



April 20, 2026

Chairman Darrell Issa  
Ranking Member Henry C. Johnson  
Committee Members  
House Judiciary Committee  
Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Via email

Dear Chairman Issa, Ranking Member Johnson, and Members of the Committee:

Re:Create is a broad coalition of groups dedicated to balanced copyright and a free and open internet, on behalf of stakeholders including libraries, civil libertarians, online rights advocates, start-ups, consumers, and technology companies of all sizes. We write to reiterate our strong opposition to H.R. 4072, the PRO CODES Act of 2026. Our core concerns with the bill, as explained in our previous statements and letters,<sup>1</sup> include:

1. **Private ownership of the law:** As the Supreme Court explained in *Georgia v. Public.Resource.Org, Inc.*,<sup>2</sup> citing the classic case *Wheaton v. Peters*,<sup>3</sup> “no one can own the law.” PRO CODES would give private organizations ownership over technical standards that legislatures have vested with the force of law, violating this nearly 200-year-old principle.
2. **Public access to the law:** Consumers, businesses, workers, and all citizens should have broad, unfettered access to the law that binds them, including the right to copy and share. PRO CODES constricts this access dramatically, allowing publishers to control and surveil those who seek to know the law, and to provide limited access using technology that may not be accessible to Americans with disabilities.
3. **Compliance:** Safety, accessibility, and other important policy goals are endangered if regulated entities face barriers in accessing codes and standards necessary for compliance with legal regulations.
4. **Enforcement:** Safety professionals, first responders, and others whose work depends in part on access to codes will be impeded by private ownership and control.
5. **Journalism, scholarship, and analysis:** Legally binding codes and standards should be maximally available for analysis and critique by scholars, journalists, and others whose study of the law benefits the public interest.
6. **Affordability:** Access to relevant standards is required for building, repairing, and renovating housing, as well as for manufacturing consumer products and engaging in a

---

<sup>1</sup> Re:Create and its member organizations have published multiple statements, letters, and other documents on PRO CODES. A representative list appears below my signature.

<sup>2</sup> 140 S. Ct. 1498, 1507 (2020).

<sup>3</sup> 8 Pet. 591, 8 L.Ed. 1055 (1834).

variety of other important commercial activities that serve consumers. The cost of access to standards is a tax that businesses pass on to consumers, raising the cost of housing, goods, and services.

7. **Judicial Consensus on Fair Use.** Multiple federal courts have now expressed the view that publication of legally-binding codes to facilitate access to the law is a fair use, and does not require permission or payment to alleged rightsholders.<sup>4</sup> As the Third Circuit recently explained in *ASTM v. UpCodes*, facilitating broad, free public access to the law advances the goals of copyright, serving a valuable public purpose. Because access to works is a prerequisite for fair use, PRO CODES could inhibit the exercise of fair use rights. Additionally, Congressional endorsement of publishers' false claims about the economic impact of free public access could negatively impact the fair use evaluations of future courts, as the market impact of a use is one of the statutory fair use factors.

We urge members of the committee to oppose H.R. 4072.

Respectfully,

Brandon Butler  
Executive Director  
Re:Create<sup>5</sup>

#### **Re:Create and Member statements and letters on PRO CODES:**

- Coalition letter (ALA, ARL, CDT, EFF, Pub. Knowledge, Pub. Res. Org., Re:Create, SPARC, Wikimedia Found., others), *Letter Opposing the Pro Codes Act* (May 16, 2025), <https://www.arl.org/wp-content/uploads/2025/05/Pro-Codes-May-2025.pdf>.
- Ctr. for Democracy & Tech. (CDT), *Joint Letter to House Rules Committee Opposing Pro Codes Act* (May 23, 2025), <https://cdt.org/insights/joint-letter-to-house-rules-committee-opposing-pro-codes-act-2/>;
- Public Knowledge, *Public Knowledge Opposes Bill Paywalling the Law* (June 26, 2025), <https://publicknowledge.org/public-knowledge-opposes-bill-paywalling-the-law/>.
- Re:Create, *Statement on the Re-Introduction of the Pro CODES Act* (June 26, 2025), [https://recreatecoalition.org/press\\_release/recreate-statement-on-the-re-introduction-of-the-pro-codes-act/](https://recreatecoalition.org/press_release/recreate-statement-on-the-re-introduction-of-the-pro-codes-act/).
- Coalition letter (ARL, CDT, Pub. Knowledge, Re:Create, SPARC, Wikimedia Found., others), *Pro Codes Opposition Letter July 2025* (July 8, 2025), <https://www.arl.org/wp-content/uploads/2025/07/Pro-Codes-Opposition-Letter-July-2025.pdf>.
- Public Knowledge, *Public Knowledge Continues To Oppose Bill Paywalling the Law* (Mar. 23, 2026), <https://publicknowledge.org/public-knowledge-continues-to-oppose-bill-paywalling-the-law/>.
- Re:Create, *Statement on the Senate Re-Introduction of the Pro Codes Act* (Mar. 24, 2026), [https://recreatecoalition.org/press\\_release/recreate-statement-on-the-senate-re-introduction-of-the-pro-codes-act/](https://recreatecoalition.org/press_release/recreate-statement-on-the-senate-re-introduction-of-the-pro-codes-act/).
- Ass'n of Research Libraries (ARL), *Statement on Reintroduction of Pro Codes Act* (Mar. 25, 2026), <https://www.arl.org/news/arl-statement-on-reintroduction-of-pro-codes-act/>.

---

<sup>4</sup> See, e.g., *ASTM Int'l v. Upcodes, Inc.*, No. 24-2965 (3rd Cir. Apr. 7, 2026), <https://www2.ca3.uscourts.gov/opinarch/242965p.pdf#page=22.45>; *ASTM Int'l v. Public.Resource.Org, Inc.*, No. 22-7063 (D.C. Cir. 2023).

<sup>5</sup> Not every member of the Re:Create Coalition necessarily agrees on every issue, but the views we express represent the consensus among the bulk of our membership.