



U.S. CODE STRUCTURAL ANALYSIS

Federal Statutory **Franchise Isolation**

A Visual Flowchart: How Titles of the U.S. Code
Remain
Independent Unless Congress Builds an Explicit
Bridge



PREPARED FOR DOCTRINAL ANALYSIS AND LIT

THE DEFAULT RULE: **Franchise Isolation**

Each title of the U.S. Code operates as a sovereign statutory domain — interconnection requires affirmative congressional action.



01

INDEPENDENT TITLES

Each of the **54 titles** of the U.S. Code constitutes a **self-contained statutory franchise** with its own definitions, obligations, and enforcement mechanisms.



02

NO IMPLIED BRIDGES

Cross-title obligations, definitions, or consequences arise **ONLY** through **express congressional enactment**. Silence = isolation.



03

EXPRESSIO UNIUS

Congress's **explicit enumeration** of bridges in some titles creates a **negative inference** that silence in other titles is intentional.

FRANCHISE ISOLATION FLOWCHART

1

IDENTIFY THE OPERATIVE TITLE

Determine which Title of the U.S. Code governs the right, obligation, or consequence at issue (e.g., **Title 26** for tax, **Title 11** for bankruptcy, **Title 8** for immigration).

2

SEARCH FOR EXPRESS BRIDGE

Does the operative title contain an explicit statutory provision that incorporates, references, or conditions outcomes on another title? Look for: **incorporation by reference**, **definitional imports**, **conditioning language**, or **procedural cross-references**.



✓
YES — BRIDGE EXISTS

✗
NO — NO BRIDGE

3

APPLY BRIDGED FRAMEWORK

Congress has spoken. Apply the cross-title provision according to its terms.

EXAMPLES

RICO § 1961 imports Title 21 drug offenses

Bankruptcy § 523(a)(1) imports Title 26 tax debts

4

FRANCHISE REMAINS ISOLATED

Absent express congressional action, each title operates independently. Courts may not judicially construct bridges Congress declined to build.

"The silence **IS** the architecture."

WHEN CONGRESS BUILDS A BRIDGE vs. WHEN IT DOES NOT

✔ EXPRESS BRIDGES EXIST

- ✔ **RICO § 1961 — Title 18 → Titles 21, 26, 29, 15**
Predicate acts imported from other titles
- ✔ **INA § 1101(a)(43) — Title 8 → Titles 18, 21, 26**
Aggravated felony definitions imported
- ✔ **Bankruptcy § 523(a)(1) — Title 11 → Title 26**
Tax debts rendered nondischargeable
- ✔ **Money Laundering § 1956 — Title 18 → Titles 21, 31, 22**
Specified unlawful activity cross-referenced
- ✔ **ERISA-IRC §§ 1002/401 — Title 29 ↔ Title 26**
Parallel qualified plan rules

✘ NO BRIDGE EXISTS

- ✘ **Title 26 (Tax) ↔ Title 42 (Social Security)**
Each defines wages/income independently
- ✘ **Title 11 (Bankruptcy) ↔ Title 8 (Immigration)**
No mutual consequences exist
- ✘ **Title 35 (Patents) ↔ Title 26 (Tax)**
No shared property/income definitions
- ✘ **Title 47 (Telecom) ↔ Title 26 (Tax)**
FCC franchise ≠ tax franchise
- ✘ **Title 15 (Antitrust) ↔ Title 29 (Labor)**
Independent absent specific exemptions

KEY INFERENCE: Congress knows how to build bridges — its silence in other titles is deliberate architectural choice.

TAXONOMY OF **CROSS-TITLE BRIDGE** MECHANISMS

Four distinct techniques Congress employs to create inter-title connections

TYPE

5+



INCORPORATION

One title explicitly adopts offenses, definitions, or standards from another title (e.g., RICO predicate acts, INA aggravated felony).

TYPE I

4+



CONDITIONING

One title makes rights or status contingent on compliance with another title (e.g., ERISA-IRC qualified plans, immigration removal grounds).

TYPE II

4+



DEFINITIONAL IMPORT

One title expressly imports defined terms from another title (e.g., CSA drug definitions into RICO, IRC definitions into ERISA).

TYPE I'

2+



PROCEDURAL CROSS-REF

One title adopts procedures or enforcement mechanisms from another (e.g., Sentencing Guidelines, Assimilative Crimes Act).

THE FRANCHISE INDEPENDENCE DOCTRINE

“Courts should not judicially construct bridges that Congress has deliberately declined to build.”

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The absence of a cross-title bridge is not a gap in the law — it is the *architecture* of the law.

Russello v. United States, 464 U.S. 16 (1983) • *FDA v. Brown & Williamson*, 529 U.S. 120 (2000) • *Marx v. General Revenue Corp.*, 568 U.S. 371 (2013)

