

CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS
HEARING STATEMENT
HOUSE JUDICIARY COMMITTEE
FULL COMMITTEE MARKUP OF H.R. 1631, H.R. 4250
AND H.R. 4639
ON H.R. 1631: THE "PRO CODES ACT"



JULY 19, 2023

9:00 AM 2141 RAYBURN HOB

- Thank you, Chairman Johnson and Ranking Member Nadler for the opportunity to speak today.
- This bill modifies copyright protections for works that have been adopted by reference into law.
- Specifically, if a work that is otherwise subject to copyright protection has been adopted or incorporated by reference, in full or in part, into any law or regulation, the original work shall be protected under copyright only if the copyright owner makes the work available for free on a publicly accessible website.

- Currently, non-profit standards development organizations (SDOs) convene all stakeholders to develop consensus-based standards on a wide array of safety matters at no cost to taxpayers.
- To fund their efforts, SDOs sell copies of their standards to professionals who use them in the course of their business and these standards are original works protected by copyrights.
- Federal, state, and local governments routinely adopt laws or regulations that require adherence to a particular standard, incorporating the standard into the law by referencing it by name.
- Recognizing the public interest in these incorporated standards, some SDOs make all of their standards freely available for online viewing on the internet.
- Some argue that the copyright on these standards is forfeited when it is incorporated by reference into statute, calling the SDOs' copyrights into question.
- If these copyrights were deemed forfeit, SDOs would lose the financial support they gain by selling copies of the publicly available standards to private businesses.
- The Pro Codes Act would ensure that a standard does not lose its copyright protection by virtue of having been incorporated by reference into law or regulation, provided that the standard is available for free viewing on a publicly accessible website.
- This solution allows citizens to know what the law is without having to pay for it while preserving the efficient and effective

SDO system that serves an important public service at no cost to the taxpayer.

- Some of my colleagues have raised concerns that although the bill might deter SDOs from continuing to charge fees for basic access to standards incorporated by reference, it would confirm the SDOs' practice of imposing other restrictions and terms of use.
- They are worried that this bill could grant SDOs a statutory monopoly, which they could then use to extract royalties from anyone who wants to share the law in a different way.
- I hope we can address these concerns through the markup today.
- Thank you, I yield back the remainder of my time.