

Calendar No. 558

118TH CONGRESS
2D SESSION**S. 4713**

To amend chapter 11 of title 35, United States Code, to require the voluntary collection of demographic information for patent inventors, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Ms. HIRONO (for herself, Mr. TILLIS, Mr. DURBIN, Mr. COONS, Mr. BLUMENTHAL, Mr. PADILLA, Ms. KLOBUCHAR, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

NOVEMBER 18, 2024

Reported by Mr. DURBIN, without amendment

A BILL

To amend chapter 11 of title 35, United States Code, to require the voluntary collection of demographic information for patent inventors, 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 “Inventor Diversity for
5 Economic Advancement Act of 2024” or the “IDEA Act”.

1 **SEC. 2. COLLECTION OF DEMOGRAPHIC INFORMATION FOR**
2 **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 residing in the
13 United States who is listed with an application for patent,
14 that may be submitted voluntarily by 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

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

22 “(A) the confidentiality of any information
23 submitted under subsection (a); and

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

1 “(c) DIRECT SUBMISSION BY INVENTORS.—

2 “(1) IN GENERAL.—In carrying out subsection
3 (a), the Director is authorized to implement a sys-
4 tem to collect demographic information directly from
5 an inventor on a voluntary basis.

6 “(2) AVOIDING REPEATED COLLECTION.—In
7 implementing a system under paragraph (1), the Di-
8 rector shall make reasonable efforts to design the
9 system to avoid repeated collection of the same in-
10 formation from each inventor on subsequent applica-
11 tions for patents.

12 “(3) COLLECTION OF CONTACT INFORMA-
13 TION.—In implementing a system under paragraph
14 (1), the Director shall design the system to capture
15 the information necessary to directly reach inven-
16 tors.

17 “(d) RELATION TO OTHER LAWS.—

18 “(1) FREEDOM OF INFORMATION ACT.—Any
19 demographic information submitted under subsection
20 (a) shall be exempt from disclosure under section
21 552(b)(3) of title 5.

22 “(2) FEDERAL INFORMATION POLICY LAW.—
23 Subchapter I of chapter 35 of title 44 shall not
24 apply to the collection of demographic information
25 under subsection (a).

1 “(e) PUBLICATION OF DEMOGRAPHIC INFORMA-
2 TION.—

3 “(1) REPORT REQUIRED.—Not later than 18
4 months after the date on which the Director pub-
5 lishes in the Federal Register a notice relating to the
6 demographic information described in subsection (a),
7 in accordance with section 552a(e)(4) of title 5, and
8 not later than January 31 of each year thereafter,
9 the Director shall make publicly available a report
10 that, except as provided in paragraph (3)—

11 “(A) includes the total number of patent
12 applications filed during the previous year
13 disaggregated—

14 “(i) by demographic information de-
15 scribed in subsection (a); and

16 “(ii) by technology class number,
17 technology class title, and State of resi-
18 dence of the inventor in the United States;

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

21 “(i) by demographic information de-
22 scribed in subsection (a); and

23 “(ii) by technology class number,
24 technology class title, and State of resi-

1 dence of the inventor in the United States;
2 and

3 “(C) includes a discussion of the data col-
4 lection methodology and summaries of the ag-
5 gregate responses.

6 “(2) DATA AVAILABILITY.—In conjunction with
7 issuance of the report under paragraph (1), the Di-
8 rector shall make publicly available data based on
9 the demographic information collected under sub-
10 section (a) that, except as provided in paragraph
11 (3), allows the information to be cross-tabulated to
12 review subgroups.

13 “(3) PRIVACY.—The Director, in making pub-
14 licly available the report under paragraph (1) and
15 the data under paragraph (2)—

16 “(A) subject to subparagraph (B) of this
17 paragraph, shall anonymize any personally iden-
18 tifying information related to the demographic
19 information collected under subsection (a); and

20 “(B) may omit any personally identifying
21 information that cannot reasonably be
22 anonymized.

23 “(f) BIENNIAL REPORT.—Not later than 2 years
24 after the date on which the Director publishes in the Fed-
25 eral Register a notice relating to the demographic infor-

1 mation described in subsection (a), in accordance with sec-
2 tion 552a(e)(4) of title 5, and not later than March 31
3 of every other year thereafter, the Director shall submit
4 to Congress a biennial report that evaluates the data col-
5 lection process under this section, ease of access to the
6 information by the public, and recommendations on how
7 to improve data collection.”.

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

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

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