

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.”.