

119TH CONGRESS
1ST SESSION

S. _____

To improve commercialization activities in the SBIR and STTR programs,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. COONS introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To improve commercialization activities in 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 “Research Advancing
5 to Market Production for Innovators Act”.

6 **SEC. 2. IMPROVEMENTS TO COMMERCIALIZATION SELEC-**
7 **TION.**

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

10 (1) in subsection (g)—

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

3 (B) in paragraph (16), by striking “and”
4 at the end;

5 (C) in paragraph (17), by striking the pe-
6 riod at the end and inserting “; and”; and

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

8 “(18) with respect to peer review carried out
9 under the SBIR program, to the extent practicable,
10 include in the peer review—

11 “(A) the likelihood of commercialization in
12 addition to scientific and technical merit and
13 feasibility; and

14 “(B) not less than 1 reviewer with com-
15 mercialization expertise who is capable of as-
16 sessing the likelihood of commercialization.”;
17 and

18 (2) in subsection (o)—

19 (A) in paragraph (4)(B)(i), by striking “1
20 year” and inserting “180 days”;

21 (B) in paragraph (20), by striking “and”
22 at the end;

23 (C) in paragraph (21), by striking the pe-
24 riod at the end and inserting “; and”; and

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

1 “(22) with respect to peer review carried out
2 under the STTR 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 **SEC. 3. IMPROVEMENTS TO PHASE FLEXIBILITY.**

11 (a) IN GENERAL.—Section 9(cc) of the Small Busi-
12 ness Act (15 U.S.C. 638(cc)) is amended—

13 (1) by striking “During fiscal years 2012
14 through 2025, the National Institutes of Health, the
15 Department of Defense, and the Department of
16 Education may each” and inserting the following:

17 “(1) IN GENERAL.—During fiscal years 2025,
18 2026, and 2027, each Federal agency with an SBIR
19 or STTR program may”; and

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

21 “(2) LIMITATION.—The total value of awards
22 provided by a Federal agency under this subsection
23 in a fiscal year shall be—

24 “(A) except as provided in subparagraph

25 (B), not more than 10 percent of the total

1 funds allocated to the SBIR and STTR pro-
2 grams of the Federal agency during that fiscal
3 year; and

4 “(B) with respect to the National Insti-
5 tutes of Health, not more than 15 percent of
6 the total funds allocated to the SBIR and
7 STTR programs of the National Institutes of
8 Health during that fiscal year.”.

9 (b) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Administrator of the Small
11 Business Administration shall provide a briefing to the
12 Committee on Small Business and Entrepreneurship of
13 the Senate and the Committee on Small Business of the
14 House of Representatives regarding the authority provided
15 under section 9(cc) of the Small Business Act (15 U.S.C.
16 638(cc)), as amended by paragraph (1).

17 **SEC. 4. TECHNOLOGY COMMERCIALIZATION OFFICIAL.**

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

20 “(aaa) TECHNOLOGY COMMERCIALIZATION OFFI-
21 CIAL.—Each Federal agency participating in the SBIR or
22 STTR program shall—

23 “(1) designate an existing official within the
24 Federal agency as the Technology Commercialization
25 Official of the Federal agency, who shall—

1 “(A) have sufficient commercialization ex-
2 perience;

3 “(B) provide guidance to SBIR and STTR
4 program awardees in commercializing and
5 transitioning technologies;

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

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

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

23 “(F) submit to the Administration an an-
24 nual report on actions taken by the Federal
25 agency, and the results of those actions, to sim-

1 plify, standardize, and expedite the application
2 process and requirements, procedures, and con-
3 tracts as required under subsection (hh); and

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

6 “(2) identify an official carrying out substan-
7 tially similar responsibilities as those described in
8 paragraph (1).”.

9 **SEC. 5. IMPROVEMENTS TO TECHNICAL AND BUSINESS AS-**
10 **SISTANCE.**

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

13 (1) in paragraph (1), in the matter preceding
14 subparagraph (A)—

15 (A) by striking “may enter into an agree-
16 ment with 1 or more vendors selected under
17 paragraph (2)(A) to provide small business con-
18 cerns engaged in SBIR or STTR projects with
19 technical and business assistance services” and
20 inserting “shall authorize recipients of awards
21 under the SBIR or STTR program to select, if
22 desired, technical and business assistance pro-
23 vided under subparagraph (A), (B), or (C) of
24 paragraph (2) with respect to SBIR or STTR
25 projects”;

1 (B) by inserting “cybersecurity assist-
2 ance,” after “intellectual property protections,”;
3 and

4 (C) by striking “such concerns” and in-
5 serting “such recipients”;

6 (2) in paragraph (2), by adding at the end the
7 following:

8 “(C) STAFF.—A small business concern
9 may, by contract or otherwise, use funding pro-
10 vided under this section to hire new staff, aug-
11 ment staff, or direct staff to conduct or partici-
12 pate in training activities consistent with the
13 goals listed in paragraph (1).”;

14 (3) in paragraph (3), by striking subparagraphs
15 (A) and (B) and inserting the following:

16 “(A) PHASE I.—A Federal agency de-
17 scribed in paragraph (1) shall authorize a re-
18 cipient of a Phase I SBIR or STTR award to
19 utilize not more than \$6,500 per project, in-
20 cluded as part of the award of the recipient or
21 in addition to the amount of the award of the
22 recipient as determined appropriate by the head
23 of the Federal agency, for the services described
24 in paragraph (1)—

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

3 “(ii) provided through a vendor other
4 than a vendor selected under paragraph
5 (2)(A);

6 “(iii) achieved through the activities
7 described in paragraph (2)(C); or

8 “(iv) provided or achieved through
9 any combination of clauses (i), (ii), and
10 (iii).

11 “(B) PHASE II.—A Federal agency de-
12 scribed in paragraph (1) shall authorize a re-
13 cipient of a Phase II SBIR or STTR award to
14 utilize not more than \$50,000 per project, in-
15 cluded as part of the award of the recipient or
16 in addition to the amount of the award of the
17 recipient as determined appropriate by the head
18 of the Federal agency, for the services described
19 in paragraph (1)—

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

22 “(ii) provided through a vendor other
23 than a vendor selected under paragraph
24 (2)(A);

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

3 “(iv) provided or achieved through
4 any combination of clauses (i), (ii), and
5 (iii).”; and

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

7 “(5) TARGETED REVIEW.—A Federal agency
8 may perform targeted reviews of technical and busi-
9 ness assistance funding as described in subsection
10 (mm)(1)(F).”.

11 **SEC. 6. I-CORPS PARTICIPATION.**

12 Section 9 of the Small Business Act (15 U.S.C. 638),
13 as amended by section 4, is amended by adding at the
14 end the following:

15 “(bbb) I-CORPS PARTICIPATION.—

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

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

23 “(B) authorize the recipients described in
24 subparagraph (A) to use an award provided
25 under subsection (q) to provide additional tech-

1 nical assistance for participation in the I-Corps
2 teams course.

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

6 “(A) an I-Corps team grant;

7 “(B) funds awarded to the recipient under
8 subsection (q);

9 “(C) the participating teams or other
10 sources as appropriate; or

11 “(D) any combination of sources described
12 in subparagraphs (A), (B), and (C).”.

13 **SEC. 7. COMMERCIALIZATION IMPACT ASSESSMENT.**

14 Section 9 of the Small Business Act (15 U.S.C. 638),
15 as amended by sections 4 and 6, is amended by adding
16 at the end the following:

17 “(ccc) COMMERCIALIZATION IMPACT ASSESSMENT.—

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

1 “(A) total dollar value of Federal awards,
2 contracts, and subcontracts, other than SBIR
3 or STTR awards, received by the small business
4 concern over the preceding 9 fiscal years;

5 “(B) the total dollar value of all SBIR and
6 STTR Phase I and Phase II awards received by
7 the small business concern over the preceding 9
8 fiscal years;

9 “(C) the average annual gross revenue of
10 the small business concern over the preceding 9
11 fiscal years;

12 “(D) total revenue from the sale or licens-
13 ing of new products and services resulting from
14 the research conducted under the awards re-
15 ceived in the preceding 9 fiscal years;

16 “(E) additional investment from any
17 source other than Phase I or Phase II SBIR or
18 STTR awards, to further the research and de-
19 velopment conducted under the awards received
20 in the preceding 9 fiscal years;

21 “(F) mergers and acquisitions of award re-
22 cipients during or after the completion of a
23 Phase II award;

1 “(G) new, unique spin-out companies re-
2 sulting from research conducted under the
3 awards received in the preceding 9 fiscal years;

4 “(H) patents acquired as a result of re-
5 search conducted under the awards received in
6 the preceding 9 fiscal years;

7 “(I) the year of first Phase II award and
8 the total number of employees at the time of
9 first Phase II award;

10 “(J) the number of employees, as of the
11 end of the most recent fiscal year; and

12 “(K) the total number and value of Phase
13 III awards received.

14 “(2) PUBLICATION.—The commercialization im-
15 pact assessment report described in paragraph (1)
16 shall be—

17 “(A) included in the annual report sub-
18 mitted under subsection (b)(7); and

19 “(B) submitted to—

20 “(i) the Committee on Small Business
21 and Entrepreneurship of the Senate; and

22 “(ii) the Committee on Science,
23 Space, and Technology and the Committee
24 on Small Business of the House of Rep-
25 resentatives.”.

1 **SEC. 8. PATENT ASSISTANCE.**

2 Section 9 of the Small Business Act (15 U.S.C. 638),
3 as amended by sections 4, 6, and 7, is amended by adding
4 at the end the following:

5 “(ddd) PATENT ASSISTANCE.—

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

7 “(A) the term ‘Director’ means the Under
8 Secretary of Commerce for Intellectual Property
9 and Director of the USPTO; and

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

12 “(2) ASSISTANCE.—The Administrator shall
13 enter into an interagency agreement with the Direc-
14 tor under which the Director shall assist recipients
15 of an award under the SBIR or STTR program (in
16 this paragraph referred to as ‘SBIR and STTR re-
17 cipients’) relating to intellectual property protection
18 by establishing a prioritized patent examination pro-
19 gram for SBIR and STTR recipients.

20 “(3) OUTREACH.—The Administrator shall co-
21 ordinate with the Director to provide outreach re-
22 garding the Pro Se Assistance Program of, and
23 scam prevention services provided by, the USPTO.”.