

**FULL COMMITTEE MARKUP OF
H.R. 5819, THE SBIR/STTR
REAUTHORIZATION ACT**

**COMMITTEE ON SMALL BUSINESS
UNITED STATES HOUSE OF
REPRESENTATIVES**

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CONTENTS

OPENING STATEMENTS

	Page
Velázquez, Hon. Nydia M.	1
Chabot, Hon. Steve	2
Graves, Hon. Sam	3

APPENDIX

Prepared Statements:	
Velázquez, Hon. Nydia M.	8
Chabot, Hon. Steve	10
Graves, Hon. Sam	11

FULL COMMITTEE MARKUP OF H.R. 5819, THE SBIR/STTR REAUTHORIZATION ACT

Thursday, April 17, 2008

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC.

The Committee met, pursuant to call, at 12:52 p.m., in Room 1539, Longworth House Office Building, Hon. Nydia M. Velázquez [Chair of the Committee] Presiding.

Present: Representatives Velázquez, Shuler, Grijalva, Bean, Cuellar, Lipinski, Altmire, Braley, Clarke, Ellsworth, Johnson, Sestak, Hirono, Chabot, Bartlett, Graves, Akin, Musgrave, Davis and Buchanan.

OPENING STATEMENT OF CHAIRWOMAN VELÁZQUEZ

Chairwoman VELÁZQUEZ. I am pleased to call this afternoon's markup to order.

Today, the Committee will address legislation that will modernize and reauthorize the Small Business Innovation Research and Small Business Technology Transfer programs. These programs, which help spur innovation and job creation throughout the country, were last updated 8 years ago.

Research conducted by SBIR and STTR awardees have helped address our country's most important research and development challenges. This includes strengthening our national security and our public health infrastructure.

The continued success of the SBIR and STTR program is dependent on three primary issues: First, the program must remain highly competitive. Second, applicants and awardees must have access to financing of all types, including venture capital. Small firms must not be penalized for accepting the investment they need to advance their R&D efforts. Third, more needs to be done to bring these breakthrough products to the market. We must promote greater commercialization in these initiatives.

The reauthorization legislation that we will mark up today is an important step toward securing the future success of these important programs. We have worked closely with our colleagues on the Committee on Science and Technology. To this end, we have taken the legislation they marked up yesterday afternoon and incorporated it into the consolidated bill before us today. We have also included amendments from Representatives Wilson and Smith that were adopted in the Science Committee's markup yesterday.

The most notable legislative changes to the programs are increases in the set-asides for both SBIR and STTR. These will allow more firms to participate in Federal R&D activities. This is especially important for SBIR, where we raised the set-aside level from 2.3 to 3 percent.

The bill also raises award sizes but places substantial notification and reporting requirements on agencies seeking to exceed these limits. This will ensure that jumbo awards are being reviewed and overseen.

Perhaps most importantly, the legislation restores the 2003 eligibility rules, permitting small businesses with venture capital investment to qualify for SBIR awards. This is not a ground-breaking change. We are simply reinstating the policies that were in place up to 2003. We have done so in a balanced manner and included important safeguards and protections.

Small businesses are the focus of this policy. A single venture capital firm cannot own a majority of an SBIR awardee, nor can they have a majority of seats on its board of directors. In addition, limitations are placed on the venture capital company, including its size and its control by larger corporations. Overall, this once again gives entrepreneurs, not Washington bureaucrats, the final say on how their company should be financed.

H.R. 5819 takes steps to develop the next generation of small research firms. It will do so by providing resources to increase SBIR and STTR applications from rural areas and from those owned by women, service-disabled veterans and minorities, as recommended by Congressman Cuellar.

It makes resources available that small businesses need to transition SBIR-funded research from the laboratory to the marketplace. This includes making commercialization a priority and supplying the resources for transition assistance program expertise, mentoring activities and the facilitation of key business partnerships.

H.R. 5819 will enable more small research companies to advance innovations that have made our economy so diverse and vibrant. It has the support of the Biotech Industry organization and the National Venture Capital Association.

In passing this bill, we will ensure that SBIR and STTR awards remain competitive from top-notch research and produce cutting-edge breakthroughs. Doing so will continue to help create high-paying jobs, reduce our trade deficit and emphasize the importance of math and science education to America's students.

I will now like to yield to Ranking Member Chabot for his opening remarks.

OPENING STATEMENT OF MR. CHABOT

Mr. CHABOT. Thank you, Madam Chairwoman.

Good afternoon. Thank you all for being here as we mark up legislation to reauthorize the Small Business Innovation Research program and the Small Business Technology Transfer program, or SBIR and STTR programs respectively.

These two programs are an example of highly successful Federal initiatives to encourage economic growth and innovation within the small business community by assisting in the funding that is crit-

ical to the start-up and development stages of small business companies. Not only does it spur growth in individual companies, the program stresses the importance of this Committee's and the entire Federal Government's commitment to expand and diversify research opportunities to small business.

Small businesses drive innovation. It is of the utmost importance that we continue to foster growth in this segment of our economy. This is especially important in the new world economy where the technology and technological advantage the United States has had on the rest of the world is not as large, unfortunately, as it used to be.

It is said that nobody has a patent on good new ideas. While that is true, it can be difficult for a small company with limited resources to take that idea and manufacture it into a product or process. Programs like SBIR and STTR provide a bridge between product conception and marketability, a bridge of vital importance for innovative ideas to become reality. The new technologies and discoveries that come out of this program go a long way toward keeping our competitive edge in the world marketplace. The SBIR and STTR programs are the kind of public-private partnership that is essential to the continued growth of our economy.

The legislation we have before us goes a long way toward strengthening these two programs. Among other things, the legislation requires greater oversight by agency heads and better reporting of information to Congress. The bill also increases the maximum award sizes to allow grant winners greater ability to develop their new technologies and provides agencies even greater flexibility to administer their programs.

That said, I believe the bill is, of course, not perfect. Compromises have been made by both parties in both committees with jurisdiction. The Chairwoman and I have continued to work together, along with our staffs, who have also I think worked very closely together this year and last year in a strong, bipartisan manner in an effort to craft a bill that truly represents a victory for American small businesses; and I thank her for that. I would request that, as she has done since the beginning of Congress, that the Chairwoman continue to work with us as this bill moves forward through the process.

Again, I thank everyone for being here today, the members, the Chairwoman and everyone here, and I yield back the balance of my time.

Chairwoman VELÁZQUEZ. Thank you, Mr. Chabot.

Now I would like to recognize the regional co-sponsor of the legislation, Mr. Graves, for a statement on this legislation.

OPENING STATEMENT OF MR. GRAVES

Mr. GRAVES. Thank you, Chairwoman Velázquez and Ranking Member Chabot. I appreciate you giving me an opportunity to make just a few comments on the SBIR reauthorization.

As you know, the Small Business Administration provides start-up funding to small businesses in a variety of ways. One such program is the Small Business Innovation Research program, the SBIR program, which allocates a specific percentage of all Federal research and development of grant monies to small business appli-

cants. The program allows for cutting-edge, innovative research that may not in its earliest stages attract funding from other sources.

American innovation is what drives this country, and the SBIR program helps stimulate innovation. Creating an environment that will keep American innovation in the forefront of the global market is a priority of mine, and I am very confident this bill will help meet those goals. I strongly believe in the SBIR program and what it does for small businesses. Thank you for helping me remove barriers to participation in this program, and I look forward to its passage. Thank you.

Chairwoman VELÁZQUEZ. Thank you.

Are there any other members that wish to be recognized for the purpose of making a statement on the legislation?

The Committee now moves to consideration of the bill H.R. 5819. The clerk will report the title of the bill.

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

Chairwoman VELÁZQUEZ. I ask unanimous consent that the bill in its entirety be open for amendments at this time. Does any member seek recognition for the purpose of offering an amendment?

The Chair recognizes herself for the purpose of offering an amendment. I have an amendment at the desk. The clerk will report the amendment.

The CLERK. Strike title II of the bill and insert the following.

Chairwoman VELÁZQUEZ. I ask unanimous consent that the amendment be considered as read. Without objection, so ordered.

Chairwoman VELÁZQUEZ. The amendment under consideration reflects feedback we have received from the House Science and Technology Committee. The amendment is a technical correction that clarifies the role corporate-owned venture capital companies can play when investing in SBIR-eligible companies.

Under current law, corporate-owned venture capital companies can invest in SBIR eligible companies. The amendment clarifies that this is still the case under Section 201 of H.R. 5819 and sets up the structure governing this investment. As a safeguard against potential abuse, the amendment limits both the ownership percentage and the number of corporate-owned venture capital firms that can invest in an SBIR-eligible company.

The amendment was developed in conjunction with and is supported by Mr. Chabot. I urge adoption of the amendment.

Are there any other members who seek to be recognized on the amendment?

Mr. CHABOT. Madam Chair, move to strike the last word.

Chairwoman VELÁZQUEZ. Without objection.

Mr. CHABOT. Thank you, Madam Chair. I will be very brief.

I want to just reiterate what the Chairwoman just said, that the minority and majority staffs worked together very closely on this, as we did as well, and also with Chairman Wu to resolve this issue; and I think we have done it in a reasonable and straightforward way which allows us to make sure that the interests of small businesses are protected. And I want to commend you for working together in a bipartisan manner on this amendment and the entire bill.

I yield back.

Chairwoman VELÁZQUEZ. The same goes with the Ranking Member Chabot for the collaboration and the understanding and the willingness to work together and, particularly, both staffs from the majority and minority and also the Science and Technology Committee.

Are there any other members who seek to be recognized on the amendment?

Seeing no members seeking recognition, the question is on the amendment offered by Ms. Velázquez. All those in favor, say aye. All those opposed, no.

The ayes have it. The amendment is adopted.

Are there any other amendments?

Seeing no amendments, the question is on passing and reporting the bill H.R. 5819 as amended. All those in favor, say aye. All those opposed, say no.

In the opinion of the Chair, the ayes have it.

The clerk will call the roll.

The CLERK. Ms. Velázquez.

Ms. VELÁZQUEZ. Aye.

The CLERK. Ms. Velázquez votes aye.

Mr. Shuler.

Mr. SHULER. Aye.

The CLERK. Mr. Shuler votes aye.

Mr. Gonzalez.

[no response.]

The CLERK. Mr. Larsen.

[No response.]

The CLERK. Mr. Grijalva.

Mr. GRIJALVA. Aye.

The CLERK. Mr. Grijalva votes aye.

Mr. Michaud.

[no response.]

The CLERK. Ms. Bean.

Ms. BEAN. Aye.

The CLERK.

Ms. Bean votes aye.

Mr. Cuellar.

Mr. CUELLAR. Aye.

The CLERK. Mr. Cuellar votes aye.

Mr. Lipinski.

Mr. LIPINSKI. Aye.

The CLERK. Mr. Lipinski votes aye.

Ms. Moore.

[no response.]
 The CLERK. Mr. Altmire.
 Mr. ALTMIRE. Aye.
 The CLERK. Mr. Altmire votes aye.
 Mr. Braley.
 Mr. BRALEY. Aye.
 The CLERK. Mr. Braley votes aye.
 Ms. Clarke.
 Ms. CLARKE. Aye.
 The CLERK. Ms. Clarke votes aye.
 Mr. Ellsworth.
 Mr. ELLSWORTH. Aye.
 The CLERK. Mr. Ellsworth votes aye.
 Mr. Johnson.
 Mr. JOHNSON. Aye.
 The CLERK. Mr. Johnson votes aye.
 Mr. Sestak.
 Mr. SESTAK. Aye.
 The CLERK. Mr. Sestak votes aye.
 Ms. Hirono.
 Ms. HIRONO. Aye.
 The CLERK. Ms. Hirono votes aye.
 Mr. Higgins.
 [no response.]
 The CLERK. Mr. Chabot.
 Mr. CHABOT. Aye.
 The CLERK. Mr. Chabot votes aye.
 Mr. Bartlett.
 Mr. BARTLETT. Aye.
 The CLERK. Mr. Bartlett votes aye.
 Mr. Graves.
 Mr. GRAVES. Aye.
 The CLERK. Mr. Graves votes aye.
 Mr. Akin.
 Mr. AKIN. Aye.
 The CLERK. Mr. Akin votes aye.
 Mr. Shuster.
 [no response.]
 The CLERK. Mrs. Musgrave.
 Mrs. MUSGRAVE. Aye.
 The CLERK. Mrs. Musgrave votes aye.
 Mr. King.
 [no response.]
 The CLERK. Mr. Fortenberry.
 [no response.]
 The CLERK. Mr. Westmoreland.
 [no response.]
 The CLERK. Mr. Gohmert.
 [no response.]
 The CLERK. Mr. Davis.
 Mr. DAVIS. Aye.
 The CLERK. Mr. Davis votes aye.
 Ms. Fallin.
 [no response.]

The CLERK. Mr. Buchanan.
Mr. BUCHANAN. Aye.
The CLERK. Mr. Buchanan votes aye.

Chairwoman VELÁZQUEZ. The clerk will report the vote.

The CLERK. 20 ayes, no noes.

Chairwoman VELÁZQUEZ. The ayes have it. H.R. 5819 is adopted and ordered reported as amended.

I ask unanimous consent that the Committee be authorized to correct section numbers, punctuation and cross references and to make all the necessary technical and conforming corrections on the bills considered today. Without objection so ordered.

This markup is adjourned. Thank you.

[Whereupon, at 1:10 p.m., the Committee was adjourned.]

NYDIA M. VELÁZQUEZ, NEW YORK
CONGRESSWOMAN

STEVE CHABOT, OHIO
TRAINING MEMBER

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2501 Rayburn House Office Building
Washington, DC 20515-6315

STATEMENT
of the
Honorable Nydia M. Velázquez, Chair
House Committee on Small Business
Markup of HR 5819, "The SBIR/STTR Reauthorization Act"
April 17, 2008

Today, the Committee will address legislation that will modernize and reauthorize the Small Business Innovation Research and Small Business Technology Transfer programs. These programs – which help spur innovation and job creation throughout the country – were last updated eight years ago. During that time, the needs of small research firms have changed dramatically. It is well past the time that we update the tools and resources they depend on.

Research conducted by SBIR and STTR awardees has helped address our country's most important research and development challenges. This includes strengthening our national security and our public health infrastructure.

The continued success of the SBIR and STTR programs is dependant on three primary issues. First, the program must remain highly competitive. Second, applicants and awardees must have access to financing of all types, including venture capital. Small firms must not be penalized for accepting the investments they need to advance their R&D efforts. Third, more needs to be done to bring these breakthrough products to the market. We must promote greater commercialization in these initiatives.

The reauthorization legislation that we will mark up today is an important step toward securing the future success of these important programs. We have worked closely with our colleagues on the Committee on Science and Technology. To this end, we have taken the legislation they marked-up yesterday afternoon and incorporated it into the consolidated bill before us today. We have also included amendments from Representatives Wilson and Smith that were adopted in the Science Committee's markup yesterday.

Among the most notable legislative changes to the programs are increases in the set-asides for both SBIR and STTR. This will allow more small firms to participate in Federal R&D activities. This is especially important for SBIR, where we raised the set-aside level from 2.5 percent to 3 percent. The bill also raises award sizes – but places substantial notification and reporting requirements on agencies seeking to exceed these limits. This will ensure that jumbo awards are being reviewed and overseen.

Perhaps most importantly, the legislation restores the 2003 eligibility rules permitting small businesses with venture capital investment to qualify for SBIR awards. This is not a groundbreaking change. We are simply reinstating the policies that were in place up to 2003. We have done so in a balanced manner and included important safeguards and protections.

Small businesses are the focus of this policy. A single venture capital firm cannot own a majority of an SBIR awardee, nor can they have a majority of seats on its board of directors. In addition, limitations are placed on the venture capital company, including its size and its control by larger corporations. Overall, this once again gives entrepreneurs – not Washington, DC bureaucrats – the final say on how their company should be financed.

HR 5819 takes steps to develop the next generation of small research firms. It will do so by providing resources to increase SBIR and STTR applications from rural areas and from those owned by women, service-disabled veterans and minorities. It makes resources available that small businesses need to transition SBIR funded research from the laboratory to the marketplace. This includes making commercialization a priority – and supplying the resources for transition assistance, programmatic expertise, mentoring activities, and the facilitation of key business partnerships.

HR 5819 will enable more small research companies to advance the innovations that have made our economy so diverse and vibrant. It has the support of the Biotechnology Industry Organization and the National Venture Capital Association. In passing this bill we will ensure that SBIR and STTR awards remain competitive, fund top-notch research, and produce cutting-edge breakthroughs. Doing so will continue to help create high paying jobs, reduce our trade deficit and emphasize the importance of math and science education to America's students.

U.S. House of Representatives

SMALL BUSINESS COMMITTEE

Representative Steve Chabot, Republican Leader

Thursday,
April 17, 2008

Opening Statement of Ranking Member Steve Chabot

Small Business Innovation Research Program/Small Business Technology Transfer Program Reauthorization Act

Good Afternoon. Thank you all for being here as we mark-up legislation to reauthorize the Small Business Innovation Research Program and the Small Business Technology Transfer Program or SBIR and STTR Programs, respectively.

These two programs are an example of highly successful Federal initiatives to encourage economic growth and innovation within the small business community by assisting in the funding that is critical to the startup and development stages of a small company.

Not only does it spur growth in individual companies, the program stresses the importance of this Committee's and the entire Federal government's commitment to expand and diversify research opportunities to small business.

Small businesses drive innovation. It is of the utmost importance that we continue to foster growth in this segment of our economy. This is especially important in the new world economy, where the technological advantage the United States has on the rest of the world is not as large as it used to be.

It is said that nobody has a patent on good new ideas. While that is true, it can be difficult for a small company, with limited resources, to take that idea and manufacture it into a new product or process. Programs like SBIR and STTR provide a bridge between product conception and marketability—a bridge of vital importance for innovative ideas to become reality.

The new technologies and discoveries that come out of this program go a long way toward keeping our competitive edge in the world marketplace. The SBIR and STTR programs are the kind of public-private partnership that is essential to the continued growth of our economy.

The legislation we have before us goes a long way toward strengthening these two programs. Among other things, the legislation requires greater oversight by agency heads and better reporting of information to Congress. The bill also increases the maximum award sizes to allow grant winners greater ability to develop their new technologies and provides agencies even greater flexibility to administer their programs.

That said, I believe this bill is not perfect. Compromises have been made by both parties, and both Committees of jurisdiction. The Chairwoman and I have continued to work together, along with our staffs, in a strong bipartisan manner in an effort to craft a bill that truly represents a victory for American small business, and I thank her for that. I would request that, as she has done since the beginning of this Congress, that the Chairwoman continue to work with us as this bill moves forward through the process.

Again, I thank all of you for being here today; and I yield back the balance of my time.

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Congressman Sam Graves
Opening Statement
Small Business Committee Markup
SBIR Reauthorization
4/17/2008 at 1PM

THANK YOU CHAIRWOMAN VELAZQUEZ AND RANKING MEMBER CHABOT. I APPRECIATE YOU GIVING ME AN OPPORTUNITY TO MAKE A FEW COMMENTS ON THE SBIR REAUTHORIZATION.

AS YOU ALL KNOW, THE SBA PROVIDES START-UP FUNDING TO SMALL BUSINESSES IN A VARIETY OF WAYS. ONE SUCH PROGRAM IS THE SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM, WHICH ALLOCATES A SPECIFIC PERCENTAGE OF ALL FEDERAL RESEARCH AND DEVELOPMENT GRANT MONIES TO SMALL BUSINESS APPLICANTS. THIS PROGRAM ALLOWS FOR CUTTING-EDGE, INNOVATIVE RESEARCH THAT MAY NOT, IN ITS EARLIEST STAGES, ATTRACT FUNDING FROM OTHER SOURCES. AMERICAN INNOVATION IS WHAT DRIVES THIS COUNTRY, AND THE SBIR PROGRAM HELPS STIMULATE INNOVATION.

CREATING AN ENVIRONMENT THAT WILL KEEP AMERICAN INNOVATION IN THE FOREFRONT OF THE GLOBAL MARKET IS A PRIORITY OF MINE AND I AM VERY CONFIDENT THIS BILL WILL HELP US MEET THOSE GOALS.

I STRONGLY BELIEVE IN THE SBIR PROGRAM AND WHAT IT DOES FOR SMALL BUSINESSES. THANK YOU FOR HELPING ME REMOVE BARRIERS TO PARTICIPATION IN THE PROGRAM, AND I LOOK FORWARD TO ITS PASSAGE.

THANK YOU

