

Calendar No. 352

115TH CONGRESS
2D SESSION**S. 2419**

To amend the Small Business Act to improve the technical and business assistance services under the SBIR and STTR programs.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2018

Mr. COONS (for himself and Mr. GARDNER) introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

MARCH 19, 2018

Reported by Mr. RISCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Small Business Act to improve the technical and business assistance services under the SBIR and STTR programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Support Startup Busi-
5 nesses Act of 2018”.

1 **SEC. 2. IMPROVEMENTS TO TECHNICAL AND BUSINESS AS-**
 2 **SISTANCE.**

3 (a) IN GENERAL.—Section 9(q) of the Small Busi-
 4 ness Act (15 U.S.C. 638(q)) is amended—

5 (1) in the subsection heading, by inserting
 6 “AND BUSINESS” after “TECHNICAL”;

7 (2) in paragraph (1)—

8 (A) in the matter preceding subparagraph

9 (A)—

10 (i) by striking “a vendor selected
 11 under paragraph (2)” and inserting “1 or
 12 more vendors selected under paragraph
 13 (2)(A)”;

14 (ii) by inserting “and business” before
 15 “assistance services”; and

16 (iii) by inserting “assistance with
 17 product sales, intellectual property protec-
 18 tions, market research, market validation,
 19 and development of regulatory plans and
 20 manufacturing plans,” after “tech-
 21 nologies,”; and

22 (B) in subparagraph (D), by inserting “,
 23 including intellectual property protections” be-
 24 fore the period at the end;

25 (3) in paragraph (2)—

1 (A) by striking “Each agency may select a
2 vendor to assist small business concerns to
3 meet” and inserting the following:

4 “(A) IN GENERAL.—Each agency may se-
5 lect 1 or more vendors from which small busi-
6 ness concerns may obtain assistance in meet-
7 ing”; and

8 (B) by adding at the end the following:

9 “(B) SELECTION BY SMALL BUSINESS
10 CONCERN.—A small business concern may, by
11 contract or otherwise, select 1 or more vendors
12 to assist the small business concern in meeting
13 the goals listed in paragraph (1).”;
14 (4) in paragraph (3)—

15 (A) by inserting “(A)” after “paragraph
16 (2)” each place it appears;

17 (B) by striking “\$5,000 per year” each
18 place it appears and inserting “5 percent of the
19 amount of the award”;

20 (C) in subparagraph (B)(ii), by striking
21 “which shall be in addition to the amount of
22 the recipient’s award” and inserting “which
23 may, as determined appropriate by the head of
24 the Federal agency, be included as part of the

recipient's award or be in addition to the
amount of the recipient's award";

(D) in subparagraph (C)—

(i) by inserting "or business" after
"technical";

(ii) by striking "the vendor" and in-
serting "a vendor"; and

(iii) by adding at the end the fol-
lowing: "Business-related services aimed at
improving the commercialization success of
a small business concern may be obtained
from an entity, such as a public or private
organization or an agency of or other enti-
ty established or funded by a State that fa-
cilitates or accelerates the commercializa-
tion of technologies or assists in the cre-
ation and growth of private enterprises
that are commercializing technology.";

(E) in subparagraph (D)—

(i) by inserting "or business" after
"technical" each place it appears; and

(ii) in clause (i), by striking "the ven-
dor" and inserting "1 or more vendors";
and

(F) by adding at the end the following:

1 “(E) MULTIPLE AWARD RECIPIENTS.—The
 2 Administrator shall establish a limit on the
 3 amount of technical and business assistance
 4 services that may be received or purchased
 5 under subparagraph (B) by small business con-
 6 cerns with respect to multiple Phase II SBIR or
 7 STTR awards for a fiscal year.”; and
 8 (5) by adding at the end the following:

9 “(4) ANNUAL REPORTING.—

10 “(A) IN GENERAL.—A small business con-
 11 cern that receives technical or business assist-
 12 ance from a vendor under this subsection dur-
 13 ing a fiscal year shall submit to the Federal
 14 agency contracting with the vendor a descrip-
 15 tion of the technical or business assistance pro-
 16 vided.

17 “(B) USE OF EXISTING REPORTING MECH-
 18 ANISM.—The information required under sub-
 19 paragraph (A) shall be collected by a Federal
 20 agency as part of a report required to be sub-
 21 mitted by small business concerns engaged in
 22 SBIR or STTR projects of the Federal agency
 23 for which the requirement was in effect on the
 24 date of enactment of this paragraph.”.

1 (b) ~~REVIEW.~~—Not later than the end of fiscal year
 2 2019, the Administrator of the Small Business Adminis-
 3 tration shall submit to the Committee on Small Business
 4 and Entrepreneurship of the Senate and the Committee
 5 on Small Business of the House of Representatives a re-
 6 port reviewing the efficacy of the provision of technical
 7 and business assistance under section 9(q) of the Small
 8 Business Act (2 U.S.C. 638(q)), as amended by subsection
 9 (a).

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Support Startup Busi-*
 12 *nesses Act of 2018”.*

13 **SEC. 2. IMPROVEMENTS TO TECHNICAL AND BUSINESS AS-**
 14 **SISTANCE.**

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

17 (1) *in the subsection heading, by inserting “AND*
 18 *BUSINESS” after “TECHNICAL”;*

19 (2) *in paragraph (1)—*

20 (A) *in the matter preceding subparagraph*

21 (A)—

22 (i) *by striking “a vendor selected under*
 23 *paragraph (2)” and inserting “1 or more*
 24 *vendors selected under paragraph (2)(A)”;*

1 (ii) by inserting “and business” before
2 “assistance services”; and

3 (iii) by inserting “assistance with
4 product sales, intellectual property protec-
5 tions, market research, market validation,
6 and development of regulatory plans and
7 manufacturing plans,” after “technologies,”
8 and

9 (B) in subparagraph (D), by inserting “,
10 including intellectual property protections” be-
11 fore the period at the end;

12 (3) in paragraph (2)—

13 (A) by striking “Each agency may select a
14 vendor to assist small business concerns to meet”
15 and inserting the following:

16 “(A) *IN GENERAL.*—Each agency may select
17 1 or more vendors from which small business
18 concerns may obtain assistance in meeting”; and

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

20 “(B) *SELECTION BY SMALL BUSINESS CON-*
21 *CERN.*—A small business concern may, by con-
22 tract or otherwise, select 1 or more vendors to as-
23 sist the small business concern in meeting the
24 goals listed in paragraph (1).”;

25 (4) in paragraph (3)—

1 (A) in the paragraph heading, by inserting
2 “OR BUSINESS” after “TECHNICAL”;

3 (B) by inserting “(A)” after “paragraph
4 (2)” each place it appears;

5 (C) in subparagraph (B)—

6 (i) by striking “\$5,000 per year” each
7 place it appears and inserting “\$50,000
8 with respect to each award”; and

9 (ii) in clause (ii), by striking “which
10 shall be in addition to the amount of the re-
11 cipient’s award” and inserting “which shall
12 be included as part of the recipient’s
13 award”;

14 (D) in subparagraph (C)—

15 (i) by inserting “or business” after
16 “technical”;

17 (ii) by striking “the vendor” and in-
18 serting “a vendor”; and

19 (iii) by adding at the end the fol-
20 lowing: “Business-related services aimed at
21 improving the commercialization success of
22 a small business concern may be obtained
23 from an entity, such as a public or private
24 organization or an agency of or other entity
25 established or funded by a State that facili-

tates or accelerates the commercialization of technologies or assists in the creation and growth of private enterprises that are commercializing technology.”;

(E) in subparagraph (D)—

(i) by inserting “or business” after “technical” each place it appears; and

(ii) in clause (i), by striking “the vendor” and inserting “1 or more vendors”; and

(F) by adding at the end the following:

“(E) *MULTIPLE AWARD RECIPIENTS.*—The Administrator shall establish a limit on the amount of technical and business assistance services that may be received or purchased under subparagraph (B) by small business concerns with respect to multiple Phase II SBIR or STTR awards for a fiscal year.”; and

(5) by adding at the end the following:

“(4) *ANNUAL REPORTING.*—

“(A) *IN GENERAL.*—A small business concern that receives technical or business assistance from a vendor under this subsection during a fiscal year shall submit to the Federal agency contracting with the vendor a description of the

1 *technical or business assistance provided and the*
 2 *benefits and results of the technical or business*
 3 *assistance provided.*

4 “(B) *USE OF EXISTING REPORTING MECHA-*
 5 *NISM.—The information required under subpara-*
 6 *graph (A) shall be collected by a Federal agency*
 7 *as part of a report required to be submitted by*
 8 *small business concerns engaged in SBIR or*
 9 *STTR projects of the Federal agency for which*
 10 *the requirement was in effect on the date of en-*
 11 *actment of this paragraph.”.*

12 (b) *REVIEW.—Not later than the end of fiscal year*
 13 *2019, the Administrator of the Small Business Administra-*
 14 *tion shall—*

15 (1) *conduct a survey of vendors providing tech-*
 16 *nical or business assistance under section 9(q) of the*
 17 *Small Business Act (15 U.S.C. 638(q)), as amended*
 18 *by subsection (a), and small business concerns receiv-*
 19 *ing the technical or business assistance; and*

20 (2) *submit to the Committee on Small Business*
 21 *and Entrepreneurship of the Senate and the Com-*
 22 *mittee on Small Business of the House of Representa-*
 23 *tives a report reviewing the efficacy of the provision*
 24 *of the technical or business assistance.*

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