George Mason University

Law Library

Spring 2015

STATUTES & LEGISLATIVE HISTORY

Overview of Today's Class

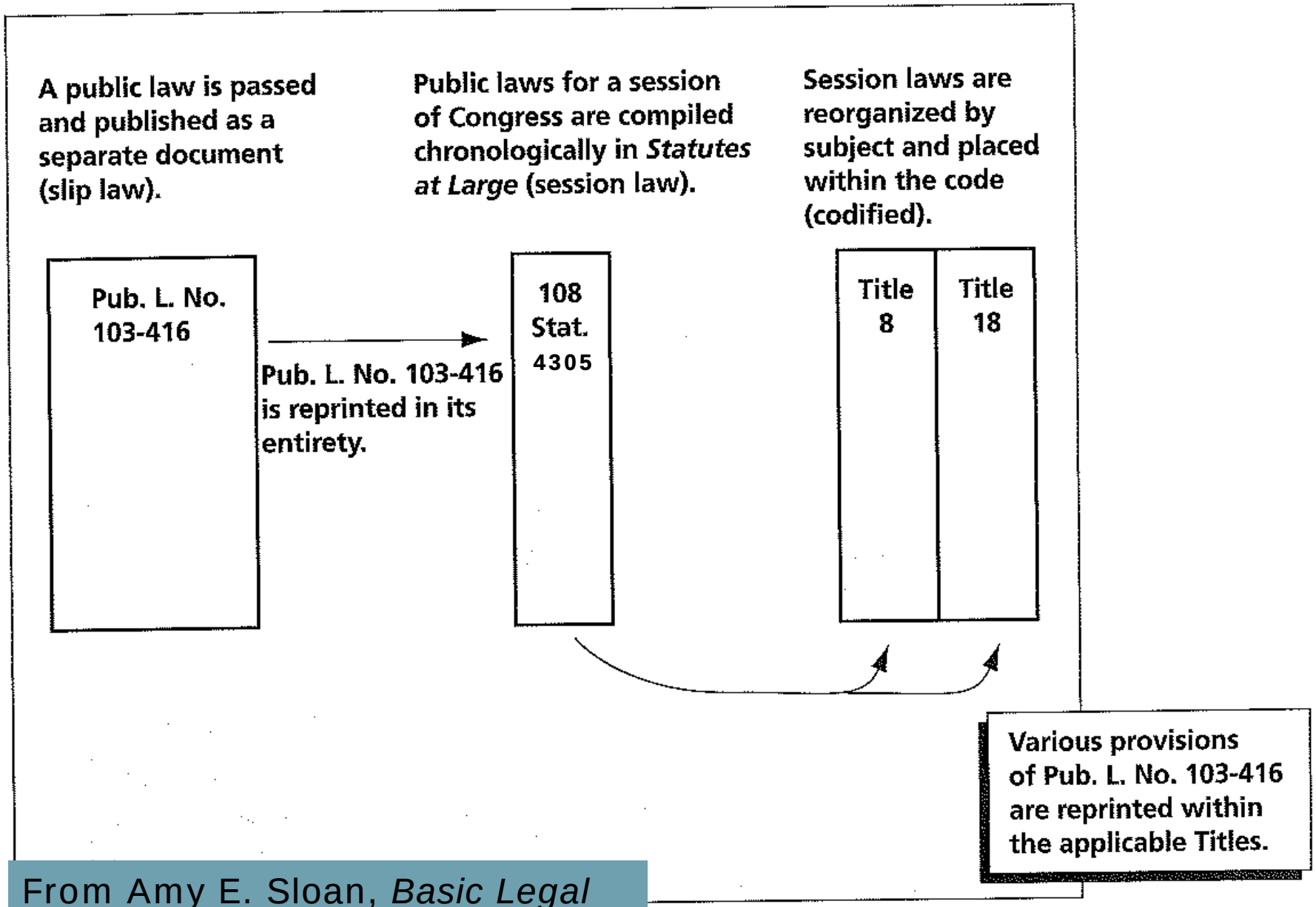
- Statutes
  - How they are published
  - Using a Code
    - Annotated and unannotated Codes
  - State Statutes
- Legislative History
  - Basic documents
  - Finding the basic documents using the annotated Code
  - Other resources (ProQuest Legislative Insight; ProQuest Congressional; Research Guide; Gov sites)

STATUTES

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.

FIGURE 6.1 PUBLICATION PROCESS FOR A FEDERAL STATUTE



From Amy E. Sloan, *Basic Legal Research* 3rd ed.

United States Code Annotated (USCA)

Includes current version of United States Code Annotated. Browse Table of Contents below or search above.

Search all content | Specify content to search

The Organic Laws of the United States of America
Constitution of the United States
Title 1. General Provisions
Title 2. The Congress
Title 3. The President
Title 4. Flag and Seal, Seat of Government, and the States
Title 5. Government Organization and Employees
Title 6. Domestic Security
Title 7. Agriculture
Title 8. Aliens and Nationality
Title 9. Arbitration
Title 10. Armed Forces
Title 11. Bankruptcy
Bankruptcy Rules
Official and Procedural Bankruptcy Forms
Title 12. Banks and Banking
Title 13. Census
Title 14. Coast Guard
Title 15. Commerce and Trade
Title 16. Conservation
Title 17. Copyrights
Title 18. Crimes and Criminal Procedure
Federal Sentencing Guidelines
Federal Rules of Criminal Procedure for the United States District Courts
Title 19. Customs Duties
Title 20. Education
Title 21. Food and Drugs
Title 22. Foreign Relations and Intercourse
Title 23. Highways
Title 24. Hospitals and Asylums
Title 25. Indians
Title 26. Internal Revenue Code
Rules of Practice and Procedure of the United States Tax Court
Title 27. Intoxicating Liquors
Title 28. Judiciary and Judicial Procedure
Federal Rules of Civil Procedure for the United States District Courts
Federal Rules of Evidence
Rules of the Supreme Court of the United States

The United States Code is divided into 51 “titles.”

Cont. next page.

TOOLS & RESOURCES
USCA Find Template
USCA - Historical
USCA Index
USCA Popular Name Table
USCA Tables
Federal Local Court Rules
Federal Rules Update Orders
Federal Rules Decisions Rules
United States Code Unannotated
United States Statutes at Large
Federal Bill Tracking

Title Search
Search headings
SEARCH

Rules of the United States Court of International Trade
Federal Rules of Appellate Procedure
United States Court of Appeals for the District of Columbia Circuit
United States Court of Appeals for the First Circuit
United States Court of Appeals for the Second Circuit
United States Court of Appeals for the Third Circuit
United States Court of Appeals for the Fourth Circuit
United States Court of Appeals for the Fifth Circuit
United States Court of Appeals for the Sixth Circuit
United States Court of Appeals for the Seventh Circuit
United States Court of Appeals for the Eighth Circuit
United States Court of Appeals for the Ninth Circuit
United States Court of Appeals for the Tenth Circuit
United States Court of Appeals for the Eleventh Circuit Rules
United States Court of Appeals for the Federal Circuit
Title 29. Labor
Title 30. Mineral Lands and Mining
Title 31. Money and Finance
Title 32. National Guard
Title 33. Navigation and Navigable Waters
Title 35. Patents
Title 36. Patriotic and National Observances, Ceremonies, and Organizations
Title 37. Pay and Allowances of the Uniformed Services
Title 38. Veterans' Benefits
United States Court of Appeals for Veterans Claims Rules of Practice and Procedure
Title 39. Postal Service
Title 40. Public Buildings, Property, and Works
Title 41. Public Contracts
Title 42. The Public Health and Welfare
Title 43. Public Lands
Title 44. Public Printing and Documents
Title 45. Railroads
Title 46. Shipping
Title 47. Telegraphs, Telephones, and Radiotelegraphs
Title 48. Territories and Insular Possessions
Title 49. Transportation
Title 50. War and National Defense
Title 50 Appendix. War and National Defense
Title 51. National and Commercial Space Programs

Example: the Clean Water Act is part of Title 33 because the Clean Water Act applies to the nation's navigable waters.

WestlawNext. © 2012 Thomson Reuters | Privacy Statement | Accessibility | Contact Us | 1-800-REF-ATTY (1-800-733-2889) | Improve WestlawNext
THOMSON REUTERS

[Title #] U.S.C. § _____

- 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
  - United States Code Service (U.S.C.S.)
    - 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
  - 39 U.S.C.A. § 601 (Westlaw)
  - 39 U.S.C.S. § 601 (Lexis)
  - 39 U.S.C. § 601 (Online, gov edition)

- 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

United States Code Annotated (USCA)

Includes current version of United States Code Annotated. Browse Table of Contents below or search above.

Search all content | Specify content to search

The Organic Laws of the United States of America
Constitution of the United States
Title 1. General Provisions
Title 2. The Congress
Title 3. The President
Title 4. Flag and Seal, Seat of Government, and the States
Title 5. Government Organization and Employees
Title 6. Domestic Security
Title 7. Agriculture
Title 8. Aliens and Nationality
Title 9. Arbitration
Title 10. Armed Forces
Title 11. Bankruptcy
Bankruptcy Rules
Official and Procedural Bankruptcy Forms
Title 12. Banks and Banking
Title 13. Census
Title 14. Coast Guard
Title 15. Commerce and Trade
Title 16. Conservation
Title 17. Copyrights
Title 18. Crimes and Criminal Procedure
Federal Sentencing Guidelines
Federal Rules of Criminal Procedure for the United States District Courts
Title 19. Customs Duties
Title 20. Education
Title 21. Food and Drugs
Title 22. Foreign Relations and Intercourse
Title 23. Highways
Title 24. Hospitals and Asylums
Title 25. Indians

TOOLS & RESOURCES
USCA Find Template
USCA - Historical
USCA Index
USCA Popular Name Table
USCA Tables
Federal Local Court Rules
Federal Rules Update Orders
Federal Rules Decisions Rules
United States Code Unannotated
United States Statutes at Large
Federal Bill Tracking

Title Search
Search headings
SEARCH

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

Document

Digital Millennium Copyright Act

United States Code Annotated
Popular Name Table for Acts of Congress

Popular Name

Digital Millennium Copyright Act
Pub.L. 105–304, Oct. 28, 1998, 112 Stat. 2860
Short title, see 17 USCA § 101 note

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

Current USCA classifications:

Section of Pub.L.105–304	USCA Classification
103(a)	17 USCA § 1201
103(a)	17 USCA § 1202
103(a)	17 USCA § 1203
103(a)	17 USCA § 1204
103(a)	17 USCA § 1205
202(a)	17 USCA § 512
406(a)	28 USCA § 4001
502	17 USCA § 1301
502	17 USCA § 1302
502	17 USCA § 1303
501	17 USCA § 1304
502	17 USCA § 1305
502	17 USCA § 1306
502	17 USCA § 1307
502	17 USCA § 1308
502	17 USCA § 1309
502	17 USCA § 1310

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.

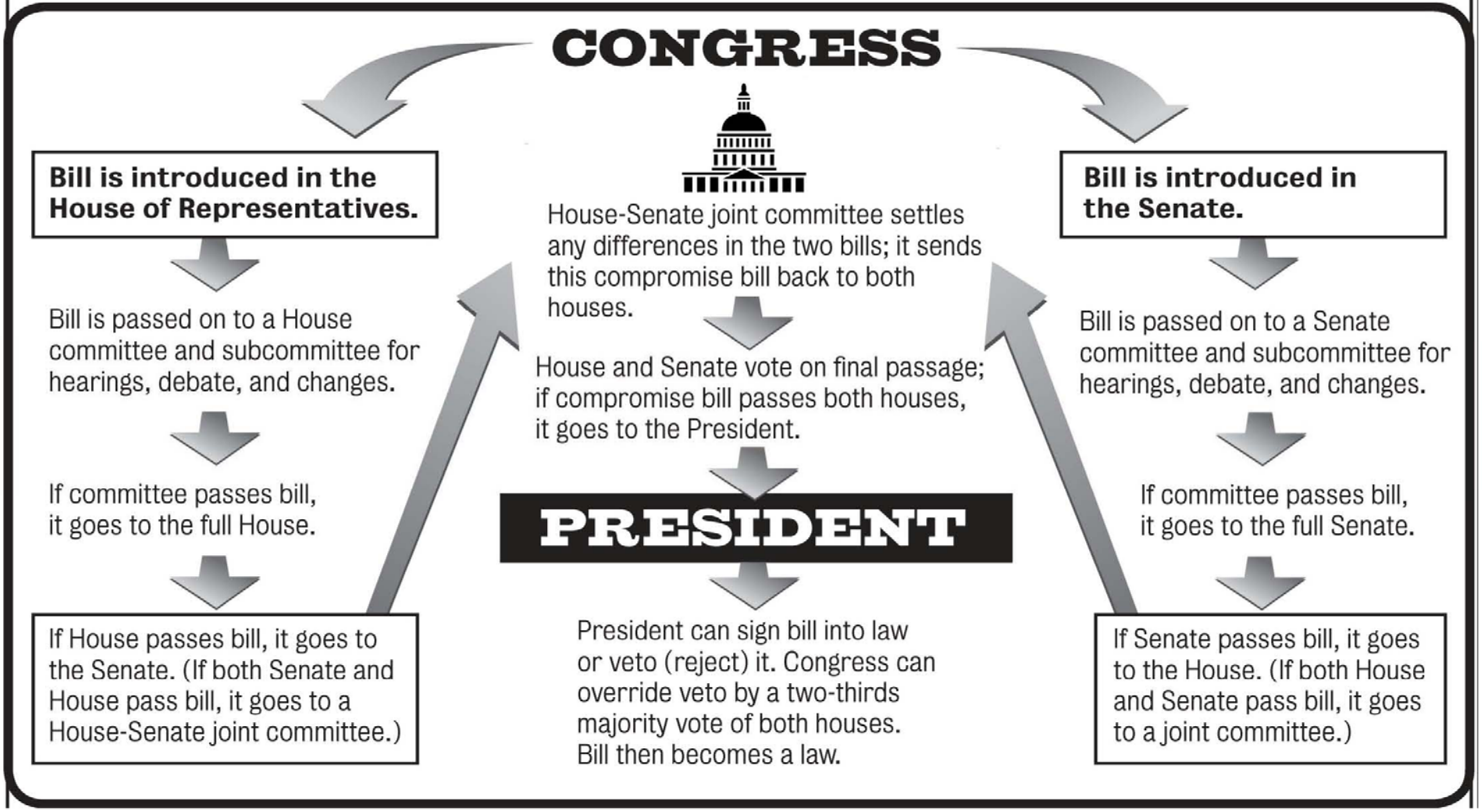
Citing State Statutes

- 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.



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
  - H.R. Rep. No. 104-698 (1996).
  - S. Rep. No. 104-258 (1996), *as reprinted in* 1996 U.S.C.C.A.N. 2258.
- Hearing Transcript
  - *Background and History of Impeachment: Hearing Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary*, 105th Cong. (1998)
- Floor Debate
  - 142 Cong. Rec. 251 (1996)
  - 142 Cong. Rec. H8620 (daily ed. July 29, 1996).
- Bill
  - H.R. 119, 54th Cong. (1st Sess. 1896).

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.

KNAPP MELANIE | Folders | History | Sign Off
powered by WestSearch
WestlawNext
Enter search terms, citations, databases, anything ...
Virginia
SEARCH advanced
Melanie's Rese... (1)

§ 7802. Regulation of unfair and deceptive acts and practices in connection with the contact between an athl...
United States Code Annotated | Title 15. Commerce and Trade | Effective: September 24, 2004 (Approx. 2 pages)

Document | Notes of Decisions | History (39) | Citing References (26) | Context & Analysis (0) Powered by KeyCite
History Overview
Graphical Statute
Validity (0)
Versions (1)
Editor's and Revisor's Notes (1)
Bill Drafts (0)
Legislative History Materials (37)
Table of Contents

United States Cod An
Title 15. Comm ce a
Chapter 104. port

Sep ember 24, 2004

15 U.S.C.A. § 7802

§ 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.

Find: USA Pat Next Previous Highlight all Match case

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