June 17, 2021

An inside look at the ... United States Code ... for NCSL webinar.
INTRO OBJECTIVES

• Introduce the Office of the Law Revision Counsel (OLRC) & its functions
• Review the United States Code via a description of how OLRC maintains and updates it
• Overview OLRC's Positive Law Codification program
• Tips on using the US Code website
• Q/A session with remaining time
OFFICE OF THE LAW REVISION COUNSEL

• An independent, nonpolitical office of the House of Representatives.

• A team of 17 individuals including—
  9 attorneys who maintain the United States Code,
  4 attorneys who prepare positive law codification bills, and
  4 support staff for technical, editorial, and clerical functions.
WHAT OLRC DOES

The Office of the Law Revision Counsel (OLRC) compiles, edits, updates, and improves the United States Code both online and in print.
United States Code Described

• Contains the general and permanent Federal laws
• Organized into 53 broad subject matter titles
• Positive law titles are enacted as titles of U.S. Code
• Non-positive law titles are editorial arrangements of Federal statutes
UPDATING THE U.S. CODE

• 5,000 to 7,500 pages of new law enacted in each Congress
• Processing new law into the Code involves four steps:
  • Classification
  • Text prep
  • Text execution/review
  • Publication online/print
• Begins with getting enrolled bill from the Clerk’s Office
• Team of attorneys reads each enrolled bill
• Goal is a quick but thorough review of new laws
CLASSIFICATION

Yes, we read every word of every line.
NATURE OF LEGISLATION

• Bills often cover multiple subject areas

• Drafters don’t give much thought to how a law will appear in the Code

• Bills are often a mixed bag of
  • general and special provisions
  • permanent and temporary provisions
  • amendatory and independent provisions
Does the provision go into the Code and where should it go?
CLASSIFICATION

Tool to record classification decisions.

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Description—Provisions of bills
- Provides collateral support for, or additional info regarding, Code section
- Positive law—Not drafting into the title
- Not permanent and general enough to be Code sections
- Status does not affect their validity

Types include
- Effective date
- Transition provisions
- Short titles
- Construction
- Regulatory provisions
- Pilot programs
• Classifications first published in the classification tables on U.S. Code website.

• Classifications later become part of Table III at end of legislative session.
U.S. CODE: TABLES
## TABLE III - STATUTES AT LARGE

Pub. L. 111-148, Patient Protection and Affordable Care Act

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**TABLE III TOOL**

The Table III Tool enables you to browse the United States Code Table III. For printing purposes, the [PDF file](#) is recommended. A detailed explanation of the Table is located [here](#).

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<td>1001(3)</td>
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Get Document
TEXT PREPARATION

• Chunking & tagging the bill

• Preparing bill text to be integrated into the Code

• Preparing editorial notes
ENROLLED BILL MARKUP

Chunking & tagging the bill

Pub. L. 114-255
Dec. 13, 2016
130 Stat. 1321

H.R. 34—2390

SEC. 1395xw. CHANGE IN MEDICARE CLASSIFICATION FOR CERTAIN HOSPITALS.

42/1395ww(d)(1)(B)(iv)(I) (a) In General.—Subsection (d)(1)(B)(iv) of section 1395w of the Social Security Act (42 U.S.C. 1395ww) is amended—

42/1395ww(d)(1)(B)(iv)(II) (1) in subclause (I), by striking "or at the end;

42/1395ww(d)(1)(B)(iv)(III) (2) in subclause (II)—

42/1395ww(d)(1)(B)(iv)(IV) (A) by striking "or" at the end and inserting a semicolon;

42/1395ww(d)(1)(B)(iv)(V) (B) by redesignating such subclause as clause (vi) and

42/1395ww(d)(1)(B)(iv)(VI) by moving it to immediately follow clause (v); and

42/1395ww(d)(1)(B)(iv)(VII) (C) in clause (v), by striking the semicolon at the end and inserting ", or;

42/1395ww(d)(1)(B)(iv)(VIII) (D) by striking "(v)

42/1395ww(d)(1)(B)(iv)(IX) hospital" and inserting "(v) a hospital".

42/1395ww(d)(1)(B)(iv)(X) (b) CONFORMING PAYMENT REFERENCES.—The second sentence of subsection (d)(3)(B) of such section is amended—

42/1395ww(d)(1)(B)(iv)(XI) (1) by inserting "as in effect as of such date" after "clause (iv)", and

42/1395ww(d)(1)(B)(iv)(XII) (2) by inserting "or, in the case of a hospital described in clause (i)(II), as in effect, shall be classified under clause (v) so as and after the effective date of such clause (v) and for cost reporting periods beginning on or after January 1, 2015, shall not be subject to subsection (m) as of the date of such classification" after "as classified".

42/1395ww note new. (c) APPLICATION—

42/1395ww note new. (1) IN GENERAL.—For cost reporting periods beginning on or after January 1, 2016, in the case of an applicable hospital (as defined in paragraph (k)), the following shall apply:

42/1395ww note new. (A) Payment for inpatient operating costs shall be made on a reasonable cost basis in the manner provided in section 1833(b)(1) of title 18, Code of Federal Regulations (as in effect on January 1, 2016) and in any subsequent modifications.

42/1395ww note new. (B) Payment for capital costs shall be made in the manner provided by section 1833(b)(1) of title 18, Code of Federal Regulations (as in effect on such date).

42/1395ww note new. (C) Claims for payment for Medicare beneficiaries who are discharged on on or after January 1, 2017, shall be processed as claims which are paid on a reasonable cost basis as described in section 1833(b)(1) of title 18, Code of Federal Regulations (as in effect on such date).

42/1395ww note new. (2) APPLICABLE HOSPITAL DEFINED.—In this subsection, the term "applicable hospital" means a hospital that is classified under clause (v) of section 1395w(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) on the day before the date of the enactment of this Act and which is classified under clause (v) of such section, as redesignated and moved by subsection (a) or after such date of enactment.

42/1395ww note new. (d) CONFORMING TECHNICAL AMENDMENTS—


42/1395ww note new. (2) Section 1395w(d)(1)(B)(iv)(I) of such Act (42 U.S.C. 1395w(d)(1)(B)(iv)(I)) is amended in each of clauses (i) and (ii) by striking "1395w(d)(1)(B)(iv)(II)" and inserting "1395w(d)(1)(B)(iv)(I)".
TEXT PREPARATION

Pub. L. 113-79 copy prep example

Cards from Pub. L. 113-79

Card Editor

Text cards and "misc" statutory note are taken from the bill text during front end processing. Each chunk of text as partitioned out during building comprises a card. The chunks are designed to anticipate the amendment note structure, but the editor has the freedom to go with a different arrangement if it's more appropriate.

Various editorial cards are added during the prep in Card Editor.

(a) Extension. §Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by striking "2012" and inserting "2015".

Blue = statutory text
EDITORIAL NOTES

• **Description**—Notes prepared by OLRC to assist users of the Code

• **Types include**
  • Historical and Revision Notes under positive law sections
  • References in Text notes
  • Codification notes
  • Prior Provision notes
  • Amendment notes
  • Change of Name notes

- Inserted "of Energy" after "Secretary".
- Inserted "and Prevention" after "Disease Control" and substituted a period for semicolon at end.
- Substituted "Radiation Protection".
- Substituted "paragraph (1) (B)" for "paragraph (1) (B) (iv)", substituted "paragraph (1) (B) (i)" for "paragraph (1) (B) (i) (iv)", and substituted "paragraph (1) (B) (ii)" for "paragraph (1) (B) (ii)".
Prior Release Points

Each update of the United States Code is a release point. Downloadable files for the current release point are available on the Download page. Older materials are available on the Annual Historical Archives page.

Public Law 114-314 (12/16/2016), except 114-255, affecting titles 5, 6, 10, 11A, 12, 15, 16, 18A, 19, 22, 26, 28, 28A, 31, 36, 38, 40, 41, 42, 46, 49, 54.


Public Law 114-254 (12/10/2016), affecting titles 2, 30, 42.

Public Law 114-253 (12/08/2016), affecting titles 5, 12, 15, 50.


Public Law 114-244 (10/14/2016) with additional updates reflecting the transfer of Higher Education Act provisions from United States Code title 42 to United States Code title 20 (Nov. 1, 2016), affecting titles 2, 5, 8, 10, 11, 14, 15, 16, 18A, 20, 22, 25, 26, 29, 31, 38, 42, 48, 49, 50.


Public Law 114-229 (09/30/2016), affecting titles 10, 16, 18, 21, 28, 36, 38, 48.


Public Law 114-219 (07/29/2016), with additional updates (09/01/2016), affecting titles 2, 5, 6, 7, 8, 10, 12, 15, 16, 18A, 20, 21, 22, 23, 25, 26, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 42, 43, 45, 47, 48, 49, 50.
REVIEW BY PRINTERS AND PROOFREADERS
POSITIVE LAW CODIFICATION

• Drafters immerse themselves in the existing law on particular subjects.

• Prepare a bill to restate the existing law as a positive law title of the Code.

• Submit the bill to the Judiciary Committee.

• When the bill is enacted the new positive law title is established in the Code.
POSITIVE LAW CODIFICATION

• Make the law easier to read and understand.

• Improve organizational structure of the law.

• Get rid of obsolete provisions.

• Make technical corrections.

• No change in meaning or effect of the law!
H.R. 1107, TO ENACT CERTAIN LAWS RELATING TO PUBLIC CONTRACTS AS TITLE 41, UNITED STATES CODE, "PUBLIC CONTRACTS"

111TH CONGRESS 1ST SESSION

H. R. 1107

[Report No. 111-42]

To enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts".

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2009

Mr. Conyers (for himself and Mr. Smith of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 23, 2009

Reported, referred to the House Calendar, and ordered to be printed

A BILL

To enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts".

SEC. 1. PURPOSE: CONFORMITY WITH ORIGINAL INTENT.

(a) Purpose.—The purpose of this Act is to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts".

(b) Continuity with Original Intent.—In the codification of laws by this Act, the intent is to conform to the understood policy, intent, and purpose of Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections, in accordance with section 301(a)(1) of House Resolution No. 580, 94th Congress, as enacted into law by Public Law 94-554 (2 U.S.C. 2004(a)).

SEC. 2. ENACTMENT OF TITLE 41, UNITED STATES CODE.

(a) Certain general and permanent laws of the United States, related to public contracts, are revised, codified, and enacted as title 41, United States Code, "Public Contracts", as follows:

TITLE 41—PUBLIC CONTRACTS

Subtitle I—Federal Procurement Policy

Division A—General

Chapter 1—Definitions

1. Title I—Federal Procurement Policy

11. Establishment of Office and Authority and Functions of Administrator

12. Acquisition Councils

13. Cost Accounting Standards

14. Agency Responsibilities and Procedures

15. Simplified Acquisition Procedures

20. Restrictions on Obtaining and Disclosing Certain Information

21. Miscellaneous

Division C—Procurement

31. General

32. Planning and Solicitations

33. Termination Costs and Filing Data

34. Awarding of Contracts

35. Specific Types of Contracts

36. Delinquent Orders and Contracts

37. Allowable Costs

38. Contract Financing

39. Miscellaneous

Division D—General

CHAPTER 1—DEFINITIONS

SUBCHAPTER 1—GENERAL DEFINITIONS

Sec. 1. Administrative

2. Commercial

3. Commercial Items
POSITIVE LAW CODIFICATION

IN THE

UNITED STATES CODE

The Office of the Law Revision Counsel is required by law to engage in a comprehensive ongoing program, known as positive law codification, under which all general and permanent Federal statutory law is to be revised and restated.

This brochure explains the process of positive law codification and provides related information concerning the Office of the Law Revision Counsel and the United States Code.

QUICK SUMMARY

Positive law codification:
- Restates existing law - nothing new
- Enacts existing law as a "positive law" title
- Improves organization
- Removes obsolete provisions
- Corrects technical errors
INTRO REVIEW

• Introduce the Office of the Law Revision Counsel (OLRC) & its functions
  • Maintain and update the Code
  • Draft titles for enactment as positive law

• Review the United States Code via a description of how OLRC maintains and updates it
  • Classification
  • Text prep
  • Text execution and review
  • Publication online & in print

• Overview OLRC's Positive Law Codification program
  • Advantages
  • Need

• Tips on using the US Code website