



30 May 2023

Congressman Darrell Issa
U.S. House of Representatives
2108 Rayburn House Office Building
Washington, DC 20515

Re: *Pro Codes Act* (S.835; H.R. 1631)

Dear Rep. Issa,

As a 501(c)(3) public charity, The Institute of Electrical and Electronics Engineers, Inc. (“IEEE”) has been making select standards available at no cost to the public through sponsorships or a Reading Room for more than 20 years. However, all IEEE standards development activities are funded through the sale of standards and standards-related products and services. Without this funding, IEEE’s ability to support development of these important, impartial, and essential standards would be at risk.

IEEE supports the intent of the Pro Codes Act in providing access to standards material incorporated by reference into law or regulation. However, we have significant concerns with the current language. As proposed, standards development organizations (SDOs), even when well-intentioned, risk loss of copyright due to the requirement of either actual or constructive notice of incorporation at federal, state, and local levels. We are concerned that, should one of our standards be incorporated into a law or regulation without our knowledge, we would immediately lose the copyright to our work. Given the number of federal, state, and local jurisdictions, agencies, and departments that utilize standards, this is a virtually impossible task that will, inevitably, result in SDOs losing the rights to their work. The loss of copyright will reduce the revenue SDOs need to operate, impeding the development of future standards and standards-related products and services.

If, as the Pro Codes Act suggests, non-profit SDOs have an important role in global commerce, it is imperative that you permit those SDOs to be financially sustainable to reinvest in the upkeep and development of high-quality standards. For example, use of the revenue from sales of standards is essential for IEEE to provide public access to the standards development process and to ensure that there is no dominance by any of the parties involved. We believe a modest adjustment to the current language will protect our copyright, and therefore our long-term health and vitality, while still accomplishing the bill’s goals.

IEEE's proposed revisions to the Pro Codes Act are attached for your reference. We welcome the opportunity to discuss the issue further. Please do not hesitate to contact Erica Wissolik at e.wissolik@ieee.org or (202) 530-8347 with your questions and concerns.

The Institute of Electrical and Electronics Engineers, Inc. ("IEEE") is the world's largest technical professional organization dedicated to advancing technology for the benefit of humanity. IEEE has an active portfolio of 1,032 standards and more than 1,040 standards projects under development by over 30,000 individual participants and over 430 entities, covering a wide range of technical areas such as Ethernet, wireless, energy distribution, medical devices, Ethics in AI, and nuclear safety. The IEEE-developed National Electrical Safety Code® (NESC®), the preeminent code adopted by most states, sets the ground rules and guidelines for practical safeguarding of utility workers and the public during the installation, operation, and maintenance of electric supply, communication lines, and associated equipment.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Palacio', with a long, sweeping flourish extending to the right.

Ed Palacio
President IEEE-USA