

SCHATZ) was added as a cosponsor of amendment No. 1285 intended to be proposed to H.R. 1968, a bill making further continuing appropriations and other extensions for the fiscal year ending September 30, 2025, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. TILLIS, Mr. GRASSLEY, Mr. COONS, and Mr. WELCH):

S. 1097. A bill to amend title 35, United States Code, to establish an interagency task force between the United States Patent and Trademark Office and the Food and Drug Administration for purposes of sharing information and providing technical assistance with respect to patents, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1097

*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 "Interagency Patent Coordination and Improvement Act of 2025".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Decisions by the United States Patent and Trademark Office relating to patents may implicate, or have relevance to, information housed at or involving other Federal agencies.

(2) Entities submitting patent applications to the United States Patent and Trademark Office may also submit information to, or share information with, other Federal agencies, necessitating accuracy and consistency in those representations.

(3) Research has shown that patent examiners may benefit from additional information that is housed at, or is available to, Federal agencies other than the United States Patent and Trademark Office in order to assess prior art and the state of science and technology.

(4) The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office is encouraged to work with other Federal agencies.

#### SEC. 3. REPORT BY UNITED STATES PATENT AND TRADEMARK OFFICE.

Not later than 4 years after the date of enactment of this Act, the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that contains—

(1) a description of the frequency with which—

(A) information is provided by the Food and Drug Administration to the United States Patent and Trademark Office through the Interagency Task Force on Patents established under section 15 of title 35, United States Code, as added by section 4(a) of this Act, or under processes established by that Task Force; and

(B) the information described in subparagraph (A) is used in patent examinations;

(2) an identification of which methods of providing information, as described in paragraph (1)(A), and types of information so shared, are most useful to patent examiners;

(3) any recommendations for changes to be made by Congress to the mandate, funding, or operations of the Task Force described in paragraph (1)(A); and

(4) an identification of other Federal agencies with which the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office should explore opportunities for coordination that are similar to those undertaken with the Food and Drug Administration through the activities of the Task Force described in paragraph (1)(A).

#### SEC. 4. INTERAGENCY TASK FORCE ON PATENTS.

(a) IN GENERAL.—Chapter 1 of title 35, United States Code, is amended—

(1) in section 2(c), by adding at the end the following:

"(6)(A) In exercising the Director's powers and duties under this section relating to patents, and decisions or actions involving patents, for human drugs and biological products, the Director shall, through the Interagency Task Force on Patents established under section 15, consult with the Commissioner of Food and Drugs in the manner described in that section.

"(B) For purposes of subparagraph (A), the term 'decisions or actions involving patents' means decisions or actions taken with respect to patents under this title."; and

(2) by adding at the end the following:

#### "§ 15. Interagency Task Force on Patents

"(a) ESTABLISHMENT.—There is established an interagency task force, to be known as the Interagency Task Force on Patents (referred to in this section as the 'task force'), to coordinate efforts between the Director and the Commissioner of Food and Drugs (referred to in this section as the 'Commissioner') regarding communication about, evaluation of, and effective implementation of the activities of the Office and the Food and Drug Administration with respect to patents, and decisions or actions involving patents (as defined in section 2(c)(6)(B)), for human drugs and biological products.

"(b) MEMORANDUM OF UNDERSTANDING.—The Director and the Commissioner shall enter into a memorandum of understanding, or update an existing memorandum of understanding, for the purposes of implementing and carrying out the duties of the task force.

"(c) MEMBERSHIP.—The task force shall be comprised of employees of the Office, who shall be appointed by the Director, and employees of the Food and Drug Administration, who shall be appointed by the Commissioner, who have appropriate expertise and decision-making authority regarding operational, administrative, technical, medical, pharmacological, clinical, and scientific matters to carry out the functions of the task force.

"(d) ACTIVITIES.—The task force shall carry out the following functions regarding interagency coordination to promote reciprocal access of information:

"(1) Sharing information on the general processes of the Office and the Food and Drug Administration, what each such agency considers in its respective review of applications, and how each such agency evaluates those applications, which may be undertaken through routine and ongoing meetings, workshops, and training sessions.

"(2) Sharing information on new approvals of patents, human drugs and biological products, new technologies and prior art (as appropriate on a case-by-case basis), and scientific trends and developments.

"(3) Establishing a process that requires—  
"(A) the Director to request from the Commissioner (and the Commissioner to provide to the Director, upon receiving such a request)—

"(i) appropriate information for use by employees of the Office with responsibility to examine patent applications under section 131 (referred to in this section as 'patent examiners') regarding when certain information relating to a human drug or biological product approval, which may include updates to a label or newly approved indications, is made publicly available, including when such information is posted online; and

"(ii) appropriate access for patent examiners to relevant sources of product application, approval, patent, and labeling information or communications between the Food and Drug Administration and the human drug or biological product sponsors that may not currently be subject to public disclosure, as appropriate and only to the extent necessary for the Office to carry out the responsibilities of the Office, such as ensuring accurate representations and access to information on whether the claimed invention that would be the subject of the patent was on sale before the effective filing date of the claimed invention, as described in section 102(a)(1); and

"(B) the Office to assist the Food and Drug Administration in its ministerial role of listing patents.

"(4) Establishing a process to ensure that, in appropriate circumstances, at the request of the Director, the Commissioner shall consult with or otherwise furnish specific, available information to the Office with respect to certain applications, responses, or affidavits after rejections in order to assist patent examiners in carrying out the duties of those patent examiners.

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (d)(3)(B) shall be construed as—

"(1) directing the Office to interfere with, delay, or supersede the ministerial function of the Food and Drug Administration of listing patents;

"(2) indicating the position of the Office regarding the ability to assert a patent in infringement litigation; or

"(3) changing the ministerial function of the Food and Drug Administration of listing patents.

"(f) CONFIDENTIALITY.—

"(1) IN GENERAL.—With respect to any record or other information of the Food and Drug Administration or the Office that is confidential, either such agency may share any such information with the other agency in furtherance of the activities described in this section, which shall remain subject to such protections as if the information were held by the Food and Drug Administration.

"(2) PROTOCOLS.—

"(A) IN GENERAL.—The task force shall establish appropriate protocols to safeguard confidentiality and prevent the inappropriate disclosure of information when sharing information between the Office and the Food and Drug Administration.

"(B) CONTENTS.—The protocols established under subparagraph (A) shall provide that—

"(i) before sharing any information described in paragraph (1), the sponsor of the human drug or biological product to which that information relates shall be provided notice of that sharing by the applicable agency and with a period of 30 days to consult with the agency sharing that information; and

"(ii) the Director shall, in order to protect against the inadvertent disclosure of information, maintain any information shared with the Director by the Commissioner separate from pending patent applications and

establish procedures for the identification of confidential information.

“(C) POTENTIAL REMEDIES.—In establishing protocols under this paragraph, the task force shall identify appropriate remedies for any potential injury suffered when confidential information is made available, including inadvertently, through the sharing of information described in this subsection.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed as superseding any other remedy available for the unauthorized disclosure of confidential information.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 35, United States Code, is amended by adding at the end the following:

“15. Interagency Task Force on Patents.”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 132—DESIGNATING MARCH 24, 2025, AS “NATIONAL WOMEN OF COLOR IN TECH DAY”

Ms. ROSEN (for herself, Mr. PADILLA, Ms. HIRONO, Ms. KLOBUCHAR, Mr. FETTERMAN, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, and Mr. SCHIFF) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 132

Whereas National Women of Color in Tech Day acknowledges the challenges many women of color face in the field of technology (referred to in this preamble as “tech”) and recognizes and emphasizes the importance of women of color in tech in the United States, including—

(1) Katherine Johnson, a former engineer at the National Aeronautics and Space Administration;

(2) Marie Van Brittan Brown, who invented the first home security system; and

(3) Patricia Bath, who invented the Laserphaco Probe for the removal of cataracts;

Whereas evidence suggests that structural and social barriers in tech education, tech workforce development, the tech workforce, and venture capital investment in tech can disproportionately and negatively affect women of color;

Whereas women are underrepresented in tech, and women of color often face additional systemic barriers in the tech ecosystem specifically and in science, technology, engineering, and mathematics (referred to in this preamble as “STEM”) fields generally;

Whereas underrepresented minority students often face an opportunity gap in STEM education in the United States;

Whereas women and girls of color often face an achievement gap in science and engineering education;

Whereas women and girls overall often face a large opportunity gap in computer science;

Whereas the competitiveness of the United States in the 21st-century global economy largely depends on developing STEM-literate citizens;

Whereas the demand for professionals in tech and computing fields is expected to increase substantially over the next decade;

Whereas, as of March 2023, data showed that there were more than 750,000 open and unfilled cybersecurity jobs in the United States;

Whereas increasing the number of women of color in tech will be critical to building

and maintaining a competitive tech workforce;

Whereas women of color currently make up 41 percent of the female population in the United States and are projected to make up the majority of women by 2060;

Whereas, according to the National Center for Education Statistics, women of color in the United States earned 17 percent of bachelor's degrees and 7 percent of doctorates in STEM fields during the 2021–2022 school year;

Whereas the low number of women of color in tech positions who have not received a bachelor's degree, but who have earned other certificates, demonstrates that women of color may not be taking sufficient advantage of alternative pathways for reskilling in computing-related areas or may not have adequate access or exposure to these pathways;

Whereas increasing the inclusion of women of color in the science and tech sectors can provide role models who can inspire students of all backgrounds and identities, including young girls of color;

Whereas diversity in any field incorporates different experiences and ideas that can ultimately lead to more creative and pioneering solutions to the current and future problems of the United States;

Whereas a May 2020 study by McKinsey and Company shows that companies with a diverse workforce often perform better, hire more qualified employees, have more engaged employees, and are better at retaining workers than companies that do not prioritize diversity;

Whereas communities of color are underrepresented in corporate leadership roles, including in the tech sector; and

Whereas a pipeline of qualified tech candidates of color is critical for future growth, particularly as the tech industry works to improve the recruiting, hiring, and retaining of candidates and employees of color: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 24, 2025, as “National Women of Color in Tech Day”;

(2) recognizes the celebration of National Women of Color in Tech Day as a time to reflect on the many notable contributions that women of color have made to the field of technology in the United States;

(3) urges the people of the United States to observe National Women of Color in Tech Day with appropriate programs and activities;

(4) pledges to work to increase diversity and inclusion in the technology sector, including through robust plans to ensure recruitment, training, and retention of underrepresented minorities at all levels;

(5) commits to working to eliminate barriers to entering the technology sector faced by women of color and individuals from other underrepresented groups;

(6) reaffirms the commitment of the Senate to ensuring that all students have access to science, technology, engineering, and mathematics (referred to in this resolution as “STEM”) education for a 21st-century economy, including computer science education in particular;

(7) supports efforts to strengthen investments in, and collaborations with, educational institutions, including community colleges, historically Black colleges and universities, Hispanic-serving institutions, Asian-American, Native American, and Pacific Islander-serving institutions, Tribal Colleges and Universities, Alaska Native and Native Hawaiian-serving institutions, and other minority-serving institutions, to sustain a pipeline of diverse STEM graduates ready to enter the technology sector; and

(8) urges the President to work with Congress to improve data collection, data

disaggregation, and dissemination of information for greater understanding and transparency of diversity in STEM education and across the workforce of the United States.

### SENATE RESOLUTION 133—EXPRESSING SUPPORT FOR THE LOCAL PUBLIC K-12 SCHOOLS OF THE UNITED STATES AND CONDEMNING ANY ACTIONS THAT WOULD DEFUND PUBLIC EDUCATION OR WEAKEN OR DISMANTLE THE DEPARTMENT OF EDUCATION

Mr. SCHIFF (for himself, Mr. SANDERS, Ms. HIRONO, Mr. MERKLEY, Mr. PADILLA, Mr. PETERS, Ms. ROSEN, Ms. SLOTKIN, Mr. VAN HOLLEN, Mr. WELCH, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. MARKEY, Mr. DURBIN, Mr. WARNOCK, Mr. WYDEN, Ms. BLUNT ROCHESTER, Mr. HEINRICH, and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 133

Whereas the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) (referred to in this preamble as the “ESEA”) defines free public education as education that is “provided at public expense, under public supervision and direction, and without tuition charge” and “provided as elementary or secondary education in the applicable State or to preschool children”;

Whereas publicly funded local K-12 schools serve millions of students and families, including in rural and geographically isolated areas, providing economic opportunity for all;

Whereas 90 percent of students in pre-kindergarten through 12th grade in the United States attend a public school, as well as 95 percent of students with disabilities;

Whereas State and local funding for public K-12 schools varies dramatically within States and across the United States, creating additional need among schools in under-resourced communities;

Whereas the role of the Federal Government in public education has historically been to level the playing field by creating equity of opportunity for all students, regardless of their background, ability, or the State in which they are educated;

Whereas Federal funding plays a critical role in narrowing funding gaps for disadvantaged student groups, providing integrated and wraparound supports for students and families, and helping students meet challenging State academic standards and succeed in education and the workforce;

Whereas 2025 marks the 60th anniversary of the ESEA and the 50th anniversary of the Education for All Handicapped Children Act, now known as the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (referred to in this preamble as the “IDEA”);

Whereas the Department of Education Organization Act (20 U.S.C. 3401 et seq.), enacted in 1979, declares “that the establishment of a Department of Education is in the public interest, will promote the general welfare of the United States, will help ensure that education issues receive proper treatment at the Federal level, and will enable the Federal Government to coordinate its education activities more effectively”;

Whereas the Department of Education serves approximately 100,000 public K-12 schools across the country, which collectively educate more than 49,000,000 students;