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Research Guide : Federal Statutory Research

Introduction

Statutes are an excellent place to begin research, since they are subject only to constitutional control, they authorize the promulgation of regulations, and they can overrule or modify judicial decisions. This guide discusses federal statutory research; however, the principles discussed herein are applicable to statutory research at the state level as well. It is broken into three parts: basic information on federal statutory law and how to locate a provision, updating a provision and reading a statutory citation.

Basics

Public Law vs. Private Law: Public laws affect the general public. Private laws address the needs of an individual or a small group. Both public and private laws will be found in the *session laws* (as discussed below). Only public laws are codified.

Slip Laws and Session Laws: A *slip law* is an individually paginated pamphlet containing the official text of a statute. It is the first form in which a new law will appear. Slip laws are obtained from the Government Printing Office at <http://origin.www.gpoaccess.gov/plaws/>. Thomas at <http://thomas.loc.gov/> is also an excellent source for locating an enrolled bill or newly passed legislation.

At the end of a Congressional session the public and private laws are cumulated and issued in bound volumes of session laws called the *United States Statutes at Large* [Ref. KF50 .U5]. Public and private laws are separately numbered and published in separate portions of the *Statutes at Large*. Within each division the laws are published in numerical order.

There is often a lengthy delay in their publication so in the interim, use *United States Code Congressional and Administrative News (U.S.C.C.A.N.)* [Ref. KF48 .U54]. This is an alternative source that is generally more current than the *Statutes at Large* and is useful for locating session laws. *U.S.C.C.A.N.* does not include private laws.

The session laws arranged by subject are subsequently codified into the fifty separate titles that comprise the *U.S. Code*.

Session laws are best located by using the public law number. In the absence of a public law number a subject index is contained in each volume of the *Statutes at Large*. If the public law number is unknown, it can often be obtained by using the “Popular Names Table” in the *U.S.C.A.* or the *U.S.C.S.*

Official Code: The *United States Code* [Ref. KF62 2006 .A2 2008] is the official statutory compilation of the federal laws. Citations to the *U.S. Code* refer to title and section. To the extent a citation is not known, “Acts Cited by Popular Name” is a table which provides the citation to many commonly cited statutes. In the absence of either a citation or a popular name, the general index is the starting place to locate information within the *U.S. Code*. Free online versions of the *U.S. Code* are available at <http://uscode.house.gov/>, www.law.cornell.edu/uscode, and www.gpoaccess.gov/uscode/.

Annotated Codes: There are two annotated codes. Both are updated more frequently than the *U.S. Code*, and both provide references to cases, statutes, regulations, and other resources that can be helpful in researching an issue or interpreting a statutory provision. The two annotated codes are: *United States Code Annotated (U.S.C.A.)* [Ref. KF62.5 .J38] and *United States Code Service (U.S.C.S.)* [Ref. KF62.5 .W4]. It is important to keep in mind that not every provision of the code has been interpreted, so not every code section has annotations. Both annotated codes have general subject matter indices and popular names tables that can be used to locate a particular section.

Updating Code Provisions and Shepard’s

Updating: In addition to verifying that the statute in question is still good law, it is also important to verify that you are viewing the most recent text of the statute.

U.S. Code – To find an updated provision in the *U.S. Code*, identify the title and section number of the statute in the latest edition of the bound *U.S. Code*. Then locate the same title and section number in the latest cumulative bound supplements that follow the bound volume of the *U.S. Code*.

U.S.C.A. – To find an updated provision in the *U.S.C.A.*, identify the title and the section number of the statute in:

- (1) the bound volume,
- (2) the pocket part to the bound volume,
- (3) each pamphlet supplement’s “Table of U.S. Code and U.S. Code Annotated Sections Amended, Repealed, etc.”(note that there may be anywhere from one to ten of these pamphlets - each pamphlet must be checked), and
- (4) check “U.S. Code and U.S. Code Annotated Sections Amended, Repealed, etc.” in Table 3 of the latest monthly supplement to *U.S.C.C.A.N.*

U.S.C.S. – To find an updated provision in *U.S.C.S.*, identify the title and section number of the statute in:

- (1) the bound volume,
- (2) the pocket part,
- (3) the most recent “Cumulative Later Case and Statutory Service” quarterly supplement, and
- (4) check the “Table of Code Sections Added, Amended, Repealed, or Otherwise Affected” in the most recent monthly pamphlets.

Remember that recent laws may not appear in the bound volumes at all. They may only appear in the supplement(s).

Reading Statutory Citations

Statutory citations typically refer to a title and a section number rather than a volume and page number. A typical citation has four parts

1. Title
2. Source
3. Section
4. Date

For example — 42 U.S.C. § 9601 (2006 & Supp. II 2008)

1. “42” is the Title of the *U.S. Code* where the section will be found.
2. “U.S.C.” is the abbreviation for the *U. S. Code*. There are two unofficial versions of the code *U.S.C.A.* – the *United States Code Annotated* and *U.S.C.S.* the *United States Code Service*.
3. “§ 9601” is the section of Title 42 in which the text of the relevant statute can be located.
4. “2006 & Supp. II 2008” indicate the publication date of the *U.S. Code* volumes in which the actual text was located. “2006” is the date of the official bound volume containing the original text of the statute. “Supp. II 2008” indicates the number and date of the supplement that contains amendments to the text of the statute since the 2006 edition of the *Code* was published.

Citations to Statutes at Large — Citations to the session laws found in the *Statutes at Large* follow the traditional volume and page number format. For example **105 Stat. 2343** refers to volume 105 of the *Statutes at Large*, page 2343.

Public Law Citations — Citations to a public law are in the form of **Pub. L. No. 102-242**. “102” refers to the 102d Congress and “242” means the 242d law enacted by the 102 Congress.

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