117TH CONGRESS
2D SESSION

H. R. 6769

To amend title 17, United States Code, to include requirements for works
adopted by reference into law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2022

Mr. DEUTCH (for himself and Mr. ISSA) introduced the following bill; which
was referred to the Committee on the Judiciary

A BILL

To amend title 17, United States Code, to include require-
ments for works adopted by reference into law, and for
other purposes.

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 "Protecting and En-

5 hancing Public Access to Codes Act" or the "Pro Codes

6 Act".

7 **SEC. 2. WORKS INCORPORATED BY REFERENCE INTO LAW.**

8   Chapter 1 of title 17, United States Code, is amended

9 by adding at the end the following new section:

"§ 123. Works Incorporated by Reference into Law

"(a) WORK INCORPORATED BY REFERENCE INTO LAW OR REGULATION.—An original work of authorship otherwise subject to protection under this title that has been adopted or incorporated by reference, in full or in part, into any Federal, State, or municipal law or regulation, shall retain such protection only if the owner of the copyright makes the work available at no monetary cost for viewing by the public in electronic form on a publicly accessible website in a location on the website that is readily accessible to the public.

"(b) BURDEN OF PROOF.—In any cause of action in which a party asserts that the owner of a copyright has failed to comply with the requirements of subsection (a), the burden of proof shall be on the party making such an assertion to prove that the owner of the copyright has failed to comply.

"(c) TRANSPARENCY.—Nothing in this section shall be construed as inconsistent with the requirements for transparency in Federal expenditure information as set forth in the DATA Act (Public Law 113–101; 31 U.S.C. 6101).".

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