

115TH CONGRESS  
2D SESSION

# H. R. 6758

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2018

Received

---

## AN ACT

To direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to study and provide recommendations to promote the participation of women, minorities, and veterans in entrepreneurship activities and the patent system, to extend by 8 years the Patent and Trademark Office's authority to set the amounts for the fees it charges, 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 “Study of Underrep-  
5 resented Classes Chasing Engineering and Science Suc-  
6 cess Act of 2018” or the “SUCCESS Act”.

7 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

8        (a) FINDINGS.—Congress finds the following:

9            (1) Patents and other forms of intellectual  
10 property are important engines of innovation, inven-  
11 tion, and economic growth.

12            (2) Many innovative small businesses, which  
13 create over 20 percent of the total number of new  
14 jobs created in the United States each year, depend  
15 on patent protections to commercialize new tech-  
16 nologies.

17            (3) Universities and their industry partners also  
18 rely on patent protections to transfer innovative new  
19 technologies from the laboratory or classroom to  
20 commercial use.

21            (4) Recent studies have shown that there is a  
22 significant gap in the number of patents applied for  
23 and obtained by women and minorities.

24        (b) SENSE OF CONGRESS.—It is the sense of Con-  
25 gress that the United States has the responsibility to work

1 with the private sector to close the gap in the number of  
2 patents applied for and obtained by women and minorities  
3 to harness the maximum innovative potential and continue  
4 to promote United States leadership in the global econ-  
5 omy.

6 **SEC. 3. REPORT.**

7 (a) STUDY.—The Director, in consultation with the  
8 Administrator and any other head of an appropriate agen-  
9 cy, shall conduct a study that—

10 (1) identifies publicly available data on the  
11 number of patents annually applied for and obtained  
12 by, and the benefits of increasing the number of pat-  
13 ents applied for and obtained by women, minorities,  
14 and veterans and small businesses owned by women,  
15 minorities, and veterans; and

16 (2) provides legislative recommendations for  
17 how to—

18 (A) promote the participation of women,  
19 minorities, and veterans in entrepreneurship ac-  
20 tivities; and

21 (B) increase the number of women, minori-  
22 ties, and veterans who apply for and obtain pat-  
23 ents.

24 (b) REPORT.—Not later than 1 year after the date  
25 of the enactment of this Act, the Director shall submit

1 to the Committees on the Judiciary and Small Business  
2 of the House of Representatives and the Committees on  
3 the Judiciary and Small Business and Entrepreneurship  
4 of the Senate a report on the results of the study con-  
5 ducted under subsection (a).

6 **SEC. 4. EXTENSION OF FEE-SETTING AUTHORITY.**

7 Section 10(i)(2) of the Leahy-Smith America Invents  
8 Act (Public Law 112–29; 125 Stat. 319; 35 U.S.C. 41  
9 note) is amended by striking “7-year” and inserting “15-  
10 year”.

11 **SEC. 5. DEFINITIONS.**

12 In this Act:

13 (1) ADMINISTRATOR.—The term “Adminis-  
14 trator” means the Administrator of the Small Busi-  
15 ness Administration.

16 (2) AGENCY.—The term “agency” means a de-  
17 partment, agency, or instrumentality of the United  
18 States Government.

19 (3) DIRECTOR.—The term “Director” means  
20 the Under Secretary of Commerce for Intellectual

1 Property and Director of the United States Patent  
2 and Trademark Office.

Passed the House of Representatives September 25,  
2018.

Attest:

KAREN L. HAAS,

*Clerk.*