

S 835

Pro Codes Act

Congress: 118 (2023–2025, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Mar 16, 2023

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Mar 16, 2023)

Official Text: <https://www.congress.gov/bill/118th-congress/senate-bill/835>

Sponsor

Name: Sen. Coons, Christopher A. [D-DE]

Party: Democratic • **State:** DE • **Chamber:** Senate

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cornyn, John [R-TX]	R · TX		Mar 16, 2023
Sen. Tillis, Thomas [R-NC]	R · NC		Mar 16, 2023
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Mar 16, 2023
Sen. Hirono, Mazie K. [D-HI]	D · HI		May 9, 2023

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Mar 16, 2023

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
118 HR 1631	Identical bill	Jul 22, 2024: On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 248 - 127 (Roll no. 357).

Protecting and Enhancing Public Access to Codes Act or the Pro Codes Act

This bill addresses copyright protections for privately-developed technical standards that are incorporated into a law or regulation (e.g., a state law that requires buildings to comply with the electrical standards developed by a private standards development organization).

Currently, there is not a consensus as to whether a technical standard that has been incorporated by reference into a law retains copyright protection. (A technical standard created by a private organization is typically eligible for copyright protection, but some courts have ruled that standards incorporated into law lose their copyright protections for various reasons. For example, some courts have held that incorporated standards effectively became law and therefore entered the public domain.)

Under this bill, a technical standard shall retain its copyright protection even if it has been incorporated by reference into a law or regulation, if the applicable standards development organization makes the standard available on a free publicly accessible online source.

If a party asserts that an incorporated technical standard has lost its copyright protection because it has not been made available for free online, the party making that assertion shall bear the burden of proof.

Actions Timeline

- **Mar 16, 2023:** Introduced in Senate
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