

SEC. 2527. BASIC RESEARCH.

(b) Public Accessibility of Research Funded by Taxpayers.--

(1) Definition of federal agency.--In this section, the term ``Federal agency'' means an Executive agency, as defined under section 105 of title 5, United States Code.

(2) Federal research public access policy.--

(A) Requirement to develop policy.--

(i) In general.--Not later than 1 year after the date of enactment of this section, each Federal agency with annual extramural research expenditures of over \$100,000,000 shall develop an agency research public access policy that is consistent with and advances the purposes of the Federal agency.

(ii) Common procedures.--To the extent practicable, Federal agencies required to develop a policy under clause (i) shall follow common procedures for the collection and depositing of research papers.

(B) Content.--Each Federal research public access policy shall provide for--

(i) submission to a digital repository designated or maintained by the Federal agency of an electronic version of the author's final manuscript of original research papers that have been accepted for publication in peer-reviewed journals and that result from research supported, in whole or in part, from funding by the Federal Government;

(ii) the incorporation of any changes resulting from the peer review publication process in the manuscript described under clause (i);

(iii) the replacement of the final manuscript with the final published version if--

(I) the publisher consents to the replacement; and

(II) the goals of the Federal agency for functionality and interoperability are retained;

(iv) free online public access to such final peer-reviewed manuscripts or published versions within a time period that is appropriate for each type of research conducted or sponsored by the Federal agency, not later than 12 months after publication in peer-reviewed journals, preferably sooner, or as adjusted under established mechanisms;

(v) providing research papers as described in clause (iv) in formats and under terms that enable productive reuse of the research and computational analysis by state-of-the-art

technologies;

(vi) improving the ability of the public to locate and access research papers made accessible under the Federal research public access policy; and

(vii) long-term preservation of, and free public access to, published research findings--

(I) in a stable digital repository maintained by the Federal agency; or

(II) if consistent with the purposes of the Federal agency, in any repository meeting conditions determined favorable by the Federal agency, including free public access, interoperability, and long-term preservation.

(C) Application of policy.--Each Federal research public access policy shall--

(i) apply to--

(I) researchers employed by the Federal agency whose works remain in the public domain; and

(II) researchers funded by the Federal agency;

(ii) provide that works described under clause (i) (I) shall be--

(I) marked as being public domain material when published; and

(II) made available at the same time such works are made available under subparagraph (B) (iv); and

(iii) make effective use of any law or guidance relating to the creation and reservation of a Government license that provides for the reproduction, publication, release, or other uses of a final manuscript for Federal purposes.

(D) Exclusions.--Each Federal research public access policy shall not apply to--

(i) research progress reports presented at professional meetings or conferences;

(ii) laboratory notes, preliminary data analyses, notes of the author, phone logs, or other information used to produce final manuscripts;

(iii) classified research, research resulting in works that generate revenue or royalties

for authors (such as books) or patentable discoveries, to the extent necessary to protect a copyright or patent; or

(iv) authors who do not submit their work to a journal or works that are rejected by journals.

(3) Rule of construction regarding patent or copyright law.--Nothing in this section shall be construed to affect any right under the provisions of title 17 or 35, United States Code.

(4) GAO report.--Not later than 3 years after the date of enactment of this section, and every 5 years thereafter, the Comptroller General of the United States shall submit to Congress a report that--

(A) includes an analysis of the period between the date on which each applicable paper becomes publicly available in a journal and the date on which the paper is in the online repository of the applicable Federal agency; and

(B) examines the effectiveness of the Federal research public access policy in providing the public with free online access to papers on research funded by each Federal agency required to develop a policy under paragraph (2) (A), including--

(i) whether the terms of use applicable to such research papers in effect are effective in enabling productive reuse of the research and computational analysis by state-of-the-art technologies; and

(ii) whether such research papers should include a royalty-free copyright license that is available to the public and that permits the reuse of those research papers, on the condition that attribution is given to the author or authors of the research and any others designated by the copyright owner.

(5) Downstream reporting.--Any person or institution awarded a grant from a Federal research agency shall--

(A) notify and seek authorization from the relevant agency for any funds derived from the grant made available through a subgrant or subsequent grant (including to an employee or subdivision of the grant recipient's organization); and

(B) ensure that each subgrant or subsequent grant award (including to an employee or subdivision of the grant recipient's organization) funded with funds derived from the Federal grant is within the scope of the Federal grant award.

(6) Impartiality in funding scientific research.--Notwithstanding any other provision of law, each Federal agency, in awarding grants for scientific research, shall be

impartial and shall not seek to advance any political position or fund a grant to reach a predetermined conclusion.