

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

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1. ASME has drawn a distinction between standards development organizations (SDOs) that advocate for adoption or incorporation by reference (IBR) versus those that do not. Outside of the litigation context (at present), why does this distinction matter for purposes of Congressional action like the Pro Codes Act or related legislation?

a. Follow on question: What instances are you aware of in which ASME standards have been incorporated by reference into federal, state, or local law?

b. Follow on question: What has ASME's response been in those cases?

c. Follow on question: Would you consider ASME's October 23, 2023 statement in a public comment to the Nuclear Regulatory Commission's proposed rulemaking (Docket ID NRC-2018-0289) that, "[ASME's] BPV III [Committee] supports the NRC's endorsement of later editions, addenda, and revisions to the ASME Boiler and Pressure Vessel Code, Section III and Section III Code Cases in the Code of Federal Regulations in 10 CFR 50.55a," to be an example of ASME advocating for or taking a supportive position of the practice of IBR of its standards?

2. Other SDOs have filed lawsuits to address the unauthorized posting of its standards online. Can you clarify whether ASME been involved in any litigation involving similar claims and issues and whether ASME would ask Congress to act to restore its copyright protections if it loses one or more cases on similar grounds in the future?