

## **Research Guide**

### **Federal Legislative History**

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#### *What is Legislative History and Why is it Important?*

The legislative history of a bill or statute is made up of the documentation produced by Congress in the legislative process. Legislative history is used to demonstrate the intent of Congress in passing a statute. This is important as the courts sometimes will look to legislative intent when discerning the meaning of an ambiguously worded statute.

Legislative histories are sometimes compiled by commercial publishers for particularly important legislation. Researchers can also compile their own legislative histories by tracking down all of the Congressional documents pertaining to the statute in question.

#### *What Documents May Form Part of a Legislative History?*

Committee reports (especially conference committee reports) and debates generally are accorded the greatest weight.

**Bills** – Includes bills as introduced and amended at various times during the legislative process. May provide evidence of the original intent and any deliberate additions or exclusions from the bill in related amendments. Bills are numbered consecutively (by House or Senate) within each Congress.

**Committee Hearings** – Transcripts of witness testimony heard before House and Senate committees. This can illustrate leading considerations and issues that Congress was made aware of in the process leading up to the bill's consideration. May not exist for all bills.

**Committee Prints** – These are documents prepared for the use of a given committee and may be research studies, background information, working copies of the bill or other documents. Committee prints are not automatically published.

**Committee Reports** – Reports from the committee to Congress explaining the bill's purpose and the committee's explanation and recommendations for the bill. Reports are issued by House, Senate and Conference Committees. They are numbered consecutively (by House or Senate) within each Congress. Conference Committee reports often carry significant weight.

**Debates** – This includes all floor activities. Statements by the bill's sponsor or by the chair of the committee that reported on the bill may be very useful in establishing intent, but individual comments made during debates are not necessarily proof of congressional intent.

**Presidential Signing Statements** – These statements are delivered to Congress and may give reasons for why the President signed or vetoed legislation. While they do not give direct evidence of congressional intent, they can provide information about what the President thought about the legislation.

### ***What are the Main Finding Tools and Sources?***

**Go-Cat Online Catalog** – Use to check if the Library owns a commercially published compiled legislative history. Use other library catalogs (e.g. UC Melvyl catalog at <http://melvyl.cdlib.org>) to check if other libraries might have a compiled legislative history for your statute that could be obtained via interlibrary loan.

**Nancy P. Johnson, *Sources of Compiled Legislative Histories, a Bibliography of Government Documents, Periodical Articles, and Books*** (periodically updated) – a looseleaf service that provides references to other publications that provide compiled legislative histories for major laws. Also available on Hein Online.

***U.S. Code Congressional and Administrative News (USCCAN)*** (1941 to date)– contains the text of all public laws and selected legislative history documents. [Stacks 1 - KF 48.W48]

***CIS Index*** (1970 to date) – Compilation of abstracts of legislative history documents. Beginning in 1984, a volume indexing legislative histories was added. The CIS Index works together with the CIS microfiche collection. [Stacks 1/Micro – Kf 49.C65] Also available online at Lexis Nexis Congressional.

***CIS U.S. Serial Set Index (1789-1969)*** – Indexes documents included in the U.S. Serial Set which is a collection of congressional documents and publications. The Library does not have the Serial Set. [Stacks 1/Micro – Z 1223.Z9 C65]

***CIS U.S. Congressional Committee Hearings Index (1833-1969)*** – Indexes committee hearings. The Library does not have these hearings. [Stacks 1/Micro – Z 1223.Z9 C66]

***CCH Congressional Index*** (1969/70 to date) – Looseleaf service is updated weekly when Congress is in session. Indicates current status of bills and references are given to legislative history documents and voting records. [Reference and Treatise – KF 49.C6]

***Congressional Quarterly Weekly Report*** (1975 to date) – Magazine with news of Congress includes summaries of major legislation. [Reserve and Treatise – JK 1.C15]

***Congressional Quarterly Almanac*** (1974 to date) – Published at the end of each congressional session with information on Congress's actions of that session including overview of major bills passed. [Treatise – JK 1.C567]

***Congressional Record*** and ***Congressional Record Index*** – Transcripts of debates and votes in Congress. [*Record* v.1-123 on microfilm, v.123 to date on microfiche; *Index* 1976-1996 in print at Stacks 1/Micro KF 35 1873, 1983 to date on GPO Access]

***Weekly Compilation of Presidential Documents*** – Includes Presidential signing statements on

legislation. [v. 1-17 in microfiche, v. 10-35 in print at Treatise J80.284, v.36 to date in microfiche]

**Public Papers of the Presidents of the United States** (1929-33; 1945 to date) – Includes Presidential signing statements. [Treatise J82]

**Thomas** – Online source from Library of Congress contains bills summaries and status information from 1973; and full text of bills from 1989. Searchable online. [<http://thomas.loc.gov/>]

**GPO Access** – Online source from Government Printing Office contains bill text, status and voting information from 1993, Congressional Record from 1994, Congressional Record Index from 1983, and Weekly Compilation of Presidential Documents from 1993. [<http://www.gpoaccess.gov>]

**Hein Online** – Online access to Nancy P. Johnson, *Sources of Compiled Legislative Histories, a Bibliography of Government Documents, Periodical Articles, and Books*; some other collected legislative histories; and Presidential documents.

**Lexis Nexis Congressional – Online version of the CIS Index** - Compilation of abstracts of legislative history documents from 1970 to current. Some libraries have additional modules providing full text online access to Congressional publications.

**Lexis and Westlaw** – Contains many databases relevant to legislative history including some compiled legislative histories, information on bills and bill status, and bill tracking.

### ***Where to Begin?***

There are certain pieces of information that will assist your legislative history research and these should be obtained early in the process.

- (1) the name of the act or statute being researched (what is the statute referred to as?)
- (2) the public law number of the act – this can be determined from the U.S.C.A. or U.S.C.S.
- (3) the *Statutes at Large* citation– this can be determined from the U.S.C.A. or U.S.C.S.
- (4) the bill or resolution number – this is usually found in *Statutes at Large* if you have the public law number, but if you don't you can use the *CCH Congressional Index's* subject index if you only know the subject or the *Congressional Record* if you know the sponsor.

Throughout the legislative process, your statute will likely be referred to either by its bill number or popular name. In later compiled legislative histories (e.g. USCCAN, your statute may be organized according to its public law number or *Statutes at Large* citation.

### ***How to Compile a Legislative History?***

**1) Check to see if a compiled legislative history exists for your statute.**

Consult Go-Cat, other library catalogs, Johnson's *Sources of Compiled Legislative Histories* in print or on Hein Online, *USCCAN*, the *CIS Index*, Lexis Nexis Congressional, and Lexis and Westlaw's compiled

legislative history databases.

**2) If you want to determine a bill's status.**

Consult CCH Congressional Index, Thomas, and Lexis and Westlaw's bill tracking databases.

**3) If you want transcripts of congressional debates.**

Consult Congressional Record Index and Congressional Record.

**4) If you want reports, records of hearings, or committee prints.**

**For a statute prior to 1970** – Check *USCCAN* and then the *CIS U.S. Serial Set Index (1789-1969)* and the *CIS U.S. Congressional Committee Hearings Index (1833-1969)* for citations. Consult with a reference librarian as to where the documents may be available.

**For a statute 1970-1983** – Check *USCCAN* and then either Lexis Nexis Congressional or the *CIS Index* annual volumes.

**For a statute 1984-present** – Check either Lexis Nexis Congressional or the *CIS Index* legislative history annual volumes for a list of the documents published, and also see *USCCAN*, *Thomas*, *Westlaw* and *Lexis*.

**5) If you want Presidential Signing Statements.**

Consult the *Weekly Compilation of Presidential Documents*, the *Public Papers of the President* and the *Congressional Record*.