

107TH CONGRESS
1ST SESSION

H. R. 1860

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2001

Received

AN ACT

To reauthorize the Small Business Technology Transfer
Program, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Small Business Tech-
3 nology Transfer Program Reauthorization Act of 2001”.

4 **SEC. 2. EXTENSION OF PROGRAM AND EXPENDITURE**
5 **AMOUNTS.**

6 (a) IN GENERAL.—Section 9(n)(1) of the Small Busi-
7 ness Act (15 U.S.C. 638(n)(1)) is amended to read as fol-
8 lows:

9 “(1) REQUIRED EXPENDITURE AMOUNTS.—

10 “(A) IN GENERAL.—With respect to each
11 fiscal year through fiscal year 2009, each Fed-
12 eral agency that has an extramural budget for
13 research, or research and development, in ex-
14 cess of \$1,000,000,000 for that fiscal year,
15 shall expend with small business concerns not
16 less than the percentage of that extramural
17 budget specified in subparagraph (B), specifi-
18 cally in connection with STTR programs that
19 meet the requirements of this section and any
20 policy directives and regulations issued under
21 this section.

22 “(B) EXPENDITURE AMOUNTS.—The per-
23 centage of the extramural budget required to be
24 expended by an agency in accordance with sub-
25 paragraph (A) shall be—

1 “(i) 0.15 percent for each fiscal year
2 through fiscal year 2003; and

3 “(ii) 0.3 percent for fiscal year 2004
4 and each fiscal year thereafter.”.

5 (b) CONFORMING AMENDMENT.—Section 9 of the
6 Small Business Act (15 U.S.C. 638) is amended in sub-
7 sections (b)(4) and (e)(6), by striking “pilot” each place
8 it appears.

9 **SEC. 3. INCREASE IN AUTHORIZED PHASE II AWARDS.**

10 (a) IN GENERAL.—Section 9(p)(2)(B)(ix) of the
11 Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is
12 amended—

13 (1) by striking “\$500,000” and inserting
14 “\$750,000”; and

15 (2) by inserting before the semicolon at the end
16 the following: “, and shorter or longer periods of
17 time to be approved at the discretion of the award-
18 ing agency where appropriate for a particular
19 project”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall be effective beginning in fiscal year
22 2004.

23 **SEC. 4. AGENCY OUTREACH.**

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

1 (1) in paragraph (12), by striking “and” at the
2 end;

3 (2) in paragraph (13), by striking the period at
4 the end and inserting a semicolon; and

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

6 “(14) implement an outreach program to re-
7 search institutions and small business concerns for
8 the purpose of enhancing its STTR program, in con-
9 junction with any such outreach done for purposes
10 of the SBIR program; and”.

11 **SEC. 5. POLICY DIRECTIVE MODIFICATIONS.**

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

14 “(3) MODIFICATIONS.—Not later than 120 days
15 after the date of enactment of this paragraph, the
16 Administrator shall modify the policy directive
17 issued pursuant to this subsection to clarify that the
18 rights provided for under paragraph (2)(B)(v) apply
19 to all Federal funding awards under this section, in-
20 cluding the first phase (as described in subsection
21 (e)(6)(A)), the second phase (as described in sub-
22 section (e)(6)(B)), and the third phase (as described
23 in subsection (e)(6)(C)).”.

1 **SEC. 6. STTR PROGRAM DATA COLLECTION.**

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

5 “(15) collect, and maintain in a common format
6 in accordance with subsection (v), such information
7 from awardees as is necessary to assess the STTR
8 program, including information necessary to main-
9 tain the database described in subsection (k).”.

10 (b) DATABASE.—Section 9(k) of the Small Business
11 Act (15 U.S.C. 638(k)) is amended—

12 (1) in paragraph (1)—

13 (A) by inserting “or STTR” after “SBIR”
14 each place it appears;

15 (B) in subparagraph (C), by striking
16 “and” at the end;

17 (C) in subparagraph (D), by striking the
18 period at the end and inserting “; and”; and

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

20 “(E) with respect to assistance under the
21 STTR program only—

22 “(i) whether the small business con-
23 cern or the research institution initiated
24 their collaboration on each assisted STTR
25 project;

1 “(ii) whether the small business con-
2 cern or the research institution originated
3 any technology relating to the assisted
4 STTR project;

5 “(iii) the length of time it took to ne-
6 gotiate any licensing agreement between
7 the small business concern and the re-
8 search institution under each assisted
9 STTR project; and

10 “(iv) how the proceeds from commer-
11 cialization, marketing, or sale of tech-
12 nology resulting from each assisted STTR
13 project were allocated (by percentage) be-
14 tween the small business concern and the
15 research institution.”; and

16 (2) in paragraph (2)—

17 (A) by inserting “or an STTR program
18 pursuant to subsection (n)(1)” after “(f)(1)”;

19 (B) by striking “solely for SBIR” and in-
20 serting “exclusively for SBIR and STTR”;

21 (C) in subparagraph (A)(iii), by inserting
22 “and STTR” after “SBIR”; and

23 (D) in subparagraph (D), by inserting “or
24 STTR” after “SBIR”.

1 (c) SIMPLIFIED REPORTING REQUIREMENTS.—Sec-
2 tion 9(v) of the Small Business Act (15 U.S.C. 638(v))
3 is amended by inserting “or STTR” after “SBIR” each
4 place it appears.

5 (d) REPORTS TO CONGRESS.—Section 9(b)(7) of the
6 Small Business Act (15 U.S.C. 638(b)(7)) is amended by
7 striking “and (o)(9),” and inserting “, (o)(9), and (o)(15),
8 the number of proposals received from, and the number
9 and total amount of awards to, HUBZone small business
10 concerns under each of the SBIR and STTR programs,”.

11 **SEC. 7. STTR PROGRAM-WIDE MODEL AGREEMENT FOR IN-**
12 **TELLECTUAL PROPERTY RIGHTS.**

13 (a) DEVELOPMENT OF MODEL AGREEMENT.—Sec-
14 tion 9 of the Small Business Act (15 U.S.C. 638) is
15 amended by adding at the end the following:

16 “(w) STTR MODEL AGREEMENT FOR INTELLEC-
17 TUAL PROPERTY RIGHTS.—

18 “(1) IN GENERAL.—The Administrator shall
19 promulgate regulations establishing a single model
20 agreement for use in the STTR program that allo-
21 cates between small business concerns and research
22 institutions intellectual property rights and rights, if
23 any, to carry out follow-on research, development, or
24 commercialization.

1 “(2) OPPORTUNITY FOR COMMENT.—In pro-
2 mulgating regulations under paragraph (1), the Ad-
3 ministrator shall provide to affected agencies, small
4 business concerns, research institutions, and other
5 interested parties the opportunity to submit written
6 comments.”.

7 (b) ADOPTION OF MODEL AGREEMENT BY FEDERAL
8 AGENCIES.—Section 9(o)(11) of the Small Business Act
9 (15 U.S.C. 638(o)(11)) is amended by striking “develop
10 a model agreement not later than July 31, 1993, to be
11 approved by the Administration,” and inserting “adopt
12 the agreement developed by the Administrator under sub-
13 section (w) as the agency’s model agreement”.

14 **SEC. 8. FAST PROGRAM ASSISTANCE TO WOMEN-OWNED**
15 **AND MINORITY-OWNED SMALL BUSINESS**
16 **CONCERNS AND CONCERNS LOCATED IN**
17 **AREAS NOT PARTICIPATING IN SBIR AND**
18 **STTR.**

19 (a) SELECTION CONSIDERATION.—Section
20 34(c)(2)(B) of the Small Business Act (15 U.S.C.
21 657d(c)(2)(B)) is amended—

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

23 (2) in clause (v), by striking the period at the
24 end and inserting “; and”; and

1 (3) by adding at the end the following new
2 clause:

3 “(vi) whether the proposal addresses
4 the needs of small business concerns—

5 “(I) owned and controlled by
6 women;

7 “(II) owned and controlled by
8 minorities; and

9 “(III) located in areas that have
10 historically not participated in the
11 SBIR and STTR programs.”.

12 (b) REGULATIONS.—Section 34(c)(4) of the Small
13 Business Act (15 U.S.C. 657d(c)(4)) is amended by add-
14 ing at the end the following: “The Administrator shall pro-
15 mulgate regulations establishing standards for the consid-
16 eration of proposals under paragraph (2), including stand-
17 ards regarding each of the considerations identified in
18 paragraph (2)(B).”.

 Passed the House of Representatives September 24,
2001.

Attest:

JEFF TRANDAHL,

Clerk.