipient shall be com-
17 prised of not less than 50 percent cash and
18 not more than 50 percent of indirect costs
19 and in-kind contributions, except that no
20 such costs or contributions may be derived
21 from funds from any other Federal pro-
22 gram.

23 “(v) RANKINGS.—For the first full
24 fiscal year after the date of enactment of
25 the SBIR/STTR Reauthorization Act of

1 2011, and each fiscal year thereafter,
2 based on the statistics for the most recent
3 full fiscal year for which the Administrator
4 has compiled statistics, the Administrator
5 shall reevaluate the ranking of each State
6 for purposes of clause (i).

7 “(C) DURATION.—Awards may be made or
8 cooperative agreements entered into under this
9 subsection for multiple years, not to exceed 5
10 years in total.

11 “(6) ANNUAL REPORTS.—The Administrator
12 shall submit an annual report to the Committee on
13 Small Business of the Senate and the Committee on
14 Science and the Committee on Small Business of the
15 House of Representatives regarding—

16 “(A) the number and amount of awards
17 provided and cooperative agreements entered
18 into under the FAST program during the pre-
19 ceding year;

20 “(B) a list of recipients under this sub-
21 section, including their location and the activi-
22 ties being performed with the awards made or
23 under the cooperative agreements entered into;
24 and

1 “(C) the Mentoring Networks and the
2 mentoring database, as provided for under sec-
3 tion 34, including—

4 “(i) the status of the inclusion of
5 mentoring information in the database re-
6 quired by subsection (k); and

7 “(ii) the status of the implementation
8 and description of the usage of the Men-
9 toring Networks.

10 “(7) PROGRAM LEVELS.—

11 “(A) IN GENERAL.—There is authorized to
12 be appropriated to carry out the FAST pro-
13 gram, including Mentoring Networks, under
14 this subsection and section 34, \$15,000,000 for
15 each of fiscal years 2011 through 2016.

16 “(B) MENTORING DATABASE.—Of the
17 total amount made available under subpara-
18 graph (A) for fiscal years 2011 through 2016,
19 a reasonable amount, not to exceed a total of
20 \$500,000, may be used by the Administration
21 to carry out section 34(d).

22 “(8) TERMINATION.—The authority to carry
23 out the FAST program under this subsection shall
24 terminate on September 30, 2016.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
2 The Small Business Act (15 U.S.C. 631 et seq.) is amend-
3 ed—

4 (1) by striking section 34 (15 U.S.C. 657d);

5 (2) by redesignating sections 35 through 43 as
6 sections 34 through 42, respectively;

7 (3) in section 9(k)(1)(D) (15 U.S.C.
8 638(k)(1)(D)), by striking “section 35(d)” and in-
9 serting “section 34(d)”;

10 (4) in section 34 (15 U.S.C. 657e), as so redesi-
11 gnated—

12 (A) in subsection (c)(1), by striking “sec-
13 tion 34(c)(1)(E)(ii)” and inserting “section
14 9(s)(3)(A)(v)(II)”;

15 (B) by striking “section 34” each place it
16 appears and inserting “section 9(s)”;

17 (C) by adding at the end the following:

18 “(e) DEFINITIONS.—In this section, the following
19 definitions apply:

20 “(1) BUSINESS ADVICE AND COUNSELING.—

21 The term ‘business advice and counseling’ means
22 providing advice and assistance on matters described
23 in subsection (c)(2)(B) to small business concerns to
24 guide them through the SBIR and STTR program

1 process, from application to award and successful
2 completion of each phase of the program.

3 “(2) FAST PROGRAM.—The term ‘FAST pro-
4 gram’ means the Federal and State Technology
5 Partnership Program established under section 9(s).

6 “(3) MENTOR.—The term ‘mentor’ means an
7 individual described in subsection (c)(2).

8 “(4) MENTORING NETWORK.—The term ‘Men-
9 toring Network’ means an association, organization,
10 coalition, or other entity (including an individual)
11 that meets the requirements of subsection (c).

12 “(5) RECIPIENT.—The term ‘recipient’ means a
13 person that receives an award or becomes party to
14 a cooperative agreement under this section.

15 “(6) SBIR PROGRAM.—The term ‘SBIR pro-
16 gram’ has the same meaning as in section 9(e)(4).

17 “(7) STATE.—The term ‘State’ means each of
18 the several States, the District of Columbia, the
19 Commonwealth of Puerto Rico, the Virgin Islands,
20 Guam, and American Samoa.

21 “(8) STTR PROGRAM.—The term ‘STTR pro-
22 gram’ has the same meaning as in section 9(e)(6).”;

23 (5) in section 36(d) (15 U.S.C. 657i(d)), as so
24 redesignated, by striking “section 43” and inserting
25 “section 42”;

1 (6) in section 39(d) (15 U.S.C. 657l(d)), as so
2 redesignated, by striking “section 43” and inserting
3 “section 42”; and

4 (7) in section 40(b) (15 U.S.C. 657m(b)), as so
5 redesignated, by striking “section 43” and inserting
6 “section 42”.

7 **SEC. 202. SBIR-STEM WORKFORCE DEVELOPMENT GRANT**
8 **PILOT PROGRAM.**

9 (a) **PILOT PROGRAM ESTABLISHED.**—From amounts
10 made available to carry out this section, the Administrator
11 shall establish a SBIR-STEM Workforce Development
12 Grant Pilot Program to encourage the business commu-
13 nity to provide workforce development opportunities for
14 college students, in the fields of science, technology, engi-
15 neering, and math (in this section referred to as “STEM
16 college students”), particularly those that are socially and
17 economically disadvantaged individuals, from rural areas,
18 or from areas with high unemployment, as determined by
19 the Administrator, by providing a SBIR bonus grant.

20 (b) **ELIGIBLE ENTITIES DEFINED.**—In this section
21 the term “eligible entity” means a grantee receiving a
22 grant under the SBIR Program on the date of the bonus
23 grant under subsection (a) that provides an internship
24 program for STEM college students.

1 (c) AWARDS.—An eligible entity shall receive a bonus
2 grant equal to 10 percent of either a Phase I or Phase
3 II grant, as applicable, with a total award maximum of
4 not more than \$10,000 per year.

5 (d) EVALUATION.—Following the fourth year of
6 funding under this section, the Administrator shall submit
7 to Congress as part of the report under section 9(b)(7)
8 of the Small Business Act (15 U.S.C. 638(b)(7)) the re-
9 sults of the SBIR–STEM Workforce Development Grant
10 Pilot Program.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this sec-
13 tion—

- 14 (1) \$1,000,000 for fiscal year 2012;
- 15 (2) \$1,000,000 for fiscal year 2013;
- 16 (3) \$1,000,000 for fiscal year 2014;
- 17 (4) \$1,000,000 for fiscal year 2015; and
- 18 (5) \$1,000,000 for fiscal year 2016.

19 **SEC. 203. TECHNICAL ASSISTANCE FOR AWARDEES.**

20 Section 9(q) of the Small Business Act (15 U.S.C.
21 638(q)) is amended—

- 22 (1) in paragraph (1)—
 - 23 (A) by inserting “or STTR program” after
 - 24 “SBIR program”; and

1 (B) by striking “SBIR projects” and in-
2 serting “SBIR or STTR projects”;

3 (2) in paragraph (2), by striking “3 years” and
4 inserting “5 years”; and

5 (3) in paragraph (3)—

6 (A) in subparagraph (A)—

7 (i) by inserting “or STTR” after
8 “SBIR”; and

9 (ii) by striking “\$4,000” and insert-
10 ing “\$5,000”;

11 (B) by striking subparagraph (B) and in-
12 serting the following:

13 “(B) PHASE II.—A Federal agency de-
14 scribed in paragraph (1) may—

15 “(i) provide to the recipient of a
16 Phase II SBIR or STTR award, through a
17 vendor selected under paragraph (2), the
18 services described in paragraph (1), in an
19 amount equal to not more than \$5,000 per
20 year; or

21 “(ii) authorize the recipient of a
22 Phase II SBIR or STTR award to pur-
23 chase the services described in paragraph
24 (1), in an amount equal to not more than
25 \$5,000 per year, which shall be in addition

1 to the amount of the recipient’s award.”;

2 and

3 (C) by adding at the end the following:

4 “(C) FLEXIBILITY.—In carrying out sub-
5 paragraphs (A) and (B), each Federal agency
6 shall provide the allowable amounts to a recipi-
7 ent that meets the eligibility requirements
8 under the applicable subparagraph, if the re-
9 cipient requests to seek technical assistance
10 from an individual or entity other than the ven-
11 dor selected under paragraph (2) by the Fed-
12 eral agency.

13 “(D) LIMITATION.—A Federal agency may
14 not—

15 “(i) use the amounts authorized under
16 subparagraph (A) or (B) unless the vendor
17 selected under paragraph (2) provides the
18 technical assistance to the recipient; or

19 “(ii) enter a contract with a vendor
20 under paragraph (2) under which the
21 amount provided for technical assistance is
22 based on total number of Phase I or Phase
23 II awards.”.

1 **SEC. 204. COMMERCIALIZATION READINESS PROGRAM AT**
2 **DEPARTMENT OF DEFENSE.**

3 (a) IN GENERAL.—Section 9(y) of the Small Busi-
4 ness Act (15 U.S.C. 638(y)) is amended—

5 (1) in the subsection heading, by striking
6 “PILOT” and inserting “READINESS”;

7 (2) by striking “Pilot” each place that term ap-
8 pears and inserting “Readiness”;

9 (3) in paragraph (1)—

10 (A) by inserting “or Small Business Tech-
11 nology Transfer Program” after “Small Busi-
12 ness Innovation Research Program”; and

13 (B) by adding at the end the following:
14 “The authority to create and administer a Com-
15 mercialization Readiness Program under this
16 subsection may not be construed to eliminate or
17 replace any other SBIR program or STTR pro-
18 gram that enhances the insertion or transition
19 of SBIR or STTR technologies, including any
20 such program in effect on the date of enact-
21 ment of the National Defense Authorization Act
22 for Fiscal Year 2006 (Public Law 109–163;
23 119 Stat. 3136).”;

24 (4) in paragraph (2), by inserting “or Small
25 Business Technology Transfer Program” after
26 “Small Business Innovation Research Program”;

1 (5) by striking paragraphs (5) and (6); and
2 (6) by inserting after paragraph (4) the fol-
3 lowing:

4 “(5) INSERTION INCENTIVES.—For any con-
5 tract with a value of not less than \$100,000,000, the
6 Secretary of Defense is authorized to—

7 “(A) establish goals for the transition of
8 Phase III technologies in subcontracting plans;
9 and

10 “(B) require a prime contractor on such a
11 contract to report the number and dollar
12 amount of contracts entered into by that prime
13 contractor for Phase III SBIR or STTR
14 projects.

15 “(6) GOAL FOR SBIR AND STTR TECHNOLOGY
16 INSERTION.—The Secretary of Defense shall—

17 “(A) set a goal to increase the number of
18 Phase II SBIR contracts and the number of
19 Phase II STTR contracts awarded by that Sec-
20 retary that lead to technology transition into
21 programs of record or fielded systems;

22 “(B) use incentives in effect on the date of
23 enactment of the SBIR/STTR Reauthorization
24 Act of 2011, or create new incentives, to en-
25 courage agency program managers and prime

1 contractors to meet the goal under subpara-
2 graph (A); and

3 “(C) include in the annual report to Con-
4 gress the percentage of contracts described in
5 subparagraph (A) awarded by that Secretary,
6 and information on the ongoing status of
7 projects funded through the Commercialization
8 Readiness Program and efforts to transition
9 these technologies into programs of record or
10 fielded systems.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
12 Section 9(i)(1) of the Small Business Act (15 U.S.C.
13 638(i)(1)) is amended by inserting “(including awards
14 under subsection (y))” after “the number of awards”.

15 **SEC. 205. COMMERCIALIZATION READINESS PILOT PRO-**
16 **GRAM FOR CIVILIAN AGENCIES.**

17 Section 9 of the Small Business Act (15 U.S.C. 638),
18 as amended by this Act, is amended by adding at the end
19 the following:

20 “(ff) PILOT PROGRAM.—

21 “(1) AUTHORIZATION.—The head of each cov-
22 ered Federal agency may allocate not more than 10
23 percent of the funds allocated to the SBIR program
24 and the STTR program of the covered Federal agen-
25 cy—

1 “(A) for awards for technology develop-
2 ment, testing, and evaluation of SBIR and
3 STTR Phase II technologies; or

4 “(B) to support the progress of research or
5 research and development conducted under the
6 SBIR or STTR programs to Phase III.

7 “(2) APPLICATION BY FEDERAL AGENCY.—

8 “(A) IN GENERAL.—A covered Federal
9 agency may not establish a pilot program unless
10 the covered Federal agency makes a written ap-
11 plication to the Administrator, not later than
12 90 days before to the first day of the fiscal year
13 in which the pilot program is to be established,
14 that describes a compelling reason that addi-
15 tional investment in SBIR or STTR tech-
16 nologies is necessary, including unusually high
17 regulatory, systems integration, or other costs
18 relating to development or manufacturing of
19 identifiable, highly promising small business
20 technologies or a class of such technologies ex-
21 pected to substantially advance the mission of
22 the agency.

23 “(B) DETERMINATION.—The Adminis-
24 trator shall—

1 “(i) make a determination regarding
2 an application submitted under subpara-
3 graph (A) not later than 30 days before
4 the first day of the fiscal year for which
5 the application is submitted;

6 “(ii) publish the determination in the
7 Federal Register; and

8 “(iii) make a copy of the determina-
9 tion and any related materials available to
10 the Committee on Small Business and En-
11 trepreneurship of the Senate and the Com-
12 mittee on Small Business of the House of
13 Representatives.

14 “(3) MAXIMUM AMOUNT OF AWARD.—The head
15 of a covered Federal agency may not make an award
16 under a pilot program in excess of 3 times the dollar
17 amounts generally established for Phase II awards
18 under subsection (j)(2)(D) or (p)(2)(B)(ix).

19 “(4) REGISTRATION.—Any applicant that re-
20 ceives an award under a pilot program shall register
21 with the Administrator in a registry that is available
22 to the public.

23 “(5) REPORT.—The head of each covered Fed-
24 eral agency shall include in the annual report of the
25 covered Federal agency to the Administrator an

1 analysis of the various activities considered for inclu-
 2 sion in the pilot program of the covered Federal
 3 agency and a statement of the reasons why each ac-
 4 tivity considered was included or not included, as the
 5 case may be.

6 “(6) TERMINATION.—The authority to establish
 7 a pilot program under this section expires at the end
 8 of fiscal year 2014.

9 “(7) DEFINITIONS.—In this subsection—

10 “(A) the term ‘covered Federal agency’—

11 “(i) means a Federal agency partici-
 12 pating in the SBIR program or the STTR
 13 program; and

14 “(ii) does not include the Department
 15 of Defense; and

16 “(B) the term ‘pilot program’ means the
 17 program established under paragraph (1).”.

18 **SEC. 206. ACCELERATING CURES.**

19 (a) IN GENERAL.—The Small Business Act (15
 20 U.S.C. 631 et seq.) is amended by inserting after section
 21 42, as redesignated by section 201 of this Act, the fol-
 22 lowing:

23 **“SEC. 43. SMALL BUSINESS INNOVATION RESEARCH PRO-**
 24 **GRAM.**

25 “(a) NIH CURES PILOT.—

1 “(1) ESTABLISHMENT.—An independent advi-
2 sory board shall be established at the National Acad-
3 emy of Sciences (in this section referred to as the
4 ‘advisory board’) to conduct periodic evaluations of
5 the SBIR program (as that term is defined in sec-
6 tion 9) of each of the National Institutes of Health
7 (referred to in this section as the ‘NIH’) institutes
8 and centers for the purpose of improving the man-
9 agement of the SBIR program through data-driven
10 assessment.

11 “(2) MEMBERSHIP.—

12 “(A) IN GENERAL.—The advisory board
13 shall consist of—

14 “(i) the Director of the NIH;

15 “(ii) the Director of the SBIR pro-
16 gram of the NIH;

17 “(iii) senior NIH agency managers,
18 selected by the Director of NIH;

19 “(iv) industry experts, selected by the
20 Council of the National Academy of
21 Sciences in consultation with the Associate
22 Administrator for Technology of the Ad-
23 ministration and the Director of the Office
24 of Science and Technology Policy; and

1 “(v) owners or operators of small
2 business concerns that have received an
3 award under the SBIR program of the
4 NIH, selected by the Associate Adminis-
5 trator for Technology of the Administra-
6 tion.

7 “(B) NUMBER OF MEMBERS.—The total
8 number of members selected under clauses (iii),
9 (iv), and (v) of subparagraph (A) shall not ex-
10 ceed 10.

11 “(C) EQUAL REPRESENTATION.—The total
12 number of members of the advisory board se-
13 lected under clauses (i), (ii), (iii), and (iv) of
14 subparagraph (A) shall be equal to the number
15 of members of the advisory board selected
16 under subparagraph (A)(v).

17 “(b) ADDRESSING DATA GAPS.—In order to enhance
18 the evidence-base guiding SBIR program decisions and
19 changes, the Director of the SBIR program of the NIH
20 shall address the gaps and deficiencies in the data collec-
21 tion concerns identified in the 2007 report of the National
22 Academy of Science entitled ‘An Assessment of the Small
23 Business Innovation Research Program at the NIH’.

24 “(c) PILOT PROGRAM.—

1 “(1) IN GENERAL.—The Director of the SBIR
2 program of the NIH may initiate a pilot program,
3 under a formal mechanism for designing, imple-
4 menting, and evaluating pilot programs, to spur in-
5 novation and to test new strategies that may en-
6 hance the development of cures and therapies.

7 “(2) CONSIDERATIONS.—The Director of the
8 SBIR program of the NIH may consider conducting
9 a pilot program to include individuals with success-
10 ful SBIR program experience in study sections, hir-
11 ing individuals with small business development ex-
12 perience for staff positions, separating the commer-
13 cial and scientific review processes, and examining
14 the impact of the trend toward larger awards on the
15 overall program.

16 “(d) REPORT TO CONGRESS.—The Director of the
17 NIH shall submit an annual report to Congress and the
18 advisory board on the activities of the SBIR program of
19 the NIH under this section.

20 “(e) SBIR GRANTS AND CONTRACTS.—

21 “(1) IN GENERAL.—In awarding grants and
22 contracts under the SBIR program of the NIH each
23 SBIR program manager shall emphasize applica-
24 tions that identify products, processes, technologies,

1 and services that may enhance the development of
2 cures and therapies.

3 “(2) EXAMINATION OF COMMERCIALIZATION
4 AND OTHER METRICS.—The advisory board shall
5 evaluate the implementation of the requirement
6 under paragraph (1) by examining increased com-
7 mercialization and other metrics, to be determined
8 and collected by the SBIR program of the NIH.

9 “(3) PHASE I AND II.—To the greatest extent
10 practicable, the Director of the SBIR program of
11 the NIH shall reduce the time period between Phase
12 I and Phase II funding of grants and contracts
13 under the SBIR program of the NIH to 90 days.

14 “(f) LIMIT.—Not more than a total of 1 percent of
15 the extramural budget (as defined in section 9 of the
16 Small Business Act (15 U.S.C. 638)) of the NIH for re-
17 search or research and development may be used for the
18 pilot program under subsection (c) and to carry out sub-
19 section (e).”.

20 (b) PROSPECTIVE REPEAL.—Effective 5 years after
21 the date of enactment of this Act, the Small Business Act
22 (15 U.S.C. 631 et seq.) is amended—

23 (1) by striking section 43, as added by sub-
24 section (a); and

1 (2) by redesignating sections 44 and 45 as sec-
2 tions 43 and 44, respectively.

3 **SEC. 207. FEDERAL AGENCY ENGAGEMENT WITH SBIR AND**
4 **STTR AWARDEES THAT HAVE BEEN AWARDED**
5 **MULTIPLE PHASE I AWARDS BUT HAVE NOT**
6 **BEEN AWARDED PHASE II AWARDS.**

7 Section 9 of the Small Business Act (15 U.S.C. 638),
8 as amended by this Act, is amended by adding at the end
9 the following:

10 “(gg) REQUIREMENTS RELATING TO FEDERAL
11 AGENCY ENGAGEMENT WITH CERTAIN PHASE I SBIR
12 AND STTR AWARDEES.—

13 “(1) DEFINITION.—In this subsection, the term
14 ‘covered awardee’ means a small business concern
15 that—

16 “(A) has received multiple Phase I awards
17 over multiple years, as determined by the head
18 of a Federal agency, under the SBIR program
19 or the STTR program of the Federal agency;
20 and

21 “(B) has not received a Phase II award—

22 “(i) under the SBIR program or
23 STTR program, as the case may be, of the
24 Federal agency described in subparagraph
25 (A); or

1 “(ii) relating to a Phase I award de-
2 scribed in subparagraph (A) under the
3 SBIR program or the STTR program of
4 another Federal agency.

5 “(2) PERFORMANCE MEASURES.—The head of
6 each Federal agency that participates in the SBIR
7 program or the STTR program shall develop per-
8 formance measures for any covered awardee relating
9 to commercializing research or research and develop-
10 ment activities under the SBIR program or the
11 STTR program of the Federal agency.”.

12 **SEC. 208. CLARIFYING THE DEFINITION OF “PHASE III”.**

13 (a) PHASE III AWARDS.—Section 9(e) of the Small
14 Business Act (15 U.S.C. 638(e)) is amended—

15 (1) in paragraph (4)(C), in the matter pre-
16 ceding clause (i), by inserting “for work that derives
17 from, extends, or completes efforts made under prior
18 funding agreements under the SBIR program” after
19 “phase”;

20 (2) in paragraph (6)(C), in the matter pre-
21 ceding clause (i), by inserting “for work that derives
22 from, extends, or completes efforts made under prior
23 funding agreements under the STTR program” after
24 “phase”;

1 (3) in paragraph (8), by striking “and” at the
2 end;

3 (4) in paragraph (9), by striking the period at
4 the end and inserting a semicolon; and

5 (5) by adding at the end the following:

6 “(10) the term ‘commercialization’ means—

7 “(A) the process of developing products,
8 processes, technologies, or services; and

9 “(B) the production and delivery of prod-
10 ucts, processes, technologies, or services for sale
11 (whether by the originating party or by others)
12 to or use by the Federal Government or com-
13 mercial markets;”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
15 The Small Business Act (15 U.S.C. 631 et seq.) is amend-
16 ed—

17 (1) in section 9 (15 U.S.C. 638)—

18 (A) in subsection (e)—

19 (i) in paragraph (4)(C)(ii), by striking
20 “scientific review criteria” and inserting
21 “merit-based selection procedures”;

22 (ii) in paragraph (9), by striking “the
23 second or the third phase” and inserting
24 “Phase II or Phase III”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(11) the term ‘Phase I’ means—

4 “(A) with respect to the SBIR program,
5 the first phase described in paragraph (4)(A);
6 and

7 “(B) with respect to the STTR program,
8 the first phase described in paragraph (6)(A);

9 “(12) the term ‘Phase II’ means—

10 “(A) with respect to the SBIR program,
11 the second phase described in paragraph
12 (4)(B); and

13 “(B) with respect to the STTR program,
14 the second phase described in paragraph
15 (6)(B); and

16 “(13) the term ‘Phase III’ means—

17 “(A) with respect to the SBIR program,
18 the third phase described in paragraph (4)(C);
19 and

20 “(B) with respect to the STTR program,
21 the third phase described in paragraph
22 (6)(C).”;

23 (B) in subsection (j)—

24 (i) in paragraph (1)(B), by striking
25 “phase two” and inserting “Phase II”;

- 1 (ii) in paragraph (2)—
- 2 (I) in subparagraph (B)—
- 3 (aa) by striking “the third
- 4 phase” each place it appears and
- 5 inserting “Phase III”; and
- 6 (bb) by striking “the second
- 7 phase” and inserting “Phase II”;
- 8 (II) in subparagraph (D)—
- 9 (aa) by striking “the first
- 10 phase” and inserting “Phase I”;
- 11 and
- 12 (bb) by striking “the second
- 13 phase” and inserting “Phase II”;
- 14 (III) in subparagraph (F), by
- 15 striking “the third phase” and insert-
- 16 ing “Phase III”;
- 17 (IV) in subparagraph (G)—
- 18 (aa) by striking “the first
- 19 phase” and inserting “Phase I”;
- 20 and
- 21 (bb) by striking “the second
- 22 phase” and inserting “Phase II”;
- 23 and
- 24 (V) in subparagraph (H)—

1 (aa) by striking “the first
2 phase” and inserting “Phase I”;

3 (bb) by striking “second
4 phase” each place it appears and
5 inserting “Phase II”; and

6 (cc) by striking “third
7 phase” and inserting “Phase
8 III”; and

9 (iii) in paragraph (3)—

10 (I) in subparagraph (A)—

11 (aa) by striking “the first
12 phase (as described in subsection
13 (e)(4)(A))” and inserting “Phase
14 I”;

15 (bb) by striking “the second
16 phase (as described in subsection
17 (e)(4)(B))” and inserting “Phase
18 II”; and

19 (cc) by striking “the third
20 phase (as described in subsection
21 (e)(4)(C))” and inserting “Phase
22 III”; and

23 (II) in subparagraph (B), by
24 striking “second phase” and inserting
25 “Phase II”;

1 (C) in subsection (k)—

2 (i) by striking “first phase” each
3 place it appears and inserting “Phase I”;
4 and

5 (ii) by striking “second phase” each
6 place it appears and inserting “Phase II”;

7 (D) in subsection (l)(2)—

8 (i) by striking “the first phase” and
9 inserting “Phase I”; and

10 (ii) by striking “the second phase”
11 and inserting “Phase II”;

12 (E) in subsection (o)(13)—

13 (i) in subparagraph (B), by striking
14 “second phase” and inserting “Phase II”;
15 and

16 (ii) in subparagraph (C), by striking
17 “third phase” and inserting “Phase III”;

18 (F) in subsection (p)—

19 (i) in paragraph (2)(B)—

20 (I) in clause (vi)—

21 (aa) by striking “the second
22 phase” and inserting “Phase II”;
23 and

1 (bb) by striking “the third
2 phase” and inserting “Phase
3 III”; and

4 (II) in clause (ix)—

5 (aa) by striking “the first
6 phase” and inserting “Phase I”;
7 and

8 (bb) by striking “the second
9 phase” and inserting “Phase II”;
10 and

11 (ii) in paragraph (3)—

12 (I) by striking “the first phase
13 (as described in subsection
14 (e)(6)(A))” and inserting “Phase I”;

15 (II) by striking “the second
16 phase (as described in subsection
17 (e)(6)(B))” and inserting “Phase II”;
18 and

19 (III) by striking “the third phase
20 (as described in subsection
21 (e)(6)(A))” and inserting “Phase III”;

22 (G) in subsection (q)(3)—

23 (i) in subparagraph (A)—

- 1 (I) in the subparagraph heading,
2 by striking “FIRST PHASE” and in-
3 sserting “PHASE I”; and
- 4 (II) by striking “first phase” and
5 inserting “Phase I”; and
- 6 (ii) in subparagraph (B)—
- 7 (I) in the subparagraph heading,
8 by striking “SECOND PHASE” and in-
9 sserting “PHASE II”; and
- 10 (II) by striking “second phase”
11 and inserting “Phase II”;
- 12 (H) in subsection (r)—
- 13 (i) in the subsection heading, by strik-
14 ing “THIRD PHASE” and inserting
15 “PHASE III”;
- 16 (ii) in paragraph (1)—
- 17 (I) in the first sentence—
- 18 (aa) by striking “for the sec-
19 ond phase” and inserting “for
20 Phase II”;
- 21 (bb) by striking “third
22 phase” and inserting “Phase
23 III”; and

1 (cc) by striking “second
2 phase period” and inserting
3 “Phase II period”; and

4 (II) in the second sentence—

5 (aa) by striking “second
6 phase” and inserting “Phase II”;
7 and

8 (bb) by striking “third
9 phase” and inserting “Phase
10 III”; and

11 (iii) in paragraph (2), by striking
12 “third phase” and inserting “Phase III”;
13 and

14 (I) in subsection (u)(2)(B), by striking
15 “the first phase” and inserting “Phase I”; and

16 (2) in section 34(c)(2)(B)(vii) (15 U.S.C.
17 657e(c)(2)(B)(vii)), as redesignated by section 201
18 of this Act, by striking “third phase” and inserting
19 “Phase III”.

20 **SEC. 209. SHORTENED PERIOD FOR FINAL DECISIONS ON**
21 **PROPOSALS AND APPLICATIONS.**

22 (a) IN GENERAL.—Section 9 of the Small Business
23 Act (15 U.S.C. 638) is amended—

24 (1) in subsection (g)(4)—

25 (A) by inserting “(A)” after “(4)”;

1 (B) by adding “and” after the semicolon
2 at the end; and

3 (C) by adding at the end the following:

4 “(B) make a final decision on each proposal
5 submitted under the SBIR program—

6 “(i) not later than 90 days after the date
7 on which the solicitation closes; or

8 “(ii) if the Administrator authorizes an ex-
9 tension for a solicitation, not later than 180
10 days after the date on which the solicitation
11 closes;”; and

12 (2) in subsection (o)(4)—

13 (A) by inserting “(A)” after “(4)”;

14 (B) by adding “and” after the semicolon
15 at the end; and

16 (C) by adding at the end the following:

17 “(B) make a final decision on each proposal
18 submitted under the STTR program—

19 “(i) not later than 90 days after the date
20 on which the solicitation closes; or

21 “(ii) if the Administrator authorizes an ex-
22 tension for a solicitation, not later than 180
23 days after the date on which the solicitation
24 closes;”.

25 (b) NIH PEER REVIEW PROCESS.—

1 (1) IN GENERAL.—Section 9 of the Small Busi-
2 ness Act (15 U.S.C. 638), as amended by this Act,
3 is amended by adding at the end the following:

4 “(hh) NIH PEER REVIEW PROCESS.—The Director
5 of the National Institutes of Health may make an award
6 under the SBIR program or the STTR program of the
7 National Institutes of Health if the application for the
8 award has undergone technical and scientific peer review
9 under section 492 of the Public Health Service Act (42
10 U.S.C. 289a).”.

11 (2) TECHNICAL AND CONFORMING AMEND-
12 MENTS.—Section 105 of the National Institutes of
13 Health Reform Act of 2006 (42 U.S.C. 284n) is
14 amended—

15 (A) in subsection (a)(3)—

16 (i) by striking “A grant” and insert-
17 ing “Except as provided in section 9(hh) of
18 the Small Business Act (15 U.S.C.
19 638(hh)), a grant”; and

20 (ii) by striking “section 402(k)” and
21 all that follows through “Act)” and insert-
22 ing “section 402(l) of such Act”; and

23 (B) in subsection (b)(5)—

24 (i) by striking “A grant” and insert-
25 ing “Except as provided in section 9(hh) of

1 the Small Business Act (15 U.S.C.
2 638(hh)), a grant”; and

3 (ii) by striking “section 402(k)” and
4 all that follows through “Act)” and insert-
5 ing “section 402(l) of such Act”.

6 **TITLE III—OVERSIGHT AND**
7 **EVALUATION**

8 **SEC. 301. STREAMLINING ANNUAL EVALUATION REQUIRE-**
9 **MENTS.**

10 Section 9(b) of the Small Business Act (15 U.S.C.
11 638(b)), as amended by section 102 of this Act, is amend-
12 ed—

13 (1) in paragraph (7)—

14 (A) by striking “STTR programs, includ-
15 ing the data” and inserting the following:

16 “STTR programs, including—

17 “(A) the data”;

18 (B) by striking “(g)(10), (o)(9), and
19 (o)(15), the number” and all that follows
20 through “under each of the SBIR and STTR
21 programs, and a description” and inserting the
22 following: “(g)(8) and (o)(9); and

23 “(B) the number of proposals received
24 from, and the number and total amount of
25 awards to, HUBZone small business concerns

1 and firms with venture capital investment (in-
2 cluding those majority-owned by multiple ven-
3 ture capital operating companies) under each of
4 the SBIR and STTR programs;

5 “(C) a description of the extent to which
6 each Federal agency is increasing outreach and
7 awards to firms owned and controlled by women
8 and social or economically disadvantaged indi-
9 viduals under each of the SBIR and STTR pro-
10 grams;

11 “(D) general information about the imple-
12 mentation of, and compliance with the alloca-
13 tion of funds required under, subsection (cc) for
14 firms owned in majority part by venture capital
15 operating companies and participating in the
16 SBIR program;

17 “(E) a detailed description of appeals of
18 Phase III awards and notices of noncompliance
19 with the SBIR Policy Directive and the STTR
20 Policy Directive filed by the Administrator with
21 Federal agencies; and

22 “(F) a description”; and

23 (2) by inserting after paragraph (7) the fol-
24 lowing:

1 “(8) to coordinate the implementation of elec-
2 tronic databases at each of the Federal agencies par-
3 ticipating in the SBIR program or the STTR pro-
4 gram, including the technical ability of the partici-
5 pating agencies to electronically share data;”.

6 **SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR.**

7 Section 9(g) of the Small Business Act (15 U.S.C.
8 638(g)) is amended—

9 (1) by striking paragraph (10);

10 (2) by redesignating paragraphs (8) and (9) as
11 paragraphs (9) and (10), respectively; and

12 (3) by inserting after paragraph (7) the fol-
13 lowing:

14 “(8) collect annually, and maintain in a com-
15 mon format in accordance with the simplified report-
16 ing requirements under subsection (v), such informa-
17 tion from awardees as is necessary to assess the
18 SBIR program, including information necessary to
19 maintain the database described in subsection (k),
20 including—

21 “(A) whether an awardee—

22 “(i) has venture capital or is majority-
23 owned by multiple venture capital oper-
24 ating companies, and, if so—

1 “(I) the amount of venture cap-
2 ital that the awardee has received as
3 of the date of the award; and

4 “(II) the amount of additional
5 capital that the awardee has invested
6 in the SBIR technology;

7 “(ii) has an investor that—

8 “(I) is an individual who is not a
9 citizen of the United States or a law-
10 ful permanent resident of the United
11 States, and if so, the name of any
12 such individual; or

13 “(II) is a person that is not an
14 individual and is not organized under
15 the laws of a State or the United
16 States, and if so the name of any such
17 person;

18 “(iii) is owned by a woman or has a
19 woman as a principal investigator;

20 “(iv) is owned by a socially or eco-
21 nomically disadvantaged individual or has
22 a socially or economically disadvantaged
23 individual as a principal investigator;

24 “(v) received assistance under the
25 FAST program under section 34, as in ef-

1 fect on the day before the date of enact-
2 ment of the SBIR/STTR Reauthorization
3 Act of 2011, or the outreach program
4 under subsection (s);

5 “(vi) is a faculty member or a student
6 of an institution of higher education, as
7 that term is defined in section 101 of the
8 Higher Education Act of 1965 (20 U.S.C.
9 1001); or

10 “(vii) is located in a State described
11 in subsection (u)(3); and

12 “(B) a justification statement from the
13 agency, if an awardee receives an award in an
14 amount that is more than the award guidelines
15 under this section;”.

16 **SEC. 303. DATA COLLECTION FROM AGENCIES FOR STTR.**

17 Section 9(o) of the Small Business Act (15 U.S.C.
18 638(o)) is amended by striking paragraph (9) and insert-
19 ing the following:

20 “(9) collect annually, and maintain in a com-
21 mon format in accordance with the simplified report-
22 ing requirements under subsection (v), such informa-
23 tion from applicants and awardees as is necessary to
24 assess the STTR program outputs and outcomes, in-

1 including information necessary to maintain the data-
2 base described in subsection (k), including—

3 “(A) whether an applicant or awardee—

4 “(i) has venture capital or is majority-
5 owned by multiple venture capital oper-
6 ating companies, and, if so—

7 “(I) the amount of venture cap-
8 ital that the applicant or awardee has
9 received as of the date of the applica-
10 tion or award, as applicable; and

11 “(II) the amount of additional
12 capital that the applicant or awardee
13 has invested in the SBIR technology;

14 “(ii) has an investor that—

15 “(I) is an individual who is not a
16 citizen of the United States or a law-
17 ful permanent resident of the United
18 States, and if so, the name of any
19 such individual; or

20 “(II) is a person that is not an
21 individual and is not organized under
22 the laws of a State or the United
23 States, and if so the name of any such
24 person;

1 “(iii) is owned by a woman or has a
2 woman as a principal investigator;

3 “(iv) is owned by a socially or eco-
4 nomically disadvantaged individual or has
5 a socially or economically disadvantaged
6 individual as a principal investigator;

7 “(v) received assistance under the
8 FAST program under section 34 or the
9 outreach program under subsection (s);

10 “(vi) is a faculty member or a student
11 of an institution of higher education, as
12 that term is defined in section 101 of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1001); or

15 “(vii) is located in a State in which
16 the total value of contracts awarded to
17 small business concerns under all STTR
18 programs is less than the total value of
19 contracts awarded to small business con-
20 cerns in a majority of other States, as de-
21 termined by the Administrator in biennial
22 fiscal years, beginning with fiscal year
23 2008, based on the most recent statistics
24 compiled by the Administrator; and

1 “(B) if an awardee receives an award in an
2 amount that is more than the award guidelines
3 under this section, a statement from the agency
4 that justifies the award amount;”.

5 **SEC. 304. PUBLIC DATABASE.**

6 Section 9(k)(1) of the Small Business Act (15 U.S.C.
7 638(k)(1)) is amended—

8 (1) in subparagraph (D), by striking “and” at
9 the end;

10 (2) in subparagraph (E), by striking the period
11 at the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(F) for each small business concern that
14 has received a Phase I or Phase II SBIR or
15 STTR award from a Federal agency, whether
16 the small business concern—

17 “(i) has venture capital and, if so,
18 whether the small business concern is reg-
19 istered as majority-owned by multiple ven-
20 ture capital operating companies as re-
21 quired under subsection (cc)(4);

22 “(ii) is owned by a woman or has a
23 woman as a principal investigator;

24 “(iii) is owned by a socially or eco-
25 nomically disadvantaged individual or has

1 a socially or economically disadvantaged
2 individual as a principal investigator;

3 “(iv) received assistance under the
4 FAST program under section 34, as in ef-
5 fect on the day before the date of enact-
6 ment of the SBIR/STTR Reauthorization
7 Act of 2011, or the outreach program
8 under subsection (s); or

9 “(v) is owned by a faculty member or
10 a student of an institution of higher edu-
11 cation, as that term is defined in section
12 101 of the Higher Education Act of 1965
13 (20 U.S.C. 1001).”.

14 **SEC. 305. GOVERNMENT DATABASE.**

15 Section 9(k) of the Small Business Act (15 U.S.C.
16 638(k)) is amended—

17 (1) in paragraph (2)—

18 (A) in the matter preceding subparagraph
19 (A), by striking “Not later” and all that follows
20 through “Act of 2000” and inserting “Not later
21 than 90 days after the date of enactment of the
22 SBIR/STTR Reauthorization Act of 2011”;

23 (B) by striking subparagraph (C);

1 (C) by redesignating subparagraphs (A)
2 and (B) as subparagraphs (B) and (C), respec-
3 tively;

4 (D) by inserting before subparagraph (B),
5 as so redesignated, the following:

6 “(A) contains, for each small business con-
7 cern that applies for, submits a proposal for, or
8 receives an award under Phase I or Phase II of
9 the SBIR program or the STTR program—

10 “(i) the name, size, and location, and
11 an identifying number assigned by the Ad-
12 ministration of the small business concern;

13 “(ii) an abstract of the project;

14 “(iii) the specific aims of the project;

15 “(iv) the number of employees of the
16 small business concern;

17 “(v) the names of key individuals that
18 will carry out the project;

19 “(vi) the percentage of effort each in-
20 dividual described in clause (iv) will con-
21 tribute to the project;

22 “(vii) whether the small business con-
23 cern is majority-owned by multiple venture
24 capital operating companies; and

1 “(viii) the Federal agency to which
2 the application is made, and contact infor-
3 mation for the person or office within the
4 Federal agency that is responsible for re-
5 viewing applications and making awards
6 under the SBIR program or the STTR
7 program;”;

8 (E) by redesignating subparagraphs (D),
9 and (E) as subparagraphs (E) and (F), respec-
10 tively;

11 (F) by inserting after subparagraph (C),
12 as so redesignated, the following:

13 “(D) includes, for each awardee—

14 “(i) the name, size, location, and any
15 identifying number assigned to the award-
16 ee by the Administrator;

17 “(ii) whether the awardee has venture
18 capital, and, if so—

19 “(I) the amount of venture cap-
20 ital as of the date of the award;

21 “(II) the percentage of ownership
22 of the awardee held by a venture cap-
23 ital operating company, including
24 whether the awardee is majority-

1 owned by multiple venture capital op-
2 erating companies; and

3 “(III) the amount of additional
4 capital that the awardee has invested
5 in the SBIR technology, which infor-
6 mation shall be collected on an annual
7 basis;

8 “(iii) the names and locations of any
9 affiliates of the awardee;

10 “(iv) the number of employees of the
11 awardee;

12 “(v) the number of employees of the
13 affiliates of the awardee; and

14 “(vi) the names of, and the percent-
15 age of ownership of the awardee held by—

16 “(I) any individual who is not a
17 citizen of the United States or a law-
18 ful permanent resident of the United
19 States; or

20 “(II) any person that is not an
21 individual and is not organized under
22 the laws of a State or the United
23 States;”;

24 (G) in subparagraph (E), as so redesign-
25 nated, by striking “and” at the end;

1 (H) in subparagraph (F), as so redesignated,
2 nated, by striking the period at the end and inserting
3 “; and”; and

4 (I) by adding at the end the following:

5 “(G) includes a timely and accurate list of
6 any individual or small business concern that
7 has participated in the SBIR program or STTR
8 program that has committed fraud, waste, or
9 abuse relating to the SBIR program or STTR
10 program.”; and

11 (2) in paragraph (3), by adding at the end the
12 following:

13 “(C) GOVERNMENT DATABASE.—Not later
14 than 60 days after the date established by a
15 Federal agency for submitting applications or
16 proposals for a Phase I or Phase II award
17 under the SBIR program or STTR program,
18 the head of the Federal agency shall submit to
19 the Administrator the data required under
20 paragraph (2) with respect to each small business
21 concern that applies or submits a proposal
22 for the Phase I or Phase II award.”.

23 **SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this Act, and every year thereafter

1 until the date that is 5 years after the date of enactment
2 of this Act, the Comptroller General of the United States
3 shall—

4 (1) conduct a fiscal and management audit of
5 the SBIR program and the STTR program for the
6 applicable period to—

7 (A) determine whether Federal agencies
8 comply with the expenditure amount require-
9 ments under subsections (f)(1) and (n)(1) of
10 section 9 of the Small Business Act (15 U.S.C.
11 638), as amended by this Act;

12 (B) assess the extent of compliance with
13 the requirements of section 9(i)(2) of the Small
14 Business Act (15 U.S.C. 638(i)(2)) by Federal
15 agencies participating in the SBIR program or
16 the STTR program and the Administration;

17 (C) assess whether it would be more con-
18 sistent and effective to base the amount of the
19 allocations under the SBIR program and the
20 STTR program on a percentage of the research
21 and development budget of a Federal agency,
22 rather than the extramural budget of the Fed-
23 eral agency; and

24 (D) determine the portion of the extra-
25 mural research or research and development

1 budget of a Federal agency that each Federal
2 agency spends for administrative purposes re-
3 lating to the SBIR program or STTR program,
4 and for what specific purposes, including the
5 portion, if any, of such budget the Federal
6 agency spends for salaries and expenses, travel
7 to visit applicants, outreach events, marketing,
8 and technical assistance; and

9 (2) submit a report to the Committee on Small
10 Business and Entrepreneurship of the Senate and
11 the Committee on Small Business of the House of
12 Representatives regarding the audit conducted under
13 paragraph (1), including the assessments required
14 under subparagraphs (B) and (C), and the deter-
15 mination made under subparagraph (D) of para-
16 graph (1).

17 (b) DEFINITION OF APPLICABLE PERIOD.—In this
18 section, the term “applicable period” means—

19 (1) for the first report submitted under this
20 section, the period beginning on October 1, 2005,
21 and ending on September 30 of the last full fiscal
22 year before the date of enactment of this Act for
23 which information is available; and

24 (2) for the second and each subsequent report
25 submitted under this section, the period—

1 (A) beginning on October 1 of the first fis-
2 cal year after the end of the most recent full
3 fiscal year relating to which a report under this
4 section was submitted; and

5 (B) ending on September 30 of the last
6 full fiscal year before the date of the report.

7 **SEC. 307. CONTINUED EVALUATION BY THE NATIONAL**
8 **ACADEMY OF SCIENCES.**

9 Section 108 of the Small Business Reauthorization
10 Act of 2000 (15 U.S.C. 638 note) is amended by adding
11 at the end the following:

12 “(e) EXTENSIONS AND ENHANCEMENTS OF AUTHOR-
13 ITY.—

14 “(1) IN GENERAL.—Not later than 6 months
15 after the date of enactment of the SBIR/STTR Re-
16 authorization Act of 2011, the head of each agency
17 described in subsection (a), in consultation with the
18 Small Business Administration, shall cooperatively
19 enter into an agreement with the National Academy
20 of Sciences for the National Research Council to,
21 not later than 4 years after the date of enactment
22 of the SBIR/STTR Reauthorization Act of 2011,
23 and every 4 years thereafter—

24 “(A) continue the most recent study under
25 this section relating to—

1 “(i) the issues described in subpara-
2 graphs (A), (B), (C), and (E) of subsection
3 (a)(1); and

4 “(ii) the effectiveness of the govern-
5 ment and public databases described in
6 section 9(k) of the Small Business Act (15
7 U.S.C. 638(k)) in reducing vulnerabilities
8 of the SBIR program and the STTR pro-
9 gram to fraud, waste, and abuse, particu-
10 larly with respect to Federal agencies
11 funding duplicative proposals and business
12 concerns falsifying information in pro-
13 posals;

14 “(B) make recommendations with respect
15 to the issues described in subparagraph (A)(ii)
16 and subparagraphs (A), (D), and (E) of sub-
17 section (a)(2).

18 “(2) CONSULTATION.—An agreement under
19 paragraph (1) shall require the National Research
20 Council to ensure there is participation by and con-
21 sultation with the small business community, the
22 Administration, and other interested parties as de-
23 scribed in subsection (b).

24 “(3) REPORTING.—An agreement under para-
25 graph (1) shall require that not later than 4 years

1 after the date of enactment of the SBIR/STTR Re-
2 authorization Act of 2011, and every 4 years there-
3 after, the National Research Council shall submit to
4 the head of the agency entering into the agreement,
5 the Committee on Small Business and Entrepre-
6 neurship of the Senate, and the Committee on Small
7 Business of the House of Representatives a report
8 regarding the study conducted under paragraph (1)
9 and containing the recommendations described in
10 paragraph (1).”.

11 **SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIRE-**
12 **MENTS.**

13 Section 9 of the Small Business Act (15 U.S.C. 638),
14 as amended by this Act, is amended by adding at the end
15 the following:

16 “(ii) PHASE III REPORTING.—The annual SBIR or
17 STTR report to Congress by the Administration under
18 subsection (b)(7) shall include, for each Phase III award
19 made by the Federal agency—

20 “(1) the name of the agency or component of
21 the agency or the non-Federal source of capital mak-
22 ing the Phase III award;

23 “(2) the name of the small business concern or
24 individual receiving the Phase III award; and

1 “(3) the dollar amount of the Phase III
2 award.”.

3 **SEC. 309. INTELLECTUAL PROPERTY PROTECTIONS.**

4 (a) IN GENERAL.—The Comptroller General of the
5 United States shall conduct a study of the SBIR program
6 to assess whether—

7 (1) Federal agencies comply with the data
8 rights protections for SBIR awardees and the tech-
9 nologies of SBIR awardees under section 9 of the
10 Small Business Act (15 U.S.C. 638);

11 (2) the laws and policy directives intended to
12 clarify the scope of data rights, including in proto-
13 types and mentor-protégé relationships and agree-
14 ments with Federal laboratories, are sufficient to
15 protect SBIR awardees; and

16 (3) there is an effective grievance tracking proc-
17 ess for SBIR awardees who have grievances against
18 a Federal agency regarding data rights and a proc-
19 ess for resolving those grievances.

20 (b) REPORT.—Not later than 18 months after the
21 date of enactment of this Act, the Comptroller General
22 shall submit to the Committee on Small Business and En-
23 trepreneurship of the Senate and the Committee on Small
24 Business of the House of Representatives a report regard-
25 ing the study conducted under subsection (a).

1 **SEC. 310. OBTAINING CONSENT FROM SBIR AND STTR AP-**
 2 **PLICANTS TO RELEASE CONTACT INFORMA-**
 3 **TION TO ECONOMIC DEVELOPMENT ORGANI-**
 4 **ZATIONS.**

5 Section 9 of the Small Business Act (15 U.S.C. 638),
 6 as amended by this Act, is amended by adding at the end
 7 the following:

8 “(jj) CONSENT TO RELEASE CONTACT INFORMATION
 9 TO ORGANIZATIONS.—

10 “(1) ENABLING CONCERN TO GIVE CONSENT.—

11 Each Federal agency required by this section to con-
 12 duct an SBIR program or an STTR program shall
 13 enable a small business concern that is an SBIR ap-
 14 plicant or an STTR applicant to indicate to the Fed-
 15 eral agency whether the Federal agency has the con-
 16 sent of the concern to—

17 “(A) identify the concern to appropriate
 18 local and State-level economic development or-
 19 ganizations as an SBIR applicant or an STTR
 20 applicant; and

21 “(B) release the contact information of the
 22 concern to such organizations.

23 “(2) RULES.—The Administrator shall estab-
 24 lish rules to implement this subsection. The rules
 25 shall include a requirement that a Federal agency
 26 include in the SBIR and STTR application a provi-

1 sion through which the applicant can indicate con-
2 sent for purposes of paragraph (1).”.

3 **SEC. 311. PILOT TO ALLOW FUNDING FOR ADMINISTRA-**
4 **TIVE, OVERSIGHT, AND CONTRACT PROC-**
5 **ESSING COSTS.**

6 (a) IN GENERAL.—Section 9 of the Small Business
7 Act (15 U.S.C. 638), as amended by this Act, is amended
8 by adding at the end the following:

9 “(kk) ASSISTANCE FOR ADMINISTRATIVE, OVER-
10 SIGHT, AND CONTRACT PROCESSING COSTS.—

11 “(1) IN GENERAL.—Subject to paragraph (2),
12 for the 3 full fiscal years beginning after the date
13 of enactment of this subsection, the Administrator
14 shall allow each Federal agency required to conduct
15 an SBIR program to use not more than 3 percent
16 of the funds allocated to the SBIR program of the
17 Federal agency for—

18 “(A) the administration of the SBIR pro-
19 gram or the STTR program of the Federal
20 agency;

21 “(B) the provision of outreach and tech-
22 nical assistance relating to the SBIR program
23 or STTR program of the Federal agency, in-
24 cluding technical assistance site visits and per-
25 sonnel interviews;

1 “(C) the implementation of commercializa-
2 tion and outreach initiatives that were not in ef-
3 fect on the date of enactment of this subsection;

4 “(D) carrying out the program under sub-
5 section (y);

6 “(E) activities relating to oversight and
7 congressional reporting, including the waste,
8 fraud, and abuse prevention activities described
9 in section 313(a)(1)(B)(ii) of the SBIR/STTR
10 Reauthorization Act of 2011;

11 “(F) targeted reviews of recipients of
12 awards under the SBIR program or STTR pro-
13 gram of the Federal agency that the head of
14 the Federal agency determines are at high risk
15 for fraud, waste, or abuse, to ensure compliance
16 with requirements of the SBIR program or
17 STTR program, respectively;

18 “(G) the implementation of oversight and
19 quality control measures, including verification
20 of reports and invoices and cost reviews;

21 “(H) carrying out subsection (cc);

22 “(I) carrying out subsection (ff);

23 “(J) contract processing costs relating to
24 the SBIR program or STTR program of the
25 Federal agency; and

1 “(K) funding for additional personnel and
2 assistance with application reviews.

3 “(2) PERFORMANCE CRITERIA.—A Federal
4 agency may not use funds as authorized under para-
5 graph (1) until after the effective date of perform-
6 ance criteria, which the Administrator shall estab-
7 lish, to measure any benefits of using funds as au-
8 thorized under paragraph (1) and to assess continu-
9 ation of the authority under paragraph (1).

10 “(3) RULES.—Not later than 180 days after
11 the date of enactment of this subsection, the Admin-
12 istrator shall issue rules to carry out this sub-
13 section.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) IN GENERAL.—Section 9 of the Small Busi-
16 ness Act (15 U.S.C. 638) is amended—

17 (A) in subsection (f)(2)(A), as so des-
18 ignated by section 103(2) of this Act, by strik-
19 ing “shall not” and all that follows through
20 “make available for the purpose” and inserting
21 “shall not make available for the purpose”; and

22 (B) in subsection (y), as amended by sec-
23 tion 204—

24 (i) by striking paragraph (4);

1 (ii) by redesignating paragraphs (5)
2 and (6) as paragraphs (4) and (5), respec-
3 tively.

4 (2) TRANSITIONAL RULE.—Notwithstanding the
5 amendments made by paragraph (1), subsection
6 (f)(2)(A) and (y)(4) of section 9 of the Small Busi-
7 ness Act (15 U.S.C. 638), as in effect on the day
8 before the date of enactment of this Act, shall con-
9 tinue to apply to each Federal agency until the ef-
10 fective date of the performance criteria established
11 by the Administrator under subsection (kk)(2) of
12 section 9 of the Small Business Act, as added by
13 subsection (a).

14 (3) PROSPECTIVE REPEAL.—Effective on the
15 first day of the fourth full fiscal year following the
16 date of enactment of this Act, section 9 of the Small
17 Business Act (15 U.S.C. 638), as amended by para-
18 graph (1) of this section, is amended—

19 (A) in subsection (f)(2)(A), by striking
20 “shall not make available for the purpose” and
21 inserting the following: “shall not—

22 “(i) use any of its SBIR budget estab-
23 lished pursuant to paragraph (1) for the
24 purpose of funding administrative costs of

1 the program, including costs associated
2 with salaries and expenses; or

3 “(ii) make available for the purpose”;

4 and

5 (B) in subsection (y)—

6 (i) by redesignating paragraphs (4)
7 and (5) as paragraphs (5) and (6), respec-
8 tively; and

9 (ii) by inserting after paragraph (3)
10 the following:

11 “(4) FUNDING.—

12 “(A) IN GENERAL.—The Secretary of De-
13 fense and each Secretary of a military depart-
14 ment may use not more than an amount equal
15 to 1 percent of the funds available to the De-
16 partment of Defense or the military department
17 pursuant to the Small Business Innovation Re-
18 search Program for payment of expenses in-
19 curred to administer the Commercialization
20 Pilot Program under this subsection.

21 “(B) LIMITATIONS.—The funds described
22 in subparagraph (A)—

23 “(i) shall not be subject to the limita-
24 tions on the use of funds in subsection
25 (f)(2); and

1 “(ii) shall not be used to make Phase
2 III awards.”.

3 **SEC. 312. GAO STUDY WITH RESPECT TO VENTURE CAPITAL**
4 **OPERATING COMPANY INVOLVEMENT.**

5 Not later than 3 years after the date of enactment
6 of this Act, and every 3 years thereafter, the Comptroller
7 General of the United States shall—

8 (1) conduct a study of the impact of require-
9 ments relating to venture capital operating company
10 involvement under section 9(cc) of the Small Busi-
11 ness Act, as added by section 108 of this Act; and

12 (2) submit to Congress a report regarding the
13 study conducted under paragraph (1).

14 **SEC. 313. REDUCING VULNERABILITY OF SBIR AND STTR**
15 **PROGRAMS TO FRAUD, WASTE, AND ABUSE.**

16 (a) FRAUD, WASTE, AND ABUSE PREVENTION.—

17 (1) GUIDELINES FOR FRAUD, WASTE, AND
18 ABUSE PREVENTION.—

19 (A) AMENDMENTS REQUIRED.—Not later
20 than 90 days after the date of enactment of
21 this Act, the Administrator shall amend the
22 SBIR Policy Directive and the STTR Policy
23 Directive to include measures to prevent fraud,
24 waste, and abuse in the SBIR program and the
25 STTR program.

1 (B) CONTENT OF AMENDMENTS.—The
2 amendments required under subparagraph (A)
3 shall include—

4 (i) definitions or descriptions of fraud,
5 waste, and abuse;

6 (ii) a requirement that the Inspectors
7 General of each Federal agency that par-
8 ticipates in the SBIR program or the
9 STTR program cooperate to—

10 (I) establish fraud detection indi-
11 cators;

12 (II) review regulations and oper-
13 ating procedures of the Federal agen-
14 cies;

15 (III) coordinate information
16 sharing between the Federal agencies;
17 and

18 (IV) improve the education and
19 training of, and outreach to—

20 (aa) administrators of the
21 SBIR program and the STTR
22 program of each Federal agency;

23 (bb) applicants to the SBIR
24 program or the STTR program;
25 and

1 (cc) recipients of awards
2 under the SBIR program or the
3 STTR program;

4 (iii) guidelines for the monitoring and
5 oversight of applicants to and recipients of
6 awards under the SBIR program or the
7 STTR program; and

8 (iv) a requirement that each Federal
9 agency that participates in the SBIR pro-
10 gram or STTR program include the tele-
11 phone number of the hotline established
12 under paragraph (2)—

13 (I) on the Web site of the Fed-
14 eral agency; and

15 (II) in any solicitation or notice
16 of funding opportunity issued by the
17 Federal agency for the SBIR program
18 or the STTR program.

19 (2) FRAUD, WASTE, AND ABUSE PREVENTION
20 HOTLINE.—

21 (A) HOTLINE ESTABLISHED.—The Admin-
22 istrator shall establish a telephone hotline that
23 allows individuals to report fraud, waste, and
24 abuse in the SBIR program or STTR program.

1 (B) PUBLICATION.—The Administrator
2 shall include the telephone number for the hot-
3 line established under subparagraph (A) on the
4 Web site of the Administration.

5 (b) STUDY AND REPORT.—

6 (1) STUDY.—Not later than 1 year after the
7 date of enactment of this Act, and every 3 years
8 thereafter, the Comptroller General of the United
9 States shall—

10 (A) conduct a study that evaluates—

11 (i) the implementation by each Fed-
12 eral agency that participates in the SBIR
13 program or the STTR program of the
14 amendments to the SBIR Policy Directive
15 and the STTR Policy Directive made pur-
16 suant to subsection (a);

17 (ii) the effectiveness of the manage-
18 ment information system of each Federal
19 agency that participates in the SBIR pro-
20 gram or STTR program in identifying du-
21 plicative SBIR and STTR projects;

22 (iii) the effectiveness of the risk man-
23 agement strategies of each Federal agency
24 that participates in the SBIR program or
25 STTR program in identifying areas of the

1 SBIR program or the STTR program that
2 are at high risk for fraud;

3 (iv) technological tools that may be
4 used to detect patterns of behavior that
5 may indicate fraud by applicants to the
6 SBIR program or the STTR program;

7 (v) the success of each Federal agency
8 that participates in the SBIR program or
9 STTR program in reducing fraud, waste,
10 and abuse in the SBIR program or the
11 STTR program of the Federal agency; and

12 (vi) the extent to which the Inspector
13 General of each Federal agency that par-
14 ticipates in the SBIR program or STTR
15 program effectively conducts investigations
16 of individuals alleged to have submitted
17 false claims or violated Federal law relat-
18 ing to fraud, conflicts of interest, bribery,
19 gratuity, or other misconduct; and

20 (B) submit to the Committee on Small
21 Business and Entrepreneurship of the Senate,
22 the Committee on Small Business of the House
23 of Representatives, and the head of each Fed-
24 eral agency that participates in the SBIR pro-
25 gram or STTR program a report on the results

1 of the study conducted under subparagraph
2 (A).

3 **SEC. 314. INTERAGENCY POLICY COMMITTEE.**

4 (a) ESTABLISHMENT.—The Director of the Office of
5 Science and Technology Policy (in this section referred to
6 as the “Director”), in conjunction with the Administrator,
7 shall establish an Interagency SBIR/STTR Policy Com-
8 mittee (in this section referred to as the “Committee”)
9 comprised of 1 representative from each Federal agency
10 with an SBIR program or an STTR program and 1 rep-
11 resentative of the Office of Management and Budget.

12 (b) COCHAIRPERSONS.—The Director and the Ad-
13 ministrator shall serve as cochairpersons of the Com-
14 mittee.

15 (c) DUTIES.—The Committee shall review, and make
16 policy recommendations on ways to improve the effective-
17 ness and efficiency of, the SBIR program and the STTR
18 program, including—

19 (1) reviewing the effectiveness of the public and
20 government databases described in section 9(k) of
21 the Small Business Act (15 U.S.C. 638(k));

22 (2) identifying—

23 (A) best practices for commercialization
24 assistance by Federal agencies that have signifi-

1 cant potential to be employed by other Federal
2 agencies; and

3 (B) proposals by Federal agencies for ini-
4 tiatives to address challenges for small business
5 concerns in obtaining funding after a Phase II
6 award ends and before commercialization; and

7 (3) developing and incorporating a standard
8 evaluation framework to enable systematic assess-
9 ment of the SBIR program and STTR program, in-
10 cluding through improved tracking of awards and
11 outcomes and development of performance measures
12 for the SBIR program and STTR program of each
13 Federal agency.

14 (d) REPORTS.—The Committee shall submit to the
15 Committee on Small Business and Entrepreneurship of
16 the Senate and the Committee on Science and Technology
17 and the Committee on Small Business of the House of
18 Representatives—

19 (1) a report on the review by and recommenda-
20 tions of the Committee under subsection (c)(1) not
21 later than 1 year after the date of enactment of this
22 Act;

23 (2) a report on the review by and recommenda-
24 tions of the Committee under subsection (c)(2) not

1 later than 18 months after the date of enactment of
2 this Act; and

3 (3) a report on the review by and recommenda-
4 tions of the Committee under subsection (c)(3) not
5 later than 2 years after the date of enactment of
6 this Act.

7 **TITLE IV—POLICY DIRECTIVES**

8 **SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND** 9 **THE STTR POLICY DIRECTIVES.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of enactment of this Act, the Administrator shall pro-
12 mulgate amendments to the SBIR Policy Directive and
13 the STTR Policy Directive to conform such directives to
14 this Act and the amendments made by this Act.

15 (b) PUBLISHING SBIR POLICY DIRECTIVE AND THE
16 STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—
17 Not later than 180 days after the date of enactment of
18 this Act, the Administrator shall publish the amended
19 SBIR Policy Directive and the amended STTR Policy Di-
20 rective in the Federal Register.

21 **TITLE V—OTHER PROVISIONS**

22 **SEC. 501. RESEARCH TOPICS AND PROGRAM DIVERSIFICA-** 23 **TION.**

24 (a) SBIR PROGRAM.—Section 9(g) of the Small
25 Business Act (15 U.S.C. 638(g)) is amended—

1 (1) in paragraph (3)—

2 (A) in the matter preceding subparagraph
3 (A), by striking “broad research topics and to
4 topics that further 1 or more critical tech-
5 nologies” and inserting “applications to the
6 Federal agency for support of projects relating
7 to nanotechnology, rare diseases, security, en-
8 ergy, transportation, or improving the security
9 and quality of the water supply of the United
10 States, and the efficiency of water delivery sys-
11 tems and usage patterns in the United States
12 (including the territories of the United States)
13 through the use of technology (to the extent
14 that the projects relate to the mission of the
15 Federal agency), broad research topics, and
16 topics that further 1 or more critical tech-
17 nologies or research priorities”;

18 (B) in subparagraph (A), by striking “or”
19 at the end; and

20 (C) by adding at the end the following:

21 “(C) the National Academy of Sciences, in
22 the final report issued by the ‘America’s Energy
23 Future: Technology Opportunities, Risks, and
24 Tradeoffs’ project, and in any subsequent re-

1 port by the National Academy of Sciences on
2 sustainability, energy, or alternative fuels;

3 “(D) the National Institutes of Health, in
4 the annual report on the rare diseases research
5 activities of the National Institutes of Health
6 for fiscal year 2005, and in any subsequent re-
7 port by the National Institutes of Health on
8 rare diseases research activities;

9 “(E) the National Academy of Sciences, in
10 the final report issued by the ‘Transit Research
11 and Development: Federal Role in the National
12 Program’ project and the report entitled
13 ‘Transportation Research, Development and
14 Technology Strategic Plan (2006–2010)’ issued
15 by the Research and Innovative Technology Ad-
16 ministration of the Department of Transpor-
17 tation, and in any subsequent report issued by
18 the National Academy of Sciences or the De-
19 partment of Transportation on transportation
20 and infrastructure; or

21 “(F) the national nanotechnology strategic
22 plan required under section 2(c)(4) of the 21st
23 Century Nanotechnology Research and Develop-
24 ment Act (15 U.S.C. 7501(c)(4)) and in any re-
25 port issued by the National Science and Tech-

1 nology Council Committee on Technology that
2 focuses on areas of nanotechnology identified in
3 such plan;” and

4 (2) by adding after paragraph (12), as added
5 by section 111(a) of this Act, the following:

6 “(13) encourage applications under the SBIR
7 program (to the extent that the projects relate to the
8 mission of the Federal agency)—

9 “(A) from small business concerns in geo-
10 graphic areas underrepresented in the SBIR
11 program or located in rural areas (as defined in
12 section 1393(a)(2) of the Internal Revenue
13 Code of 1986);

14 “(B) small business concerns owned and
15 controlled by women;

16 “(C) small business concerns owned and
17 controlled by veterans;

18 “(D) small business concerns owned and
19 controlled by Native Americans; and

20 “(E) small business concerns located in a
21 geographic area with an unemployment rates
22 that exceed the national unemployment rate,
23 based on the most recently available monthly
24 publications of the Bureau of Labor Statistics
25 of the Department of Labor.”.

1 (b) STTR PROGRAM.—Section 9(o) of the Small
2 Business Act (15 U.S.C. 638(o)), as amended by section
3 111(b) of this Act, is amended—

4 (1) in paragraph (3)—

5 (A) in the matter preceding subparagraph
6 (A), by striking “broad research topics and to
7 topics that further 1 or more critical tech-
8 nologies” and inserting “applications to the
9 Federal agency for support of projects relating
10 to nanotechnology, security, energy, rare dis-
11 eases, transportation, or improving the security
12 and quality of the water supply of the United
13 States (to the extent that the projects relate to
14 the mission of the Federal agency), broad re-
15 search topics, and topics that further 1 or more
16 critical technologies or research priorities”;

17 (B) in subparagraph (A), by striking “or”
18 at the end; and

19 (C) by adding at the end the following:

20 “(C) the National Academy of Sciences, in
21 the final report issued by the ‘America’s Energy
22 Future: Technology Opportunities, Risks, and
23 Tradeoffs’ project, and in any subsequent re-
24 port by the National Academy of Sciences on
25 sustainability, energy, or alternative fuels;

1 “(D) the National Institutes of Health, in
2 the annual report on the rare diseases research
3 activities of the National Institutes of Health
4 for fiscal year 2005, and in any subsequent re-
5 port by the National Institutes of Health on
6 rare diseases research activities;

7 “(E) the National Academy of Sciences, in
8 the final report issued by the ‘Transit Research
9 and Development: Federal Role in the National
10 Program’ project and the report entitled
11 ‘Transportation Research, Development and
12 Technology Strategic Plan (2006–2010)’ issued
13 by the Research and Innovative Technology Ad-
14 ministration of the Department of Transpor-
15 tation, and in any subsequent report issued by
16 the National Academy of Sciences or the De-
17 partment of Transportation on transportation
18 and infrastructure; or

19 “(F) the national nanotechnology strategic
20 plan required under section 2(c)(4) of the 21st
21 Century Nanotechnology Research and Develop-
22 ment Act (15 U.S.C. 7501(c)(4)) and in any re-
23 port issued by the National Science and Tech-
24 nology Council Committee on Technology that

1 focuses on areas of nanotechnology identified in
2 such plan;”;

3 (2) in paragraph (15), by striking “and” at the
4 end;

5 (3) in paragraph (16), by striking the period at
6 the end and inserting “; and”; and

7 (4) by adding at the end the following:

8 “(17) encourage applications under the STTR
9 program (to the extent that the projects relate to the
10 mission of the Federal agency)—

11 “(A) from small business concerns in geo-
12 graphic areas underrepresented in the STTR
13 program or located in rural areas (as defined in
14 section 1393(a)(2) of the Internal Revenue
15 Code of 1986);

16 “(B) small business concerns owned and
17 controlled by women;

18 “(C) small business concerns owned and
19 controlled by veterans;

20 “(D) small business concerns owned and
21 controlled by Native Americans; and

22 “(E) small business concerns located in a
23 geographic area with an unemployment rates
24 that exceed the national unemployment rate,
25 based on the most recently available monthly

1 publications of the Bureau of Labor Statistics
2 of the Department of Labor.”.

3 (c) **RESEARCH AND DEVELOPMENT FOCUS.**—Section
4 9(x) of the Small Business Act (15 U.S.C. 638(x)) is
5 amended—

6 (1) by striking paragraph (2); and

7 (2) by redesignating paragraph (3) as para-
8 graph (2).

9 **SEC. 502. REPORT ON SBIR AND STTR PROGRAM GOALS.**

10 Section 9 of the Small Business Act (15 U.S.C. 638),
11 as amended by this Act, is amended by adding at the end
12 the following:

13 “(ll) **ANNUAL REPORT ON SBIR AND STTR PRO-**
14 **GRAM GOALS.**—

15 “(1) **DEVELOPMENT OF METRICS.**—The head of
16 each Federal agency required to participate in the
17 SBIR program or the STTR program shall develop
18 metrics to evaluate the effectiveness, and the benefit
19 to the people of the United States, of the SBIR pro-
20 gram and the STTR program of the Federal agency
21 that—

22 “(A) are science-based and statistically
23 driven;

24 “(B) reflect the mission of the Federal
25 agency; and

1 “(C) include factors relating to the eco-
2 nomic impact of the programs.

3 “(2) EVALUATION.—The head of each Federal
4 agency described in paragraph (1) shall conduct an
5 annual evaluation using the metrics developed under
6 paragraph (1) of—

7 “(A) the SBIR program and the STTR
8 program of the Federal agency; and

9 “(B) the benefits to the people of the
10 United States of the SBIR program and the
11 STTR program of the Federal agency.

12 “(3) REPORT.—

13 “(A) IN GENERAL.—The head of each
14 Federal agency described in paragraph (1) shall
15 submit to the appropriate committees of Con-
16 gress and the Administrator an annual report
17 describing in detail the results of an evaluation
18 conducted under paragraph (2).

19 “(B) PUBLIC AVAILABILITY OF REPORT.—
20 The head of each Federal agency described in
21 paragraph (1) shall make each report submitted
22 under subparagraph (A) available to the public
23 online.

1 “(C) DEFINITION.—In this paragraph, the
2 term ‘appropriate committees of Congress’
3 means—

4 “(i) the Committee on Small Business
5 and Entrepreneurship of the Senate; and

6 “(ii) the Committee on Small Busi-
7 ness and the Committee on Science and
8 Technology of the House of Representa-
9 tives.”.

10 **SEC. 503. COMPETITIVE SELECTION PROCEDURES FOR**
11 **SBIR AND STTR PROGRAMS.**

12 Section 9 of the Small Business Act (15 U.S.C. 638),
13 as amended by this Act, is amended by adding at the end
14 the following:

15 “(mm) COMPETITIVE SELECTION PROCEDURES FOR
16 SBIR AND STTR PROGRAMS.—All funds awarded, appro-
17 priated, or otherwise made available in accordance with
18 subsection (f) or (n) must be awarded pursuant to com-
19 petitive and merit-based selection procedures.”.

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