

SABIR Act (Introduced in Senate)

109th CONGRESS
1st Session
S. 1263

To amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2005

Mr. BOND introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Save America's Biotechnology Innovative Research Act of 2005' or 'SABIR Act'.

SEC. 2. ELIGIBILITY FOR PARTICIPATION IN SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

(a) In General- Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following new subsection:

`(x) Eligibility for Participation in SBIR Program-

`(1) IN GENERAL- To be eligible to receive an award under the SBIR program, a business concern--

`(A) shall have not more than 500 employees; and

`(B) shall be owned in accordance with one of the ownership requirements described in paragraph (2).

`(2) OWNERSHIP REQUIREMENTS- The ownership requirements referred to in paragraph (1) are the following:

`(A) The business concern is--

^ (I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a-51 et seq.); or

^ (II) is an investment company, as defined in section 3(c)(14) of such Act (15 U.S.C. 80a-3(c)(14)), which is not registered under such Act because it is beneficially owned by less than 100 persons; and

^ (B) that is not controlled by any business concern that is not a small business concern within the meaning of section 3.

^ (10) The term ^ start-up concern' means a business concern that--

^ (A) for at least 2 of the 3 preceding fiscal years has had--

^ (i) sales of not more than \$3,000,000; or

^ (ii) no positive cash flow from operations; and

^ (B) is not formed to acquire any business concern other than a small business concern that meets the requirement under subparagraph (A).'.

(c) Regulations- Before the date that is 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall--

(1) in accordance with the exceptions to public rulemaking under section 553(b)(A) and (B) of title 5, United States Code, promulgate regulations to implement the provisions of this Act;

(2) publish in the Federal Register a notification of the changes in eligibility for participation in the Small Business Innovation Research program made by this Act; and

(3) communicate such changes to Federal agencies that award grants under the Small Business Innovation Research program.

(d) Effective Date- The amendments made by this Act shall apply with respect to any business concern that participates in the Small Business Innovation Research program on or after the date of the enactment of this Act.