

114TH CONGRESS
2D SESSION

S. 2898

To promote greater efficiency in contracting associated with the SBIR and STTR programs of the Department of Defense.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2016

Mrs. SHAHEEN introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To promote greater efficiency in contracting associated with the SBIR and STTR programs of the Department of Defense.

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 Na-
5 tional Security Innovation Act of 2016”.

6 **SEC. 2. PILOT PROGRAM.**

7 (a) DEFINITIONS.—In this section—

8 (1) the terms “commercialization”, “SBIR”,
9 “STTR”, “Phase I”, “Phase II”, and “Phase III”

1 have the meanings given those terms in section 9(e)
2 of the Small Business Act (15 U.S.C. 638(e));

3 (2) the term “covered small business concern”
4 means—

5 (A) a small business concern that com-
6 pleted a Phase II award under the SBIR or
7 STTR program of the Department of Defense;
8 or

9 (B) a small business concern that—

10 (i) has completed a Phase I award
11 under the SBIR or STTR program of the
12 Department of Defense; and

13 (ii) a contracting officer for the De-
14 partment of Defense recommends for inclu-
15 sion in the multiple task or delivery order
16 contract described in subsection (b);

17 (3) the terms “delivery order contract” and
18 “task order contract” have the meanings given those
19 terms in section 2304d of title 10, United States
20 Code;

21 (4) the term “pilot program” means the pilot
22 program established under subsection (b);

23 (5) the term “Rapid Innovation Fund” means
24 the program under section 1073 of the Ike Skelton
25 National Defense Authorization Act for Fiscal Year

1 2011 (Public Law 111–383; 124 Stat. 4366; 10
2 U.S.C. 2359 note); and

3 (6) the term “small business concern” has the
4 meaning given the term in section 3 of the Small
5 Business Act (15 U.S.C. 632).

6 (b) ESTABLISHMENT.—The Secretary of the Navy, in
7 consultation with the Director of the SBIR program at
8 the Department of the Navy and the Office of Small Busi-
9 ness Programs of the Department of Defense, shall estab-
10 lish a pilot program for the commercialization of products
11 and services produced by covered small business concerns
12 under which the Secretary of the Navy shall set up a mul-
13 tiple task or delivery order contract for those products and
14 services.

15 (c) TECHNICAL ASSISTANCE.—The Administrator of
16 General Services shall provide technical assistance to the
17 Secretary of the Navy for purposes of establishing and ad-
18 ministering the pilot program.

19 (d) WAIVER OF COMPETITION IN CONTRACTING
20 ACT.—

21 (1) IN GENERAL.—The Secretary of the Navy
22 may establish procedures to waive provisions of
23 chapter 33 of title 41, United States Code, for pur-
24 poses of carrying out the pilot program.

1 (2) REQUIREMENT.—Before establishing any
2 procedures under paragraph (1), and not later than
3 180 days after the date of enactment of this Act, the
4 Secretary of the Navy, the Director of the SBIR
5 program at the Department of the Navy, and the
6 Office of Small Business Programs of the Depart-
7 ment of Defense shall provide a briefing on why pro-
8 visions of chapter 33 of title 41, United States Code,
9 shall be waived for purposes of carrying out the pilot
10 program to—

11 (A) the Committee on Armed Services of
12 the Senate;

13 (B) the Committee on Armed Services of
14 the House of Representatives;

15 (C) the Committee on Small Business and
16 Entrepreneurship of the Senate; and

17 (D) the Committee on Small Business of
18 the House of Representatives.

19 (e) USE OF CONTRACT VEHICLE.—A multiple task
20 or delivery order contract described in subsection (b) may
21 be used by any service or component of the Department
22 of Defense.

23 (f) POLICY DIRECTIVE.—After implementation of the
24 pilot program, the Administrator of the Small Business
25 Administration shall update the SBIR and STTR program

1 policy directives issued under subsections (j) and (p) of
2 section 9 of the Small Business Act (15 U.S.C. 638) to
3 reflect programmatic changes at the Department of De-
4 fense.

5 (g) TERMINATION.—The pilot program established
6 under this section shall terminate on September 30, 2022.

7 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to prevent the commercialization
9 of products and services produced by a small business con-
10 cern under an SBIR or STTR program of a Federal agen-
11 cy through—

12 (1) direct awards for Phase III of an SBIR or
13 STTR program;

14 (2) awards made under the Rapid Innovation
15 Fund; or

16 (3) any other contract vehicle.

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