

SUPPORTING STATEMENT
United States Patent and Trademark Office
National Medal of Technology and Innovation Nomination Application
OMB CONTROL NUMBER 0651-0060
2021

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the information collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The National Medal of Technology and Innovation is the highest honor awarded by the President of the United States to America's leading innovators. Established by an Act of Congress in 1980, the Medal of Technology and Innovation was first awarded in 1985. The Medal is awarded annually to individuals, teams (of up to four individuals), and companies or divisions of companies for their outstanding contributions to the Nation's economic, environmental, and social well-being through the development and commercialization of technology products, processes and concepts, technological innovation, and development of the Nation's technological manpower.

The purpose of the National Medal of Technology and Innovation is to recognize those who have made lasting contributions to America's competitiveness, standard of living, and quality of life through technological innovation, and to recognize those who have made substantial contributions to strengthening the Nation's technological workforce. By highlighting the national importance of technological innovation, the Medal also seeks to inspire future generations of Americans to prepare for and pursue technical careers to keep America at the forefront of global technology and economic leadership.

The National Medal of Technology and Innovation Nomination Evaluation Committee, a distinguished independent committee appointed by the Secretary of Commerce, reviews and evaluates the merit of all candidates nominated through an open, competitive solicitation process. The committee makes its recommendations for Medal candidates to the Secretary of Commerce who, in turn, makes recommendations to the President for final selection. The National Medal of Technology and Innovation Laureates are announced by the White House and the Department of Commerce once the Medalists are notified of their selection.

Table 1 provides the specific statutes and regulations authorizing the USPTO to collect the information discussed above:

Table 1: Information Requirements

Item No.	Requirement	Statute	Regulations
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1	National Medal of Technology and Innovation Nomination Application	15 U.S.C. § 3711	N/A
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2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new information collection, indicate the actual use the agency has made of the information received from the information current collection.

The public uses the National Medal of Technology and Innovation Nomination Application to recognize, through nomination of, an individual's, team's or company's extraordinary leadership and innovation in technology achievement. The application must be accompanied by a maximum of six letters of recommendation or support from individuals who have first-hand knowledge of the cited achievement(s).

The information collected, maintained, and used in this information collection is based on OMB and USPTO guidelines. This includes the basic information quality standards established in the Paperwork Reduction Act (44 U.S.C. Chapter 35), in OMB Circular A-130, and in the USPTO information quality guidelines.

Table 2 outlines how this collection of information is used by the public and the USPTO:

Table 2: Needs and Uses

Item No.	Form and Function	Form #	Needs and Uses
1	National Medal of Technology and Innovation Nomination Form	PTO-NMTI-1	<ul style="list-style-type: none"> • Used by the public to recognize through nomination an individual's or company's extraordinary leadership and innovation in technological achievement • Used by the USPTO to assist in the administration of the nomination process

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Information about this program, nomination guidelines, and instructions are electronically posted on the USPTO Web site. Interested parties can review criteria and nomination requirements at their convenience. The nomination form is a fillable web form, accessible via the USPTO Web site, www.uspto.gov/nmti. The letters of recommendations are solicited by the nominator via the web form, and uploaded as PDF file to the form by the letter writer.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information is collected for an annual award event. It does not duplication information or collection of data found elsewhere.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

This information collection does not impose a significant economic impact on small entities. The information being collected in this collection is required of every individual entering a nomination and is not available from any other source.

6. Describe the consequence to Federal program or policy activities if the information collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

This information is collected annually and only as required to enter a nomination for that year's National Medal of Technology and Innovation. It is not collected elsewhere. Therefore, this collection of information could not be conducted less frequently. If this information were not collected, the National Medal of Technology and Innovation Nomination Evaluation Committee, a distinguished, independent committee appointed by the Secretary of Commerce, would not be able to review and evaluate the merit of all candidates and the President would not be able to bestow the honor upon the recipients of the Medal.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has**

instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances associated with this collection of information.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The 60-Day Notice was published in the *Federal Register* on January 15, 2021 (86 Fed. Reg. 4006). The comment period ended on March 16, 2021. No comments were received.

The USPTO collects this information and provides administrative support to this program. The National Medal of Technology and Innovation Nomination Evaluation Committee, a distinguished, independent committee appointed by the Secretary of Commerce, reviews and evaluates the merit of all candidates nominated through an open, competitive solicitation process. The Committee makes its recommendations for Medal candidates to the Secretary of Commerce, who, in turns, makes recommendations to the President for final selection.

The USPTO has long-standing relationships with groups who frequently communicate their views on information collections, including the American Bar Association (ABA) and American Intellectual Property Law Association (AIPLA), as well as business groups and inventor associations. Views expressed by these groups are considered in developing proposals for information collection requirements and during the renewal of an information collection.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Awardees of the Medal receive a trip to the ceremony in Washington, DC and a plaque/medal; there is no additional payment.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The information in this system of records is used by the Nomination Evaluation Committee to determine the eligibility and merit of nominees during the annual selection of the recipients of the National Medal of Technology and Innovation.

The United States Patent and Trademark Office (USPTO) collects this information under authority of 15 U.S.C. § 3711. The information in this system of records is used to manage records such as name, e-mail address, and other information pertaining to the applicant's activities, and statements about the contributions of the individual(s) and/or group(s). The information you provide is protected from disclosure to third parties in accordance with the Privacy Act. However, routine uses of this information may include disclosure to the following: to law enforcement and investigation in the event that the system of records indicates a violation or potential violation of law; to a Federal, state, local, or international agency, in response to its request; to an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law; to non-federal personnel under contract to the agency; to a court for adjudication and litigation; to the Department of Justice for Freedom of Information Act (FOIA) assistance; to members of congress working on behalf of an individual; to the Office of Personnel Management (OPM) for personnel research purposes; to National Archives and Records Administration for inspection of records. Failure to provide any part of the requested information may result in an inability to process nominations. The applicable Privacy Act System of Records Notice for this information is COMMERCE/PAT-TM-21 National Medal of Technology and Innovation Nominations: Federal Register / Vol. 73, No. 18 / Monday, January 28, 2008 / Notices 4851 available at <https://www.uspto.gov/sites/default/files/sorn/uspto-pasorn-21.pdf>

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the required information in this collection is considered to be sensitive.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under 'Annual Cost to Federal Government'.

Table 3 calculates the burden and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**
The USPTO estimates that it will receive approximately 50 total responses per year for this information collection.
- **Burden Hour Calculation Factors**
The USPTO estimates that it will take the public approximately 40 hours to gather the necessary information, prepare the nomination application, write the recommendations, and submit the request for the nomination to the USPTO. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 2,000 hours per year.
- **Cost Burden Calculation Factors**
The USPTO expects that professors, public relations specialists, civil engineers, and research managers will complete this information collection. The professional hourly rates for these occupations, based on the 2019 rates released by the Bureau of Labor Statistics, are \$53.88 for professors (OES 19-2099), \$33.75 for public relation specialists ([OES 27-3031](https://www.bls.gov/oes/current/oes273031.htm)¹), \$45.36 for civil engineers ([OES 17-2051](https://www.bls.gov/oes/current/oes172051.htm)²), and \$61.28 for research managers (OES 15-1111). The average combined hourly rate is \$48.57. Using this hourly rate, the USPTO estimates that the total respondent cost burden for this information collection is \$97,140 per year.

¹ <https://www.bls.gov/oes/current/oes273031.htm>

² <https://www.bls.gov/oes/current/oes172051.htm>

Table 3: Total Hourly Burden For Individuals and Households Respondents

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (year) (a)	Estimated Time for Response (hours) (b)	Estimated Annual Burden (hour/year) (a) x (b) = (c)	Rate ³ (\$/hour) (d)	Estimated Annual Burden (c) x (d) = (e)
1	National Medal of Technology and Innovation Nomination Form (PTO-NMTI-1)	50	50	40	2,000	\$48.57	\$97,140
	Totals	50	50	-----	2,000	-----	\$97,140

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to**

³ https://www.bls.gov/oes/current/oes_dc.htm

achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no filing fees, capital start-up, maintenance costs, or operational costs associated with this collection of information. Since the USPTO expects that 100% of the responses will be submitted electronically, there are no postage costs associated with the collection of this information.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The USPTO employs a GS-13 employee to process submissions for this information collection.

The USPTO estimates that the cost of a [GS-13, step 10](#) employee is \$83.97 per hour (GS hourly rate of \$64.59 with 30% (\$19.38 added for benefits and overhead).

The USPTO estimates that it takes an employee 6 hours to process the items in this information collection.

Table 4 calculates the processing hours and costs of this information collection to the Federal Government:

Table 4: Total Hourly Burden For The Federal Government

Item No.	Item	Responses (year) (b)	Hours (a)	Burden (hours/year) (a) x (b) = (c)	Rate ⁴ (\$/hour) (d)	Total Cost (\$/hour) (c) x (d) = (e)
1	National Medal of Technology and Innovation Nomination Application	50	6	300	\$83.97	\$25,191
	Total	50	- - - -	300	- - - - -	\$25,191

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

⁴ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB_h.pdf

ICR Summary of Burden:

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	50	0	0	0	0	50
Annual Time Burden (Hr)	2,000	0	0	0	0	2,000
Annual Cost Burden (\$)	0	0	0	0	0	0

The USPTO estimates that the volume of responses submitted for this information collection will remain unchanged. This program has been in place since 2008 and has remained roughly the same in size, scope, and public participation.

Change in Respondent Cost Burden

The total respondent cost burden for this information collection has increased by \$13,120 (from \$84,020 to \$97,140) from the previous renewal of this information collection in April 2018:

- Increases in estimated hourly rates. The 2018 renewal used an estimated rate of \$42.01 per hour for respondents to this information collection, which was an average rate for professors, public relations specialists, civil engineer, and research engineers. For the current renewal, the USPTO is using updated hourly rates of \$53.88 for professors, \$33.75 for public relation specialists, \$45.36 for civil engineers, and \$61.28 for research managers, which yields a revised average estimated rate of \$48.57 per hour for respondents.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The USPTO does not plan to publish this information for statistical use. No special publication of the items discussed in this statement is planned. The National Medal of Technology and Innovation Laureates are announced by the White House and the Department of Commerce once the Medalist are notified of their selection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The forms in this information collection will display the OMB Control Number and the expiration date of OMB approval.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.