



April 17, 2026

The Hon. Darrell Issa, Chair
United States House of Representatives
House Judiciary Committee
Subcommittee on Courts, Intellectual Property,
Artificial Intelligence and the Internet
2138 Rayburn House Office Building
Washington, DC 20515

RE: Opposition to the Pro Codes Act (H.R.4072/S.4145)

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

Chamber of Progress is a technology industry association supporting public policies to build a more inclusive society in which all people benefit from technological advancements. We thus understand and respect that, in no small measure, our nation's intellectual property statutes and precedents have preserved and promoted the social and economic progress of our nation as the Constitution expressly intends. Proposals which weaken the foundations of that legal regime thus risk that progress and ultimate invalidation on Constitutional grounds. Because it is such a proposal, I write today to **respectfully oppose** passage of the Pro Codes Act.

No principle is more fundamental in American intellectual property law than the uncopyrightability of facts. The Pro Codes Act, however, would extend copyright's monopoly protections to technical codes after they have been incorporated in statutes – themselves perhaps the most fundamental kind of facts to which every person in a democracy must have free and ready access.

Whether grounded in copyright, due process, or free speech precedent, as Justice Roberts wrote for the majority in 2020 in [Georgia v. Public Resource Org., Inc.](#), "The animating principle . . . is that no one can own the law," adding "if every citizen is presumed to know the law, it needs no argument to show ... that all should have free access to its contents." With respect to copyright specifically, we also note that courts recently and consistently have held with respect to privately developed codes that, even if one were to assume copyright law to protect them once codified, their publication is non-infringing fair use even for commercial purposes.

Indeed, on April 7, the U.S. Court of Appeals for the Third Circuit affirmed the District Court and [denied ASTM International an injunction](#) against Upcodes on interlocutory appeal because, the court expressly ruled, Upcodes was "likely to succeed on the merits of its fair use defense." Significantly, addressing ASTM's argument that it would make provision for free access to code material under appropriate circumstances, the Court ruled: "The mere possibility of obtaining a free technical standard does not nullify the public benefits associated with enhanced access to law." That "mere possibility" is all that Pro Codes proposes. See also [ASTM v. Public.Resource.org](#) (DC Cir 2017).

The changes to the law Pro Codes would make have been proposed in Congress many times over many years. No new countervailing facts or arguments have surfaced to diminish the force of criticisms raised by a wide variety of commenters. These include, as [library and many other organizations](#) wrote in May of 2025, that extending copyright protection to codes after their inclusion in law would:

- Restrict public awareness of the law – including by consumers, workers, and businesses;
- Create unnecessary barriers to legal compliance;
- Impede first responders and safety professionals from understanding critical regulations;
- Restrict access for researchers, libraries and archives;
- Inhibit commentary and criticism; and
- Stifle innovation and economic growth.

(See also the [July 2024 letter](#) by 21 organizations allied against [amending the National Defense Authorization Act](#) in the Senate to incorporate Pro Codes' proposals.)

The parochial interests of a comparatively few code developers – especially in the absence of any documented harm to their markets to date – should not be permitted to undermine the public interest and deepest foundations of copyright law, particularly the progress-promoting fair use doctrine.

Accordingly, we thank the Subcommittee for holding a hearing on the Pro Codes Act but respectfully urge it not to advance H.R.4072.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam M. Eisgrau", is centered below the word "Sincerely,". The signature is written in a cursive, flowing style.

Adam M. Eisgrau, Senior Director
AI, Creativity, and Copyright Policy