

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3228

To authorize the Administrator of the Small Business Administration to make grants to small business concerns to assist the commercialization of research developed with funds received under the second phase of the Small Business Innovation Research Program.

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IN THE SENATE OF THE UNITED STATES

APRIL 20, 2010

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

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## A BILL

To authorize the Administrator of the Small Business Administration to make grants to small business concerns to assist the commercialization of research developed with funds received under the second phase of the Small Business Innovation Research Program.

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 “Small Business Inno-  
5       vation to Job Creation Act of 2010”.

1 **SEC. 2. COMMERCIALIZATION GRANTS TO SMALL BUSI-**  
2 **NESSES RECEIVING SBIR SECOND PHASE**  
3 **FUNDS.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “Administrator” means the Ad-  
6 ministrator of the Small Business Administration;

7 (2) the terms “Federal agency”, “research”,  
8 and “Small Business Innovation Research Program”  
9 have the meanings given such terms in section 9(e)  
10 of the Small Business Act (15 U.S.C. 638(e)); and

11 (3) the term “second phase” means the phase  
12 described in section 9(e)(4)(B) of the Small Busi-  
13 ness Act (15 U.S.C. 638(e)(4)(B)).

14 (b) ESTABLISHMENT.—The Administrator may make  
15 grants on a competitive basis to small business concerns  
16 to commercialize research developed by the small business  
17 concerns using funds received under the second phase of  
18 the Small Business Innovation Research Program.

19 (c) ELIGIBILITY.—The Administrator may award a  
20 grant under this section to a small business concern  
21 that—

22 (1) received funds under a second phase award  
23 under the Small Business Innovation Research Pro-  
24 gram during fiscal year 2007 or 2008;

25 (2) meets the criteria for receiving funds under  
26 a second phase award under the Small Business In-

1       novation Research Program at the time a grant  
2       under this section is awarded, unless the Adminis-  
3       trator determines that the criteria are no longer ap-  
4       plicable;

5               (3) has obtained from the Federal agency from  
6       which the small business concern received the funds  
7       described in paragraph (1) a recommendation that  
8       the small business concern receive a grant under this  
9       section; and

10              (4) has not previously received a grant under  
11       this section for the commercialization of the research  
12       proposed to be carried out using a grant under this  
13       section.

14       (d) APPLICATION.—A small business concern that de-  
15       sires a grant under this section shall submit to the Admin-  
16       istrator an application at such time and in such form as  
17       the Administrator may require, that includes—

18              (1) a description of the commercialization  
19       project for which the small business concern will use  
20       the grant;

21              (2) the budget for the commercialization  
22       project; and

23              (3) a certification that the small business con-  
24       cern meets the criteria described in subsection (c).

1 (e) GRANT AMOUNT.—A grant under this section  
2 shall be in an amount that—

3 (1) the Administrator, in consultation with the  
4 head of the Federal agency from which the small  
5 business concern received the funds described in  
6 subsection (c)(1), determines is appropriate; and

7 (2) does not exceed the amount of funds de-  
8 scribed in subsection (c)(1) received by the small  
9 business concern with respect to the research for  
10 which a grant under this section is made.

11 (f) TERMINATION.—The Administrator may not  
12 make a grant under this section on or after October 1,  
13 2011.

14 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated to carry out this section  
16 \$2,000,000,000 for fiscal year 2011.

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