AMENDMENT OFFERED BY ___________ TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE

Amend section 303 to read as follows:

1 SEC. 303. PUBLIC ACCESS TO PUBLIC SCIENCE.
2
3   (a) PUBLIC ACCESS POLICY.—
4
5   (1) IN GENERAL.—Each covered agency shall
6   formulate and implement a public access policy to
7   make covered works publicly available, without
8   charge, on the day after the end of the embargo pe-
9   riod, in a manner consistent with copyright law.
10
11   (2) SPECIFICATIONS.—The public access policy
12   shall—
13
14   (A) allow the public to read, download, and
15   analyze by machine covered works in digital
16   form;
17
18   (B) facilitate easy public search of, anal-
19   ysis of, and access to covered works;
20
21   (C) encourage public-private collaboration
22   to—
23
24   (i) maximize the potential for inter-
25   operability between public and private plat-
26   forms;
(ii) avoid unnecessary duplication of existing mechanisms; and

(iii) maximize the impact of the covered agency’s research investment;

(D) ensure that attribution to authors, journals, and original publishers is maintained; and

(E) ensure that publications and metadata are stored in an archive that—

(i) provides for long-term preservation and access to full content of the covered work without charge, where appropriate, and balanceing cost and public value;

(ii) uses a standard, widely available, and, to the extent possible, nonproprietary archival format for text and associated content, including images, video, and supporting data;

(iii) provides access for persons with disabilities consistent with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

(iv) enables integration and interoperability with other public access repositories.
3

(3) **METADATA.**—Notwithstanding paragraph (1), a covered agency’s public access policy shall ensure full public access to covered works’ metadata without charge upon first publication in a data format that ensures interoperability with current and anticipated future search technology. Where possible, the metadata shall provide a link to the location where the full text and associated supplemental materials will be made available at the end of the applicable embargo period.

(b) **FORMULATION OF A PUBLIC ACCESS POLICY.**—

(1) **IN GENERAL.**—Each public access policy shall include—

(A) a strategy for enabling the public to electronically locate and access publications resulting from federally-funded scientific research;

(B) a strategy for maintaining a repository or repositories, either within the covered agency or through an arrangement with another Federal agency or agencies or through an arrangement with a public or private entity, if consistent with the purposes of this section, including free public access in perpetuity, interoperability, and long-term preservation, so long as the covered agency maintains an active web link
to the repository or repositories for public access;

(C) a strategy for incorporating existing covered works into the repository or repositories required under subparagraph (B) to the extent practicable;

(D) a strategy for notifying research funding recipients of their obligations under this section; and

(E) a strategy for taking into account different funding models for scholarly publishing, including author-pays fees, in the covered agency’s grant and other funding mechanisms.

(2) **COORDINATION WITH STAKEHOLDERS.**—In developing its public access policy, the covered agency shall use a transparent process for soliciting views from stakeholders, including federally funded researchers, institutions of higher education, libraries, publishers, users of federally funded research results, and civil society groups.

(3) **COORDINATION WITH OTHER FEDERAL AGENCIES.**—In developing its public access policy, the covered agency shall collaborate and coordinate with other Federal agencies to maximize the consist-
ency and compatibility of public access across the Federal Government.

(4) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, each covered agency shall transmit a report, containing its public access policy and the mechanism described in subsection (e), to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Such report shall include an examination of whether covered works 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.

(e) IMPLEMENTATION OF PUBLIC ACCESS POLICY.—

(1) IN GENERAL.—Not later than 1 year after the transmission of the report required under subsection (b)(4), each covered agency shall implement its public access policy:

(2) INPUT.—The implementation of such policy, including the mechanism described in subsection (e), shall consider input provided by relevant stakeholders and other Federal agencies.
(3) SAVINGS PROVISION.—Nothing in this section shall affect the application of United States copyright law.

(d) PERIODIC REVIEW.—

(1) IN GENERAL.—At least once every 5 years, each covered agency shall revise, as necessary, its public access policy, including the mechanism described in subsection (e).

(2) REPORT TO CONGRESS.—Each covered agency shall transmit a report containing its public access policy and the mechanism described in subsection (e), as revised under paragraph (1), to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after completing such revision.

(e) MECHANISM FOR MODIFICATION OF EMBARGO PERIOD.—Each covered agency, in coordination with the stakeholders described in subsection (b)(2), shall provide a mechanism for a stakeholder to petition to change the embargo period under this section for specific covered works by presenting evidence that the public interest will be substantially and uniquely harmed under a covered agency’s public access policy related to such work. If a
covered agency determines that the public interest will be
substantially and uniquely harmed upon reviewing the pe-
tition, the covered agency may change the embargo period
by no more than 6 months at a time from its current em-
bargo period.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term "covered agency" means—

(A) the National Aeronautics and Space
Administration;

(B) the National Science Foundation;

(C) the National Institute of Standards
and Technology;

(D) the National Weather Service; and

(E) the Office of Science of the Depart-
ment of Energy;

(2) the term "covered work" means any peer-
reviewed research results published in scholarly pub-
lications that are based on research funded in whole
or in part by a covered agency, but such term does
not include—

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

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

(C) classified research; or

(D) work not submitted to a peer-reviewed publication or work that is rejected by a peer-reviewed publication; and

(3) the term “embargo period” means the period of time no more than 12 months after the initial date of publication of a covered work, unless modified under subsection (c).