To amend title 17, United States Code, to exclude from copyright protection works resulting from scientific research substantially funded by the Federal Government.

IN THE HOUSE OF REPRESENTATIVES
JUNE 26, 2003
Mr. Sabo (for himself, Ms. Kaptur, and Mr. Frost) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL
To amend title 17, United States Code, to exclude from copyright protection works resulting from scientific research substantially funded by the Federal Government.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Public Access to Science Act”.

SEC. 2. FINDINGS.
The Congress finds that—

(1) the United States Government funds basic research with the intention and the belief that the
new ideas and discoveries that result from the re-
search will improve the lives and welfare of the peo-
ple of the United States and around the world;

(2) works of the United States Government are
beyond the reach of copyright protection so that they
will be freely available for the benefit of the people
of the United States;

(3) the United States Government spends
$45,000,000,000 a year to support scientific and
medical research whose product is new knowledge
for the public benefit;

(4) the Internet makes it possible for this infor-
mation to be promptly available not only to every
scientist and physician who could use it to further
the public good, but to every person with access to
the Internet at home, in school, or in a library; and

(5) United States Government funded research
belongs to, and should be freely available to, every
person in the United States.

SEC. 3. COPYRIGHT STATUS OF WORKS SUBSTANTIALLY
FUNDED BY THE FEDERAL GOVERNMENT.

(a) FUNDING AGREEMENTS.—Section 105 of title 17,
United States Code, is amended—

(1) by striking “Copyright” and inserting “(a)
IN GENERAL—Copyright”; and
(2) by adding at the end the following:

“(b) FEDERALLY FUNDED WORKS.—

“(1) IN GENERAL.—Copyright protection under this title is not available for any work produced pursuant to scientific research substantially funded by the Federal Government to the extent provided in the funding agreement entered into by the relevant Federal agency pursuant to paragraph (2).

“(2) PROVISION IN FUNDING AGREEMENTS.—Any Federal department or agency that enters into a funding agreement with any person for the performance of scientific research substantially funded by the Federal Government shall include in the agreement a provision that states that copyright protection under this title is not available for any work produced pursuant to such research under the agreement.

“(3) REGULATIONS.—Each Federal department or agency that enters into funding agreements to which paragraph (2) applies shall issue regulations to carry out that paragraph.

“(4) DEFINITION.—In this subsection, the term ‘funding agreement’ means any contract, grant, or cooperative agreement entered into between any Federal agency and any person for the performance
of scientific research funded by the Federal Government. Such term includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of such research.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any funding agreement (as defined in section 105(b)(4) of title 17, United States Code, as added by subsection (a) of this section), entered into on or after the date of the enactment of this Act.

SEC. 4. SENSE OF CONGRESS.

It is the sense of the Congress that any Federal department or agency that enters into funding agreements (as defined in section 105(b)(4) of title 17, United States Code, as added by section 3(a) of this Act) should make every effort to develop and support mechanisms for making the published results of the research conducted pursuant to the agreements freely and easily available to the scientific community, the private sector, physicians, and the public.