Overview of Today’s Class

- **Statutes**
  - How they are published
  - Using a Code
    - Annotated and unannotated Codes
  - State Statutes

- **Legislative History**
  - Basic documents
  - Finding the basic documents using the annotated Code
  - Other resources (ProQuest Legislative Insight; ProQuest Congressional; Research Guide; Gov sites)
Publication of Statutes

When a federal law is enacted, it is published in three steps:

- **Slip law**
  - E.g., Public Law 103-416 or PL 103-416
  - A slip law is a paper document; it’s a single law, printed on paper.

- **Session Laws**
  - *United States Statutes at Large*
    - E.g., 108 Stat. 4305
    - Session laws are many slip laws bound together in chronological order for a complete session of Congress
    - They are preserved, as enacted, forever in the Stat.

- **Code**
  - United States Code (U.S.C.)
    - E.g., 12 U.S.C. § 1001
    - The law is broken up into pieces and distributed by subject in the code.
    - These are the “Federal Laws” we usually think of.
A public law is passed and published as a separate document (slip law).

Public laws for a session of Congress are compiled chronologically in Statutes at Large (session law).

Session laws are reorganized by subject and placed within the code (codified).

Pub. L. No. 103-416

108 Stat. 4305

Title 8

Title 18

Various provisions of Pub. L. No. 103-416 are reprinted within the applicable Titles.

From Amy E. Sloan, Basic Legal Research 3rd ed.
The United States Code is divided into 51 “titles.”

Cont. next page.
Example: the Clean Water Act is part of Title 33 because the Clean Water Act applies to the nation’s navigable waters.
Title and Section are the main units of the U.S. Code
  • § is the symbol used to mean “section”
  • Whenever you refer to a statute, you must include the title and the section number
    • e.g., 33 U.S.C. § 1365.

Each section may have subsections
  • E.g. 18 USC § 1211(d)(3)
United States Code

- **Official (by the Government Printing Office):**
  - **United States Code (U.S.C.)**
    - Not annotated
    - Bb expects you to cite to the USC whenever possible

- **Lexis**
    - Annotated

- **Westlaw**
  - **United States Code Annotated (U.S.C.A)**
    - Annotated
Annotated v. Unannotated

- **Unannotated**
  - Contains only the text of the law
  - Plus the Historical Note, or Credit

- **Annotated**
  - Contains the text of the law
  - Historical Note, or Credit
  - Many research references
    - Notes of Decisions
    - Cross references to regulations and other laws
    - References to secondary sources
    - Etc.

- **An annotated code is a more helpful research tool.**
Annotated Code for Research

- Use the unofficial, annotated code for research
  - U.S.C.A. (West)
  - U.S.C.S.(Lexis)
  - Annotated state codes
- But cite to the official code
  - U.S.C.
  - Official state codes
  - See Bb Rule 12
Pieces of a Statute

- Let’s look together at

- At each, identify:
  - Title of the Code
  - Section of the Code
  - Text of the statute
  - Credit or History – tells you original Public Law and any amendments with date & Statutes at Large citation
  - Annotation – link to related CFR
  - Annotation – Notes of Decisions (cases interpreting the statute)
  - Link to Table of Contents view
  - Next section/Book browse
4 Ways to Find Statutes

- **Find by citation**
  - E.g., 5 U.S.C. 551 (Freedom of Information Act)
    - *Maybe you found this citation in a case or secondary source.*

- **Find by subject**
  - Use an index
  - Use a table contents

- **Find by Word Search**
  - Use Westlaw or Lexis

- **By name of the Act**
  - Look up the popular name of the act in the Popular Names Table
  - E.g., USA PATRIOT Act, Sherman Act, DOMA, FISA, etc.
  - The Table will tell you the citation, e.g., 15 U.S.C. §§ 1-7 (Sherman Act)
Popular Name Table

- You need to find the Digital Millennium Copyright Act, which most people just call the DMCA.
  - Let’s look it up in the Popular Names Table.
    - (screenshots next 2 slides for reference later)

- We’ll also note:
  - U.S.C.A. Index
  - U.S.C.A. Table of Contents
**Digital Millennium Copyright Act**

*United States Code Annotated Popular Name Table for Acts of Congress*  
(Approx. 5 pages)

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**Popular Name**

**Digital Millennium Copyright Act**


Short title: see 17 USCA § 101 note

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**PL # and citation to session law in U.S. Statutes at Large**

**Current USCA classifications:**

<table>
<thead>
<tr>
<th>Section of Pub. L. 105–304</th>
<th>USCA Classification</th>
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<tr>
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**Citation and hyperlink to each USC section where law is codified.**
State Statutes

- Very similar to federal statutes with a few exceptions
- See Bb T1 for the name of the Session Laws and Code for your state
- Statutes (both state and federal) are easier to use in print for some people
  - Compensate online with Table of Contents, Index, etc.
Researching State Statutes

- There are annotated state codes, just like U.S.C.A. and U.S.C.S.
  - Westlaw and Lexis have the annotated codes online for the states

- Your law office may keep your state code in print

- Often, the best way to search for a state statute is to use the Index in print.
Citing State Statutes

- In some states, code citation includes title number with the section
  - E.g., Va. Code Ann. § 18.2-266
    - Title 18.2 is about Crimes and Offenses Generally.
    - Thus, this is title 18.2, section 266

- In some states, the title is named, not numbered
  - E.g., Texas Penal Code Ann. § 49.04
    - The title is the Penal Code and the section is 49.04
LEGISLATIVE HISTORY
How a Bill Becomes a Law

The U.S. Congress, America’s lawmaking body, is made up of two houses: the Senate and the House of Representatives. In a typical year, U.S. Senators and Representatives introduce a total of about 5,000 bills, or proposed laws. But only about 150 become laws. Read the diagram to see how laws are made. Note: This diagram shows a bill going through the U.S. House and Senate at the same time. A bill must be passed by one house of Congress before it can go to the other for action.

**Bill is introduced in the House of Representatives.**

Bill is passed on to a House committee and subcommittee for hearings, debate, and changes.

If committee passes bill, it goes to the full House.

If House passes bill, it goes to the Senate. (If both Senate and House pass bill, it goes to a House-Senate joint committee.)

**Bill is introduced in the Senate.**

Bill is passed on to a Senate committee and subcommittee for hearings, debate, and changes.

If committee passes bill, it goes to the full Senate.

If Senate passes bill, it goes to the House. (If both House and Senate pass bill, it goes to a joint committee.)

**House-Senate joint committee settles any differences in the two bills; it sends this compromise bill back to both houses.**

House and Senate vote on final passage; if compromise bill passes both houses, it goes to the President.

President can sign bill into law or veto (reject) it. Congress can override veto by a two-thirds majority vote of both houses. Bill then becomes a law.
What is Legislative History?

- The paper trail of documents that legislators create during the legislative process
  - committee reports
  - hearing transcripts from committee hearings
  - floor debates (*Congressional Record*)
  - versions of the bill

- Documents generated by Congress as part of the legislative process are only persuasive authority when cited to courts.
Why Use Legislative History?

- Legislative history can help you:
  - Determine the meaning of a statute that may be unclear;
  - Resolve ambiguity in important details of a statute;
  - Clarify a question about a statute if there are no court decisions interpreting it; and
  - Provide insight into legislative intent at the time the statute was passed.
Common citations to LH docs

- **Committee Reports**

- **Hearing Transcript**

- **Floor Debate**
  - 142 Cong. Rec. 251 (1996)

- **Bill**
Find LH materials using the annotations of the USCA

Your client is the parent of a successful high school basketball player. Several agents have contacted the family about representing the student. You find a relevant federal statute, 15 U.S.C. § 7802. You are interested in learning more about this section, so you want to review the legislative history.

Let’s find the legislative history documents.

Start with the annotated code.
§ 7802. Regulation of unfair and deceptive acts and practices in connection with the contact between an athlete agent and a student athlete

Currentness

(a) Conduct prohibited

It is unlawful for an athlete agent to--

(1) directly or indirectly recruit or solicit a student athlete to enter into an agency contract, by--

(A) giving any false or misleading information or making a false promise or representation; or

(B) providing anything of value to a student athlete or anyone associated with the student athlete before the student athlete enters into an agency contract, including any consideration in the form of a loan, or acting in the capacity of a guarantor or co-guarantor for any debt;

(2) enter into an agency contract with a student athlete without providing the student athlete with the disclosure document described in subsection (b) of this section; or

(3) predate or postdate an agency contract.

(b) Required disclosure by athlete agents to student athletes

(1) In general

In conjunction with the entering into of an agency contract, an athlete agent shall provide to the student athlete, or, if the student athlete is under the age of 18, to such student athlete's parent or legal guardian, a disclosure document that meets the requirements of this subsection. Such disclosure document is separate from and in addition to any disclosure which may be required under State law.

(2) Signature of student athlete

The disclosure document must be signed by the student athlete, or, if the student athlete is under the age of 18, by such student athlete's parent or legal guardian, prior to entering into the agency contract.
Also consider looking to cases and secondary sources first

- Example searches:
  - “Clean Water Act” and (“notice of intent” /25 “legislative history”)
  - Copyright /20 “fair use” /20 “legislative history”
  - Etc.
Free .gov sites for Legislative Information

- **FDsys.gov**
  - Government’s official online publishing platform
  - Searchable, browse-able
  - Documents are authenticated PDFs

- **Congress.gov**
  - Used to be Thomas.gov
  - Track current legislation and legislation for prior sessions
    - See what actions have been taken
    - Link to relevant documents
Other Resources

- The Law Related Databases:
  - ProQuest Congressional
  - ProQuest Legislative Insight

- Use our [Federal Legislative History Research Guide](#)

- Ask a Reference [Librarian](#) for help
CALI lessons

- Codification
- Introduction to State and Federal Statutes
- Finding Statutes
- Researching Federal Legislative History
Further Reading

- O&E Text, Chapters 5 & 6
- Sloan, *Basic Legal Research, 5th ed.*, Chapters 7 & 8
  - RESERVE KF 240 S585 2012
- Sloan, *Researching the Law, Ch. 11-12*
  - RESERVE KF 240 S586 2014