

Assignment 1 - Statute Basics

This assignment is due at the beginning of class on Friday, Jan. 29th.

Answer the following questions for both public laws: 109-453 and 109-464. Copies of both laws are included in the class handouts from last Friday, which are also available on the class web page. They are also available at thomas.loc.gov .

1. Which bill became the public law?
Pub. L. 109-453: S. 1378
Pub. L. 109-464: S. 4042
2. What is the short title of the Act?
Pub. L. 109-453: National Historic Preservation Act Amendments Act of 2006
Pub. L. 109-464: No designated short title
3. Where in the U.S.C. is the language of this public law codified?
Pub. L. 109-453: 16 U.S.C. §§ 470 and following sections
Pub. L. 109-464: 18 U.S.C. § 1388
4. Is Sec. 1 of this public law freestanding or amendatory?
Pub. L. 109-453: Sec. 1 is Amendatory
Pub. L. 109-464: Adds a new section (hybrid)
5. If freestanding, what code sections did it add to the U.S.C.? If amending, what does it amend?
Pub. L. 109-453: Amends the National Historic Preservation Act Amendments Act of 2006.
Pub. L. 109-464: Adds a new section to 18 U.S.C.
6. If amending, what is it amending and why is the public law amending what it says it amends?
Pub. L. 109-453: Amends a public law because the title of the U.S.C. where it is being codified (Title 16) has not been enacted into positive law.
Pub. L. 109-464: Adds a new section to the Code because title 18, where it is being codified, has been enacted into positive law.
7. If amending, identify the type of amending process is being used? See class notes and handouts for the different types of amendatory legislation.
Pub. L. 109-453: Most of this public law uses the amendment by reference; Sec. 1(f) of this public law amends section 205(f) of the National Historic Preservation Act Amendments Act of 2006 using the reenactment method, also know as restatement.

Use Public L. 109-453 to answer the following questions:

1. Sec. 1(e) says that “[s]ection 205(f) of the Act...” is amended. In which source will you find the positive law version of section 205(f)?

This refers to section 205(f) of the National Historic Preservation Act Amendments Act of 2006. Congress always amends whatever is positive law, so here the public law is positive law; the code title where this is to be codified (Title 16) has not been enacted into positive law (or at least had not as of Dec. 22, 2006 when public law 109-453 was passed into law by Congress).

2. If section 205(f) refers to a section 205(f) found in the U.S.C., in which title and/or section of the public law is it located? If section 205(f) refers to a section number found in a public law, where is it codified in the U.S.C.?

Section 205(f) is found in the public law; it is codified at 16 U.S.C. 470m(f); this is indicated in a parenthetical in the text of the public law.

3. Where is this Act (109-453) codified in the U.S.C.? List all titles and sections of the Code. How did you determine your answer to this question?

16 U.S.C. 470h, 470i(a)(4), 470i(b), 470i(f), 470m(f), 470t(a), 470v-2

4. Identify where the language from Sec. 1(c) is codified and locate in the Code; when was this section of the Code originally created?

Section 470h of Title 16; this section of Title 16 was originally created in 1966 by Public L. 89-665

Use public L. 109-464 to answer the following questions:

1. Sec. 1(a) of this public law references “Chapter 67 of title 18...” In which source can this chapter and title be located? A public law or the U.S.C.?

The United States Code

2. Is the language found in Public L. 109-464 positive law or is the language found in the U.S.C. where Pub. L. 109-464 is codified positive law? Explain how you arrived at your answer.

Title 18 of the U.S.C. is positive law.

3. Where is this Act (109-464) codified in the U.S.C.? List all titles and sections of the code.

18 U.S.C. § 1388

4. Identify where the language from Sec. 1(a) of this Act is codified and locate in the Code; when was this section created?

By public law 109-464, as stated by this public law.