

107TH CONGRESS  
1ST SESSION

# S. 856

---

## AN ACT

To reauthorize the Small Business Technology Transfer Program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. EXTENSION OF PROGRAM AND EXPENDITURE**  
 2 **AMOUNTS.**

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

6 “(1) REQUIRED EXPENDITURE AMOUNTS.—

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

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

23 “(i) 0.15 percent for each fiscal year  
 24 through fiscal year 2003; and

25 “(ii) 0.3 percent for fiscal year 2004  
 26 and each fiscal year thereafter.”.

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

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

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

9 (1) by striking “\$500,000” and inserting  
10 “\$750,000”; and

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

16 (b) EFFECTIVE DATE.—The amendments made by  
17 subsection (a) shall be effective beginning in fiscal year  
18 2004.

19 **SEC. 4. AGENCY OUTREACH.**

20 Section 9(o) of the Small Business Act (15 U.S.C.  
21 638(o)) is amended—

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

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

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

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

7 **SEC. 5. POLICY DIRECTIVE MODIFICATIONS.**

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

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

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

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

24 “(15) collect, and maintain in a common format  
25 in accordance with subsection (v), such information

1 from awardees as is necessary to assess the STTR  
2 program, including information necessary to main-  
3 tain the database described in subsection (k).”.

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

6 (1) in paragraph (1)—

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

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

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

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

14 “(E) with respect to assistance under the  
15 STTR program only—

16 “(i) whether the small business con-  
17 cern or the research institution initiated  
18 their collaboration on each assisted STTR  
19 project;

20 “(ii) whether the small business con-  
21 cern or the research institution originated  
22 any technology relating to the assisted  
23 STTR project;

24 “(iii) the length of time it took to ne-  
25 gotiate any licensing agreement between

1 the small business concern and the re-  
2 search institution under each assisted  
3 STTR project; and

4 “(iv) how the proceeds from commer-  
5 cialization, marketing, or sale of tech-  
6 nology resulting from each assisted STTR  
7 project were allocated (by percentage) be-  
8 tween the small business concern and the  
9 research institution.”; and

10 (2) in paragraph (2)—

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

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

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

17 (D) in subparagraph (D), by inserting “or  
18 STTR” after “SBIR”.

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

23 (d) REPORTS TO CONGRESS.—Section 9(b)(7) of the  
24 Small Business Act (15 U.S.C. 638(b)(7)) is amended by  
25 striking “and (o)(9),” and inserting “, (o)(9), and (o)(15),

1 the number of proposals received from, and the number  
2 and total amount of awards to, HUBZone small business  
3 concerns under each of the SBIR and STTR programs,”.

4 **SEC. 7. STTR PROGRAM-WIDE MODEL AGREEMENT FOR IN-**  
5 **TELLECTUAL PROPERTY RIGHTS.**

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

9 “(w) STTR MODEL AGREEMENT FOR INTELLEC-  
10 TUAL PROPERTY RIGHTS.—

11 “(1) IN GENERAL.—The Administrator shall  
12 promulgate regulations establishing a single model  
13 agreement for use in the STTR program that allo-  
14 cates between small business concerns and research  
15 institutions intellectual property rights and rights, if  
16 any, to carry out follow-on research, development, or  
17 commercialization.

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

24 (b) ADOPTION OF MODEL AGREEMENT BY FEDERAL  
25 AGENCIES.—Section 9(o)(11) of the Small Business Act

1 (15 U.S.C. 638(o)(11)) is amended by striking “develop  
 2 a model agreement not later than July 31, 1993, to be  
 3 approved by the Administration,” and inserting “adopt  
 4 the agreement developed by the Administrator under sub-  
 5 section (w) as the agency’s model agreement”.

6 **SEC. 8. FAST PROGRAM ASSISTANCE TO WOMEN-OWNED**  
 7 **AND MINORITY-OWNED SMALL BUSINESS**  
 8 **CONCERNS AND CONCERNS LOCATED IN**  
 9 **AREAS NOT PARTICIPATING IN SBIR AND**  
 10 **STTR.**

11 (a) SELECTION CONSIDERATION.—Section  
 12 34(c)(2)(B) of the Small Business Act (15 U.S.C.  
 13 657d(c)(2)(B)) is amended—

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

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

17 (3) by adding at the end the following new  
 18 clause:

19 “(vi) whether the proposal addresses  
 20 the needs of small business concerns—

21 “(I) owned and controlled by  
 22 women;

23 “(II) owned and controlled by  
 24 minorities; and

1                   “(III) located in areas that have  
2                   historically not participated in the  
3                   SBIR and STTR programs.”.

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

Passed the Senate September 13, 2001.

Attest:

*Secretary.*

107TH CONGRESS  
1ST SESSION

**S. 856**

---

---

**AN ACT**

To reauthorize the Small Business Technology  
Transfer Program, and for other purposes.