

**NOT FOR PUBLICATION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

TESTIMONY OF

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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 2025. 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 2025, I am requesting a budget of \$5,048,000. Of that amount, \$4,048,000 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 \$4,048,000 represents a 3.79 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 15 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 2025 budget, the replacement of the aging system currently used for publishing is a priority. A new editing system for the Office is projected to be completed and deployed in fiscal year 2025.

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. While thoroughness and accuracy are the prime concerns, speed is also important so that classifications can be posted online and the required edits be executed in the Code online and made available to the public as quickly 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 completely new version of the Code, called the main edition, once every six years and annual cumulative supplements in the intervening years. The next main edition of the Code due to be printed will incorporate laws through 2024.

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 17 times during the First 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 may 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 through innovative editorial practices that take advantage of emerging technological possibilities.

Improvements in Organization.—As part of its ongoing mission to produce both a useful and a usable Code, the Office undertakes 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 <https://uscode.house.gov/editorialreclassification/reclassification.html>. In addition to carrying out the reclassification projects themselves, the Office drafts and submits bills that amend existing statutory references so that they reflect the newly reorganized provisions.

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. The Code currently consists of twenty-seven positive law titles and twenty-six non-positive law titles (one title is reserved). 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.

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 remains unchanged and to achieve the best possible organizational structure for the new title.

If revisions are required after the bill 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. In most cases, a codification bill must be updated several times for new legislation and reintroduced in several Congresses before finally being enacted. The codification attorneys are involved throughout the process, working with the staffs of House and Senate committees, Government agencies, and others to perfect the bill and move it toward enactment.

In the 118th Congress, the Office submitted eleven bills to the House Committee on the Judiciary. Four of those bills, which update statutory references in the United States Code, have been passed in the House in the first session and await Senate action. Five of those bills, which incorporate recent enactments to positive law titles and make technical corrections because of recent enactments, have been reported out by the Committee on the Judiciary in the second session. The two remaining bills, which would enact title 6 “Domestic Security”, and title 48, “Territories and Insular Possessions”, as positive law titles, await Congressional action. The Office continues to work on several other projects to enact various titles of the Code as positive law titles.

House Modernization Project

No additional funding for the House Modernization Project is being requested in the Office's fiscal year 2025 budget. 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.

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. 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 codification bills was designed and implemented to enable the Office to produce codification bills and associated material in XML. The new production tools enable the Office to draft bills in XML. In the summer of 2015, the new system was delivered and was fully implemented in 2016. 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. The bill classification component of the new system is substantially complete, and work continues on the editing and updating components. The goal is to transition to the new system for Code production later in 2024.

USLM is a state-of-the-art schema developed as part of the Office's work on the House Modernization Project. The USLM schema is designed to be extensible, and it is increasingly being considered as the emerging standard for maintaining congressional data. 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.

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 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 15 years. A new version of the website is now needed to meet current standards.

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.

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.

Conclusion

Thank you for giving me the opportunity to present the fiscal year 2025 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.