

105TH CONGRESS }
1st Session }

SENATE

{ DOCUMENT
105-14

HOW OUR LAWS ARE MADE

Revised and Updated

by Charles W. Johnson, Parliamentarian,
U.S. House of Representatives



Presented by Mr. Warner
November 12, 1997.—Ordered to be printed

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ALLEGED DEFENDANT EXHIBIT 4

One Hundred Fifth Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the seventh
day of January, one thousand nine hundred and ninety-seven*

Concurrent Resolution

Resolved by the Senate (the House of Representatives concurring),
That (a) a revised edition of the brochure entitled "How Our Laws
Are Made", under the direction of the Parliamentarian of the
House of Representatives in consultation with the Parliamentarian
of the Senate, shall be printed as a Senate document, with suitable
paper cover in the style selected by the chairman of the Joint Com-
mittee on Printing. (b) There shall be printed—

(1)(A) 250,000 copies of the brochure for the use of the House
of Representatives, distributed in equal numbers to each Mem-
ber;

(B) 100,000 copies of the brochure for the use of the Senate,
distributed in equal numbers to each Member;

(C) 2,000 copies of the brochure for the use of the Joint Com-
mittee on Printing; and

(D) 1,400 copies of the brochure for distribution to the depos-
itory libraries; or

(2) if the total printing and production costs of copies in
paragraph (1) exceed \$180,000, such number of copies of the
brochure as does not exceed total printing and production costs
of \$180,000, with distribution to be allocated in the same pro-
portion as in paragraph (1).

Attest:

GARY L. SISCO,
Secretary of the Senate.

Attest:

ROBIN H. CARLE,
Clerk of the House of Representatives.

affirmative to pass the bill, the measure becomes the law of the land notwithstanding the objections of the President, and it is ready for publication as a binding statute.

LINE ITEM VETO

The Line Item Veto Act provides the President authority to cancel certain individual items contained in a bill or joint resolution that he has signed into law. The President may cancel only three types of fiscal items: a dollar amount of discretionary budget authority, an item of new direct spending, and a tax change benefiting a class of 100 or fewer. The cancellations must be received by the House and Senate within five calendar days of the enactment of such a law and are effective unless disapproved. The President submits a single message to both Houses containing all the cancellations per law. The Act also provides special expedited procedures by which the House and Senate may consider a bill or joint resolution disapproving a President's cancellation. Such a "disapproval bill" may be passed by a majority vote in the House and Senate and presented to the President for his signature or veto under the Constitution. If the disapproval bill were vetoed by the President, the House and Senate could override the veto by a two-thirds vote in each House in which case the President's cancellations would be null and void. The constitutionality of the Line Item Veto Act is the subject of pending litigation at the time of publication of this edition.

XIX. PUBLICATION

One of the important steps in the enactment of a valid law is the requirement that it shall be made known to the people who are to be bound by it. There would be no justice if the state were to hold its people responsible for their conduct before it made known to them the unlawfulness of such behavior. In practice, our laws are published immediately upon their enactment so that the public will be aware of them.

If the President approves a bill, or allows it to become law without signing it, the original enrolled bill is sent from the White House to the Archivist of the United States for publication. If a bill is passed by both Houses over the objections of the President, the body that last overrides the veto transmits it. It is then assigned a public law number, and paginated for the Statutes at Large volume covering that session of Congress. The public and private law numbers run in sequence starting anew at the beginning of each Congress and since 1957 are prefixed for ready identification by the number of the Congress. For example, the first public law of the 105th Congress is designated Public Law 105-1 and the first private law of the 105th Congress is designated Private Law 105-1. Subsequent laws of this Congress also will contain the same prefix designator.

SLIP LAWS

The first official publication of the statute is in the form generally known as the "slip law". In this form, each law is published separately as an unbound pamphlet. The heading indicates the

public or private law number, the date of approval, and the bill number. The heading of a slip law for a public law also indicates the United States Statutes at Large citation. If the statute has been passed over the veto of the President, or has become law without the President's signature because he did not return it with objections, an appropriate statement is inserted instead of the usual notation of approval.

The Office of the Federal Register, National Archives and Records Administration prepares the slip laws and provides marginal editorial notes giving the citations to laws mentioned in the text and other explanatory details. The marginal notes also give the United States Code classifications, enabling the reader immediately to determine where the statute will appear in the Code. Each slip law also includes an informative guide to the legislative history of the law consisting of the committee report number, the name of the committee in each House, as well as the date of consideration and passage in each House, with a reference to the Congressional Record by volume, year, and date. A reference to presidential statements relating to the approval of a bill or the veto of a bill when the veto was overridden and the bill becomes law is included in the legislative history as a citation to the Weekly Compilation of Presidential Documents.

Copies of the slip laws are delivered to the document rooms of both Houses where they are available to officials and the public. They may also be obtained by annual subscription or individual purchase from the Government Printing Office and are available in electronic form for computer access. Section 113 of title 1 of the United States Code provides that slip laws are competent evidence in all the federal and state courts, tribunals, and public offices.

STATUTES AT LARGE

The United States Statutes at Large, prepared by the Office of the Federal Register, National Archives and Records Administration, provide a permanent collection of the laws of each session of Congress in bound volumes. The latest volume containing the laws of the first session of the 104th Congress is number 109 in the series. Each volume contains a complete index and a table of contents. From 1956 through 1976, each volume contained a table of earlier laws affected. These tables were cumulated for 1956-1970 and supplemented for 1971-1975 in pamphlet form and discontinued in 1976. From 1963 through 1974, each volume also contained a most useful table showing the legislative history of each law in the volume. This latter table was not included in subsequent volumes because the legislative histories have appeared at the end of each law since 1975. There are also extensive marginal notes referring to laws in earlier volumes and to earlier and later matters in the same volume.

Under the provisions of a statute originally enacted in 1895, these volumes are legal evidence of the laws contained in them and will be accepted as proof of those laws in any court in the United States.

The Statutes at Large are a chronological arrangement of the laws exactly as they have been enacted. There is no attempt to arrange the laws according to their subject matter or to show the

present status of an earlier law that has been amended on one or more occasions. The code of laws serves that purpose.

UNITED STATES CODE

The United States Code contains a consolidation and codification of the general and permanent laws of the United States arranged according to subject matter under 50 title headings, in alphabetical order to a large degree. It sets out the current status of the laws, as amended, without repeating all the language of the amendatory acts except where necessary for that purpose. **The Code is declared to be prima facie evidence of those laws.** Its purpose is to present the laws in a concise and usable form without requiring recourse to the many volumes of the Statutes at Large containing the individual amendments.

The Code is prepared by the Law Revision Counsel of the House of Representatives. New editions are published every six years and cumulative supplements are published after the conclusion of each regular session of the Congress. The Code is also available in electronic form for computer access.

Twenty-two of the 50 titles have been revised and enacted into positive law, and two have been eliminated by consolidation with other titles. Titles that have been revised and enacted into positive law are legal evidence of the law and the courts will receive them as proof of those laws. Eventually all the titles will be revised and enacted into positive law. At that point, they will be updated by direct amendment.