NIBS AND ICC

Overlapping Leadership, Federal Funding, and Apparent Violations of the NIBS Enabling Legislation

A Review of Compliance with 12 U.S.C. § 1701j–2

Companion Report — Follow-up to: ***HUD Off-Site Construction Reports and Testimony to Congress***
Focus: The National Institute of Building Sciences (NIBS) — its statutory public-interest safeguards, its documented leadership ties to the International Code Council (ICC), and where those ties appear to conflict with NIBS's own enabling legislation.

---

1. Purpose of This Report

This report examines the National Institute of Building Sciences (NIBS) specifically — its federal enabling statute, its Board governance safeguards, its documented leadership overlaps with the International Code Council (ICC), and its federal funding history — and asks whether NIBS is operating in compliance with 12 U.S.C. § 1701j–2. It requests that Congress and the Department of Justice review whether NIBS's public-interest board requirement, its duty to consult the DOJ, and its use of sole-source federal contracting authority have been honored in light of the relationships documented below.

---

2. The Statute: Three Safeguards NIBS Was Built On

NIBS was created by Congress in 1974 (Housing and Community Development Act of 1974, P.L. 93-38) as a nongovernmental, nonprofit instrument — not a federal agency — but one built with specific statutory guardrails precisely because Congress anticipated it would sit close to the industries it evaluates. Three provisions of § 1701j–2 are central:

A. The Public-Interest Board Requirement — § 1701j–2(c)(1)

> *"Those representing the public interest on the Board shall include architects, professional engineers, officials of Federal, State, and local agencies, and representatives of consumer organizations. Such members of the Board shall hold no financial interest or membership in, nor be employed by, or receive other compensation from, any company, association, or other group associated with the manufacture, distribution, installation, or maintenance of specialized building products, equipment, systems, subsystems, or other construction materials and techniques for which there are available substitutes."*

— 12 U.S.C. § 1701j–2(c)(1)

Disqualifying Relationship (per statute)	Covered Entity (per statute)
Financial Interest	Company
Membership	Association
Employed	Other Group
Compensation	—

The Statute's Final Qualifier — “For Which There Are Available Substitutes”

> *“...associated with the manufacture, distribution, installation, or maintenance of specialized building products, equipment, systems, subsystems, or other construction materials and techniques for which there are available substitutes.”*
>
> *— 12 U.S.C. § 1701j–2(c)(1)*

Covered Item (per statute)	ICC
Building Products	✓
Equipment	✓
Systems	✓
Subsystems	✓
Materials	✓
Techniques	✓

The International Code Council : oneICC

- **ICC Codes**
- **ICC Standards**
- **ICC Evaluation Service (ICC-ES)**
- **International Accreditation Service (IAS)**
- **General Code**
- **ICC/S.K. Ghosh Associates**
- **ICC NTA**
- **ICC Community Development Solutions**
- **Alliance for National & Community Resilience (ANCR)**
- **American Legal Publishing**

B. The Duty to Consult the Department of Justice — § 1701j–2(e)(3)(C)

> *“[NIBS shall] consult with the Department of Justice and other agencies of government to the extent necessary to insure that the national interest is protected and promoted in the exercise of its functions and responsibilities.”*
>
> *— 12 U.S.C. § 1701j–2(e)(3)(C)*

This duty exists because NIBS was designed to delegate and coordinate standards-development work across private organizations (§1701j–2(e)(2)) — a structure Congress recognized could raise competition concerns absent active DOJ engagement.

C. Sole-Source, No-Bid Contracting Authority — § 1701j–2(g)(3)

> *“Every department, agency, and establishment of the Federal Government having responsibility for building or construction, or for building- or construction-related programs, is authorized and encouraged to request authorization and appropriations for grants to the Institute for its general support, and is authorized to contract with and accept contracts from the Institute for specific services where deemed appropriate by the responsible Federal official involved.”*
>
> *— 12 U.S.C. § 1701j–2(g)(3)*

3. NIBS: Governance and Funding Snapshot

NIBS's Board of Directors is comprised of up to 21 members. The President of the United States, with the advice and consent of the Senate, appoints six members to represent the public interest. The remaining 15 members are elected from the nation's building community and include both public-interest representatives and industry voices. A majority of Board members are required by the authorizing legislation to be in the public-interest category. (Source: NIBS.)

As an independent nonprofit, NIBS does not receive a flat congressional appropriation; instead it is funded through federal contracts, service agreements, and grants — enabled by the sole-source authority in § 1701j–2(g)(3).

Between FY2008 and FY2026 (partial, through July 20, 2026), NIBS received $300,182,572 in federal obligations from 14 federal agencies — $281,707,144 through contracts and $18,475,428 through grants — per prime award records on USASpending.gov.

Funding Agency	Total	Contracts	Grants
Department of Defense	$130,633,988	$130,633,988	—
Department of State	$68,229,788	$68,229,788	—
Department of Homeland Security	$37,007,758	$37,007,758	—
Department of Veterans Affairs	$18,674,594	$18,674,594	—
Department of Energy	$18,404,295	$4,404,295	$14,000,000
General Services Administration	$17,603,535	$17,603,535	—
Housing and Urban Development	$1,541,579	$337,816	$1,203,763
All other agencies (7)	$8,086,035	$6,815,061	$1,270,974
TOTAL	$300,182,572	$281,707,144	$18,475,428

HUD's FY2023 Offsite Construction and Land Use Reform NOFO sent $499,878 to NIBS (Award H-21760CA) — the largest listed award under that NOFO — which NIBS then subcontracted, without a documented competitive process, to MOD X to author both HUD publications discussed in this report. That subcontract was issued under NIBS's own sole-source authority, to an organization whose work would later underpin a proposal recommending NIBS itself be handed a much larger certification mandate.

---

4. The 2018 ICC–NIBS–MBI Off-Site Standards Project

On July 27, 2018, the ICC Board of Directors unanimously approved a standards project “in cooperation with the National Institute of Building Sciences (NIBS) and the Modular Building Institute (MBI) to explore and develop a portfolio of Standards and Guidance tools to support the off-site construction industry.” The minutes identify ICC CEO Dominic Sims as providing the background on the modular-building industry and ICC’s communications with the industry, followed by ICC Vice President of Technical Services Mike Pfeiffer’s presentation on the proposed standard.

This Board action documents that ICC, NIBS, and MBI were formally joined in an off-site-construction standards initiative years before NIBS received HUD funding for off-site-construction work and subcontracted the two HUD reports to MOD X. It belongs in the governance record because the same organizations later appear across the standards, research, certification, and policy framework discussed in this report.

Source: International Code Council, Approved Board of Directors Meeting Minutes, July 27, 2018, Blaine, Washington, R7.0 “Initiation of Proposed Standards Project,” pp. 3–4.

5. Documented Leadership Overlap: NIBS and ICC

The individuals below held, or hold, senior roles at both NIBS and ICC concurrently.

Individual	ICC Role	NIBS Role
Dominic Sims	ICC Chief Executive Officer, 2012–2024 (predecessor roles from 2003)	NIBS Board of Directors, 2019–2022; 2025–2028 (term began Oct. 1, 2025)
John “JC” Hudgison	Senior ICC Board Member; Chair, ICC Emerging Leaders Membership Council	NIBS Board member; founding past chair, NIBS Off-Site Construction Council
Ryan M. Colker	VP, Innovation, ICC; Executive Director, Alliance for National & Community Resilience (ICC entity)	Former NIBS VP (8 years); current chair, NIBS Off-Site Construction Council
Russell Manning	Senior VP of Technical Services, ICC	Past NIBS Board member; NIBS Board's designated liaison to ICC

Dominic Sims's ICC CEO tenure and his NIBS Board terms ran concurrently. Russell Manning's NIBS Board role was formally designated by NIBS itself as its liaison to ICC. Ryan Colker moved from eight years on NIBS staff directly into an ICC leadership role while continuing to chair a NIBS council.

§ 1701j–2(c)(1) — Full Text

> *“Those representing the public interest on the Board shall include architects, professional engineers, officials of Federal, State, and local agencies, and representatives of consumer organizations. Such members of the Board shall hold no financial interest or membership in, nor be employed by, or receive other compensation from, any company, association, or other group associated with the manufacture, distribution, installation, or maintenance of specialized building products, equipment, systems, subsystems, or other construction materials and techniques for which there are available substitutes.”*
>
> *— 12 U.S.C. § 1701j–2(c)(1)*

Individual	Documented Title(s)
Dominic Sims	ICC Chief Executive Officer
John “JC” Hudgison	Chief Building Official, Tampa; Senior ICC Board Member
Ryan M. Colker	VP of Innovation, ICC; Executive Director, ANCR (ICC entity)
Russell Manning	Senior VP of Technical Services, ICC

Individual	Documented ICC (Association) Tie	Statutory Term(s) It Matches
Dominic Sims	Chief Executive Officer, ICC (association), 2012–2024	Employed by [association]; receive compensation from [association]
John “JC” Hudgison	Senior Board Member, ICC (association)	Membership in [association]
Ryan M. Colker	VP of Innovation, ICC (association)	Employed by [association]; receive compensation from [association]

Individual	Documented Title(s)	
Russell Manning	Senior VP of Technical Services, ICC (association)	Employed by [association]; receive compensation from [association]

6. DOJ Consultation — § 1701j–2(e)(3)(C)

Section 1701j–2(e)(3)(C) directs NIBS to consult with the Department of Justice "to the extent necessary to insure that the national interest is protected and promoted" in the exercise of its functions.

Neither of the two HUD-funded publications NIBS subcontracted to MOD X, nor the May 21, 2026 congressional testimony proposing NIBS-led Housing System Certification, documents a DOJ consultation.

7. Summary Against the Statute

- **§ 1701j–2(c)(1):** NIBS's Board has included individuals holding concurrent leadership roles at ICC. None are documented as architects, professional engineers, government officials, or consumer-organization representatives — the four categories named in § 1701j–2(c)(1). Their documented ICC ties (employment, compensation, and Board membership) match the relationships the statute names in its bar clause.
- **§ 1701j–2(e)(3)(C):** No documented DOJ consultation appears in the record for the HUD-funded reports and the resulting certification proposal.
- **§ 1701j–2(g)(3):** NIBS's sole-source contracting authority was used to fund a subcontractor (MOD X) without a documented competitive process. The resulting HUD-funded publications underpinned a proposal recommending an expanded role for NIBS itself.

Closing Statement

NIBS says it was created to serve the American people, yet its own description of collaboration names government, industry, and academia—and leaves out the consumer. Congress did not. The enabling legislation requires the Board to represent consumers affected by NIBS actions, requires a majority of the Board to represent the public interest, and requires consumer organizations to have a place in the Consultative Council.

Instead, power is being consolidated through ICC and NIBS, with overlapping executives and Board members whose ICC employment, compensation, and membership are in violation of the statutory bar. The same connected organizations appear in the standards initiative, the HUD-funded off-site publications, the research, evaluation, certification framework, and recommended regulatory solution.
That is not the independent public-interest institution Congress created in 1974. The American people are not being represented when the consumer is omitted and the organizations positioned to benefit are seated at the center of the system.