

Questions for the Record from Representative Darrell Issa (R-CA) to James Pauley
Protecting U.S. Leadership in Codes Development and Enhancing Public Access
Tuesday, April 21, 2026

1. State and local governments rely on the expertise of the National Fire Protection Association and regularly incorporate your standards by reference into state and local building codes. In recent years, you have faced an onslaught of entities posting your standards on the internet without your permission. Can you clarify, for the record, the extent to which organizations like Public.Resource.Org or UpCodes post material beyond just those portions of the standard that are incorporated by reference?
2. Courts have focused heavily on the “non-profit” nature of the organizations posting standards online when determining whether "fair use" should protect them from liability for copyright infringement. Are the founders of some of these “non-profits” making a significant amount of money, to your knowledge?
3. What might happen to many standards development organizations (SDOs) and how quickly if Congress does not take action?
4. Some have suggested SDOs which do not advocate for their standards to be incorporated by reference are positionally distinct from those that do. What do you make of this argument?
 - a. Follow on question: As a practical matter, do all SDOs not aim to have their codes widely adopted?
5. To your knowledge, are any States considering legislation, policies, or guidance to replicate what Congress did in the National Technology Transfer and Advancement Act and OMB Circular A-119 to govern use of private standards by federal agencies?
6. If Congress fails to pass the Pro Codes Act, how would that impact the health and safety of Americans and first responders across the country?
7. If the U.S. system of voluntary consensus standards deteriorates due to the inability to recover development costs because of loss of copyright, what is the degree of risk that the United States will yield its leadership to the People’s Republic of China?

Questions for the Record from Representative Ben Cline(R-VA) to James Pauley
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1. My understanding is that, in order for a tradesperson or small business to access building codes that have been incorporated into law, they must first determine which version has been adopted in their jurisdiction, and then navigate to the relevant standards development organization's website. In many cases, this may involve creating an account, agreeing to terms and conditions, and accessing the material through a read-only online viewer, with limitations on downloading, printing, or sharing content.
 - a. Is this an accurate description of how your organization provides public access to incorporated standards? If not, please describe the typical process and any variations.
 - b. What, if any, limitations apply to activities such as searching across related standards, printing, downloading, or quoting incorporated provisions for compliance or business purposes?