

AMENDMENT TO THE RULES COMMITTEE PRINT

117-13

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Add at the end of title LX the following new section:

1 **SEC. 60 ____ . COLLECTION OF DEMOGRAPHIC INFORMATION**

2 **FOR PATENT INVENTORS.**

3 (a) AMENDMENT.—Chapter 11 of title 35, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 124. Collection of demographic information for**
7 **patent inventors**

8 “(a) VOLUNTARY COLLECTION.—The Director shall
9 provide for the collection of demographic information, in-
10 cluding gender, race, military or veteran status, and any
11 other demographic category that the Director determines
12 appropriate, related to each inventor listed with an appli-
13 cation for patent, that may be submitted voluntarily by
14 that inventor.

15 “(b) PROTECTION OF INFORMATION.—The Director
16 shall—

17 “(1) keep any information submitted under sub-
18 section (a) confidential and separate from the appli-
19 cation for patent; and

1 “(2) establish appropriate procedures to en-
2 sure—

3 “(A) the confidentiality of any information
4 submitted under subsection (a); and

5 “(B) that demographic information is not
6 made available to examiners or considered in
7 the examination of any application for patent.

8 “(c) RELATION TO OTHER LAWS.—

9 “(1) FREEDOM OF INFORMATION ACT.—Any
10 demographic information submitted under subsection
11 (a) shall be exempt from disclosure under section
12 552(b)(3) of title 5.

13 “(2) FEDERAL INFORMATION POLICY LAW.—
14 Subchapter I of chapter 35 of title 44 shall not
15 apply to the collection of demographic information
16 under subsection (a).

17 “(d) PUBLICATION OF DEMOGRAPHIC INFORMA-
18 TION.—

19 “(1) REPORT REQUIRED.—Not later than Jan-
20 uary 31 of each year, the Director shall make pub-
21 licly available a report that, except as provided in
22 paragraph (3)—

23 “(A) includes the total number of patent
24 applications filed during the previous year
25 disaggregated—

1 “(i) by demographic information de-
2 scribed in subsection (a); and

3 “(ii) by technology class number,
4 technology class title, country of residence
5 of the inventor, and State of residence of
6 the inventor in the United States;

7 “(B) includes the total number of patents
8 issued during the previous year disaggregated—

9 “(i) by demographic information de-
10 scribed in subsection (a); and

11 “(ii) by technology class number,
12 technology class title, country of residence
13 of the inventor, and State of residence of
14 the inventor in the United States; and

15 “(C) includes a discussion of the data col-
16 lection methodology and summaries of the ag-
17 gregate responses.

18 “(2) DATA AVAILABILITY.—In conjunction with
19 issuance of the report under paragraph (1), the Di-
20 rector shall make publicly available data based on
21 the demographic information collected under sub-
22 section (a) that, except as provided in paragraph
23 (3), allows the information to be cross-tabulated to
24 review subgroups.

25 “(3) PRIVACY.—The Director—

1 “(A) may not include personally identifying
2 information in—

3 “(i) the report made publicly available
4 under paragraph (1); or

5 “(ii) the data made publicly available
6 under paragraph (2); and

7 “(B) in making publicly available the re-
8 port under paragraph (1) and the data under
9 paragraph (2), shall anonymize any personally
10 identifying information related to the demo-
11 graphic information collected under subsection
12 (a).

13 “(e) BIENNIAL REPORT.—The Director shall submit
14 to Congress a biennial report that evaluates the data col-
15 lection process under this section, ease of access to the
16 information by the public, and recommendations on how
17 to improve data collection.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
19 The table of sections at the beginning of chapter 11 of
20 title 35, United States Code, is amended by adding at the
21 end the following:

“124. Collection of demographic information for patent inventors”.

22 (c) DEADLINE FOR BIENNIAL REPORT.—Not later
23 than 2 years after the date of enactment of this Act, and
24 every 2 years thereafter, the Under Secretary of Com-
25 merce for Intellectual Property and Director of the United

1 States Patent and Trademark Office shall submit to Con-
2 gress the biennial report required under section 124(e) of
3 title 35, United States Code, as added by subsection (a).

