privilege of the floor for the remainder of this legislation session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, on behalf of the majority leader, I ask unanimous consent that LTC Joseph J. Martin, a U.S. Army Special Forces officer currently serving as his military legislative fellow this year, be granted the privilege of the floor for the duration of S. 1390, the National Defense Authorization Act for fiscal year 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Madam President, on behalf of Senator BOXER, I ask unanimous consent that Mara Boggs, an Army fellow with the office of Senator BOXER be granted the privilege of the floor during consideration of S. 1390, the defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SBIR/STTR REAUTHORIZATION ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 94, S. 1233.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1233) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Small Business and Entrepreneurship, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''SBIR/STTR Reauthorization Act of 2009''.*

***SEC. 2. TABLE OF CONTENTS.***

*The table of contents for this Act is as follows:*

*Sec. 1. Short title.*
*Sec. 2. Table of contents.*
*Sec. 3. Definitions.*
*TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS*
*Sec. 101. Extension of termination dates.*
*Sec. 102. Status of the Office of Technology.*
*Sec. 103. SBIR allocation increase.*
*Sec. 104. STTR allocation increase.*
*Sec. 105. SBIR and STTR award levels.*
*Sec. 106. Agency and program collaboration.*
*Sec. 107. Elimination of Phase II invitations.*
*Sec. 108. Majority-venture investments in SBIR firms.*
*Sec. 109. SBIR and STTR special acquisition preference.*
*Sec. 110. Collaborating with Federal laboratories and research and development centers.*
*Sec. 111. Notice requirement.*
*TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES*
*Sec. 201. Rural and State outreach.*
*Sec. 202. SBIR–STEM Workforce Development Grant Pilot Program.*
*Sec. 203. Technical assistance for awardees.*
*Sec. 204. Commercialization program at Department of Defense.*
*Sec. 205. Commercialization Pilot Program for civilian agencies.*
*Sec. 206. Nanotechnology initiative.*
*Sec. 207. Accelerating cures.*
*TITLE III—OVERSIGHT AND EVALUATION*
*Sec. 301. Streamlining annual evaluation requirements.*
*Sec. 302. Data collection from agencies for SBIR.*
*Sec. 303. Data collection from agencies for STTR.*
*Sec. 304. Public database.*
*Sec. 305. Government database.*
*Sec. 306. Accuracy in funding base calculations.*
*Sec. 307. Continued evaluation by the National Academy of Sciences.*
*Sec. 308. Technology insertion reporting requirements.*
*Sec. 309. Intellectual property protections.*
*TITLE IV—POLICY DIRECTIVES*
*Sec. 401. Conforming amendments to the SBIR and the STTR Policy Directives.*

***SEC. 3. DEFINITIONS.***

*In this Act—*

*(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;*

*(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and*

*(3) the term ''small business concern'' has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).*

## *TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS*

***SEC. 101. EXTENSION OF TERMINATION DATES.***

*(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2023''.*

*(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2023''.*

***SEC. 102. STATUS OF THE OFFICE OF TECHNOLOGY.***

*Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—*

*(1) in paragraph (7), by striking ''and'' at the end;*

*(2) in paragraph (8), by striking the period at the end and inserting ''; and'';*

*(3) by redesignating paragraph (8) as paragraph (9); and*

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

*''(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—*

*''(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and*

*''(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.''.*

***SEC. 103. SBIR ALLOCATION INCREASE.***

*Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—*

*(1) in paragraph (1)—*

*(A) in the matter preceding subparagraph (A), by striking ''Each'' and inserting ''Except as provided in paragraph (2)(C), each'';*

*(B) in subparagraph (B), by striking ''and'' at the end; and*

*(C) by striking subparagraph (C) and inserting the following:*

*''(C) not less than 2.5 percent of such budget in each of fiscal years 2009 and 2010;*

*''(D) not less than 2.6 percent of such budget in fiscal year 2011;*

*''(E) not less than 2.7 percent of such budget in fiscal year 2012;*

*''(F) not less than 2.8 percent of such budget in fiscal year 2013;*

*''(G) not less than 2.9 percent of such budget in fiscal year 2014;*

*''(H) not less than 3.0 percent of such budget in fiscal year 2015;*

*''(I) not less than 3.1 percent of such budget in fiscal year 2016;*

*''(J) not less than 3.2 percent of such budget in fiscal year 2017;*

*''(K) not less than 3.3 percent of such budget in fiscal year 2018;*

*''(L) not less than 3.4 percent of such budget in fiscal year 2019; and*

*''(M) not less than 3.5 percent of such budget in fiscal year 2020 and each fiscal year thereafter,''; and*

*(2) in paragraph (2)—*

*(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;*

*(B) by striking ''A Federal agency'' and inserting the following:*

*''(A) IN GENERAL.—A Federal agency''; and*

*(C) by adding at the end the following:*

*''(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—*

*''(i) may not be used for new Phase I or Phase II awards; and*

*''(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.''.*

***SEC. 104. STTR ALLOCATION INCREASE.***

*Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—*

*(1) in clause (i), by striking ''and'' at the end;*

*(2) in clause (ii), by striking ''thereafter.'' and inserting ''through fiscal year 2010;''; and*

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

*''(iii) 0.4 percent for fiscal years 2011 and 2012;*

*''(iv) 0.5 percent for fiscal years 2013 and 2014; and*

*''(v) 0.6 percent for fiscal year 2015 and each fiscal year thereafter.''.*

***SEC. 105. SBIR AND STTR AWARD LEVELS.***

*(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—*

*(1) by striking ''$100,000'' and inserting ''$150,000''; and*

*(2) by striking ''$750,000'' and inserting ''$1,000,000''.*

*(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—*

*(1) by striking ''$100,000'' and inserting ''$150,000''; and*

*(2) by striking ''$750,000'' and inserting ''$1,000,000''.*

*(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—*

*(1) in subsection (j)(2)(D)—*

*(A) by striking ''5 years'' and inserting ''3 years''; and*

*(B) by striking ''and programmatic considerations''; and*

*(2) in subsection (p)(2)(B)(ix) by striking ''greater or lesser amounts to be awarded at the discretion of the awarding agency,'' and inserting ''an adjustment for inflation of such amounts once every 3 years,''.*

*(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:*

*''(aa) LIMITATION ON CERTAIN AWARDS.—*

*''(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds*

*the award guidelines established under this section by more than 50 percent.*

*''(2) MAINTAINANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—*

*''(A) the amount of each award;*

*''(B) a justification for exceeding the award amount;*

*''(C) the identity and location of each award recipient; and*

*''(D) whether a recipient has received any venture capital investment and, if so, whether the recipient is majority-owned and controlled by multiple venture capital companies.*

*''(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.*

*''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.''.*

***SEC. 106. AGENCY AND PROGRAM COLLABORATION.***

*Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:*

*''(bb) SUBSEQUENT PHASES.—*

*''(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).*

*''(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).''.*

***SEC. 107. ELIMINATION OF PHASE II INVITATIONS.***

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

*(1) in paragraph (4)(B), by striking ''to further'' and inserting: ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further''; and*

*(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that''.*

*(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 638) is amended—*

*(1) in section 9—*

*(A) in subsection (e)—*

*(i) in paragraph (8), by striking ''and'' at the end;*

*(ii) in paragraph (9)—*

*(I) by striking ''the second or the third phase'' and inserting ''Phase II or Phase III''; and*

*(II) by striking the period at the end and inserting a semicolon; and*

*(iii) by adding at the end the following:*

*''(10) the term 'Phase I' means—*

*''(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and*

*''(B) with respect to the STTR program, the first phase described in paragraph (6)(A);*

*''(11) the term 'Phase II' means—*

*''(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and*

*''(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and*

*''(12) the term 'Phase III' means—*

*''(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and*

*''(B) with respect to the STTR program, the third phase described in paragraph (6)(C).'';*

*(B) in subsection (j)—*

*(i) in paragraph (1)(B), by striking ''phase two'' and inserting ''Phase II'';*

*(ii) in paragraph (2)—*

*(I) in subparagraph (B)—*

*(aa) by striking ''the third phase'' each place it appears and inserting ''Phase III''; and*

*(bb) by striking ''the second phase'' and inserting ''Phase II'';*

*(II) in subparagraph (D)—*

*(aa) by striking ''the first phase'' and inserting ''Phase I''; and*

*(bb) by striking ''the second phase'' and inserting ''Phase II'';*

*(III) in subparagraph (F), by striking ''the third phase'' and inserting ''Phase III'';*

*(IV) in subparagraph (G)—*

*(aa) by striking ''the first phase'' and inserting ''Phase I''; and*

*(bb) by striking ''the second phase'' and inserting ''Phase II''; and*

*(V) in subparagraph (H)—*

*(aa) by striking ''the first phase'' and inserting ''Phase I'';*

*(bb) by striking ''second phase'' each place it appears and inserting ''Phase II''; and*

*(cc) by striking ''third phase'' and inserting ''Phase III''; and*

*(iii) in paragraph (3)—*

*(I) in subparagraph (A)—*

*(aa) by striking ''the first phase (as described in subsection (e)(4)(A))'' and inserting ''Phase I'';*

*(bb) by striking ''the second phase (as described in subsection (e)(4)(B))'' and inserting ''Phase II''; and*

*(cc) by striking ''the third phase (as described in subsection (e)(4)(C))'' and inserting ''Phase III''; and*

*(II) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II'';*

*(C) in subsection (k)—*

*(i) by striking ''first phase'' each place it appears and inserting ''Phase I''; and*

*(ii) by striking ''second phase'' each place it appears and inserting ''Phase II'';*

*(D) in subsection (l)(2)—*

*(i) by striking ''the first phase'' and inserting ''Phase I''; and*

*(ii) by striking ''the second phase'' and inserting ''Phase II'';*

*(E) in subsection (o)(13)—*

*(i) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II''; and*

*(ii) in subparagraph (C), by striking ''third phase'' and inserting ''Phase III'';*

*(F) in subsection (p)—*

*(i) in paragraph (2)(B)—*

*(I) in clause (vi)—*

*(aa) by striking ''the second phase'' and inserting ''Phase II''; and*

*(bb) by striking ''the third phase'' and inserting ''Phase III''; and*

*(II) in clause (ix)—*

*(aa) by striking ''the first phase'' and inserting ''Phase I''; and*

*(bb) by striking ''the second phase'' and inserting ''Phase II''; and*

*(ii) in paragraph (3)—*

*(I) by striking ''the first phase (as described in subsection (e)(6)(A))'' and inserting ''Phase I'';*

*(II) by striking ''the second phase (as described in subsection (e)(6)(B))'' and inserting ''Phase II''; and*

*(III) by striking ''the third phase (as described in subsection (e)(6)(A))'' and inserting ''Phase III'';*

*(G) in subsection (q)(3)—*

*(i) in subparagraph (A)—*

*(I) in the subparagraph heading, by striking ''FIRST PHASE'' and inserting ''PHASE I''; and*

*(II) by striking ''first phase'' and inserting ''Phase I''; and*

*(ii) in subparagraph (B)—*

*(I) in the subparagraph heading, by striking ''SECOND PHASE'' and inserting ''PHASE II''; and*

*(II) by striking ''second phase'' and inserting ''Phase II'';*

*(H) in subsection (r)—*

*(i) in the subsection heading, by striking ''THIRD PHASE'' and inserting ''PHASE III'';*

*(ii) in paragraph (1)—*

*(I) in the first sentence—*

*(aa) by striking ''for the second phase'' and inserting ''for Phase II'';*

*(bb) by striking ''third phase'' and inserting ''Phase III''; and*

*(cc) by striking ''second phase period'' and inserting ''Phase II period''; and*

*(II) in the second sentence—*

*(aa) by striking ''second phase'' and inserting ''Phase II''; and*

*(bb) by striking ''third phase'' and inserting ''Phase III''; and*

*(iii) in paragraph (2), by striking ''third phase'' and inserting ''Phase III''; and*

*(I) in subsection (u)(2)(B), by striking ''the first phase'' and inserting ''Phase I'';*

*(2) in section 34—*

*(A) in subsection (c)(2)(B)(ii), by striking ''first phase and second phase SBIR awards'' and inserting ''Phase I and Phase II SBIR awards (as defined in section 9(e))''; and*

*(B) in subsection (e)(2)(A)—*

*(i) in clause (i), by striking ''first phase awards'' and all that follows and inserting ''Phase I awards (as defined in section 9(e));''; and*

*(ii) by striking ''first phase'' each place it appears and inserting ''Phase I''; and*

*(3) in section 35(c)(2)(B)(vii), by striking ''third phase'' and inserting ''Phase III''.*

***SEC. 108. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.***

*(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:*

*''(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—*

*''(1) AUTHORITY AND DETERMINATION.—*

*''(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—*

*''(i) the Director of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and*

*''(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are majority owned by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.*

*''(B) DETERMINATION.—A written determination made under subparagraph (A) shall explain how the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital*

*needs of small business concerns for additional financing for the SBIR project.*

*''(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.*

*''(3) REGISTRATION.—A small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—*

*''(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and*

*''(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.*

*''(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).*

*''(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).''.*

*(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:*

*''(t) VENTURE CAPITAL COMPANY.—In this Act, the term 'venture capital company' means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).''.*

*(c) ASSISTANCE FOR DETERMINING AFFILIATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—*

*(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and*

*(2) contact information for officers or employees of the Administration who—*

*(A) upon request, shall review an issue relating to the rules described in paragraph (1); and*

*(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.*

***SEC. 109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.***

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

*''(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.''.*

***SEC. 110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.***

*Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:*

*''(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—*

*''(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—*

*''(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or*

*''(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.*

*''(2) PROHIBITION.—No Federal agency shall—*

*''(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;*

*''(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or*

*''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.*

*''(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—*

*''(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and*

*''(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.''.*

***SEC. 111. NOTICE REQUIREMENT.***

*The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.*

## *TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES*

***SEC. 201. RURAL AND STATE OUTREACH.***

*(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:*

*''(s) OUTREACH.—*

*''(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—*

*''(A) for which the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than $5,000,000; and*

*''(B) that certifies to the Administrator that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.*

*''(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of fiscal years 2010 through 2014, the Administrator may expend with eligible States not more than $5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.*

*''(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—*

*''(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and*

*''(B) shall not exceed $100,000.*

*''(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—*

*''(A) the establishment of quantifiable performance goals, including goals relating to—*

*''(i) the number of program awards under this section made to small business concerns in the State; and*

*''(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;*

*''(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and*

*''(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.''.*

*(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—*

*(1) in subsection (h), by striking ''2001 through 2005'' each place it appears and inserting ''2010 through 2014''; and*

*(2) in subsection (i), by striking ''2005'' and inserting ''2014''.*

*(c) MATCHING REQUIREMENTS.—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—*

*(1) in subparagraph (A)—*

*(A) in clause (i), by striking ''50 cents'' and inserting ''35 cents''; and*

*(B) in clause (iii), by striking ''75 cents'' and inserting ''50 cents'';*

*(2) in subparagraph (B), by striking ''50 cents'' and inserting ''35 cents'';*

*(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and*

*(4) by inserting after subparagraph (B) the following:*

*''(C) RURAL AREAS.—*

*''(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.*

*''(ii) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.*

*''(iii) DEFINITION OF RURAL AREA.—In this subparagraph, the term 'rural area' has the meaning given that term in section 1393(a)(2)) of the Internal Revenue Code of 1986.''.*

***SEC. 202. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.***

*(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR–*

*STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as ''STEM college students''), by providing a SBIR bonus grant.*

*(b) ELIGIBLE ENTITIES DEFINED.—In this section the term ''eligible entity'' means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.*

*(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.*

*(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR–STEM Workforce Development Grant Pilot Program.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—*

*(1) $1,000,000 for fiscal year 2011;*

*(2) $1,000,000 for fiscal year 2012;*

*(3) $1,000,000 for fiscal year 2013;*

*(4) $1,000,000 for fiscal year 2014; and*

*(5) $1,000,000 for fiscal year 2015.*

***SEC. 203. TECHNICAL ASSISTANCE FOR AWARDEES.***

*Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—*

*(1) in subparagraph (A), by striking ''$4,000'' and inserting ''$5,000'';*

*(2) in subparagraph (B)—*

*(A) by striking '', with funds available from their SBIR awards,''; and*

*(B) by striking ''$4,000 per year'' and inserting ''$5,000 per year, which shall be in addition to the amount of the recipient's award''; and*

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

*''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.*

*''(D) LIMITATION.—A Federal agency may not—*

*''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or*

*''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.*

***SEC. 204. COMMERCIALIZATION PROGRAM AT DEPARTMENT OF DEFENSE.***

*Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—*

*(1) in the subsection heading, by striking ''PILOT'';*

*(2) by striking ''Pilot'' each place that term appears;*

*(3) in paragraph (1)—*

*(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and*

*(B) by adding at the end the following: ''The authority to create and administer a Commercialization Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';*

*(4) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';*

*(5) in paragraph (4), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';*

*(6) by striking paragraph (6);*

*(7) by redesignating paragraph (5) as paragraph (7); and*

*(8) by inserting after paragraph (4) the following:*

*''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—*

*''(A) establish goals for the transition of Phase III technologies in subcontracting plans; and*

*''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.*

*''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—*

*''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;*

*''(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and*

*''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Program and efforts to transition these technologies into programs of record or fielded systems.''.*

***SEC. 205. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.***

*Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:*

*''(ee) PILOT PROGRAM.—*

*''(1) AUTHORIZATION.—The head of each covered Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies.*

*''(2) APPLICATION BY FEDERAL AGENCY.—*

*''(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.*

*''(B) DETERMINATION.—The Administrator shall—*

*''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;*

*''(ii) publish the determination in the Federal Register; and*

*''(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.*

*''(3) MAXIMUM AMOUNT OF AWARD.—The head of a Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).*

*''(4) MATCHING.—The head of a Federal agency may not make an award under a pilot program for SBIR or STTR Phase II technology that will be acquired by the Federal Government unless new private, Federal non-SBIR, or Federal non-STTR funding that at least matches the award from the Federal agency is provided for the SBIR or STTR Phase II technology.*

*''(5) ELIGIBILITY FOR AWARD.—The head of a Federal agency may make an award under a pilot program to any applicant that is eligible to receive a Phase III award related to technology developed in Phase II of an SBIR or STTR project.*

*''(6) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.*

*''(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.*

*''(8) DEFINITIONS.—In this section—*

*''(A) the term 'covered Federal agency'—*

*''(i) means a Federal agency participating in the SBIR program or the STTR program; and*

*''(ii) does not include the Department of Defense; and*

*''(B) the term 'pilot program' means the program established under paragraph (1).''.*

***SEC. 206. NANOTECHNOLOGY INITIATIVE.***

*(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:*

*''(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.''.*

*(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.*

***SEC. 207. ACCELERATING CURES.***

*The Small Business Act (15 U.S.C. 631 et seq.) is amended—*

*(1) by redesignating section 44 as section 45; and*

*(2) by inserting after section 43 the following:*

***''SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.***

*''(a) NIH CURES PILOT.—*

*''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the 'advisory board') to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.*

*''(2) MEMBERSHIP.—*

*''(A) IN GENERAL.—The advisory board shall consist of—*

*''(i) the Director of the NIH;*

*''(ii) the Director of the SBIR program of the NIH;*

*''(iii) senior NIH agency managers, selected by the Director of NIH;*

*''(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and*

*''(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.*

*''(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.*

*''(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).*

*''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program*

*decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academies of Science entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.*

*''(c) PILOT PROGRAM.—*

*''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.*

*''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.*

*''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.*

*''(e) SBIR GRANTS AND CONTRACTS.—*

*''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify products and services that may enhance the development of cures and therapies.*

*''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.*

*''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.*

*''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).*

*''(g) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009.''.*

## *TITLE III—OVERSIGHT AND EVALUATION*

### *SEC. 301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.*

*Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 102 of this Act, is amended—*

*(1) in paragraph (7)—*

*(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—*

*''(A) the data'';*

*(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and*

*''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;*

*''(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;*

*''(D) general information about the implementation and compliance with the allocation of funds required under subsection (cc) for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;*

*''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and*

*''(F) a description''; and*

*(2) by inserting after paragraph (7) the following:*

*''(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;''.*

### *SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR.*

*Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—*

*(1) by striking paragraph (10);*

*(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;*

*(3) by inserting after paragraph (7) the following:*

*''(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—*

*''(A) whether an awardee—*

*''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—*

*''(I) the amount of venture capital that the awardee has received as of the date of the award; and*

*''(II) the amount of additional capital that the awardee has invested in the SBIR technology;*

*''(ii) has an investor that—*

*''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or*

*''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;*

*''(iii) is owned by a woman or has a woman as a principal investigator;*

*''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;*

*''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);*

*''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or*

*''(vii) is located in a State described in subsection (u)(3); and*

*''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''; and*

*(4) in paragraph (10), as so redesignated, by adding ''and'' at the end.*

### *SEC. 303. DATA COLLECTION FROM AGENCIES FOR STTR.*

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

*(1) by striking paragraph (9) and inserting the following:*

*''(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—*

*''(A) whether an applicant or awardee—*

*''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—*

*''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and*

*''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;*

*''(ii) has an investor that—*

*''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or*

*''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;*

*''(iii) is owned by a woman or has a woman as a principal investigator;*

*''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;*

*''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);*

*''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or*

*''(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and*

*''(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;'';*

*(2) in paragraph (14), by adding ''and'' at the end;*

*(3) by striking paragraph (15); and*

*(4) by redesignating paragraph (16) as paragraph (15).*

### *SEC. 304. PUBLIC DATABASE.*

*Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—*

*(1) in subparagraph (D), by striking ''and'' at the end;*

*(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and*

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

*''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—*

*''(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);*

*''(ii) is owned by a woman or has a woman as a principal investigator;*

*''(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;*

*''(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or*

*''(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.*

### *SEC. 305. GOVERNMENT DATABASE.*

*Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—*

*(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;*

*(2) by inserting after subparagraph (B) the following:*

*''(C) includes, for each awardee—*

*''(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;*

*''(ii) whether the awardee has venture capital, and, if so—*

*''(I) the amount of venture capital as of the date of the award;*

*''(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and*

*''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;*

*''(iii) the names and locations of any affiliates of the awardee;*

*''(iv) the number of employees of the awardee;*

*''(v) the number of employees of the affiliates of the awardee; and*

*''(vi) the names of, and the percentage of ownership of the awardee held by—*

*''(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or*

*''(II) any person that is not an individual and is not organized under the laws of a State or the United States;''; and*

*(3) in subparagraph (D), as so redesignated—*

*(A) in clause (ii), by striking ''and'' at the end; and*

*(B) by adding at the end, the following:*

*''(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and*

*''(v) the number of employees of the applicant;''.*

***SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.***

*(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—*

*(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—*

*(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;*

*(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;*

*(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and*

*(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and*

*(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).*

*(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—*

*(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and*

*(2) for the second and each subsequent report submitted under this section, the period—*

*(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and*

*(B) ending on September 30 of the last full fiscal year before the date of the report.*

***SEC. 307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.***

*Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:*

*''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—*

*''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.*

*''(2) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.*

***SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.***

*Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:*

*''(gg) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—*

*''(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;*

*''(2) the name of the small business concern or individual receiving the Phase III award; and*

*''(3) the dollar amount of the Phase III award.''.*

***SEC. 309. INTELLECTUAL PROPERTY PROTECTIONS.***

*(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—*

*(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);*

*(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and*

*(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.*

*(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).*

***TITLE IV—POLICY DIRECTIVES***

***SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.***

*(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.*

*(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.*

Ms. LANDRIEU. Mr. President, I ask my colleagues to support passage of S. 1233, the SBIR/STTR Reauthorization Act of 2009, with an amendment from Dr. COBURN and Senator FEINGOLD.

This legislation is important because it reauthorizes two extremely successful programs—the Small Business Innovation Research and Small Business Technology Transfer programs—otherwise known as SBIR and STTR. These programs foster partnerships between small businesses and the Federal Government to develop cutting-edge products and technologies important to our country. The bill makes improvements to these programs that will allow them to work better for small businesses, while contributing to our economy, fulfilling the priority research needs of the Nation, and expanding and diversifying our military's supply base.

The SBIR program expires on July 31, 2009, so time is of the essence for Congress to pass this legislation and get it to President Obama's desk. While we need to act fast, we have not acted in haste. We have given these programs full deliberation with numerous hearings, roundtables, and meetings since 2006, including a hearing on July 12, 2006, a roundtable on August 1, 2007, a roundtable on October 18, 2007, and a roundtable on June 4, 2009. We have also reviewed the nine studies by the National Research Council, and studies by the Government Accountability Office, on the SBIR program since it was last authorized in 2000 to help guide the committee in drafting not only this bill, S. 1233, but also the SBIR and STTR reauthorization bills that the committee adopted unanimously in the 109th Congress, S. 3778, and in the 110th Congress, S. 3362.

The SBIR and STTR programs are two of the very few Federal programs that tap into the scientific and technical community found in America's small businesses. As I noted earlier, these programs foster government-industry partnerships by making competitive awards to firms with the best scientific proposals in response to the research needs of our agencies and by helping to move technologies from the lab to the marketplace or from the lab to insertion in a government program or system.

The SBIR program was designed in 1982 to harness the innovative capacity of America's small businesses to meet the needs of our Federal agencies and

to help grow small, high-tech firms that, in turn, grow local economies all across the Nation. The STTR program was originally created as a pilot program in 1992 to stimulate partnerships between small businesses and nonprofit research institutions, such as universities like LSU and Louisiana Tech.

Since their inception, both programs have exceeded all expectations, playing an unprecedented role in stimulating technological innovation, in allowing small business to meet Federal research and development needs, and in providing seed capital for small business to develop ideas until they are able to attract outside investment.

The SBIR program has awarded more than $24 billion to more than 100,000 projects since it started. Recipients of SBIR and STTR awards have produced more than 85,000 patents and have generated millions of well-paying jobs across all 50 States. Both programs have garnered high praise from well-respected sources, and governments around the world are increasingly adopting SBIR-type programs to encourage innovation in their countries.

In drafting this bill, we had many policy goals and interests to balance. We wanted to improve the diversity of the programs, geographically and otherwise, so that more States and individuals could participate in Federal research and development for our country. We also wanted to maintain a fair playing field so true small businesses could continue to compete for this very small percent of the overall Federal R&D budget. We wanted to encourage exploration of high-risk, cutting-edge research. These goals, along with many others, were taken into consideration in forging this bill. We made a number of important compromises in this legislation—and the result is a fair bill that will maintain the strength of these programs.

To keep these innovation programs strong, the bill reauthorizes the programs for 8 years, as reflected in the amendment by Dr. COBURN, instead of 14 years as adopted by the committee; increases the SBIR program allocation by 1 percent, from 2.5 to 3.5 percent, at all agencies, including the NIH, spread out over 10 years; increases the STTR program allocation from .3 percent to .6 percent spread out over 6 years; makes firms majority owned and controlled by multiple venture capital firms eligible for up to 18 percent of the SBIR funds at NIH and up to 8 percent of the funds at the other agencies; and increases the award guidelines for SBIR and STTR awards from $100,000 to $150,000 for Phase I and from $750,000 to $1 million for Phase II.

The bill also reauthorizes and enhances the Federal and State Technology Partnership Program, or FAST Program, that was created by Senator BOND in 2000, and the Rural Outreach Program, programs that have been very effective in States such as Louisiana and Missouri in increasing the participation of small business in Federal research and development and the start-up of high-tech firms; strengthens the Office of Technology at the SBA so that it has the authority and resources to carry out its duty to oversee the SBIR and STTR programs across the government; streamlines and improves data collection and reporting requirements for the SBIR and STTR programs, including developing metrics for annual evaluations by each participating agency, as reflected in the amendment by Dr. COBURN; helps SBIR and STTR companies move their technologies across the ''valley of death'' between the lab and the marketplace and into products and technologies for the agencies; and addresses ''jumbo'' awards, those awards that have greatly exceeded the $100,000 and $750,000 guidelines for Phase I and Phase II and cut out other businesses.

Reauthorizing these programs will ensure that small businesses continue to play a part in our Federal research and development. Currently, small businesses receive only about 4 percent of Federal research and development dollars despite the fact that they employ nearly 40 percent of America's scientists and engineers, produce more than 14 times more patents than large businesses and universities, and produce patents that are of higher quality and are more than twice as likely to be cited. This legislation will help maintain and improve the role of small businesses in our Federal research and development.

The SBIR and STTR programs have spurred so many amazing technologies. I would just like to share a few of them with you here today. Among the technologies pioneered by SBIR-funded small businesses are a machine that uses lasers and computer cameras to sort and inspect bullets at a much finer level than the human eye can manage, the technology that creates the ''invisible'' condensation trail of the B–2 bomber, a therapeutic drug to treat chronic inflammatory disease, and a nerve gas protection system.

With regard to the bullet sorting technology, developed by CyberNet Systems, a small, women-owned business located in Ann Arbor, MI, and currently in use in Iraq and Afghanistan, that SBIR technology is estimated to have saved taxpayers more than $300 million. Those are real cost savings and tangible technological improvement.

In Louisiana, one company that has had great success in recent years is Network Foundation Technologies, known as NiFTy. I visited this company in Ruston, LA, a rural part of the State, in August 2008 and was extremely impressed. NiFTy used an SBIR grant from the National Science Foundation to develop technology that permits live streaming video over the Internet without using large amounts of bandwidth. They have been particularly successful bringing sporting events live over the Internet. NiFTy has grown to more than 40 employees, many drawn from the ranks of the Louisiana Tech science and engineering programs. These are new, high-paying jobs that have been a strong asset to north Louisiana's economy.

SBIR is a program that helps spur technology research and innovation in areas you would not normally think of as high-tech corridors. Folks think of California or Massachusetts, but not our growing high-tech corridor in rural north Louisiana. LA Tech, UL-Monroe, Grambling University, LSU-Shreveport, and Centenary College are all in that corridor. For those who don't know, Ruston is between Monroe and Shreveport, and LA Tech helps attract good companies because we have good scientists and engineers. With SBIR and STTR, those entrepreneurs started a company.

It is stories such as these that make the SBIR and STTR programs so special to the economic and technological growth of this country. I want to once again thank all those involved for their hard work on this legislation, particularly our ranking member, Senator SNOWE, and her staff, as well as Senator LEVIN and his staff on the Committee on Armed Services, Senator DURBIN and his Appropriations staff, and Dr. COBURN and Senator FEINGOLD on the final amendment to the bill. It is my hope that we can now pass this bill in the Senate and work expeditiously with the House to get a bill on President Obama's desk before July 31.

Mr. REID. Mr. President, Senators COBURN and FEINGOLD have an amendment at the desk, and I ask unanimous consent for its consideration; that the amendment be agreed to and the motion to reconsider be laid upon the table; that the committee-reported substitute, as amended, be agreed to and the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1502) was agreed to, as follows:

On page 61, line 20, strike ''2023'' and insert ''2017''.

On page 61, line 23, strike ''2023'' and insert ''2017''.

At the end, add the following:

**SEC. 402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.**

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(hh) RESEARCH INITIATIVES.—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program.''.

(b) SUNSET.—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

**SEC. 403. REPORT ON SBIR AND STTR PROGRAM GOALS.**

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

''(ii) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

''(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

''(A) are science-based and statistically driven;

''(B) reflect the mission of the Federal agency; and

''(C) include factors relating to the economic impact of the programs.

''(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

''(A) the SBIR program and the STTR program of the Federal agency; and

''(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

''(3) REPORT.—

''(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

''(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

''(C) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Small Business and Entrepreneurship of the Senate; and

''(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.''.

**SEC. 404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.**

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

''(jj) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1233), as amended, was ordered to be engrossed for a third reading, and was read the third time.

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to H.R. 2965, the House companion, which is at the desk; that all after the enacting clause be stricken and the text of S. 1233, as amended, be inserted in lieu thereof; the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table; that upon passage of H.R. 2965, S. 1233 be returned to the calendar, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2965), as amended, was passed, as follows:

H.R. 2965

*Resolved*, That the bill from the House of Representatives (H.R. 2965) entitled ''An Act to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''SBIR/STTR Reauthorization Act of 2009''.*

***SEC. 2. TABLE OF CONTENTS.***

*The table of contents for this Act is as follows:*

*Sec. 1. Short title.*
*Sec. 2. Table of contents.*
*Sec. 3. Definitions.*

*TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS*

*Sec. 101. Extension of termination dates.*
*Sec. 102. Status of the Office of Technology.*
*Sec. 103. SBIR allocation increase.*
*Sec. 104. STTR allocation increase.*
*Sec. 105. SBIR and STTR award levels.*
*Sec. 106. Agency and program collaboration.*
*Sec. 107. Elimination of Phase II invitations.*
*Sec. 108. Majority-venture investments in SBIR firms.*
*Sec. 109. SBIR and STTR special acquisition preference.*
*Sec. 110. Collaborating with Federal laboratories and research and development centers.*
*Sec. 111. Notice requirement.*

*TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES*

*Sec. 201. Rural and State outreach.*
*Sec. 202. SBIR–STEM Workforce Development Grant Pilot Program.*
*Sec. 203. Technical assistance for awardees.*
*Sec. 204. Commercialization program at Department of Defense.*
*Sec. 205. Commercialization Pilot Program for civilian agencies.*
*Sec. 206. Nanotechnology initiative.*
*Sec. 207. Accelerating cures.*

*TITLE III—OVERSIGHT AND EVALUATION*

*Sec. 301. Streamlining annual evaluation requirements.*
*Sec. 302. Data collection from agencies for SBIR.*
*Sec. 303. Data collection from agencies for STTR.*
*Sec. 304. Public database.*
*Sec. 305. Government database.*
*Sec. 306. Accuracy in funding base calculations.*
*Sec. 307. Continued evaluation by the National Academy of Sciences.*
*Sec. 308. Technology insertion reporting requirements.*
*Sec. 309. Intellectual property protections.*

*TITLE IV—POLICY DIRECTIVES*

*Sec. 401. Conforming amendments to the SBIR and the STTR Policy Directives.*
*Sec. 402. Priorities for certain research initiatives.*
*Sec. 403. Report on SBIR and STTR program goals.*
*Sec. 404. Competitive selection procedures for SBIR and STTR programs.*

***SEC. 3. DEFINITIONS.***

*In this Act—*

*(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;*

*(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and*

*(3) the term ''small business concern'' has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).*

***TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS***

***SEC. 101. EXTENSION OF TERMINATION DATES.***

*(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2017''.*

*(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2017''.*

***SEC. 102. STATUS OF THE OFFICE OF TECHNOLOGY.***

*Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—*

*(1) in paragraph (7), by striking ''and'' at the end;*

*(2) in paragraph (8), by striking the period at the end and inserting ''; and'';*

*(3) by redesignating paragraph (8) as paragraph (9); and*

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

*''(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—*

*''(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and*

*''(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.''.*

***SEC. 103. SBIR ALLOCATION INCREASE.***

*Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—*

*(1) in paragraph (1)—*

*(A) in the matter preceding subparagraph (A), by striking ''Each'' and inserting ''Except as provided in paragraph (2)(C), each'';*

*(B) in subparagraph (B), by striking ''and'' at the end; and*

*(C) by striking subparagraph (C) and inserting the following:*

*''(C) not less than 2.5 percent of such budget in each of fiscal years 2009 and 2010;*

*''(D) not less than 2.6 percent of such budget in fiscal year 2011;*

*''(E) not less than 2.7 percent of such budget in fiscal year 2012;*

*''(F) not less than 2.8 percent of such budget in fiscal year 2013;*

*''(G) not less than 2.9 percent of such budget in fiscal year 2014;*

*''(H) not less than 3.0 percent of such budget in fiscal year 2015;*

*''(I) not less than 3.1 percent of such budget in fiscal year 2016;*

*''(J) not less than 3.2 percent of such budget in fiscal year 2017;*

*''(K) not less than 3.3 percent of such budget in fiscal year 2018;*

*''(L) not less than 3.4 percent of such budget in fiscal year 2019; and*

*''(M) not less than 3.5 percent of such budget in fiscal year 2020 and each fiscal year thereafter,''; and*

*(2) in paragraph (2)—*

*(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;*

*(B) by striking ''A Federal agency'' and inserting the following:*

*''(A) IN GENERAL.—A Federal agency''; and*

*(C) by adding at the end the following:*

*''(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—*

*''(i) may not be used for new Phase I or Phase II awards; and*

''(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.''.

**SEC. 104. STTR ALLOCATION INCREASE.**

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''thereafter.'' and inserting ''through fiscal year 2010;''; and

(3) by adding at the end the following:

''(iii) 0.4 percent for fiscal years 2011 and 2012;

''(iv) 0.5 percent for fiscal years 2013 and 2014; and

''(v) 0.6 percent for fiscal year 2015 and each fiscal year thereafter.''.

**SEC. 105. SBIR AND STTR AWARD LEVELS.**

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking ''5 years'' and inserting ''3 years''; and

(B) by striking ''and programmatic considerations''; and

(2) in subsection (p)(2)(B)(ix) by striking ''greater or lesser amounts to be awarded at the discretion of the awarding agency,'' and inserting ''an adjustment for inflation of such amounts once every 3 years,''.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(aa) LIMITATION ON CERTAIN AWARDS.—

''(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

''(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

''(A) the amount of each award;

''(B) a justification for exceeding the award amount;

''(C) the identity and location of each award recipient; and

''(D) whether a recipient has received any venture capital investment and, if so, whether the recipient is majority-owned and controlled by multiple venture capital companies.

''(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.''.

**SEC. 106. AGENCY AND PROGRAM COLLABORATION.**

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

''(bb) SUBSEQUENT PHASES.—

''(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

''(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).''.

**SEC. 107. ELIMINATION OF PHASE II INVITATIONS.**

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

(1) in paragraph (4)(B), by striking ''to further'' and inserting: ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further''; and

(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 638) is amended—

(1) in section 9—

(A) in subsection (e)—

(i) in paragraph (8), by striking ''and'' at the end;

(ii) in paragraph (9)—

(I) by striking ''the second or the third phase'' and inserting ''Phase II or Phase III''; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(10) the term 'Phase I' means—

''(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

''(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

''(11) the term 'Phase II' means—

''(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

''(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

''(12) the term 'Phase III' means—

''(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

''(B) with respect to the STTR program, the third phase described in paragraph (6)(C).'';

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking ''phase two'' and inserting ''Phase II'';

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking ''the third phase'' each place it appears and inserting ''Phase III''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(II) in subparagraph (D)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(III) in subparagraph (F), by striking ''the third phase'' and inserting ''Phase III'';

(IV) in subparagraph (G)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(V) in subparagraph (H)—

(aa) by striking ''the first phase'' and inserting ''Phase I'';

(bb) by striking ''second phase'' each place it appears and inserting ''Phase II''; and

(cc) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''the first phase (as described in subsection (e)(4)(A))'' and inserting ''Phase I'';

(bb) by striking ''the second phase (as described in subsection (e)(4)(B))'' and inserting ''Phase II''; and

(cc) by striking ''the third phase (as described in subsection (e)(4)(C))'' and inserting ''Phase III''; and

(II) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II'';

(C) in subsection (k)—

(i) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(ii) by striking ''second phase'' each place it appears and inserting ''Phase II'';

(D) in subsection (l)(2)—

(i) by striking ''the first phase'' and inserting ''Phase I''; and

(ii) by striking ''the second phase'' and inserting ''Phase II'';

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II''; and

(ii) in subparagraph (C), by striking ''third phase'' and inserting ''Phase III'';

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking ''the second phase'' and inserting ''Phase II''; and

(bb) by striking ''the third phase'' and inserting ''Phase III''; and

(II) in clause (ix)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(ii) in paragraph (3)—

(I) by striking ''the first phase (as described in subsection (e)(6)(A))'' and inserting ''Phase I'';

(II) by striking ''the second phase (as described in subsection (e)(6)(B))'' and inserting ''Phase II''; and

(III) by striking ''the third phase (as described in subsection (e)(6)(A))'' and inserting ''Phase III'';

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''FIRST PHASE'' and inserting ''PHASE I''; and

(II) by striking ''first phase'' and inserting ''Phase I''; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''SECOND PHASE'' and inserting ''PHASE II''; and

(II) by striking ''second phase'' and inserting ''Phase II'';

(H) in subsection (r)—

(i) in the subsection heading, by striking ''THIRD PHASE'' and inserting ''PHASE III'';

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking ''for the second phase'' and inserting ''for Phase II'';

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(cc) by striking ''second phase period'' and inserting ''Phase II period''; and

(II) in the second sentence—

(aa) by striking ''second phase'' and inserting ''Phase II''; and

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (2), by striking ''third phase'' and inserting ''Phase III''; and

(I) in subsection (u)(2)(B), by striking ''the first phase'' and inserting ''Phase I'';

(2) in section 34—

(A) in subsection (c)(2)(B)(ii), by striking ''first phase and second phase SBIR awards'' and inserting ''Phase I and Phase II SBIR awards (as defined in section 9(e))''; and

(B) in subsection (e)(2)(A)—

(i) in clause (i), by striking ''first phase awards'' and all that follows and inserting

''Phase I awards (as defined in section 9(e));''; and

(ii) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(3) in section 35(c)(2)(B)(vii), by striking ''third phase'' and inserting ''Phase III''.

**SEC. 108. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.**

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

''(1) AUTHORITY AND DETERMINATION.—

''(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—

''(i) the Director of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and

''(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are majority owned by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

''(B) DETERMINATION.—A written determination made under subparagraph (A) shall explain how the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

''(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.

''(3) REGISTRATION.—A small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

''(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

''(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

''(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).

''(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) VENTURE CAPITAL COMPANY.—In this Act, the term 'venture capital company' means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).''.

(c) ASSISTANCE FOR DETERMINING AFFILIATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

**SEC. 109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.**

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

''(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.''.

**SEC. 110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.**

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

''(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

''(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

''(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

''(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

''(2) PROHIBITION.—No Federal agency shall—

''(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

''(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

''(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

''(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

''(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.''.

**SEC. 111. NOTICE REQUIREMENT.**

The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

## TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES

**SEC. 201. RURAL AND STATE OUTREACH.**

(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

''(s) OUTREACH.—

''(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—

''(A) for which the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than $5,000,000; and

''(B) that certifies to the Administrator that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

''(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of fiscal years 2010 through 2014, the Administrator may expend with eligible States not more than $5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

''(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

''(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

''(B) shall not exceed $100,000.

''(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

''(A) the establishment of quantifiable performance goals, including goals relating to—

''(i) the number of program awards under this section made to small business concerns in the State; and

''(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

''(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

''(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.''.

(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking ''2001 through 2005'' each place it appears and inserting ''2010 through 2014''; and

(2) in subsection (i), by striking ''2005'' and inserting ''2014''.

(c) MATCHING REQUIREMENTS.—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''50 cents'' and inserting ''35 cents''; and

(B) in clause (iii), by striking ''75 cents'' and inserting ''50 cents'';

(2) in subparagraph (B), by striking ''50 cents'' and inserting ''35 cents'';

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(4) by inserting after subparagraph (B) the following:

''(C) RURAL AREAS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

''(ii) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

''(iii) DEFINITION OF RURAL AREA.—In this subparagraph, the term 'rural area' has the meaning given that term in section 1393(a)(2)) of the Internal Revenue Code of 1986.''.

**SEC. 202. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.**

(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as ''STEM college students''), by providing a SBIR bonus grant.

(b) ELIGIBLE ENTITIES DEFINED.—In this section the term ''eligible entity'' means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR–STEM Workforce Development Grant Pilot Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2011;

(2) $1,000,000 for fiscal year 2012;

(3) $1,000,000 for fiscal year 2013;

(4) $1,000,000 for fiscal year 2014; and

(5) $1,000,000 for fiscal year 2015.

**SEC. 203. TECHNICAL ASSISTANCE FOR AWARDEES.**

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking ''$4,000'' and inserting ''$5,000'';

(2) in subparagraph (B)—

(A) by striking '', with funds available from their SBIR awards,''; and

(B) by striking ''$4,000 per year'' and inserting ''$5,000 per year, which shall be in addition to the amount of the recipient's award''; and

(3) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

**SEC. 204. COMMERCIALIZATION PROGRAM AT DEPARTMENT OF DEFENSE.**

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

(1) in the subsection heading, by striking ''PILOT'';

(2) by striking ''Pilot'' each place that term appears;

(3) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(4) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(5) in paragraph (4), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(6) by striking paragraph (6);

(7) by redesignating paragraph (5) as paragraph (7); and

(8) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Program and efforts to transition these technologies into programs of record or fielded systems.''.

**SEC. 205. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.**

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

''(ee) PILOT PROGRAM.—

''(1) AUTHORIZATION.—The head of each covered Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies.

''(2) APPLICATION BY FEDERAL AGENCY.—

''(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

''(ii) publish the determination in the Federal Register; and

''(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(3) MAXIMUM AMOUNT OF AWARD.—The head of a Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

''(4) MATCHING.—The head of a Federal agency may not make an award under a pilot program for SBIR or STTR Phase II technology that will be acquired by the Federal Government unless new private, Federal non-SBIR, or Federal non-STTR funding that at least matches the award from the Federal agency is provided for the SBIR or STTR Phase II technology.

''(5) ELIGIBILITY FOR AWARD.—The head of a Federal agency may make an award under a pilot program to any applicant that is eligible to receive a Phase III award related to technology developed in Phase II of an SBIR or STTR project.

''(6) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

''(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

''(8) DEFINITIONS.—In this section—

''(A) the term 'covered Federal agency'—

''(i) means a Federal agency participating in the SBIR program or the STTR program; and

''(ii) does not include the Department of Defense; and

''(B) the term 'pilot program' means the program established under paragraph (1).''.

**SEC. 206. NANOTECHNOLOGY INITIATIVE.**

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.''.

(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

**SEC. 207. ACCELERATING CURES.**

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

*(1) by redesignating section 44 as section 45; and*

*(2) by inserting after section 43 the following:*

***"SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.***

*''(a) NIH CURES PILOT.—*

*''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the 'advisory board') to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.*

*''(2) MEMBERSHIP.—*

*''(A) IN GENERAL.—The advisory board shall consist of—*

*''(i) the Director of the NIH;*

*''(ii) the Director of the SBIR program of the NIH;*

*''(iii) senior NIH agency managers, selected by the Director of NIH;*

*''(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and*

*''(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.*

*''(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.*

*''(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).*

*''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academies of Science entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.*

*''(c) PILOT PROGRAM.—*

*''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.*

*''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.*

*''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.*

*''(e) SBIR GRANTS AND CONTRACTS.—*

*''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify products and services that may enhance the development of cures and therapies.*

*''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.*

*''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.*

*''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).*

*''(g) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009.''.*

## *TITLE III—OVERSIGHT AND EVALUATION*

***SEC. 301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.***

*Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 102 of this Act, is amended—*

*(1) in paragraph (7)—*

*(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—*

*''(A) the data'';*

*(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and*

*''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;*

*''(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;*

*''(D) general information about the implementation and compliance with the allocation of funds required under subsection (cc) for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;*

*''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and*

*''(F) a description''; and*

*(2) by inserting after paragraph (7) the following:*

*''(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;''.*

***SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR.***

*Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—*

*(1) by striking paragraph (10);*

*(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;*

*(3) by inserting after paragraph (7) the following:*

*''(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—*

*''(A) whether an awardee—*

*''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—*

*''(I) the amount of venture capital that the awardee has received as of the date of the award; and*

*''(II) the amount of additional capital that the awardee has invested in the SBIR technology;*

*''(ii) has an investor that—*

*''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or*

*''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;*

*''(iii) is owned by a woman or has a woman as a principal investigator;*

*''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;*

*''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);*

*''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or*

*''(vii) is located in a State described in subsection (u)(3); and*

*''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''; and*

*(4) in paragraph (10), as so redesignated, by adding ''and'' at the end.*

***SEC. 303. DATA COLLECTION FROM AGENCIES FOR STTR.***

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

*(1) by striking paragraph (9) and inserting the following:*

*''(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—*

*''(A) whether an applicant or awardee—*

*''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—*

*''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and*

*''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;*

*''(ii) has an investor that—*

*''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or*

*''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;*

*''(iii) is owned by a woman or has a woman as a principal investigator;*

*''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;*

*''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);*

*''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or*

*''(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and*

''(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;'';

(2) in paragraph (14), by adding ''and'' at the end;

(3) by striking paragraph (15); and

(4) by redesignating paragraph (16) as paragraph (15).

**SEC. 304. PUBLIC DATABASE.**

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

''(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

**SEC. 305. GOVERNMENT DATABASE.**

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following:

''(C) includes, for each awardee—

''(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

''(ii) whether the awardee has venture capital, and, if so—

''(I) the amount of venture capital as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names of, and the percentage of ownership of the awardee held by—

''(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) any person that is not an individual and is not organized under the laws of a State or the United States;''; and

(3) in subparagraph (D), as so redesignated—

(A) in clause (ii), by striking ''and'' at the end; and

(B) by adding at the end, the following:

''(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

''(v) the number of employees of the applicant;''.

**SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

**SEC. 307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.**

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.

''(2) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

**SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.**

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

''(gg) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

''(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

''(2) the name of the small business concern or individual receiving the Phase III award; and

''(3) the dollar amount of the Phase III award.''.

**SEC. 309. INTELLECTUAL PROPERTY PROTECTIONS.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

## TITLE IV—POLICY DIRECTIVES

**SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

**SEC. 402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.**

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(hh) RESEARCH INITIATIVES.—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program.''.

(b) SUNSET.—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

**SEC. 403. REPORT ON SBIR AND STTR PROGRAM GOALS.**

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

''(ii) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

''(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness,

*and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—*

*''(A) are science-based and statistically driven;*

*''(B) reflect the mission of the Federal agency; and*

*''(C) include factors relating to the economic impact of the programs.*

*''(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—*

*''(A) the SBIR program and the STTR program of the Federal agency; and*

*''(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.*

*''(3) REPORT.—*

*''(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).*

*''(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.*

*''(C) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means—*

*''(i) the Committee on Small Business and Entrepreneurship of the Senate; and*

*''(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.''.*

***SEC. 404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.***

*Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:*

*''(jj) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.''.*

## ORDERS FOR TUESDAY, JULY 14, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, July 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and then there be a period for morning business of 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half, with Senators permitted to speak for up to 10 minutes each; further, that following morning business, the Senate resume consideration of Calendar No. 89, S. 1390, the Department of Defense authorization bill; then I ask the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 10 A.M., TUESDAY, JULY 14, 2009

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:30 p.m., adjourned until Tuesday, July 14, 2009, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF THE INTERIOR

JONATHAN B. JARVIS, OF CALIFORNIA, TO BE DIRECTOR OF THE NATIONAL PARK SERVICE, VICE MARY AMELIA BOMAR, RESIGNED.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

BRYAN HAYES SAMUELS, OF ILLINOIS, TO BE COMMISSIONER ON CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE JOAN E. OHL, RESIGNED.

### DEPARTMENT OF STATE

GLYN T. DAVIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

GLYN T. DAVIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be major*

BRANDON T. GROVER

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be major*

STEPHEN H. MONTALDI

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

CHARLES R. WHITSETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

DALLAS A. WINGATE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

HOLMES C. AITA
ANN BEHRENDS
STEPHANIE CALHOUNJAMISON
MYUNGSOOK CHO
SO B. CHOI
STEPHEN E. CLARY
KENNETH J. ERLEY
WILLIE R. FAISON
CRAIG M. GAYTON
MARRERO J. GONZALEZ
BRETT H. HENSON
TINA R. JONESFAISON
ADAM J. MCKISSOCK
NEIL E. MOREY
TODD E. PIENKOS
JASON C. STRANGE
MICHAEL S. TROUT
RYAN J. WANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

JAYSON D. AYDELOTTE
DOUGLAS A. BADZIK
REGINALD L. BAKER
KEVIN P. BANKS
THERESA A. BENCHOFF
REONO BERTAGNOLLI
DANIEL P. BIGLEY
ROGER D. BROCKBANK
ADAM G. BUCHANAN
JEANETTE R. BURGESS
RICARDO M. BURGOS
MARK G. CARMICHAEL
AUTUMN H. CAYCEDO
MARIO CAYCEDO
MICHAEL N. CLEMENSHAW
MATTHEW A. CODY
MARC A. COOPER
RICARDO CORTEZ
JAMES V. CRAWFORD
REID E. CULTON
STEVEN J. CURRIER
BRIAN B. CUSHING
SCOTT R. DALTON
KEPLER A. DAVIS
MICHAEL D. DAVIS
ROBERT W. DAVIS
ALAN J. DEANGELO
RHONDA DEEN
JAMES A. DICKERSON II
MINHLUAN N. DOAN
MARTIN DOPERAK
MARTEN B. DUNCAN
ROBERT E. ECKART
JESS D. EDISON
HERBERT C. EIDT
ANTHONY R. ELIAS
BRYAN A. FISK
LISA M. FOGLIA
SUSAN R. FONDY
DION L. FRANGA
ERIC R. FRIZZELL
DAVID Y. GAITONDE
VINAYA A. GARDE
STEVEN J. GAYDOS
BABETTE GLISTERCARLSON
JOHN GODINO
RODNEY S. GONZALEZ
JENNIFER L. GOTKIN
SCOTT R. GRIFFITH
DAVID D. HAIGHT
KATRINA D. HALL
MOHAMAD I. HAQUE
MARLA R. HEMPHILL
DUANE R. HENNION
LANCE R. HOOVER
JOSEPH R. HSU
KERMIT D. HUEBNER
ANTHONY E. JOHNSON
CHRISTOPHER M. JOHNSON
JEREMIAH J. JOHNSON
DANIEL T. JOHNSTON
DANIEL B. JUDD
ANDREW C. KIM
KEVIN M. KING
MICHAEL V. KRASNOKUTSKY
CRAIG S. LABUDA
MICHAEL T. LAKE
JAMES G. LAMPHEAR
CHRISTINE E. LANG
PETROS G. LEINONEN
CHRISTOPHER J. LETTIERI
JEFFREY A. LEVY
FELISA S. LEWIS
PETER A. LINDENBERG
YINCE LOH
JAMES H. LYNCH IV
ROBERT L. MABRY
MARSHALL J. MALINOWSKI
JAMES D. MANCUSO
BRYANT G. MARCHANT
LAWRENCE N. MASULLO
DOUGLAS MAURER
JAMES R. MAXWELL, JR.
STEWART C. MCCARVER
CRAIG C. MCFARLAND
CRAIG H. MCHOOD
JOEL W. MCMASTERS
CHRISTOPHER D. MEDELLIN
COLIN A. MEGHOO
CHRISTIAN J. MEKO
CECILIA P. MIKITA
SCOTT C. MORAN
MOHAMMAD NAEEM
CHRISTOPHER NEWTON
MARK W. NOLLER
SETH D. OBRIEN
MARK S. OCHOA
JOHN S. OH
ROBERT C. OH
ERIK C. OSBORN
BRETT D. OWENS
LAURA A. PACHA
MAUREEN M. PETERSEN
SCOTT M. PETERSEN
MICHAEL PIESMAN
MICHAEL W. PRICE
ROBERT C. PRICE
ELDEN R. RAND
JOSEPH W. REARDON
KYLE N. REMICK
THOMAS B. REPINE
JOEL C. REYNOLDS
TRAVIS B. RICHARDSON
STEPHEN S. ROBERTS
ERIK J. RUPARD
JOHN D. SCHABER
CARRIE L. SCHMITT
RAFAEL A. SCHULZE
MICHAEL G. STANLEY
ANN M. STRAIGHT
TIMOTHY M. STRAIGHT
TING J. TAI
CHRISTOPHER E. TEBROCK
SIMON H. TELIAN
ALEXANDER G. TRUESDELL
VU TRUONG
CREIGHTON C. TUBB
RICHARD L. URSONE
FRANK E. VALENTIN