

CROSS-TITLE STATUTORY BRIDGES AND FRANCHISE INDEPENDENCE IN THE U.S. CODE

A Reference Compendium for Statutory Structural Analysis

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For inclusion in legal briefs, memoranda of law, and doctrinal analysis

PART I: COMPREHENSIVE TABLE OF CROSS-TITLE STATUTORY BRIDGES IN THE UNITED STATES CODE

The following table catalogs each major instance in which Congress has enacted an express statutory provision bridging otherwise-isolated titles of the United States Code. These bridges are classified into four structural types: **Incorporation** (one title absorbs offenses, definitions, or obligations from another); **Conditioning** (one title conditions a right, benefit, or status on compliance with another title); **Definitional Import** (one title expressly cross-references another title's definitions); and **Procedural Cross-Reference** (one title invokes the procedures or enforcement mechanisms of another). The express and enumerated character of each bridge confirms the default rule: absent such a provision, each title operates as an independent statutory franchise.

A. Incorporation Bridges

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
|---|------------------------------|---|----------------------|--|
| <p>RICO Predicate Acts 18 U.S.C. § 1961(1)</p> | <p>Title 18 (Crimes)</p> | <p>Title 21, Title 29, Title 15, Title 26</p> | <p>Incorporation</p> | <p>Section 1961(1) defines “racketeering activity” by expressly enumerating predicate offenses drawn from multiple titles, including drug trafficking offenses under the Controlled Substances Act (21 U.S.C. § 802), ERISA violations (Title 29), securities fraud (Title 15), and tax fraud under the Internal Revenue Code (Title 26), thereby incorporating extra-title criminal conduct into the RICO enterprise framework.</p> |
| <p>INA Aggravated</p> | <p>Title 8 (Immigration)</p> | <p>Title 18, Title 21, Title 26</p> | <p>Incorporation</p> | <p>The Immigration</p> |

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
|--|-------------------|--|---------------|--|
| Felony 8 U.S.C. § 1101(a)(43) |) | | | and Nationality Act imports offense definitions from Title 18 (fraud, theft, crimes of violence), Title 21 (drug trafficking), and Title 26 (tax evasion exceeding \$10,000) to define the immigration-specific category of “aggravated felony,” triggering mandatory removal, bars to relief, and permanent inadmissibility consequences. |
| Money Laundering –Specified Unlawful Activity 18 U.S.C. § 1956(c)(7) | Title 18 (Crimes) | Title 21, Title 31, Title 15, Title 22, Title 26, and others | Incorporation | Section 1956(c)(7) defines “specified unlawful activity” (SUA) by expressly enumerating offenses across at least six titles of the U.S. Code, including |

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
|--|-----------------------|-----------------|---------------|---|
| | | | | controlled substance offenses (Title 21), Bank Secrecy Act violations (Title 31), securities offenses (Title 15), foreign-relations offenses (Title 22), and IRC violations (Title 26), making each a predicate for federal money laundering prosecution. |
| Bankruptcy Nondischargeability—Tax Debts 11 U.S.C. § 523(a)(1) | Title 11 (Bankruptcy) | Title 26 (IRC) | Incorporation | Section 523(a)(1) renders certain tax obligations arising under the Internal Revenue Code (Title 26) nondischargeable in bankruptcy, creating an explicit bridge from the Bankruptcy Code to the IRC and ensuring that specified |

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
|--|-----------------------|---|---------------|---|
| | | | | federal tax debts survive the bankruptcy discharge. |
| Bankruptcy Executory Contracts 11 U.S.C. § 365(c)(1) | Title 11 (Bankruptcy) | Title 15 (Lanham Act), and other “applicable law” | Incorporation | Section 365(c)(1) conditions the assumption or assignment of executory contracts in bankruptcy on “applicable law” outside the Bankruptcy Code, including intellectual property and trademark provisions under Title 15 (the Lanham Act), thereby importing non-bankruptcy legal standards into the bankruptcy estate administration process. |

B. Conditioning Bridges

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
|---|-----------------------------------|----------------------------------|--------------|---|
| ERISA-IRC Qualified Plan Bridge 29 U.S.C. § 1002 / 26 U.S.C. §§ 401-414 | Title 29 (Labor) / Title 26 (IRC) | Title 26 / Title 29 (reciprocal) | Conditioning | Congress created parallel and cross-referencing definitions between ERISA (Title 29) and the Internal Revenue Code (Title 26) so that qualified retirement plans must satisfy the requirements of <i>both</i> titles simultaneously; tax-qualified status under § 401(a) is conditioned on ERISA compliance, and ERISA fiduciary obligations incorporate IRC definitions of plan types. |
| Immigration Removal Grounds—Criminal Convictions 8 U.S.C. § 1227(a)(2) | Title 8 (Immigration) | Title 18, Title 21 | Conditioning | Section 1227(a)(2) conditions continued lawful presence in the United |

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
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| | | | | States on the absence of certain criminal convictions as defined by Title 18 (crimes of moral turpitude, aggravated felonies, firearms offenses) and Title 21 (controlled substance violations), creating a conditional bridge where criminal law consequences trigger immigration removal consequences. |
| Tax-Exempt Status Conditions 26 U.S.C. § 501(c)(3) | Title 26 (IRC) | Multiple regulatory frameworks | Conditioning | Tax-exempt status under § 501(c)(3) is conditioned on organizational and operational tests that incorporate standards from other regulatory frameworks, including prohibitions on private |

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
|---|-----------------------|-------------------|--------------|--|
| | | | | inurement, substantial lobbying, and campaign intervention —conditions that implicitly bridge to election law (Title 52) and nonprofit governance standards. |
| Sarbanes-Oxley Criminal Provisions 15 U.S.C. §§ 7241-7242 / 18 U.S.C. § 1350 | Title 15 (Securities) | Title 18 (Crimes) | Conditioning | Congress explicitly bridged securities regulation (Title 15) to criminal enforcement (Title 18) by enacting 18 U.S.C. § 1350, which imposes criminal penalties on CEOs and CFOs who willfully certify false financial statements under the securities laws, conditioning corporate governance obligations on criminal liability standards. |

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
|--|----------------------|--|--------------------|---|
| Federal Sentencing Guidelines Authorization 28 U.S.C. § 994 | Title 28 (Judiciary) | Title 18, Title 21, Title 26, and others | Conditioning | Section 994 directs the U.S. Sentencing Commission to promulgate guidelines for offenses defined across multiple titles, conditioning sentencing outcomes in Title 28's judicial administration framework on the offense definitions and penalty structures of Title 18, Title 21, Title 26, and other criminal provisions throughout the Code. |

C. Definitional Import Bridges

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
|--|---------------------|----------------------------------|---------------------|---|
| Controlled Substances Definitions into RICO | Title 18 (Crimes) | Title 21 (Controlled Substances) | Definitional Import | Section 1961(1)(A) expressly references |

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
|---|------------------|-----------------|---------------------|--|
| 18 U.S.C. § 1961(1)(A) | | | | <p>“section 102 of the Controlled Substances Act” (21 U.S.C. § 802) to import the definitions of “controlled substance” and “listed chemical” into the RICO predicate-act framework, ensuring that drug-related racketeering activity is defined by reference to Title 21’s scheduling system rather than independently.</p> |
| <p>IRC Definitions into ERISA 29 U.S.C. § 1002(37)</p> | Title 29 (Labor) | Title 26 (IRC) | Definitional Import | <p>Section 1002(37) of ERISA cross-references 26 U.S.C. § 414(j) for the definition of “multiemployer plan,” importing the IRC’s tax-law definition into the labor-law framework to ensure uniform treatment of</p> |

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
|---|-------------------------------|--|---------------------|--|
| | | | | multiemployer pension plans across both regulatory regimes. |
| False Claims Act—Federal Program Funds 31 U.S.C. § 3729 | Title 31 (Money & Finance) | Title 42 (Medicare/Medicaid), Title 20 (Education), and others | Definitional Import | The False Claims Act defines “claim” in relation to federal funds disbursed under program-specific statutes across multiple titles, including Title 42 (Medicare, Medicaid, and Social Security Act programs) and Title 20 (education funding), thereby bridging the anti-fraud enforcement mechanism of Title 31 to the substantive program statutes that authorize federal expenditures. |
| UCMJ | Title 10 | Title 18 | Definitional | Article 134 of |

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
|---|---------------------|----------------------------------|---------------------|---|
| General Article— Assimilated Federal Offenses 10 U.S.C. § 934 (Art. 134) | (Armed Forces) | (Crimes) | Import | the Uniform Code of Military Justice incorporates federal criminal offenses defined under Title 18 as “crimes and offenses not capital” cognizable under military jurisdiction, assimilating the civilian criminal code into the military justice system for offenses committed by service members. |
| Assimilative Crimes Act 18 U.S.C. § 13 | Title 18 (Crimes) | State criminal law (non-federal) | Definitional Import | Section 13 incorporates state criminal law as federal law on federal enclaves (military bases, national parks, and other areas of exclusive federal jurisdiction), creating a bridge from |

| Bridge Statute | Source Title | Target Title(s) | Bridge Type | Mechanism Description |
|----------------|--------------|-----------------|-------------|---|
| | | | | the federal criminal code to state statutory frameworks for conduct not otherwise covered by federal criminal statutes. |

Illustrative Absences: Where Congress Did NOT Build a Bridge

The following examples demonstrate that the default structural principle of the United States Code is *franchise isolation*. In each instance, Congress has **not** enacted a cross-title bridge, and the absence is itself evidence of intentional legislative design:

- **Title 26 (IRC) and Title 42 (Social Security).** No general bridge exists between the Internal Revenue Code and the Social Security Act beyond specific enumerated provisions (*e.g.*, FICA withholding under 26 U.S.C. §§ 3101–3128). Each title independently defines “wages,” “employee,” and “income,” and the definitions are not coextensive. *See United States v. Silk*, 331 U.S. 704 (1947).
- **Title 11 (Bankruptcy) and Title 8 (Immigration).** No bridge connects the Bankruptcy Code to the Immigration and Nationality Act. A bankruptcy filing creates no immigration consequence; a removal order creates no bankruptcy consequence. The two franchises operate in complete isolation.
- **Title 35 (Patents) and Title 26 (IRC).** No cross-title bridge defines

“property” or “income” uniformly across the patent and tax codes. Patent rights are treated as property under Title 35 for purposes of patent law, and as property under Title 26 for purposes of tax law, but neither title imports the other’s definitions or standards.

- **Title 47 (Telecommunications) and Title 26 (IRC).** The FCC franchise under Title 47 and the tax franchise under Title 26 operate in complete isolation. An FCC license or franchise authorization carries no tax consequence by operation of Title 47, and the IRC imposes no telecommunications regulatory obligations.

- **Title 15 (Antitrust) and Title 29 (Labor).** The Sherman Act and Clayton Act (Title 15) and the labor relations statutes (Title 29) operate independently absent specific, narrowly drawn exemptions such as the Norris-LaGuardia Act (29 U.S.C. §§ 101-115) and the statutory labor exemption in § 6 of the Clayton Act (15 U.S.C. § 17). The existence of these narrow, express exemptions *confirms* that the default relationship is one of mutual isolation.

The foregoing table and illustrative absences establish that cross-title statutory effects in the United States Code are **never** implied. They arise only through express congressional enactment. Where Congress is silent, the silence is the architecture.

PART II: THE FRANCHISE INDEPENDENCE DOCTRINE

**ARGUMENT: EACH TITLE OF THE UNITED STATES CODE
CONSTITUTES AN INDEPENDENT STATUTORY**

FRANCHISE ABSENT AN EXPRESS CONGRESSIONAL BRIDGE

1. Core Thesis. Each title of the United States Code operates as a self-contained statutory franchise—a discrete body of law enacted to serve a distinct congressional purpose, administered by a distinct agency or set of agencies, and governed by its own internal definitions, obligations, and enforcement mechanisms. Cross-title obligations, definitions, or consequences arise *only* when Congress has enacted an explicit bridging provision. In the absence of such a provision, no court may judicially construct a bridge between titles, and no agency may assert cross-title authority that Congress has not expressly conferred.

2. Structural Proof: The Express Bridge Evidence. The comprehensive table set forth in Part I of this memorandum demonstrates that when Congress intends to create cross-title effects, it does so with unmistakable specificity. The RICO statute, 18 U.S.C. § 1961(1), does not vaguely incorporate “other federal offenses”—it enumerates, by title, section, and subject matter, every predicate act drawn from Titles 21, 29, 15, and 26. *See Russello v. United States*, 464 U.S. 16, 23 (1983) (holding that “[w]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion”). The Immigration and Nationality Act, 8 U.S.C. § 1101(a)(43), catalogs over twenty categories of criminal conduct drawn from Titles 18, 21, and 26 that constitute “aggravated felonies” triggering removal. The Bankruptcy Code, 11 U.S.C. § 523(a)(1), specifically identifies IRC tax obligations as nondischargeable debts. In every instance, the bridge is *textually express, specifically enumerated, and surgically precise*.

3. Canon of Construction: *Expressio Unius Est Exclusio Alterius*. Congress’s express enumeration of cross-title bridges in some contexts creates a powerful negative inference that silence in other contexts reflects intentional isolation. The Supreme Court has repeatedly endorsed this

canon. In *Russello v. United States*, 464 U.S. 16, 23 (1983), the Court held that disparate inclusion or exclusion of language within the same statute is “generally presumed” to be intentional. In *Marx v. General Revenue Corp.*, 568 U.S. 371, 381 (2013), the Court analyzed whether the express mention of costs in one statutory provision created a negative inference excluding costs in other circumstances—confirming that statutory structure and contextual placement govern the strength of the inference. *See also Robbers v. United States*, 572 U.S. 639 (2014) (applying consistent-usage and cross-reference canons to interpret statutory terms in light of their structural context). Where Congress has built express bridges in fifteen or more specific statutory provisions but has remained silent in hundreds of other potential cross-title intersections, the negative inference is overwhelming.

4. Negative Inference: Silence as Architecture. The “Illustrative Absences” cataloged in Part I are not gaps or oversights—they are the architecture of the Code. Congress has legislated extensively in both Title 26 (IRC) and Title 42 (Social Security) for over eight decades without creating a general definitional bridge between the two, despite the obvious overlap in subject matter. Congress has enacted both the Bankruptcy Code (Title 11) and the Immigration and Nationality Act (Title 8) without creating any cross-title consequence for bankruptcy filing. These silences are intentional. *See FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000) (“[T]he meaning of one statute may be affected by other Acts, particularly where Congress has spoken subsequently and more specifically to the topic at hand.”). The Court in *Brown & Williamson* confirmed that statutory interpretation must account for the entire landscape of legislation on a given subject—and where Congress has enacted multiple statutes touching adjacent subjects without bridging them, the absence of a bridge is itself a legislative act.

5. Policy Rationale: Separation of Regulatory Franchises. Each title of the United States Code reflects a distinct congressional purpose, delegated to a distinct administrative agency with distinct regulatory expertise. Title 26 is administered by the Internal Revenue Service. Title 8 is administered

by the Department of Homeland Security. Title 11 is administered by the bankruptcy courts under Article I authority. Title 21 is administered by the Drug Enforcement Administration. Importing obligations or definitions across titles without express statutory authorization would violate the fundamental principle that agencies possess “only the authority that Congress has provided,” *Michigan v. EPA*, 576 U.S. 743, 751 (2015), and would raise serious nondelegation concerns by permitting one regulatory regime to operate with the force of another without specific legislative authorization. *See also Utility Air Regulatory Group v. EPA*, 573 U.S. 302, 324 (2014) (rejecting agency assertions of authority that would “bring about an enormous and transformative expansion” of regulatory power without clear congressional authorization).

6. Conclusion. Courts should not judicially construct bridges that Congress has deliberately declined to build. The franchise independence of each title of the United States Code is not a gap in the law—it is the foundational architecture of the Code itself. When Congress wishes to create cross-title effects, it knows how to do so, and it does so with precision. When Congress is silent, the silence means what it says: the titles are independent. Any party seeking to impose cross-title obligations, import cross-title definitions, or trigger cross-title consequences bears the burden of identifying an express statutory bridge. If no such bridge exists, the claim must fail.

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TABLE OF AUTHORITIES

Cases

| Case | Citation |
|--|---------------------|
| <i>FDA v. Brown & Williamson Tobacco Corp.</i> | 529 U.S. 120 (2000) |
| <i>Marx v. General Revenue Corp.</i> | 568 U.S. 371 (2013) |
| <i>Michigan v. EPA</i> | 576 U.S. 743 (2015) |

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|--|---------------------|
| <i>Robers v. United States</i> | 572 U.S. 639 (2014) |
| <i>Russello v. United States</i> | 464 U.S. 16 (1983) |
| <i>United States v. Silk</i> | 331 U.S. 704 (1947) |
| <i>Utility Air Regulatory Group v. EPA</i> | 573 U.S. 302 (2014) |

Statutes

| Statute | Citation |
|---|------------------------|
| Racketeer Influenced and Corrupt Organizations Act (RICO)—Definitions | 18 U.S.C. § 1961(1) |
| Money Laundering—Specified Unlawful Activity | 18 U.S.C. § 1956(c)(7) |
| Assimilative Crimes Act | 18 U.S.C. § 13 |
| Sarbanes-Oxley—Criminal CEO/CFO Certification | 18 U.S.C. § 1350 |
| Immigration and Nationality Act—Aggravated Felony | 8 U.S.C. § 1101(a)(43) |
| Immigration and Nationality Act—Removal Grounds | 8 U.S.C. § 1227(a)(2) |
| Bankruptcy Code—Nondischargeability of Tax Debts | 11 U.S.C. § 523(a)(1) |
| Bankruptcy Code—Executory Contracts | 11 U.S.C. § 365(c)(1) |
| Controlled Substances Act—Definitions | 21 U.S.C. § 802 |
| Internal Revenue Code—Qualified Plans | 26 U.S.C. §§ 401–414 |
| Internal Revenue Code—Tax-Exempt Organizations | 26 U.S.C. § 501(c)(3) |
| Federal Sentencing Commission Authorization | 28 U.S.C. § 994 |
| ERISA—Definitions | 29 U.S.C. § 1002 |
| False Claims Act | 31 U.S.C. § 3729 |

| Statute | Citation |
|--|----------------------------|
| Uniform Code of Military Justice— General Article | 10 U.S.C. § 934 (Art. 134) |

Note on Usage. This document is prepared as a reference compendium for use in legal briefs, memoranda of law, and doctrinal analysis. All statutory citations are to the United States Code. All case citations conform to Bluebook format. The “franchise independence doctrine” as articulated herein is a structural argument derived from the express-bridge evidence in the Code and established canons of statutory construction; it is presented for advocacy purposes and should be adapted to the specific statutory context at issue in any particular proceeding.