

AMENDMENT TO RULES COMM PRINT 114–51
OFFERED BY MR. GIBSON OF NEW YORK

At the end of subtitle E of title V (page 153, after line 9), add the following new section:

1 **SEC. 5 ____ . LIMITED AUTHORITY FOR FACULTY AND STU-**
2 **DENTS TO SECURE COPYRIGHTS FOR CER-**
3 **TAIN SCHOLARLY WORKS PREPARED AT CER-**
4 **TAIN DEPARTMENT OF DEFENSE AND OTHER**
5 **UNITED STATES GOVERNMENT PROFES-**
6 **SIONAL SCHOOLS.**

7 (a) **AUTHORITY.**—Chapter 53 of title 10, United
8 States Code, is amended by inserting after section 1033
9 the following new section:

10 **“§ 1033a. Limited authority for faculty and students**
11 **to secure copyrights for certain scholarly**
12 **works prepared at certain Department of**
13 **Defense and other United States Govern-**
14 **ment professional schools**

15 **“(a) AUTHORITY TO SECURE COPYRIGHT PROTEC-**
16 **TION.—**

17 **“(1) LIMITED AUTHORITY.**—Notwithstanding
18 section 105 or 201(b) of title 17, a faculty member
19 or students at a United States Government institu-

1 tion specified in subsection (e) may secure copyright
2 protection under title 17 for a qualifying work writ-
3 ten at the institution, but only—

4 “(A) for purposes of publication by a
5 scholarly press or journal for which such a
6 copyright is normally a requirement for publica-
7 tion; or

8 “(B) as otherwise prescribed under regula-
9 tions under this section.

10 “(2) RELATED PRINTING.—Notwithstanding
11 section 501 of title 44, United States Government
12 institutions need not use the services of the Govern-
13 ment Printing Office or a field printing plant oper-
14 ated by the United States Government with respect
15 to a work for which copyright protection exists by
16 reason of paragraph (1).

17 “(b) QUALIFYING WORKS.—A work is a qualifying
18 work for purposes of this section if the work—

19 “(1) is prepared as part of a faculty member’s
20 official duties or a student’s course of study; and

21 “(2) meets such other criteria as the Secretary
22 of Defense or agency head concerned may prescribe
23 by regulation as a scholarly work for which copy-
24 right protection as provided in subsection (a) is war-
25 ranted.

1 “(c) TRANSFER OF COPYRIGHT.—Upon acceptance
2 for publication of a work for which copyright protection
3 exists by reason of subsection (a), the faculty member or
4 student may transfer the copyright to the owner or pub-
5 lisher of the medium in which the work will be published.
6 The United States, faculty member, and student shall
7 maintain perpetual, royalty-free licenses to use the schol-
8 arly work for any official purpose of the United States.

9 “(d) ROYALTIES OR OTHER COMPENSATION.—No
10 royalties or other compensation may be accepted by a fac-
11 ulty member or student covered by subsection (a) by rea-
12 son of copyright protection that exists by reason of such
13 subsection.

14 “(e) COVERED INSTITUTIONS.—The institutions cov-
15 ered by this section are the following:

16 “(1) Military service academies and other
17 United States service academies.

18 “(2) The National Defense University.

19 “(3) Any war college or staff college of the
20 Armed Forces.

21 “(4) Any graduate-level school, college, or uni-
22 versity of the Department of Defense.

23 “(f) REGULATIONS.—The Secretary of Defense or
24 other agency head concerned shall prescribe regulations
25 for the purposes of this section. Such regulations shall in-

1 clude provisions specifying the types of works for which
2 copyright protection may be secured under subsection (a)
3 and the purposes for which the copyright may be se-
4 cured.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item relating to section 1033 the following new
8 item:

“1033a. Limited authority for faculty and students to secure copyrights for cer-
tain scholarly works prepared at certain Department of De-
fense professional schools.”.

9 (c) EFFECTIVE DATE.—Section 1033a of title 10,
10 United States Code, as added by subsection (a), shall
11 apply only with respect to works that, as determined under
12 regulations prescribed under that section, are completed
13 after the date of the enactment of this Act.

