

STATEMENT OF

BRIAN D. LINDSEY

LAW REVISION COUNSEL OF THE
U.S. HOUSE OF REPRESENTATIVES

to the

Subcommittee on Legislative Branch
of the House Committee on Appropriations

**NOT FOR PUBLICATION UNTIL RELEASED BY THE
COMMITTEE ON APPROPRIATIONS**

TESTIMONY OF

BRIAN D. LINDSEY

LAW REVISION COUNSEL OF THE U.S. HOUSE OF REPRESENTATIVES

to the

Subcommittee on Legislative Branch
of the House Committee on Appropriations

Mister Chairman and Members of the Subcommittee:

Thank you for the opportunity to appear before you to present the budget request of the Office of the Law Revision Counsel (Office) for Fiscal Year 2026. The Office was established in the House of Representatives by section 205 of House Resolution No. 988, Ninety-third Congress, which was enacted into permanent law by Public Law 93-554. The Office continues to fulfill its mission and appreciates the continuing support given to us by the Subcommittee and Congress.

Budget Request

For fiscal year 2026, I am requesting a budget of \$4,998,000. Of that amount, \$3,998,000 is for the Office to sustain operations with respect to existing personnel and ongoing technology needs. The remaining \$1,000,000 of this request is for No-Year money to begin work on a new website for the Office.

Continuing Operations.—The amount of \$3,998,000 represents a 2.5 percent increase over the amount appropriated by the Further Consolidated Appropriations Act, 2024, Public Law 118-47. This amount will allow for the continuation of current personnel, including salary adjustments, routine maintenance and replacement of equipment, and the continuation of service contracts for editorial work and technical support.

New Office Website.—The budget request includes a request for \$1,000,000 of No-Year money to build a new website for the Office. The current website was designed in 2009. Upgrades to the search engine for the United States Code database and the user interface of the Office’s website were released during fiscal year 2011 and fiscal year 2017. Additional critical updates for the software supporting the backend of the website were deployed during fiscal year 2021. The current website has served the Office well but is aging. Standards for accessibility, user expectations for performance, and the requirements for running a secure website have become significantly more complex over the last 16 years. A new version of the website is now needed to meet current standards.

House Modernization Project.—Work progresses on the House Modernization Project begun at the behest of House leadership. While no additional funding for the House Modernization

Project is being requested in the Office’s fiscal year 2026 budget, the replacement of the antiquated technology currently used for publishing is a priority. Development of the new editing system for the Office is projected to be completed in spring of 2025. In addition, the Office continues to work with the Office of the Clerk and with the Composition System Replacement Group of the Government Publishing Office (GPO), supporting their efforts to develop the ability to maintain congressional data in United States Legislative Markup (USLM) and to publish directly from USLM files, both online and in print.

Functions of the Office

The principal functions of the Office are specified by chapter 9A of title 2 of the United States Code. They are: (1) to maintain and keep current the official version of the Code, and (2) to prepare legislation to enact individual titles of the Code into positive law.

Maintaining the United States Code

The United States Code contains the general and permanent laws of the United States, organized into titles by subject matter. The two primary tasks in maintaining the Code are classifying new laws and updating the text.

Classifying New Laws.—Every law enacted by Congress is read in its entirety by a number of attorneys to identify the general and permanent provisions and any amendments that should be classified to the Code and to decide where in the Code they should be placed. The Office gives the highest priority to this classification function, and the classification of a law is normally completed by the time it is signed by the President and issued a public law number. While thoroughness and accuracy are the prime concerns, speed is also important so that classifications can be posted online and so that our work to update the text of the Code can begin as soon as possible.

Updating the Text.—Updating the text of the Code includes not only integrating new statutory provisions into existing text but also preparing extensive editorial material enabling users to find, track, and understand the updates. This editorial material includes statutory citations and amendment notes to help track the legislative history, notes to explain such things as effective dates, cross references appearing in text, and a variety of other matters, tables to indicate the status of statutory provisions and their location in the Code, and an index. A number of Federal court rules and executive documents are also prepared and published as they are often closely connected to statutory material.

The Office publishes the Code, in both searchable and downloadable versions, on its public website and updates it continuously throughout the legislative year. The Office also publishes, in printed form, a complete new version of the Code once every six years and annual cumulative supplements in the intervening years.

Timeliness of Publication; Improvements in Organization

Publication.—The timely update of a publication of the size and complexity of the Code is a challenging task and depends heavily on the training and expertise of the staff of the Office. The Office places a high priority on retaining existing staff and also seeks to retain the services of retired employees by contracting with them for part-time work. As a result of the efforts of experienced staff, the Office has consistently published online updates in a timely manner without sacrificing the high level of accuracy that is expected and demanded of the official United States Code.

The Office maintains a current, easily accessible online Code in addition to producing the print Code. The Office continues to streamline its editorial practices to tailor them for an online publication that is continuously updated throughout a congressional session. The Office updated the Code online approximately 33 times during the Second Session of the 118th Congress. Bulk data is currently made available for download in a variety of formats (XML, XHTML, PDF, and locator text files) with every update, although this will change when USLM version 2.0 becomes the new standard for Code data. Updates to the main table indicating the status of statutory provisions and their location in the Code, which have traditionally been published at the end of each congressional session, are now being made more frequently to correspond with publication of updates to the Code text. The Office continues to strive for timely updates of the Code by adapting its editorial practices to take advantage of modern technology.

Improvements in Organization.—As part of its ongoing mission to produce both a useful and a usable Code, the Office has undertaken reclassification projects to identify areas of law that have become difficult to navigate or convert into XML and to improve their organization. Some past projects have improved the organization of laws within various existing titles of the Code, and others have even created new editorial titles containing material that had been scattered throughout the Code. More detailed information on these projects is available at <http://uscode.house.gov/editorialreclassification/reclassification.html>.

Positive Law Codification

The second principal function of the Office is to prepare legislation to enact individual titles of the United States Code into positive law as required by 2 U.S.C. 285b. A positive law title is a title that has been enacted into law by Congress in the form of a title of the Code. In contrast, a non-positive law title is an editorial compilation by the Code editors (the Office of the Law Revision Counsel or its predecessors) of various acts separately enacted into law by Congress. The Code currently consists of twenty-seven positive law titles and twenty-six non-positive law titles (one title is reserved).

Positive law codification is an intricate process. It may take a codification attorney a year or more to prepare a codification bill for introduction. There is an extensive period for comment and review as the draft bill is prepared and submitted to the House Committee on the Judiciary. Congressional committees, Government agencies, legal experts, and members of the public are invited to review and comment on the bill to ensure that the meaning and effect of the law as

restated in the new title remain unchanged and to achieve the best possible organizational structure for the new title.

If comments are received requiring revision of the bill after it is introduced in the House, the codification attorneys prepare the necessary amendments. The codification attorneys may prepare a new version of the draft bill, which is then reported by the Committee on the Judiciary as an amendment in the nature of a substitute. Typically, the bill is passed by the House under suspension of the rules. In the Senate, the bill goes to the Committee on the Judiciary and the process continues until the bill is passed by the Senate, typically by unanimous consent. Codification bills not enacted by the end of a Congress must be updated to incorporate new legislation and reintroduced in the next Congress. The codification attorneys are involved throughout the process, working with House and Senate committee staff, Government agencies, and other stakeholders to perfect the bill and move it toward enactment.

In the first session of the 119th Congress, the Office is updating and planning to resubmit eleven bills to the Committee on the Judiciary. The bills were previously submitted to the Committee, but not enacted, in previous sessions of Congress. Two of the bills will enact Title 6 “Domestic Security” and Title 48 “Territories and Insular Possessions” into positive law. Four of the bills will update statutory references in the United States Code. The remaining five bills will incorporate recent enactments to positive law titles, including making technical corrections if necessary. The Office is also working on several new codification projects.

House Modernization Project

No additional funding for the House Modernization Project is being requested in the Office's fiscal year 2026 budget, but the work is ongoing. The House Modernization Project was originated in 2012 as a set of interrelated projects being undertaken by the House Office of the Law Revision Counsel and the House Office of the Legislative Counsel in consultation with representatives from the Committee on House Administration, the Legislative Computer Systems branch of the Office of the Clerk, and the Acquisitions Management branch of the Office of the Chief Administrative Officer. USLM is an XML schema developed as part of the Office's work on the House Modernization Project. The USLM schema is designed to be extensible and is the emerging standard for maintaining congressional data. Congress needs to replace the antiquated technology currently used for publishing, and the Office continues to work with the Office of the Clerk and with GPO's Composition System Replacement Group, supporting their efforts to develop the ability to maintain congressional data in USLM and publish directly from USLM files, both online and in print.

In the Office of the Law Revision Counsel, work on the House Modernization Project has proceeded in three stages. In the first stage, a conversion tool was designed and implemented to enable the Office to convert the United States Code into XML using the USLM schema. Since July 2013, the Office has made the Code available for use and bulk download in XML through the Office's website.

In the second stage, a new system for drafting codification bills was designed and implemented to enable the Office to produce codification bills and associated material in XML.

In the summer of 2015, the new system was delivered. It is being used for live production work, and refinements are underway to continue to improve functionality.

In the third stage, a new XML-based system for editing and updating the United States Code is being designed and implemented. Currently, the Office uses a specialized suite of internally developed software programs to edit and update the Code. The current methodology works well to promote accuracy and efficiency, but it is an outdated, locator-based system. The bill classification component of the new system is essentially complete, and work continues on the editing and updating components. The goal is to transition to the new system for Code production later in 2025.

Website for the United States Code

The United States Code website maintained by the Office at <https://uscode.house.gov> is the definitive and most current source of United States Code data. The website enables the detailed and meticulous search of the United States Code required for drafting legislation and maintaining the Code itself, and it provides a host of unique features related to that work. In addition, the website hosts information on Code codification projects, downloadable titles of the Code in multiple formats, and products related to the Code's updating and dissemination process. To that end, the website is used by the Office itself for its classification, Code updating, and bill drafting functions. It is also used by numerous other Federal legislative offices and functions (e.g., House and Senate Legislative Counsel offices, the Comparative Print Suite); the Department of Defense and other Federal agencies; commercial publishers of the Code; law schools and their legal research websites; and the public generally.

The present version of the website was developed in 2009. The website has had maintenance updates since then, but it has largely remained unchanged from the version initially placed online in 2011. Standards for accessibility, user expectations for performance, and the requirements for running a secure website have become significantly more complex over the last 16 years. A new version of the website is now needed to meet current standards.

It is essential that this key website for access to Federal statutory law is upgraded to be able to meet the expectations of its varied users now and in the future and to ensure that access remains safeguarded through the use of more robust security mechanisms.

Conclusion

Thank you for giving me the opportunity to present the fiscal year 2026 budget request of the Office of the Law Revision Counsel and for the Subcommittee's support for the Office. This support has enabled the Office to maintain, update, and improve the United States Code. I will be pleased to respond to any questions that you may have.