

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

At the end of subtitle F of title VIII, insert the following:

1 **SEC. 8___ . IMPROVEMENTS TO COMMERCIALIZATION AND**
2 **TECHNICAL AND BUSINESS ASSISTANCE FOR**
3 **THE SBIR PROGRAM AND STTR PROGRAM.**

4 (a) IMPROVEMENTS TO COMMERCIALIZATION SELEC-
5 TION.—

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

8 (A) in subsection (g)—

9 (i) in paragraph (4)(B)(i), by striking
10 “1 year” and inserting “180 days”;

11 (ii) in paragraph (16), by striking
12 “and” at the end;

13 (iii) in paragraph (17), by striking the
14 period at the end and inserting “; and”;
15 and

16 (iv) by adding at the end the fol-
17 lowing:

1 “(18) with respect to peer review carried out
2 under the SBIR program, to the extent practicable,
3 include in the peer review—

4 “(A) the likelihood of commercialization in
5 addition to scientific and technical merit and
6 feasibility; and

7 “(B) not less than 1 reviewer with com-
8 mercialization expertise who is capable of as-
9 sessing the likelihood of commercialization.”;

10 (B) in subsection (o)—

11 (i) in paragraph (4)(B)(i), by striking
12 “1 year” and inserting “180 days”;

13 (ii) in paragraph (20), by striking
14 “and” at the end;

15 (iii) in paragraph (21), by striking the
16 period at the end and inserting “; and”;
17 and

18 (iv) by adding at the end the fol-
19 lowing:

20 “(22) with respect to peer review carried out
21 under the STTR program, to the extent practicable,
22 include in the peer review—

23 “(A) the likelihood of commercialization in
24 addition to scientific and technical merit and
25 feasibility; and

1 “(B) not less than 1 reviewer with com-
2 mercialization expertise who is capable of as-
3 sessing the likelihood of commercialization.”;

4 (C) in subsection (cc)—

5 (i) by striking “During fiscal years
6 2012 through 2025, the National Insti-
7 tutes of Health, the Department of De-
8 fense, and the Department of Education”
9 and inserting the following:

10 “(1) IN GENERAL.—During fiscal years 2024
11 and 2025, each Federal agency with an SBIR or
12 STTR program”; and

13 (ii) by adding at the end the fol-
14 lowing:

15 “(2) LIMITATION.—

16 “(A) IN GENERAL.—The total value of
17 awards provided by a Federal agency under this
18 subsection in a fiscal year shall be—

19 “(i) except as provided in clause (ii)
20 and subparagraph (B), not more than 10
21 percent of the total funds allocated to the
22 SBIR and STTR programs of the Federal
23 agency during that fiscal year; and

24 “(ii) with respect to the National In-
25 stitutes of Health, not more than 15 per-

1 cent of the total funds allocated to the
2 SBIR and STTR programs of the National
3 Institutes of Health during that fiscal
4 year.

5 “(B) EXCEPTION.—The limitation under
6 subparagraph (A)(i) shall not apply with re-
7 spect to the Department of Defense.”;

8 (D) in subsection (hh)(2)(A)(i), by striking
9 “simplified and standardized procedures and
10 model contracts” and inserting “a simplified
11 and standardized application process and re-
12 quirements, procedures, and model contracts”;
13 and

14 (E) by adding at the end the following:

15 “(yy) TECHNOLOGY COMMERCIALIZATION OFFI-
16 CIAL.—Each Federal agency participating in the SBIR or
17 STTR program shall—

18 “(1) designate an existing official within the
19 Federal agency as the Technology Commercialization
20 Official of the Federal agency, who shall—

21 “(A) have sufficient commercialization ex-
22 perience;

23 “(B) provide guidance to SBIR and STTR
24 program awardees in commercializing and

1 transitioning technologies developed under such
2 program;

3 “(C) identify and advocate for SBIR and
4 STTR program technologies with sufficient
5 technology and commercialization readiness to
6 advance to Phase III awards or other non-
7 SBIR or non-STTR program contracts;

8 “(D) coordinate with the Administration
9 and Technology Commercialization Officials of
10 other Federal agencies to identify additional
11 markets and commercialization pathways for
12 promising SBIR and STTR program tech-
13 nologies;

14 “(E) submit to the Administration an an-
15 nual report on the number of technologies from
16 the SBIR or STTR program that have ad-
17 vanced commercialization activities, including
18 information required in the commercialization
19 impact assessment under subsection (aaa);

20 “(F) submit to the Administration an an-
21 nual report on actions taken by the Federal
22 agency, and the results of those actions, to sim-
23 plify, standardize, and expedite the application
24 process and requirements, procedures, and con-
25 tracts as required under subsection (hh); and

1 “(G) carry out such other duties as the
2 Federal agency determines necessary; or

3 “(2) identify an official carrying out substan-
4 tially similar responsibilities as those described in
5 paragraph (1).”.

6 (2) REPORT.—Not later than 1 year after the
7 date of enactment of this Act, the Administrator of
8 the Small Business Administration shall submit to
9 the Committee on Small Business and Entrepre-
10 neurship of the Senate and the Committee on Small
11 Business of the House of Representatives a report
12 summarizing the metrics relating to and an evalua-
13 tion of the authority provided under section 9(cc) of
14 the Small Business Act (15 U.S.C. 638(cc)), as
15 amended by paragraph (1), which shall include the
16 size and location of the small business concerns (as
17 defined in section 3 of such Act (15 U.S.C. 632)) re-
18 ceiving awards under the SBIR or STTR program
19 (as defined in section 9 of such Act (15 U.S.C.
20 638)).

21 (b) IMPROVEMENTS TO TECHNICAL AND BUSINESS
22 ASSISTANCE; I-CORPS.—Section 9 of the Small Business
23 Act (15 U.S.C. 638) is amended—

24 (1) in subsection (q)—

1 (A) in paragraph (1), in the matter pre-
2 ceding subparagraph (A)—

3 (i) by striking “may enter into an
4 agreement with 1 or more vendors selected
5 under paragraph (2)(A) to provide small
6 business concerns engaged in SBIR or
7 STTR projects with technical and business
8 assistance services” and inserting “shall
9 authorize recipients of awards under the
10 SBIR or STTR program to select technical
11 and business assistance provided under
12 subparagraph (A), (B), or (C) of para-
13 graph (2) with respect to SBIR or STTR
14 projects”;

15 (ii) by inserting “cybersecurity assist-
16 ance,” after “intellectual property protec-
17 tions,”; and

18 (iii) by striking “such concerns” and
19 inserting “such recipients”;

20 (B) in paragraph (2), by adding at the end
21 the following:

22 “(C) STAFF.—A small business concern
23 may, by contract or otherwise, use funding pro-
24 vided under this section to hire new staff, aug-
25 ment staff, or direct staff to conduct or partici-

1 pate in training activities consistent with the
2 goals listed in paragraph (1).”;

3 (C) in paragraph (3), by striking subpara-
4 graphs (A) and (B) and inserting the following:

5 “(A) PHASE I.—A Federal agency de-
6 scribed in paragraph (1) shall authorize a re-
7 cipient of a Phase I SBIR or STTR award to
8 use not more than \$6,500 per project, included
9 as part of the award of the recipient or in addi-
10 tion to the amount of the award of the recipient
11 as determined appropriate by the head of the
12 Federal agency, for the services described in
13 paragraph (1)—

14 “(i) provided through a vendor se-
15 lected under paragraph (2)(A);

16 “(ii) provided through a vendor other
17 than a vendor selected under paragraph
18 (2)(A);

19 “(iii) achieved through the activities
20 described in paragraph (2)(C); or

21 “(iv) provided or achieved through
22 any combination of clauses (i), (ii), and
23 (iii).

24 “(B) PHASE II.—A Federal agency de-
25 scribed in paragraph (1) shall authorize a re-

1 recipient of a Phase II SBIR or STTR award to
2 use not more than \$50,000 per project, in-
3 cluded as part of the award of the recipient or
4 in addition to the amount of the award of the
5 recipient as determined appropriate by the head
6 of the Federal agency, for the services described
7 in paragraph (1)—

8 “(i) provided through a vendor se-
9 lected under paragraph (2)(A);

10 “(ii) provided through a vendor other
11 than a vendor selected under paragraph
12 (2)(A);

13 “(iii) achieved through the activities
14 described in paragraph (2)(C); or

15 “(iv) provided or achieved through
16 any combination of clauses (i), (ii), and
17 (iii).”; and

18 (D) by adding at the end the following:

19 “(5) TARGETED REVIEW.—A Federal agency
20 may perform targeted reviews of technical and busi-
21 ness assistance funding as described in subsection
22 (mm)(1)(F).”; and

23 (2) by adding at the end the following:

24 “(zz) I-CORPS PARTICIPATION.—

1 “(1) IN GENERAL.—Each Federal agency that
2 is required to conduct an SBIR or STTR program
3 with an Innovation Corps (commonly known as ‘I-
4 Corps’) program shall—

5 “(A) provide an option for participation in
6 an I-Corps teams course by recipients of an
7 award under the SBIR or STTR program; and

8 “(B) authorize the recipients described in
9 subparagraph (A) to use an award provided
10 under subsection (q) to provide additional tech-
11 nical assistance for participation in the I-Corps
12 teams course.

13 “(2) COST OF PARTICIPATION.—The cost of
14 participation by a recipient described in paragraph
15 (1)(A) in an I-Corps course may be provided by—

16 “(A) an I-Corps team grant;

17 “(B) funds awarded to the recipient under
18 subsection (q);

19 “(C) the participating teams or other
20 sources as appropriate; or

21 “(D) any combination of sources described
22 in subparagraphs (A), (B), and (C).

23 “(aaa) COMMERCIALIZATION IMPACT ASSESS-
24 MENT.—

1 “(1) IN GENERAL.—The Administrator shall co-
2 ordinate with each Federal agency with an SBIR or
3 STTR program to develop an annual commercializa-
4 tion impact assessment report, which shall measure,
5 for each small business concern that has received
6 not less than 50 Phase II awards on or after Octo-
7 ber 1 of the ninth fiscal year before the fiscal year
8 in which the report is submitted—

9 “(A) total dollar value of Federal awards,
10 contracts, and subcontracts, other than SBIR
11 or STTR awards, received by the small business
12 concern during the preceding 9 fiscal years;

13 “(B) the total dollar value of all SBIR and
14 STTR Phase I and Phase II awards received by
15 the small business concern during the preceding
16 9 fiscal years;

17 “(C) the average annual gross revenue of
18 the small business concern during the preceding
19 9 fiscal years;

20 “(D) total revenue from the sale or licens-
21 ing of new products and services resulting from
22 the research conducted under the awards made
23 in the preceding 9 fiscal years;

24 “(E) additional investment from any
25 source other than Phase I or Phase II SBIR or

1 STTR awards, to further the research and de-
2 velopment conducted under the awards made in
3 the preceding 9 fiscal years;

4 “(F) mergers and acquisitions of award re-
5 cipients during or after the completion of a
6 Phase II award;

7 “(G) new, unique spin-out companies re-
8 sulting from research conducted under the
9 awards made in the preceding 9 fiscal years;

10 “(H) patents acquired as a result of re-
11 search conducted under the awards made in the
12 preceding 9 fiscal years;

13 “(I) the year of the first Phase II award
14 received by the small business concern and the
15 total number of employees of such concern at
16 the time of first Phase II award;

17 “(J) the number of employees of the small
18 business concern, as of the end of the most re-
19 cent fiscal year; and

20 “(K) the total number and value of Phase
21 III awards received by the small business con-
22 cern.

23 “(2) PUBLICATION.—A commercialization im-
24 pact assessment report described in paragraph (1) of
25 a Federal agency shall be—

1 “(A) included in the annual report of the
2 Federal agency required under subsections
3 (g)(9) and (o)(10); and

4 “(B) submitted to—

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

7 “(ii) the Committee on Science,
8 Space, and Technology and the Committee
9 on Small Business of the House of Rep-
10 resentatives.

11 “(bbb) PATENT ASSISTANCE.—

12 “(1) DEFINITIONS.—In this subsection—

13 “(A) the term ‘Director’ means the Under
14 Secretary of Commerce for Intellectual Property
15 and Director of the USPTO; and

16 “(B) the term ‘USPTO’ means the United
17 States Patent and Trademark Office.

18 “(2) ASSISTANCE.—The Administrator shall
19 enter into an interagency agreement with the Direc-
20 tor to provide assistance at no cost to recipients of
21 an award under the SBIR or STTR programs (in
22 this subsection referred to as ‘SBIR and STTR re-
23 cipients’) relating to patent and trademark protec-
24 tions. The Director shall determine the scope of the
25 assistance provided, except that such assistance shall

1 include expediting examination (under section 131 of
2 title 35, United States Code) of patent applications
3 filed by SBIR and STTR recipients, making every
4 reasonable effort to provide assistance to as many
5 such recipients as possible without increasing pend-
6 ency for patent applicants generally.

7 “(3) OUTREACH.—The Administrator shall co-
8 ordinate with the Director to provide outreach re-
9 garding any program of the USPTO relating to pro
10 se patent applicants and scam prevention services.

