

112TH CONGRESS  
1ST SESSION

# H. R. 3699

To ensure the continued publication and integrity of peer-reviewed research works by the private sector.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2011

Mr. ISSA (for himself and Mrs. MALONEY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To ensure the continued publication and integrity of peer-reviewed research works by the private sector.

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 “Research Works Act”.

5       **SEC. 2. LIMITATION ON FEDERAL AGENCY ACTION.**

6       No Federal agency may adopt, implement, maintain,  
7       continue, or otherwise engage in any policy, program, or  
8       other activity that—

9               (1) causes, permits, or authorizes network dis-  
10       semination of any private-sector research work with-

1 out the prior consent of the publisher of such work;  
2 or

3 (2) requires that any actual or prospective au-  
4 thor, or the employer of such an actual or prospec-  
5 tive author, assent to network dissemination of a  
6 private-sector research work.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) **AUTHOR.**—The term “author” means a per-  
10 son who writes a private-sector research work. Such  
11 term does not include an officer or employee of the  
12 United States Government acting in the regular  
13 course of his or her duties.

14 (2) **NETWORK DISSEMINATION.**—The term  
15 “network dissemination” means distributing, making  
16 available, or otherwise offering or disseminating a  
17 private-sector research work through the Internet or  
18 by a closed, limited, or other digital or electronic  
19 network or arrangement.

20 (3) **PRIVATE-SECTOR RESEARCH WORK.**—The  
21 term “private-sector research work” means an arti-  
22 cle intended to be published in a scholarly or sci-  
23 entific publication, or any version of such an article,  
24 that is not a work of the United States Government  
25 (as defined in section 101 of title 17, United States

1 Code), describing or interpreting research funded in  
2 whole or in part by a Federal agency and to which  
3 a commercial or nonprofit publisher has made or has  
4 entered into an arrangement to make a value-added  
5 contribution, including peer review or editing. Such  
6 term does not include progress reports or raw data  
7 outputs routinely required to be created for and sub-  
8 mitted directly to a funding agency in the course of  
9 research.

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