

Union Calendar No. 501

118TH CONGRESS
2D SESSION

H. R. 1631

[Report No. 118–601]

To amend title 17, United States Code, to reaffirm the importance of, and include requirements for, works incorporated by reference into law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2023

Mr. ISSA (for himself and Ms. ROSS) introduced the following bill; which was referred to the Committee on the Judiciary

JULY 22, 2024

Additional sponsors: Mr. RASKIN, Ms. TITUS, Mr. NEHLS, Mr. MORAN, Mr. LIEU, Mr. NEGUSE, Mr. CLINE, Mr. FITZGERALD, Mr. KILEY, Mr. MOORE of Alabama, Ms. JACKSON LEE, Ms. CARAVEO, Mr. YAKYM, Mr. LALOTA, Mr. NORCROSS, Mr. BISHOP of North Carolina, Mr. BENTZ, and Mr. GOODEN of Texas

JULY 22, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 17, 2023]

A BILL

To amend title 17, United States Code, to reaffirm the importance of, and include requirements for, works incorporated by reference into law, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Protecting and Enhanc-*
5 *ing Public Access to Codes Act” or the “Pro Codes Act”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

8 (1) *Congress, the executive branch, and State*
9 *and local governments have long recognized that the*
10 *people of the United States benefit greatly from the*
11 *work of private standards development organizations*
12 *with expertise in highly specialized areas.*

13 (2) *The organizations described in paragraph (1)*
14 *create technical standards and voluntary consensus*
15 *standards through a process requiring openness, bal-*
16 *ance, consensus, and due process to ensure all inter-*
17 *ested parties have an opportunity to participate in*
18 *standards development.*

19 (3) *The standards that result from the process*
20 *described in paragraph (2) are used by private indus-*
21 *try, academia, the Federal Government, and State*
22 *and local governments that incorporate those stand-*
23 *ards by reference into laws and regulations.*

24 (4) *The standards described in paragraph (3)*
25 *further innovation, commerce, and public safety, all*

1 *without cost to governments or taxpayers because*
2 *standards development organizations fund the process*
3 *described in paragraph (2) through the sale and li-*
4 *censing of their standards.*

5 *(5) Congress and the executive branch have re-*
6 *peatedly declared that, wherever possible, governments*
7 *should rely on voluntary consensus standards and*
8 *have set forth policies and procedures by which those*
9 *standards are incorporated by reference into laws and*
10 *regulations and that balance the interests of access*
11 *with protection for copyright.*

12 *(6) Circular A–119 of the Office of Management*
13 *and Budget entitled “Federal Participation in the*
14 *Development and Use of Voluntary Consensus Stand-*
15 *ards and in Conformity Assessment Activities”, issued*
16 *in revised form on January 27, 2016, recognizes the*
17 *benefits of voluntary consensus standards and incor-*
18 *poration by reference, stating that “[i]f a standard is*
19 *used and published in an agency document, your*
20 *agency must observe and protect the rights of the*
21 *copyright holder and meet any other similar obliga-*
22 *tions.”.*

23 *(7) Federal agencies have relied extensively on*
24 *the incorporation by reference system to leverage the*
25 *value of technical standards and voluntary consensus*

1 *standards for the benefit of the public, resulting in*
2 *more than 23,000 sections in the Code of Federal Reg-*
3 *ulations that incorporate by reference technical and*
4 *voluntary consensus standards.*

5 *(8) State and local governments have also recog-*
6 *nized that technical standards and voluntary con-*
7 *sensus standards are critical to protecting public*
8 *health and safety, which has resulted in many such*
9 *governments—*

10 *(A) incorporating those standards by ref-*
11 *erence into their laws and regulations; or*

12 *(B) entering into license agreements with*
13 *standards development organizations to use the*
14 *standards created by those organizations.*

15 *(9) Standards development organizations rely on*
16 *copyright protection to generate the revenues nec-*
17 *essary to fund the voluntary consensus process and to*
18 *continue creating and updating these important*
19 *standards.*

20 *(10) The people of the United States have a*
21 *strong interest in—*

22 *(A) ensuring that standards development*
23 *organizations continue to utilize a voluntary*
24 *consensus process—*

1 (i) in which all interested parties can
2 participate; and

3 (ii) that continues to create and up-
4 date standards in a timely manner to—

5 (I) account for technological ad-
6 vances;

7 (II) address new threats to public
8 health and safety; and

9 (III) improve the usefulness of
10 those standards; and

11 (B) the provision of access that allows peo-
12 ple to read technical and voluntary consensus
13 standards that are incorporated by reference into
14 laws and regulations.

15 (11) As of the date of enactment of this Act,
16 many standards development organizations make
17 their standards available to the public free of charge
18 online in a manner that does not substantially dis-
19 rupt the ability of those organizations to earn revenue
20 from the industries and professionals that purchase
21 copies and subscription-access to those standards
22 (such as through read-only access), which ensures that
23 the public may read the current, accurate version of
24 such a standard without significantly interfering
25 with the revenue model that has long supported those

1 *organizations and their creation of, and investment*
 2 *in, new standards.*

3 *(12) Through this Act, and the amendments*
 4 *made by this Act, Congress intends to balance the*
 5 *goals of furthering the creation of standards and en-*
 6 *surings public access to standards that are incor-*
 7 *porated by reference into law or regulation.*

8 **SEC. 3. WORKS INCORPORATED BY REFERENCE INTO LAW.**

9 *(a) IN GENERAL.—Chapter 1 of title 17, United States*
 10 *Code, is amended by adding at the end the following:*

11 **“§ 123. Works incorporated by reference into law**

12 *“(a) DEFINITIONS.—In this section:*

13 *“(1) CIRCULAR A–119.—The term ‘Circular A–*
 14 *119’ means Circular A–119 of the Office of Manage-*
 15 *ment and Budget entitled ‘Federal Participation in*
 16 *the Development and Use of Voluntary Consensus*
 17 *Standards and in Conformity Assessment Activities’,*
 18 *issued in revised form on January 27, 2016.*

19 *“(2) INCORPORATED BY REFERENCE.—*

20 *“(A) IN GENERAL.—The term ‘incorporated*
 21 *by reference’ means, with respect to a standard,*
 22 *that the text of a Federal, State, local, or munic-*
 23 *ipal law or regulation—*

24 *“(i) references all or part of the stand-*
 25 *ard; and*

1 “(ii) does not copy the text of that
2 standard directly into that law or regula-
3 tion.

4 “(B) APPLICATION.—The creation or publi-
5 cation of a work that includes both the text of a
6 law or regulation and all or part of a standard
7 that has been incorporated by reference, as de-
8 scribed in subparagraph (A), shall not affect the
9 status of the standard as incorporated by ref-
10 erence under that subparagraph.

11 “(3) STANDARD.—The term ‘standard’ means a
12 standard or code that is—

13 “(A) a technical standard, as that term is
14 defined in section 12(d) of the National Tech-
15 nology Transfer and Advancement Act of 1995
16 (15 U.S.C. 272 note); or

17 “(B) a voluntary consensus standard, as
18 that term is used for the purposes of Circular A-
19 119.

20 “(4) STANDARDS DEVELOPMENT ORGANIZA-
21 TION.—The term ‘standards development organiza-
22 tion’ means a holder of a copyright under this title
23 that plans, develops, establishes, or coordinates vol-
24 untary consensus standards using procedures that in-
25 corporate the attributes of openness, balance of inter-

1 *ests, due process, an appeals process, and consensus in*
2 *a manner consistent with the requirements of Cir-*
3 *cular A-119.*

4 “(5) *PUBLICLY ACCESSIBLE ONLINE.*—

5 “(A) *IN GENERAL.*—*The term ‘publicly ac-*
6 *cessible online’, with respect to material, means*
7 *that the material is displayed for review in a*
8 *readily accessible manner on a public website*
9 *that conforms with the accessibility requirements*
10 *of section 508 of the Rehabilitation Act of 1973*
11 *(29 U.S.C. 794d), including the regulations im-*
12 *plementing that section as set forth in part 1194*
13 *of title 36, Code of Federal Regulations, or any*
14 *successor regulation.*

15 “(B) *RULE OF CONSTRUCTION.*—*If a user is*
16 *required to create an account or agree to the*
17 *terms of service of a website or organization in*
18 *order to access material online, that requirement*
19 *shall not be construed to render the material not*
20 *publicly accessible online for the purposes of sub-*
21 *paragraph (A), if—*

22 “(i) *there is no monetary cost to the*
23 *user to access that material; and*

24 “(ii) *no personally identifiable infor-*
25 *mation collected pursuant to such a require-*

1 *ment is used without the affirmative and*
2 *express consent of the user.*

3 “(b) *STANDARDS INCORPORATED BY REFERENCE INTO*
4 *LAW OR REGULATION.*—*A standard to which copyright pro-*
5 *tection subsists under section 102(a) at the time of its fixa-*
6 *tion shall retain such protection, notwithstanding that the*
7 *standard is incorporated by reference, if the applicable*
8 *standards development organization, within a reasonable*
9 *period of time after obtaining actual or constructive notice*
10 *that the standard has been incorporated by reference, makes*
11 *all portions of the standard so incorporated publicly acces-*
12 *sible online at no monetary cost and in a format that in-*
13 *cludes a searchable table of contents and index, or equiva-*
14 *lent aids to facilitate the location of specific content.*

15 “(c) *BURDEN OF PROOF.*—*In any proceeding in which*
16 *a party asserts that a standards development organization*
17 *has failed to comply with the requirements under subsection*
18 *(b) for retaining copyright protection with respect to a*
19 *standard, the burden of proof shall be on the party making*
20 *that assertion to prove that the standards development orga-*
21 *nization has failed to comply with those requirements.”.*

22 (b) *PRO CODES ACT REPORTING REQUIREMENT.*—

23 (1) *IN GENERAL.*—*The United States Copyright*
24 *Office is required to prepare and submit a com-*

1 *prehensive report to the House Judiciary Committee,*
2 *which shall include—*

3 *(A) a detailed assessment of this Act’s effect*
4 *on case law;*

5 *(B) an analysis of this Act’s effectiveness in*
6 *achieving its stated goals;*

7 *(C) a review of any challenges or obstacles*
8 *encountered during the implementation process;*

9 *(D) recommendations for legislative or regu-*
10 *latory modifications to improve the effectiveness*
11 *of this Act; and*

12 *(E) an overview of the impact of this Act on*
13 *the public, including access to legal information*
14 *and compliance costs for governments, businesses,*
15 *and individuals.*

16 *(2) TIMELINE FOR SUBMISSION.—*

17 *(A) The initial report must be submitted*
18 *within two years of the enactment of this Act.*

19 *(B) Subsequent reports shall be submitted*
20 *every five years on the anniversary of the first*
21 *report’s submission.*

22 *(c) GAO STUDY ON DISADVANTAGED COMMUNITIES.—*

23 *(1) STUDY DIRECTED.—The Comptroller General*
24 *of the United States shall conduct a study on the po-*

1 *tential disparate impact of this Act on historically*
2 *disadvantaged communities.*

3 (2) *ELEMENTS OF THE STUDY.*—*The study shall*
4 *include, but not be limited to:*

5 (A) *An analysis of how limited access to*
6 *technical standards incorporated in the PRO*
7 *Codes Act could disproportionately hinder the*
8 *ability of historically disadvantaged commu-*
9 *nities to assert their legal rights and advocate for*
10 *legal reforms.*

11 (B) *An assessment of how the potential costs*
12 *associated with accessing standards could create*
13 *additional barriers for residents of historically*
14 *disadvantaged communities seeking to under-*
15 *stand and enforce their rights.*

16 (C) *An examination of potential disparities*
17 *in outcomes for historically disadvantaged com-*
18 *munities arising from the implementation of the*
19 *PRO Codes Act.*

20 (D) *Recommendations on ways to mitigate*
21 *any identified disparate impacts on historically*
22 *disadvantaged communities.*

23 (3) *REPORT.*—*The Comptroller General shall*
24 *submit a report to Congress within two years of the*
25 *enactment of this Act, detailing the findings of the*

1 *GAO Study on the impact of PRO Codes on histori-*
2 *cally disadvantaged communities from paragraphs*
3 *(1) and (2).*

4 *(d) STUDY OF COSTS FOR STATES, CITIES, MUNICI-*
5 *PALITIES, COUNTIES, SPECIAL DISTRICTS, ASSOCIATED*
6 *WITH STANDARDS INCORPORATED BY REFERENCE*
7 *(SIBR).—*

8 *(1) REQUIREMENT FOR COST ANALYSIS.—The*
9 *Comptroller General of the United States shall con-*
10 *duct a comprehensive study of the costs associated*
11 *with the implementation of this Act. This study will*
12 *encompass levels of government, including state, cit-*
13 *ies, municipalities, counties, and special district gov-*
14 *ernments, to ensure a complete understanding of the*
15 *potential financial impact.*

16 *(2) SCOPE OF ANALYSIS.—The analysis shall in-*
17 *clude, but not be limited to:*

18 *(A) Fees charged by Standard Development*
19 *Organizations to state, cities, municipalities,*
20 *counties, and special district governments for ac-*
21 *cess to standards incorporated by reference.*

22 *(B) An analysis of indirect costs to state,*
23 *cities, municipalities, counties, and special dis-*
24 *trict governments associated with compliance*
25 *with this Act.*

1 (3) *REPORTING.*—*The Comptroller General shall*
 2 *submit a report to Congress within two years of the*
 3 *enactment of this Act, detailing the findings of the*
 4 *cost analysis required under paragraph (2). The re-*
 5 *port shall include recommendations on potential ac-*
 6 *tions to improve cost-effectiveness related to SIBRs.*

7 (e) *U.S. GOVERNMENT ACCOUNTABILITY OFFICE*
 8 *(GAO) STUDY ON CONSUMERS.*—

9 (1) *IN GENERAL.*—*The Comptroller General of*
 10 *the United States shall conduct a study on the poten-*
 11 *tial impact of this Act on consumers.*

12 (2) *ELEMENTS OF THE STUDY.*—

13 (A) *Implications for consumer protection*
 14 *under this Act.*

15 (B) *Potential for increased costs or confu-*
 16 *sion among consumers due to new regulations.*

17 (C) *Accessibility of information about rights*
 18 *and protections for consumers under this Act.*

19 (D) *Recommendations to enhance consumer*
 20 *protection and information accessibility.*

21 (3) *REPORT.*—*The Comptroller General shall*
 22 *submit a report to Congress within one year of the en-*
 23 *actment of this Act, detailing the findings of the GAO*
 24 *Study on the impact of this Act on consumers.*

1 (f) U.S. GOVERNMENT ACCOUNTABILITY OFFICE
2 (GAO) STUDY ON DIGITAL PRIVACY AND DATA PROTEC-
3 TION.—

4 (1) IN GENERAL.—The Comptroller General of
5 the United States shall conduct a study on the poten-
6 tial impact of this Act on digital privacy and data
7 protection.

8 (2) ELEMENTS OF THE STUDY.—

9 (A) Analysis of how this Act affects the pro-
10 tection of personal data.

11 (B) Evaluation of the Act's compliance re-
12 quirements related to data security.

13 (C) Recommendations for strengthening dig-
14 ital privacy protections.

15 (3) REPORT.—The Comptroller General shall
16 submit a report to Congress within 18 months of the
17 enactment of this Act, detailing the findings of the
18 GAO Study on the impact of this Act on digital pri-
19 vacy and data protection.

20 (g) U.S. GOVERNMENT ACCOUNTABILITY OFFICE
21 (GAO) STUDY ON ACCESS TO THE LAW.—

22 (1) IN GENERAL.—The Comptroller General of
23 the United States shall conduct a study on the impact
24 of this Act specifically on platforms that offer legal
25 codes online at no cost to the public. The study will

1 *assess how the Act influences these platforms’ oper-*
2 *ations and the public’s access to and understanding*
3 *of the law.*

4 (2) *ELEMENTS OF THE STUDY.—*

5 (A) *Assessment of how this Act influences*
6 *the operations of online platforms that provide*
7 *public access to legal codes and other regulatory*
8 *documents.*

9 (B) *Evaluation of the Act’s provisions that*
10 *may limit or enhance public accessibility to legal*
11 *information via these platforms.*

12 (C) *Analysis of potential barriers intro-*
13 *duced by the Act that could hinder public under-*
14 *standing of legal standards and codes.*

15 (D) *Recommendations for amendments or*
16 *new provisions to ensure continued and en-*
17 *hanced public access to legal codes and stand-*
18 *ards, fostering transparency and legal literacy.*

19 (3) *REPORT.—The Comptroller General shall*
20 *submit a report to Congress within two years of the*
21 *enactment of this Act, detailing the findings of the*
22 *GAO Study.*

23 (h) *U.S. GOVERNMENT ACCOUNTABILITY OFFICE*
24 *(GAO) STUDY ON INCLUSIVE OF ACCESSIBILITY AND*

1 *USABILITY STANDARDS FOR PEOPLE WITH DISABIL-*
2 *ITIES.—*

3 (1) *IN GENERAL.—The Comptroller General of*
4 *the United States shall conduct a study on the impact*
5 *of this Act on disabled populations, specifically as-*
6 *sessing whether the Act’s definition of “publicly acces-*
7 *sible” is sufficiently inclusive of accessibility and*
8 *usability standards for people with disabilities.*

9 (2) *ELEMENTS OF THE STUDY.—*

10 (A) *Evaluation of how the accessibility pro-*
11 *visions of this Act impact the ability of people*
12 *with disabilities to access and use public codes*
13 *and standards.*

14 (B) *Examination of current gaps in accessi-*
15 *bility that may prevent full participation of dis-*
16 *abled individuals in public and legal affairs as*
17 *affected by the Act.*

18 (C) *Recommendations to ensure this Act*
19 *aligns with federal accessibility standards and*
20 *effectively serves the needs of the disabled com-*
21 *munity.*

22 (3) *REPORT.—The Comptroller General shall*
23 *submit a report to Congress within 18 months of the*
24 *enactment of this Act, detailing the findings of the*

1 *GAO Study on the accessibility of this Act for dis-*
2 *abled populations.*

3 (i) U.S. GOVERNMENT ACCOUNTABILITY OFFICE
4 (GAO) STUDY ON AFFORDABLE HOUSING.—

5 (1) IN GENERAL.—*The Comptroller General of*
6 *the United States shall conduct a study on the poten-*
7 *tial impact of this Act on the development and acces-*
8 *sibility of affordable housing.*

9 (2) ELEMENTS OF THE STUDY.—

10 (A) *Analysis of this Act’s impact on the*
11 *costs and regulatory barriers to building afford-*
12 *able housing.*

13 (B) *Evaluation of the Act’s impact on the*
14 *availability of affordable housing units in urban*
15 *and rural areas.*

16 (C) *Assessment of the Act’s cost on afford-*
17 *able housing projects.*

18 (3) REPORT.—*The Comptroller General shall*
19 *submit a report to Congress within two years of the*
20 *enactment of this Act, detailing the findings of the*
21 *GAO Study on the impact of this Act on affordable*
22 *housing.*

23 (j) U.S. GOVERNMENT ACCOUNTABILITY OFFICE
24 (GAO) STUDY ON SDO ACCESS CONDITIONS.—

1 (1) *IN GENERAL.*—*The Comptroller General of*
2 *the United States shall conduct a study on whether*
3 *Standards Development Organizations (SDOs) condi-*
4 *tion access to standards under this Act by requiring*
5 *users to create accounts, agree to restrictive terms of*
6 *service, or meet other potentially burdensome condi-*
7 *tions.*

8 (2) *ELEMENTS OF THE STUDY.*—

9 (A) *Assessment of the extent to which SDOs*
10 *impose conditions that could restrict public ac-*
11 *cess to standards and legal codes, such as ac-*
12 *count creation, agreement to terms of service, or*
13 *other barriers.*

14 (B) *Evaluation of the impact of these condi-*
15 *tions on the public’s ability to freely access, dis-*
16 *tribute, share, and print essential legal informa-*
17 *tion.*

18 (C) *Analysis of potential violations of the*
19 *fundamental principle that laws should be acces-*
20 *sible without undue restrictions, considering the*
21 *implications for transparency and account-*
22 *ability.*

23 (D) *Recommendations for legislative or reg-*
24 *ulatory measures to ensure that access to legal*

1 *information under this Act is not conditioned on*
 2 *undue or discriminatory terms.*

3 (3) *REPORT.—The Comptroller General shall*
 4 *submit a report to Congress within 18 months of the*
 5 *enactment of this Act, detailing the findings of the*
 6 *GAO Study.*

7 (k) *U.S. GOVERNMENT ACCOUNTABILITY OFFICE*
 8 *(GAO) STUDY ON EXECUTIVE COMPENSATION AT SDOs.—*

9 (1) *IN GENERAL.—The Comptroller General of*
 10 *the United States shall conduct a study on executive*
 11 *compensation within Standards Development Organi-*
 12 *zations (SDOs), particularly those with substantial*
 13 *revenue streams and tax-exempt status.*

14 (2) *ELEMENTS OF THE STUDY.—*

15 (A) *Analysis of the revenue sources of large*
 16 *SDOs, including details on income from sales of*
 17 *publications, fees for training and certification*
 18 *services, and membership dues.*

19 (B) *Examination of the scale of executive*
 20 *compensation at these organizations, including*
 21 *total executive compensation as a proportion of*
 22 *total revenues and in comparison to industry*
 23 *standards.*

24 (C) *Evaluation of the governance practices*
 25 *related to executive compensation at SDOs, in-*

cluding transparency, accountability, and alignment with nonprofit organization standards.

(D) *Recommendations for potential regulatory or legislative actions to ensure that executive compensation at tax-exempt SDOs remains within reasonable limits and aligns with best practices for nonprofit management.*

(3) *SUBMISSION.—The Comptroller General shall submit this report to Congress within 18 months of the enactment of this Act, detailing the findings of the GAO.*

(l) *U.S. GOVERNMENT ACCOUNTABILITY OFFICE (GAO) STUDY ON THIS ACT AND HOMEOWNER COSTS FOR BUILDING CODE ACCESS.—*

(1) *IN GENERAL.—The Comptroller General of the United States shall conduct a study on how this Act would affect the costs imposed on homeowners' access to building codes.*

(2) *ELEMENTS OF THE STUDY.—*

(A) *Examination of the financial impact on homeowners, particularly focusing on how these costs might deter necessary maintenance, safety upgrades, and other costs associated with renovations.*

1 (B) *Evaluation of how this Act would affect*
2 *the availability and affordability of building*
3 *codes across different regions and income groups.*

4 (C) *Recommendations for improving this*
5 *Act to make building codes more accessible and*
6 *affordable for homeowners.*

7 (3) *REPORT.—The Comptroller General shall*
8 *submit a report to Congress within 18 months of the*
9 *enactment of this Act.*

10 (m) *U.S. GOVERNMENT ACCOUNTABILITY OFFICE*
11 *(GAO) ON SMALL BUSINESSES.—*

12 (1) *IN GENERAL.—The Comptroller General of*
13 *the United States shall conduct a study on the poten-*
14 *tial impact of this Act on small businesses.*

15 (2) *ELEMENTS OF THE STUDY.—*

16 (A) *The extent to which compliance burdens*
17 *are affected by this Act.*

18 (B) *Analysis of small businesses' ability to*
19 *compete with larger entities under the new regu-*
20 *latory framework.*

21 (C) *Availability and effectiveness of legal re-*
22 *sources for small businesses navigating this Act.*

23 (D) *Recommendations to mitigate any iden-*
24 *tified negative impacts on small businesses.*

1 (3) *REPORT.*—*The Comptroller General shall*
 2 *submit a report to Congress within one year of the en-*
 3 *actment of this Act, detailing the findings of the GAO*
 4 *Study on the impact of this Act on small businesses.*

5 (n) *U.S. GOVERNMENT ACCOUNTABILITY OFFICE*
 6 *(GAO) STUDY ON FIRST AMENDMENT RIGHTS.*—

7 (1) *IN GENERAL.*—*The Comptroller General of*
 8 *the United States shall conduct a study on the poten-*
 9 *tial impact of this Act on First Amendment rights,*
 10 *specifically the public’s ability to access, read, share,*
 11 *and debate the law, including codes incorporated by*
 12 *reference.*

13 (2) *ELEMENTS OF THE STUDY.*—

14 (A) *Analysis of how this Act may lead*
 15 *standard development organizations to place the*
 16 *law behind paywalls, thus restricting public ac-*
 17 *cess to essential legal information and poten-*
 18 *tially violating First Amendment rights.*

19 (B) *Evaluation of the economic, legal, and*
 20 *social impacts of restricting public access to*
 21 *codes and standards referenced in the Act.*

22 (C) *Examination of precedents and legal in-*
 23 *terpretations regarding public access to laws and*
 24 *how they align with First Amendment protec-*
 25 *tions.*

1 (D) *Recommendations for legislative or reg-*
 2 *ulatory changes to ensure that all laws and*
 3 *standards referenced in the Act are accessible*
 4 *without undue financial or procedural barriers.*

5 (3) *REPORT.—The Comptroller General shall*
 6 *submit a report to Congress within one year of the en-*
 7 *actment of this Act, detailing the findings of the GAO*
 8 *Study on the impact of this Act on First Amendment*
 9 *rights.*

10 (o) *TECHNICAL AND CONFORMING AMENDMENT.—The*
 11 *table of sections for chapter 1 of title 17, United States*
 12 *Code, is amended by adding at the end the following:*

 “123. Works incorporated by reference into law.”.

13 **SEC. 4. STUDY OF STANDARDS COST TO GOVERNMENTS.**

14 (a) *IN GENERAL.—The Comptroller General of the*
 15 *United States shall conduct a study on the financial impact*
 16 *to federal, state, and local governments in the United States*
 17 *associated with acquiring access to standards incorporated*
 18 *by reference into law.*

19 (b) *SCOPE.—The study under subsection (a) shall—*

20 (1) *Analyze the total expenditure by government*
 21 *entities for accessing these standards;*

22 (2) *Assess any financial burdens or resource con-*
 23 *straints these costs impose on governments, particu-*
 24 *larly for smaller municipalities;*

1 (3) *Evaluate the cost-effectiveness of current*
2 *mechanisms for acquiring these standards; and*

3 (4) *Examine the impacts on public services due*
4 *to the costs associated with accessing these standards.*

5 (c) *REPORT*.—*Not later than 2 years after the date of*
6 *the enactment of this Act, the Comptroller General shall*
7 *submit a report to Congress that includes—*

8 (1) *The findings of the study conducted under*
9 *subsection (a); and*

10 (2) *Recommendations to mitigate any adverse fi-*
11 *nancial impacts identified by the study, including*
12 *suggestions for legislative or administrative actions as*
13 *appropriate.*

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