

108TH CONGRESS  
1ST SESSION

# H. R. 2613

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

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## 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

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## 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.

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 “Public Access to  
5 Science Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) the United States Government funds basic  
9 research with the intention and the belief that the

1 new ideas and discoveries that result from the re-  
2 search will improve the lives and welfare of the peo-  
3 ple of the United States and around the world;

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

8 (3) the United States Government spends  
9 \$45,000,000,000 a year to support scientific and  
10 medical research whose product is new knowledge  
11 for the public benefit;

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

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

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

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

24 (1) by striking “Copyright” and inserting “(a)  
25 IN GENERAL—Copyright”; and

1 (2) by adding at the end the following:

2 “(b) **FEDERALLY FUNDED WORKS.**—

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

9 “(2) **PROVISION IN FUNDING AGREEMENTS.**—

10 Any Federal department or agency that enters into  
11 a funding agreement with any person for the per-  
12 formance of scientific research substantially funded  
13 by the Federal Government shall include in the  
14 agreement a provision that states that copyright pro-  
15 tection under this title is not available for any work  
16 produced pursuant to such research under the agree-  
17 ment.

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

22 “(4) **DEFINITION.**—In this subsection, the term  
23 ‘funding agreement’ means any contract, grant, or  
24 cooperative agreement entered into between any  
25 Federal agency and any person for the performance

1 of scientific research funded by the Federal Govern-  
2 ment. Such term includes any assignment, substi-  
3 tution of parties, or subcontract of any type entered  
4 into for the performance of such research.”.

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

10 **SEC. 4. SENSE OF CONGRESS.**

11 It is the sense of the Congress that any Federal de-  
12 partment or agency that enters into funding agreements  
13 (as defined in section 105(b)(4) of title 17, United States  
14 Code, as added by section 3(a) of this Act) should make  
15 every effort to develop and support mechanisms for mak-  
16 ing the published results of the research conducted pursu-  
17 ant to the agreements freely and easily available to the  
18 scientific community, the private sector, physicians, and  
19 the public.

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