

116TH CONGRESS
1ST SESSION

H. R. 3774

To amend the Small Business Act to improve the Small Business Innovation Research program and Small Business Technology Transfer program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2019

Mr. BAIRD (for himself, Ms. STEVENS, Mr. BURCHETT, and Mr. CROW) introduced the following bill; which was referred to the Committee on Small Business, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Small Business Act to improve the Small Business Innovation Research program and Small Business Technology Transfer program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “The Small Business Innovation Research and Small

1 Business Technology Transfer Improvements Act of
2 2019”.

3 (b) TABLE OF CONTENTS.—The table of contents for
4 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Requiring insertion incentives.
- Sec. 3. Additional SBIR and STTR technology insertion reporting requirement.
- Sec. 4. Encouraging innovation in United States manufacturing.
- Sec. 5. Encouraging innovation in cybersecurity.
- Sec. 6. Compliance of Phase III awards with competitive procedures.
- Sec. 7. Procurement center representatives and other acquisition personnel in
the SBIR and STTR programs.
- Sec. 8. Increased outreach requirements.
- Sec. 9. Annual meeting.
- Sec. 10. Establishing the Civilian Agency Commercialization Readiness Pro-
gram.
- Sec. 11. Commercialization assistance pilot programs.
- Sec. 12. Phase 0 Proof of Concept Partnership Pilot Program.
- Sec. 13. Reporting requirements.
- Sec. 14. SBIR Phase flexibility.

5 **SEC. 2. REQUIRING INSERTION INCENTIVES.**

6 Section 9(y)(5) of the Small Business Act (15 U.S.C.
7 638(y)(5)) is amended by striking “is authorized to” and
8 inserting “shall”.

9 **SEC. 3. ADDITIONAL SBIR AND STTR TECHNOLOGY INSER-** 10 **TION REPORTING REQUIREMENT.**

11 Section 9(y)(6) of the Small Business Act (15 U.S.C.
12 638(y)(6)) is amended—

13 (1) in subparagraph (B), by striking “and” at
14 the end;

15 (2) in subparagraph (C)(iii), by striking the pe-
16 riod at the end and inserting “; and”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

1 “(D) not later than 120 days after the
2 date of the enactment of this subparagraph,
3 and not later than December 31 of each year
4 thereafter, submit to the Committee on Science,
5 Space, and Technology and the Committee on
6 Small Business of the House of Representa-
7 tives, and to the Committee on Small Business
8 and Entrepreneurship of the Senate, a report
9 describing the goals set under subparagraph
10 (A) and the incentives used or created under
11 subparagraph (B).”.

12 **SEC. 4. ENCOURAGING INNOVATION IN UNITED STATES**
13 **MANUFACTURING.**

14 Section 9 of the Small Business Act (15 U.S.C. 638)
15 is amended by adding at the end the following new sub-
16 section:

17 “(uu) ENCOURAGING INNOVATION IN UNITED
18 STATES MANUFACTURING.—In carrying out this section,
19 the Administrator shall—

20 “(1) ensure that, in selecting small business
21 concerns to participate in SBIR or STTR programs
22 under this section, Federal agencies give high pri-
23 ority to small manufacturing companies and other
24 small business concerns engaged in or planning to
25 engage in manufacturing research and development

1 for the purpose of developing and producing new
2 products and technologies in the United States; and
3 “(2) include in the annual report to Congress
4 under subsection (b)(7) a determination of whether
5 the priority described in paragraph (1) is being car-
6 ried out.”.

7 **SEC. 5. ENCOURAGING INNOVATION IN CYBERSECURITY.**

8 Section 9 of the Small Business Act (15 U.S.C. 638),
9 as amended by section 4, is further amended by adding
10 at the end the following new subsection:

11 “(vv) ENCOURAGING INNOVATION IN CYBERSECU-
12 RITY.—In carrying out this section, the Administrator
13 shall—

14 “(1) ensure that, in selecting small business
15 concerns to participate in SBIR or STTR programs
16 under this section, Federal agencies engaged in cy-
17 bersecurity research give high priority to small busi-
18 ness concerns that are engaged in cybersecurity re-
19 search and development, for the purpose of devel-
20 oping and implementing technology services and
21 products to strengthen the security of United States
22 Government and private computer systems, includ-
23 ing software, hardware, and portable devices; and

24 “(2) include in the annual report to Congress
25 under subsection (b)(7) a determination of whether

1 the priority described in paragraph (1) is being car-
2 ried out.”.

3 **SEC. 6. COMPLIANCE OF PHASE III AWARDS WITH COM-**
4 **PETITIVE PROCEDURES.**

5 Section 9(r)(4) of the Small Business Act (15 U.S.C.
6 638(r)(4)) is amended by inserting “as direct follow-on
7 awards issued without further competition” after “devel-
8 oped the technology”.

9 **SEC. 7. PROCUREMENT CENTER REPRESENTATIVES AND**
10 **OTHER ACQUISITION PERSONNEL IN THE**
11 **SBIR AND STTR PROGRAMS.**

12 (a) DEFINITION OF SENIOR PROCUREMENT EXECU-
13 TIVE.—Section 9(e) of the Small Business Act (15 U.S.C.
14 638(e)) is amended—

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

17 (2) in paragraph (13)(B), by striking the period
18 at the end and inserting “; and”; and

19 (3) by adding at the end the following new
20 paragraph:

21 “(14) the term ‘senior procurement executive’
22 means an official designated under section 1702(c)
23 of title 41, United States Code, as the senior pro-
24 curement executive of a Federal agency participating
25 in a SBIR or STTR program.”.

1 (b) INCLUSION OF SENIOR PROCUREMENT EXECU-
2 TIVES IN SBIR AND STTR.—

3 (1) IN GENERAL.—Section 9(b) of the Small
4 Business Act (15 U.S.C. 638(b)) is amended—

5 (A) in paragraph (8), by striking “and” at
6 the end;

7 (B) in paragraph (9), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (C) by adding at the end the following new
10 paragraph:

11 “(10) to coordinate, where appropriate, with the
12 senior procurement executive of the relevant Federal
13 agency to assist small business concerns partici-
14 pating in a SBIR or STTR program with commer-
15 cializing research developed under such a program
16 before such small business concern is awarded a con-
17 tract from such Federal agency.”.

18 (2) TECHNICAL AMENDMENT.—Section 9(b)(3)
19 of the Small Business Act (15 U.S.C. 638(b)(3)) is
20 amended by striking “and” at the end.

21 (c) MODIFICATIONS RELATING TO PROCUREMENT
22 CENTER REPRESENTATIVES AND OTHER ACQUISITION
23 PERSONNEL.—

1 (1) SBIR AMENDMENT.—Section 9(j) of the
2 Small Business Act (15 U.S.C. 638(j)) is amended
3 by adding at the end the following new paragraph:

4 “(4) MODIFICATIONS RELATING TO PROCURE-
5 MENT CENTER REPRESENTATIVES.—Upon the en-
6 actment of this paragraph, the Administrator shall
7 modify the policy directives issued pursuant to this
8 subsection to require procurement center representa-
9 tives (as described in section 15(l)) to coordinate
10 with the appropriate contracting officer or SBIR
11 program officer, and the appropriate Director of
12 Small and Disadvantaged Business Utilization estab-
13 lished pursuant to section 15(k) for the agency let-
14 ting the contract, to assist small business concerns
15 participating in the SBIR program, particularly in
16 Phase III. The procurement center representatives
17 shall coordinate with the appropriate contracting of-
18 ficer and the appropriate Director of the Office of
19 Small and Disadvantaged Business Utilization estab-
20 lished pursuant to section 15(k) for the agency let-
21 ting the contract.”.

22 (2) STTR AMENDMENT.—Section 9(p)(2) of
23 the Small Business Act (15 U.S.C. 638(p)(2)) is
24 amended—

1 (A) in subparagraph (E)(ii), by striking
2 “and” at the end;

3 (B) in subparagraph (F), by striking the
4 period at the end and inserting a semicolon;
5 and

6 (C) by adding at the end the following new
7 subparagraph:

8 “(G) procedures to ensure that procure-
9 ment center representatives (as described in
10 section 15(l))—

11 “(i) coordinate with the appropriate
12 contracting officer or STTR program offi-
13 cer, and the appropriate Director of Small
14 and Disadvantaged Business Utilization
15 established pursuant to section 15(k) for
16 the agency letting the contract, to assist
17 small business concerns participating in
18 the STTR program, particularly in Phase
19 III; and

20 “(ii) coordinate with the appropriate
21 contracting officer and the appropriate Di-
22 rector of the Office of Small and Disadvan-
23 taged Business Utilization established pur-
24 suant to section 15(k) for the Federal

1 agency letting the contract in providing the
2 assistance described in clause (i); and”.

3 (d) AMENDMENT TO DUTIES OF PROCUREMENT
4 CENTER REPRESENTATIVES.—Section 15(l)(2) of the
5 Small Business Act (15 U.S.C. 644(l)(2)) is amended—

6 (1) in subparagraph (I), by striking “and” at
7 the end;

8 (2) by redesignating subparagraph (J) as sub-
9 paragraph (L); and

10 (3) by inserting after subparagraph (I) the fol-
11 lowing new subparagraphs:

12 “(J) coordinate with the appropriate con-
13 tracting officer or SBIR or STTR program offi-
14 cer, and the appropriate Director of Small and
15 Disadvantaged Business Utilization established
16 pursuant to section 15(k) for the agency letting
17 the contract, to assist small business concerns
18 participating in a SBIR or STTR program
19 under section 9 with Phase III;

20 “(K) coordinate with the appropriate con-
21 tracting officer and the appropriate Director of
22 the Office of Small and Disadvantaged Busi-
23 ness Utilization established pursuant to sub-
24 section (k) for the agency letting the contract;
25 and”.

1 (e) AMENDMENT TO THE DUTIES OF THE DIRECTOR
2 OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION
3 FOR FEDERAL AGENCIES.—Section 15(k) of the Small
4 Business Act (15 U.S.C. 644(k)) is amended—

5 (1) in paragraph (19), by striking “and” at the
6 end;

7 (2) in paragraph (20), by striking the period at
8 the end and inserting a semicolon; and

9 (3) by adding at the end the following new
10 paragraphs:

11 “(21) shall coordinate with the appropriate con-
12 tracting officer of SBIR or STTR program officer to
13 assist small business concerns participating in a
14 SBIR or STTR program under section 9 with re-
15 searching applicable solicitations for the award of a
16 Federal contract (particularly with the Federal
17 agency that has a funding agreement (as defined
18 under section 9) with the concern) to market the re-
19 search developed by such concern under such SBIR
20 or STTR program; and

21 “(22) shall provide technical assistance to small
22 business concerns participating in a SBIR or STTR
23 program under section 9 to submit a bid for an
24 award of a Federal contract, including coordination
25 with procurement center representatives and the ap-

1 appropriate senior procurement executive for the agen-
2 cy letting the contract.”.

3 **SEC. 8. INCREASED OUTREACH REQUIREMENTS.**

4 (a) IN GENERAL.—

5 (1) SBIR AMENDMENT.—Section 9(j) of the
6 Small Business Act (15 U.S.C. 638(j)), as amended
7 by section 8, is further amended by adding at the
8 end the following new paragraph:

9 “(5) INCREASED OUTREACH REQUIREMENTS.—

10 Upon the enactment of this paragraph, the Adminis-
11 trator shall modify the policy directives issued pur-
12 suant to this subsection to require outreach efforts
13 to increase the participation in technological innova-
14 tion under the SBIR programs among individuals
15 conducting research at minority institutions (as de-
16 fined in section 365(3) of the Higher Education Act
17 of 1965) and Hispanic-serving institutions (as de-
18 fined in section 502(a)(5) of such Act).”.

19 (2) STTR AMENDMENT.—Section 9(p)(2) of
20 the Small Business Act (15 U.S.C. 638(p)(2)), as
21 amended by section 8, is further amended by adding
22 at the end the following new subparagraph:

23 “(H) procedures for outreach efforts to in-
24 crease the participation in technological innova-
25 tion under the SBIR programs among individ-

1 uals conducting research at minority institu-
 2 tions (as defined in section 365(3) of the High-
 3 er Education Act of 1965) and Hispanic-serving
 4 institutions (as defined in section 502(a)(5) of
 5 such Act).”.

6 (b) FUNDING FOR OUTREACH.—Section 9(mm)(1) of
 7 the Small Business Act (15 U.S.C. 638(mm)(1)) is
 8 amended—

9 (1) in subparagraph (I), by striking the “and”
 10 at the end;

11 (2) in subparagraph (J), by striking the period
 12 at the end and inserting a semicolon; and

13 (3) by adding at the end the following new sub-
 14 paragraph:

15 “(K) the outreach efforts described under
 16 subsections (j)(4) and (p)(2)(G); and”.

17 **SEC. 9. ANNUAL MEETING.**

18 (a) IN GENERAL.—Section 9 of the Small Business
 19 Act (15 U.S.C. 638), as amended by section 5, is further
 20 amended by adding at the end the following new sub-
 21 section:

22 “(ww) ANNUAL MEETING.—

23 “(1) IN GENERAL.—The head of each Federal
 24 agency required to have a program under this sec-

1 tion (or a designee) and the Administrator (or a des-
2 ignee) shall meet annually to discuss methods—

3 “(A) to improve the collection of data
4 under this section;

5 “(B) to improve the reporting of data to
6 the Administrator under this section;

7 “(C) to make the application processes for
8 programs under this section more efficient; and

9 “(D) to increase participation in the pro-
10 grams established under this section.

11 “(2) REPORT.—Not later than 60 days after
12 the date on which an annual meeting required under
13 paragraph (1) is held, the Administrator shall sub-
14 mit to the Committee on Small Business and Entre-
15 preneurship of the Senate and the Committee on
16 Small Business and the Committee on Science,
17 Space, and Technology of the House of Representa-
18 tives, a report on the findings of such meeting and
19 recommendations on how to implement changes to
20 programs under this section.”.

21 (b) FUNDING FOR ANNUAL MEETING.—Section
22 9(mm)(1) of the Small Business Act (15 U.S.C.
23 638(mm)(1)) as amended by section 9, is further amended
24 by adding at the end the following new subparagraph:

1 “(L) the annual meeting required under
2 subsection (vv).”.

3 **SEC. 10. ESTABLISHING THE CIVILIAN AGENCY COMMER-**
4 **CIALIZATION READINESS PROGRAM.**

5 Section 9(gg) of the Small Business Act (15 U.S.C.
6 638(gg)) is amended—

7 (1) by amending the subsection heading to read
8 as follows: “CIVILIAN AGENCY COMMERCIALIZATION
9 READINESS PROGRAM”;

10 (2) in paragraph (1), by inserting “to establish
11 a Civilian Agency Commercialization Readiness Pro-
12 gram for civilian agencies” after “the covered Fed-
13 eral agency”;

14 (3) in paragraph (2)(A)—

15 (A) by striking “establish a pilot program”
16 and inserting “establish a Civilian Agency Com-
17 mercialization Readiness Program under this
18 subsection”; and

19 (B) by striking “the pilot program” and
20 inserting “such Civilian Agency Commercializa-
21 tion Readiness Program”;

22 (4) in paragraphs (3) and (4), by striking “a
23 pilot program” each place such term appears and in-
24 serting “a Civilian Commercialization Readiness
25 Program”;

1 (5) in paragraph (6), by striking “the pilot pro-
 2 gram” and inserting “a Civilian Agency Commer-
 3 cialization Readiness Program”;

4 (6) by striking paragraph (7) and redesignating
 5 paragraph (8) as paragraph (7); and

6 (7) in paragraph (7) (as so redesignated), by
 7 amending subparagraph (B) to read as follows:

8 “(B) the term ‘Civilian Agency Commer-
 9 cialization Readiness Program’ means each pro-
 10 gram established under paragraph (1).”.

11 **SEC. 11. COMMERCIALIZATION ASSISTANCE PILOT PRO-**
 12 **GRAMS.**

13 Section 9 of the Small Business Act (15 U.S.C. 638),
 14 as amended by section 10, is further amended by adding
 15 at the end the following new subsection:

16 “(xx) COMMERCIALIZATION ASSISTANCE PILOT PRO-
 17 GRAMS.—

18 “(1) PILOT PROGRAMS IMPLEMENTED.—

19 “(A) IN GENERAL.—Except as provided in
 20 subparagraph (B), not later than one year after
 21 the date of the enactment of this subsection, a
 22 covered agency shall implement a commer-
 23 cialization assistance pilot program, under
 24 which an eligible entity may receive a subse-
 25 quent Phase II SBIR award.

1 “(B) EXCEPTION.—If the Administrator
2 determines that a covered agency has a pro-
3 gram that is sufficiently similar to the commer-
4 cialization assistance pilot program established
5 under this subsection, such covered agency shall
6 not be required to implement a commercializa-
7 tion assistance pilot program under this sub-
8 section.

9 “(2) PERCENT OF AGENCY FUNDS.—The head
10 of each covered agency may allocate not more than
11 5 percent of the funds allocated to the SBIR pro-
12 gram of the covered agency for the purpose of mak-
13 ing a subsequent Phase II SBIR award under the
14 commercialization assistance pilot program.

15 “(3) TERMINATION.—A commercialization as-
16 sistance pilot program established under this sub-
17 section shall terminate on September 30, 2024.

18 “(4) APPLICATION.—To be selected to receive a
19 subsequent Phase II SBIR award under a commer-
20 cialization assistance pilot program, an eligible enti-
21 ty shall submit to the covered agency implementing
22 such pilot program an application at such time, in
23 such manner, and containing such information as
24 the covered agency may require, including—

1 “(A) an updated Phase II commercializa-
2 tion plan; and

3 “(B) the source and amount of the match-
4 ing funding required under paragraph (5).

5 “(5) MATCHING FUNDING.—

6 “(A) IN GENERAL.—The Administrator
7 shall require, as a condition of any subsequent
8 Phase II SBIR award made to an eligible entity
9 under this subsection, that a matching amount
10 (excluding any fees collected by the eligible enti-
11 ty receiving such award) equal to the amount of
12 such award be provided from an eligible third-
13 party investor.

14 “(B) INELIGIBLE SOURCES.—An eligible
15 entity may not use funding from ineligible
16 sources to meet the matching requirement of
17 subparagraph (A).

18 “(6) AWARD.—A subsequent Phase II SBIR
19 award made to an eligible entity under this sub-
20 section—

21 “(A) may not exceed the limitation de-
22 scribed under subsection (aa)(1); and

23 “(B) shall be disbursed during Phase II.

24 “(7) USE OF FUNDS.—The funds awarded to
25 an eligible entity under this subsection may only be

1 used for research and development activities that
2 build on eligible entity’s Phase II program and en-
3 sure the research funded under such Phase II is
4 rapidly progressing towards commercialization.

5 “(8) SELECTION.—In selecting eligible entities
6 to participate in a commercialization assistance pilot
7 program under this subsection, the head of a covered
8 agency shall consider—

9 “(A) the extent to which such award could
10 aid the eligible entity in commercializing the re-
11 search funded under the eligible entity’s Phase
12 II program;

13 “(B) whether the updated Phase II com-
14 mercialization plan submitted under paragraph
15 (4) provides a sound approach for establishing
16 technical feasibility that could lead to commer-
17 cialization of such research;

18 “(C) whether the proposed activities to be
19 conducted under such updated Phase II com-
20 mercialization plan further improve the likeli-
21 hood that such research will provide societal
22 benefits;

23 “(D) whether the small business concern
24 has progressed satisfactorily in Phase II to jus-

1 tify receipt of a subsequent Phase II SBIR
2 award;

3 “(E) the expectations of the eligible third-
4 party investor that provides matching funding
5 under paragraph (5); and

6 “(F) the likelihood that the proposed ac-
7 tivities to be conducted under such updated
8 Phase II commercialization plan using matching
9 funding provided by such eligible third-party in-
10 vestor will lead to commercial and societal ben-
11 efit.

12 “(9) EVALUATION REPORT.—Not later than 3
13 years after the date of the enactment of this sub-
14 section, the Comptroller General of the United
15 States shall submit to the Committee on Science,
16 Space, and Technology and the Committee on Small
17 Business of the House of Representatives, and the
18 Committee on Small Business and Entrepreneurship
19 of the Senate, a report including—

20 “(A) a summary of the activities of com-
21 mercialization assistance pilot programs carried
22 out under this subsection;

23 “(B) a detailed compilation of results
24 achieved by such commercialization assistance
25 pilot programs, including the number of eligible

1 entities that received awards under such pro-
2 grams;

3 “(C) the rate at which each eligible entity
4 that received a subsequent Phase II SBIR
5 award under this subsection commercialized re-
6 search of the recipient;

7 “(D) the growth in employment and rev-
8 enue of eligible entities that is attributable to
9 participation in a commercialization assistance
10 pilot program;

11 “(E) a comparison of commercialization
12 success of eligible entities participating in a
13 commercialization assistance pilot program with
14 recipients of an additional Phase II SBIR
15 award under subsection (ff);

16 “(F) demographic information, such as
17 ethnicity and geographic location, of eligible en-
18 tities participating in a commercialization as-
19 sistance pilot program;

20 “(G) an accounting of the funds used at
21 each covered agency that implements a commer-
22 cialization assistance pilot program under this
23 subsection;

1 “(H) the amount of matching funding pro-
2 vided by eligible third-party investors, set forth
3 separately by source of funding;

4 “(I) an analysis of the effectiveness of the
5 commercialization assistance pilot program im-
6 plemented by each covered agency; and

7 “(J) recommendations for improvements to
8 the commercialization assistance pilot program.

9 “(10) DEFINITIONS.—For purposes of this sub-
10 section:

11 “(A) COVERED AGENCY.—The term ‘cov-
12 ered agency’ means a Federal agency required
13 to have an SBIR program.

14 “(B) ELIGIBLE ENTITY.—The term ‘eligi-
15 ble entity’ means a small business concern that
16 has received a Phase II award under an SBIR
17 program and an additional Phase II SBIR
18 award under subsection (ff) from the covered
19 agency to which such small business concern is
20 applying for a subsequent Phase II SBIR
21 award.

22 “(C) ELIGIBLE THIRD-PARTY INVESTOR.—
23 The term ‘eligible third-party investor’ means a
24 small business concern other than an eligible
25 entity, a venture capital firm, an individual in-

vestor, a non-SBIR Federal, State or local government, or any combination thereof.

“(D) INELIGIBLE SOURCES.—The term ‘ineligible sources’ means the following:

“(i) The eligible entity’s internal research and development funds.

“(ii) Funding in forms other than cash, such as in-kind or other intangible assets.

“(iii) Funding from the owners of the eligible entity, or the family members or affiliates of such owners.

“(iv) Funding attained through loans or other forms of debt obligations.

“(E) SUBSEQUENT PHASE II SBIR AWARD.—The term ‘subsequent Phase II SBIR award’ means an award granted to an eligible entity under this subsection to carry out further commercialization activities for research conducted pursuant to an SBIR program.”.

SEC. 12. PHASE 0 PROOF OF CONCEPT PARTNERSHIP PILOT PROGRAM.

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

(1) in paragraph (1)—

1 (A) by striking “The Director of the Na-
2 tional Institutes of Health” and inserting
3 “Each covered agency head”; and

4 (B) by striking “the Director” and insert-
5 ing “each covered agency head”;

6 (2) by amending subparagraph (A) of para-
7 graph (2) to read as follows:

8 “(A) the term ‘covered agency head’ means
9 the Director of the National Institutes of
10 Health, the Director of the National Science
11 Foundation, the Administrator of the National
12 Aeronautics and Space Administration and the
13 Secretary of Energy;”;

14 (3) in paragraph (4)—

15 (A) in subparagraph (A), by striking “The
16 Director” and inserting “Each covered agency
17 head”; and

18 (B) in subparagraph (B), by striking “the
19 Director shall consider, in addition to any other
20 criteria the Director” and inserting “each cov-
21 ered agency head shall consider, in addition to
22 any other criteria the appropriate covered agen-
23 cy head”; and

24 (4) in paragraph (6), by striking “The Direc-
25 tor” and inserting “Each covered agency head”.

1 **SEC. 13. REPORTING REQUIREMENTS.**

2 (a) ANNUAL REPORT TO CONGRESS.—Section
3 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7))
4 is amended by striking “to report not less than annually”
5 and inserting “to submit a report not later than December
6 31 of each year”.

7 (b) ANNUAL REPORT TO SBA AND THE OFFICE OF
8 SCIENCE AND TECHNOLOGY POLICY.—Section 9(g)(9) of
9 the Small Business Act (15 U.S.C. 638(g)(9)) is amend-
10 ed—

11 (1) by striking “make an annual report” and
12 inserting “not later than March 30 of each year,
13 submit a report”; and

14 (2) by striking “and the Office of Science and
15 Technology Policy” and inserting “, the Office of
16 Science and Technology Policy, the Committee on
17 Science, Space, and Technology and the Committee
18 on Small Business of the House of Representatives,
19 and the Committee on Small Business and Entrepre-
20 neurship of the Senate”.

21 **SEC. 14. SBIR PHASE FLEXIBILITY.**

22 Section 9(cc) of the Small Business Act (15 U.S.C.
23 638(cc)) is amended by striking “During fiscal years” and
24 all that follows through “may each provide” and inserting

- 1 “During fiscal years 2020 through 2024, all agencies par-
- 2 ticipating in the SBIR program may provide”.

