

# Researching Federal Legislative History

Lee Peoples © 2005

Associate Director

Oklahoma City University Law Library

Legislative histories are important because they allow us to understand why a bill did or did not become law, help us comprehend the purpose of a law, and give meaning to language used in a law. The primary components of a federal legislative history are bills and committee reports. The secondary components are committee hearings, congressional debates, and presidential and executive agency documents. This pathfinder will briefly introduce the sources of federal legislative history and help you locate those resources within the OCU Law Library as well as online. Further assistance is available from the OCU Law Library Reference Office in person or by telephone at 208-6030. Additional assistance is available from the Government Documents Librarian at Dulaney-Browne Library, 208-5072.

## **Research Strategy for Completing a Legislative History**

Several points of strategy are worth considering before compiling a legislative history. First, you may want to begin by reviewing the legislative process in general. A familiarity with the process will help you better understand the sources of legislative history that are produced along the way. Second, before compiling a legislative history it is useful to determine if a legislative history has already been completed. Prepared legislative histories range from bibliographic lists of the documents that make up a legislative history to substantive compilations of documents organized in one convenient source. Both types of prepared legislative histories will be discussed in this guide.

## **A Brief Review of the Legislative Process**

Legislation is introduced by members of the House or Senate. Each proposed new law is called a bill or joint resolution. Bills are numbered sequentially (for example the first House bill will be numbered H.R. 1 and the first Senate bill will be S.R. 1). Bills are assigned to committees in each house. After a bill passes the house in which it was introduced, it is sent to the other house for consideration. If a bill is approved by both houses, it is sent to the President to be signed. If the President signs the bill, it becomes law. If the President vetoes the bill, a two thirds vote in both houses will override the veto. Bills introduced but not passed in a Congress do not carry over. The first bill to pass a Congress is designated Public Law No. 1 and given a public law number indicating the congressional session (ex: 107-1, the first law to pass the 107<sup>th</sup> Congress).

The summary above was taken from Jacobstein, Myron J., et. al., *Fundamentals of Legal Research* (New York: Foundation Press, 1998), Chapter 9 (see the chart on page 195 outlining the steps in the legislative process and the sources of legislative history produced along the way). OCU Call # KF 240.J3 (perm reserve).

The THOMAS website provides overviews of how Congress makes laws in the House:

<http://thomas.loc.gov/home/lawsmade.toc.html>

and Senate: <http://thomas.loc.gov/home/enactment/enactlawtoc.html>

This guide is part of the OCU Law Library series of Research Guides and Pathfinders.

Additional copies and future updated versions are available at:

[http://www.okcu.edu/law/lib/library\\_researchguides.html](http://www.okcu.edu/law/lib/library_researchguides.html)

## **Introductory Material**

Jacobstein, Myron J., et. al., *Fundamentals of Legal Research* (New York : Foundation Press, 1998), Chapter 9. A review of this material will lay the foundation for understanding legislative history. OCU Call # KF 240.J3 (perm reserve)

Berring, Robert C., *Legal Research for the 21<sup>st</sup> Century*, "Tape 4 Statutes, Legislative History and Administrative Materials" (St. Paul : West, 2000)(VHS Tape) OCU Call # KF 240.B47 (circ. desk) audio visual # 256.

Berring, Robert C., *Legal Research Podcast: Legislative History*, <http://www.berringonlegalresearch.com/podcast.asp>

Bissett, Jan and Margie Heinen, "Finding Congressional Documents from the Past," <http://www.llrx.com/columns/reference44.htm>

Gold, Martin B., *Senate Procedure and Practice* (Lanham: Rowman & Littlefield, 2004) OCU Call # KF 4982.G65.

Legislative History Pathfinder from the University of Illinois College of Law: <http://library.law.uiuc.edu/sub/FedLegH/legis.htm>

Johnson, Charles W., House of Representatives Parliamentarian, "How Our Laws Are Made," accessible at: <http://thomas.loc.gov/home/lawsmade.toc.html>

Clerk of the House of Representatives list of the dates of all sessions of Congress, accessible at: [http://clerk.house.gov/histHigh/Congressional\\_History/Session\\_Dates/sessionsAll.html](http://clerk.house.gov/histHigh/Congressional_History/Session_Dates/sessionsAll.html)

Peoples, Lee, "*Federal Legislative History Research: Compiled Legislative Histories*" released on the 2005-2006 CALI CD and from the CALI Web site, <http://www2.cali.org/>

Peoples, Lee, *Introduction to Statutory Research: Video Podcast*, <http://www.okcu.edu/law/lib/statutesqt.mov>

## **Statutory Construction (KF 425)**

Statutory construction involves an analysis of the manner in which courts deal with statutes. Using legislative history to interpret statutes is just one technique of statutory interpretation. While this lecture focuses on legislative history you should not ignore the possibility that another technique or method of statutory construction might be appropriate in a particular case. With that in mind I have provided a short annotated list of statutory construction treatises. These will help you understand the field of statutory construction generally. These works can also be used as treatises to help you understand how courts use legislative history.

## **Statutory Construction Resources**

Dickerson, Reed, *The Interpretation and Application of Statutes* (Boston: Little, Brown & Co., 1975) OCU Call # KF 425.D5C.3. This text outlines the basic concepts of statutory interpretation and contains a chapter titled, "The Uses and Abuses of Legislative History."

Eskridge, William N., *Dynamic Statutory Interpretation* (Cambridge: Harvard University Press, 1994) OCU Call # KF 425.E83. The thesis of this book is that statutory interpretation is dynamic and an originalist inquiry in interpreting a statute becomes impossible and irrelevant as the time between enactment and interpretation grows. Chapter seven is a discussion of the different schools of thought on using legislative history to interpret statutes.

Eskridge, William N., et al, *Legislation and Statutory Interpretation* (New York: Foundation Press, 2000) OCU Call # KF 4945.E85. A concise textbook on the subject that includes a discussion of intentionalist, textualist and dynamic interpretation theories and a section on the use of legislative history.

Greenawalt, Kent, *Legislation: Statutory Interpretation: 20 Questions* (New York: Foundation Press, 1999). OCU Call # KF 425.G74. Published as part of the turning point series, similar to a nutshell. Author is a professor at Columbia.

Gerken, Joe, *What Good is Legislative History: Justice Scalia in the Federal Courts of Appeals* (New York: Hein, 2007). OCU Call # KF KF425 .G47 2007.

Mammen, Christian E., *Using Legislative History in American Statutory Interpretation* (The Hague: Kluwer, 2002) OCU Call # KF 425.M36. This work focuses in depth on the use of legislative history in statutory interpretation. The text includes a discussion of the Supreme Court's use of legislative history, thresholds for invoking legislative history, permissible kinds of legislative history and an analysis of the views of Justices Scalia and Bryer on whether or not to use legislative history.

Mikva, Abner J., *An Introduction to Statutory Interpretation and the Legislative Process* (New York: Aspen Law and Business, 1997) OCU Call # KF 452.M55. A concise study aid type volume published by Aspen

Singer, Norman J., *Statutes and Statutory Construction* (St. Paul: West, 2000) OCU Call # KF 425.S9. Available in the Westlaw database (SUTHERLAND). This multivolume work is the authoritative treatise on statutory interpretation. Currently in the sixth edition, the work was previously authored by Sutherland. The works' "strict policy of selectivity" means that users will find many decisions from all relevant jurisdictions and citations to only the seminal scholarly articles. This work is very useful for finding cases to support or attack a legal argument for resort to legislative history and the use of specific materials. Chapter 48 deals with legislative history and provides ample citations to cases discussing the weight given to specific legislative history documents.

### **Compiled Legislative Histories – Electronic Sources**

**THOMAS-** <http://thomas.loc.org> – Legislative history summaries available from 1973 (93<sup>rd</sup> Congress) – present with hypertext links to documents from the second session of the 98th Congress (1984) - present.

**LexisNexis Congressional** - Electronic database that provides all information in the CIS Index with enhancements including keyword searching and links from legislative histories to the document described. Also includes bill tracking, full text access to bills, reports, the *Congressional Record* from 1985 - present, and transcripts of hearings. CIS Index – Legislative History – allows you to search by citation or keyword from 1969 (91<sup>st</sup> Congress) - present. Legislative history summaries available from 1969 (91<sup>st</sup> Congress) – present with hypertext links to documents from the second session of the 98th Congress (1984) - present. LexisNexis Congressional also links into documents available in the Serial Set described below.

**LexisNexis Congressional Serial Set Digital Collection** – The *Serial Set* is a massive collection of government documents compiled under orders from Congress. The digitized set put together by LexisNexis contains over 325,000 individual titles and nearly 10 million pages. It covers the period of 1789 (1<sup>st</sup> Congress) – 1968 (90<sup>th</sup> Congress). It generally includes: Congressional Journals, Congressional Reports and Reports from Congressional investigations. It generally does not include the text of Congressional debates, bills, resolutions, hearings or committee prints. You can search the database in full text or retrieve documents via a number of citation formats.

**Lexis** – Search the Congressional Information Service (CIS) legislative histories databases CISLH from 1970 (91<sup>st</sup> Congress) – present and CISHST from 1789 (1<sup>st</sup> Congress) – 1980 (96<sup>th</sup> Congress). These databases list legislative history documents for bills and laws and provide hypertext links to documents from 1984 (98<sup>th</sup> Congress) – present. 'Stand-alone' compiled legislative histories are available for the most important laws. To view a list click: Legal > Federal Legal U.S. > Legislative Histories & Materials.

**Westlaw**- Documents found in USCCAN Legislative History volumes are available from the 80th Congressional session (1948) - present. For most laws this includes House or Senate Reports, Conference Reports and Presidential Signing Statements but does not include transcripts of debates or hearings. USCCAN is available from the 80<sup>th</sup> Congressional session (1948) through the first session of the 91<sup>st</sup> Congress (1989) in the database (LH) and from the second session of the 91<sup>st</sup> Congress (1990) to present in the database (USCCAN). Additional 'stand-alone' legislative histories compiled by Arnold and Porter may be available for major laws. Search the database directory for the term “Arnold and Porter” for a list. Westlaw is also in the process of adding full text GAO legislative histories to the database FED-LH.

**Hein Online** – This database’s Legislative History Library provides access to compiled legislative histories in full text. Access Hein Online from the law library’s databases page.

### **Bibliographic Sources of Compiled Legislative Histories in Print**

Johnson, Nancy P., *Sources of Compiled Legislative Histories: A Bibliography of Government Documents, Periodical Articles and Books*, (Littleton : AALL, 2000) OCU Call # KF 42.2 (ref) (updated through 107<sup>th</sup> Congress, 2002). Also accessible electronically through Hein Online’s Legislative History Library. This publication tells you if a compiled legislative history has been created; gives you the title, author and other citation information to help you locate it in your library; and, indicates what documents the compiled legislative history contains and whether they are full text or summaries.

Sources of Compiled Legislative Histories is organized chronologically by Congress and within each Congress by public law number and Statutes at Large citation. A table in the back lists laws alphabetically by title and provides their public law numbers. This publication is generally updated every year.

Reams, ed, *Federal Legislative Histories: An Annotated Bibliography and Index to Officially Published Sources*, (1994) OCU Call # KF 42.2 (ref). The scope of this work is limited to legislative histories compiled only by government agencies for laws from the 4th Congress (1796) - 101st Congress (1990). Legislative histories are listed chronologically and each is assigned a record number. The work's five indexes provide access to the records by author, popular name, public law number, bill number and Statutes at Large citation. Extensive bibliographic information is provided for each entry. A table in the front explains the abbreviations used.

### **Compiled Legislative Histories – Stand Alone Legislative Histories**

Searching Nancy Johnson's Sources of Compiled Legislative Histories or Bernard Reams' Federal Legislative Histories will lead us to 'stand-alone' legislative histories. These are collections of legislative history documents brought together and printed in a single or multi-volume set. 'Stand-alone' legislative histories are usually produced for the most important and significant laws. When using a 'stand-alone' legislative history it is helpful to consult the table of contents or index to locate specific documents. The best way to find a 'stand-alone' legislative history is to use the Johnson or Reams texts or by searching for the name of the law in your library catalog.

### **Compiled Legislative Histories – USCCAN**

The Legislative History volumes of the United States Code Congressional and Administrative News (USCCAN) reprint select legislative history documents for most laws including House or Senate Reports, Conference Reports and Presidential Signing Statements. Transcripts of Congressional debates or hearings are not included. Legislative History volumes are printed for each legislative session and are located just after the volumes containing the laws for the session. Look for "Legislative History" on the spine. The USCCAN set includes laws from the 80th Congressional session (1948) - present.

### **Compiled Legislative Histories – Looseleafs & Treatises**

Some Looseleafs and Treatises contain compiled legislative histories. Search for them using the law library catalog.

### **Indexes to and Lists of Legislative History Documents**

Congressional Information Service (CIS)(1970 - ) Simplifies compiling a legislative history. Coverage is divided into pre and post 1970. Pre 1970 material includes several indexes covering the *Serial Set*, Executive documents and reports, hearings and committee prints. OCU Call # for all CIS materials described below: KF 49.C 62 (Ref).

(pre '70) *CIS Congressional Committee Hearing Index* (23<sup>rd</sup> – 91<sup>st</sup> Congress, 1833 – 1969). Provides access through a reference bibliography, index to subjects and organizations, index by personal name, and supplementary index.

(post '70) *CIS Index* ('70 - ) Reports, hearings, prints and documents are indexed by subject, title and bill number with references to abstracts summarizing these documents. Each index entry includes an accession number that provides access to specific publications in the abstract volume.

*CIS Annual Abstracts* ('70 - ) Legislative histories of enacted laws. Gives a brief synopsis of documents resulting from specific steps in the progress of a bill.

*CIS Legislative Histories* ('84 - ) Provides references for each public law to bills, hearings, reports, debates, presidential documents, and other legislative actions. Does not limit coverage to a single term of Congress but includes references to prior congressional sessions.

(CIS Microfiche Sets)

*CIS Microfiche Library* '75 – '85 and '91 – '98 – For Bills that have become Public Laws this set provides a reprint of the Bills, hearings, reports, committee prints, and Congressional Documents relating to enactment. (LLS) (indexed by CIS Index)

*Congressional Quarterly* (CQ) News Service, CQ Weekly – Provides background information on congressional activity and pending legislation, tables of House and Senate votes, status table for major legislation, legislative history table for new public laws (3<sup>rd</sup> Floor).

Congressional Websites- [www.senate.gov](http://www.senate.gov) and [www.house.gov](http://www.house.gov) links to individual member's pages and committee pages and often update the progress of legislative measures.

### **Congressional Status Tables**

*Congressional Record*- publishes a "History of Bills and Resolutions" table in the bi-weekly index culminating for each session in the bound volume. It includes a brief summary of the bill, the committee investigating the proposed legislation, and any actions taken.

GPO Access version of *Congressional Record, History of Bills and Resolutions* (1983 - ) cumulates all entries from the beginning of the session.

<http://www.gpoaccess.gov/hob/index.html>

House and Senate Calendars available through GPO Access- each issue is cumulative and includes all bills either in the House or Senate that have been reported out of committee.

<http://www.gpoaccess.gov/calendars/house/index.html>

<http://www.gpoaccess.gov/calendars/senate/index.html>

### **Laws**

The first United States Congress met in 1789. It is surprising to many people that laws passed by the early congresses were not codified for almost another 100 years, beginning in 1873. The laws passed during each session of Congress originally appeared (and still do to this day) in the *United States Statutes at Large* which did not commence publication until 1846. However, volumes 1-7 retrospectively cover legislation published from the first Congress up to 1846.

Codification of federal laws began in 1873 with the publication of the *Revised Statutes of 1873*. *Revised Statutes* was published again in 1874 and 1875 and subsequently became known as *Revised Statutes of the United States* published in 1876 and 1878. At the time Congress made the mistake of enacting the entire code into positive law. Understandably there were conflicts with *Statutes at Large*. The *United States Code* was not published until 1926. It contained all sections of the *Revised Statutes of 1875* not repealed and all laws in force since 1873. Congress did not enact the entire code into positive law but instead declared the Code was prima facie evidence of the law. It is surprising to many researchers less than one half of all titles in the *USC* have been enacted into positive law. A researcher should always consult the table in the front of each *USC* volume to determine if a particular section has been enacted into positive law. The *Statutes at Large* serve as the authoritative text for statutes not yet enacted into Federal law or when conflicts arise between the wording used in *USC* versus *Statutes at Large*. Material in this section was summarized from: Jacobstein, Myron J., et. al., *Fundamentals of Legal Research* (New York: Foundation Press, 1998).

Several resources are useful for determining the status of laws enacted before the creation of the United States Code in 1926. Tables of amended or repealed laws appear in the *USC*, *USCA*, *USCS* and in the *Index and Analysis of the Federal Statutes 1789 -1907*. Classification tables appearing in the *USC*, *USCA* and *USCS* tell the researcher where particular statutes are codified into the *USC*.

*Slip Laws*- The first publication of laws. (LLS in filing cabinet)

*United States Statutes at Large*- The publication of “Session Laws” for the United States Congress from 1789 - present. Published at the end of each legislative session. Each volume contains its own subject index and beginning in 1991 a popular name table was included. After the text of each law a section titled “Legislative History” provides citations to relevant documents. *Statutes at Large* also provides the bill numbers for each law. Bill numbers are not found in any of the Codes and are important in locating legislative documents.

- 1) OCU holdings: in print KF 50.U52 (ref), microforms AA 131.
- 2) Hein Online provides access to volumes 1 (1789) – to current and allows for searching and browsing by popular name. Hein Online is accessible from the law library’s databases page.
- 3) LexisNexis Congressional allows full text searching and retrieval by citation from 1988 (100<sup>th</sup> Congress). Click “Laws.”
- 4) Westlaw contains public laws from 1973 – present in the database (US-PL-OLD).
- 5) The Lexis database (STATLG) contains *Statutes at Large* from 1789.
- 6) The Library of Congress’s American Memory Project contains the *Statutes at Large* from 1789 - 1875. <http://memory.loc.gov/ammem/amlaw/lwsl.html>

Cite to session laws according to *Bluebook* Rule 12.4. The name of the statute, public law or chapter number and codification location are included. For example: Americans With

Disabilities Act of 1990, Pub. L. No. 101-336 § 501, 104 Stat. 327, 369 (codified at 42 U.S.C. § 12101).

*United States Code Congressional and Administrative News-* (USCCAN)(St. Paul : West, 1948 - ) Contains the public laws for each session of Congress and separate volumes for legislative histories, a finding aid list and the text of some documents relevant to legislative history.

- 1) OCU holdings: KF 48.U54 (ref)
- 2) Westlaw database (USCCAN) coverage varies beginning in 1948.

*United States Code-* The official codification of Federal Laws arranged into fifty subjects. Published every six years and supplemented annually. Other features include a multi-volume index, historical notes and numerous tables including a popular name table.

- 1) OCU holdings: in print KF 62 (ref), microforms AA 362 (LLS)
- 2) Cornell's Legal Information Institute provides access to the current version of the *United States Code* at: <http://www4.law.cornell.edu/uscode/>
- 3) GPO Access provides the *Code* from 1994 forward: <http://www.gpoaccess.gov/uscode/index.html>
- 4) LexisNexis Congressional provides access to the current version. Click "Laws."
- 5) Westlaw provides access to the current version at (USC).

Cite according to *Bluebook* Rule 12 and include title number, code abbreviation, section symbol, specific section cited and date of code edition cited. If citing an entire statute include the official name of the act. For example: 28 U.S.C. § 1291 (1994).

*United States Code Annotated*

- 1) OCU holdings: KF 62.5.W45 (ref and 2N).
- 2) Westlaw provides access from 1990-2000 at (USCAYY) and to the current version at (USCA).

Citation is the same as the U.S.C. example except U.S.C.A. is substituted for the code name.

*United States Code Service-* Differs from the *USCA* by following the text in the *Statutes at Large*, providing volumes containing uncodified laws and administrative rules and providing references to Lawyers Co-Op publications.

- 1) OCU holdings: KF 62.5.L38 (ref)
- 2) Lexis provides access through the library (USCS)

Citation is the same as the U.S.C. example except U.S.C.S. is substituted for the code name.

### **Congressional Bills**

Congressional bills are important because any changes in the language may reveal legislative choice and thereby demonstrate legislative intent.

- 1) *Digest of Public General Bills and Resolutions*, contains the text of bills and resolutions from 1936 – 1980 in microfiche AA 116 (LLS) and in print from 1980 – 88, KF 18.L5 (ref)
- 2) *CIS Microfiche Library '75 – '85 and '91 – '98*, For bills that have become Public Laws this set provides a reprint of the bills (LLS)
- 3) The Library of Congress's American Memory Project contains the text of House bills from the 6<sup>th</sup> Congress (1799) – 42<sup>nd</sup> Congress (1873) and the text of Senate bills from the 16<sup>th</sup> Congress (1819) – 42<sup>nd</sup> Congress (1873) accessible at: <http://memory.loc.gov/ammem/amlaw/lwhbsb.html>
- 4) THOMAS has them from 1989 (101<sup>st</sup> Congress), <http://thomas.loc.gov/>
- 5) GPO has them from 1993 (103<sup>rd</sup> Congress), <http://www.gpoaccess.gov/bills/index.html>
- 6) LexisNexis Congressional allows searching, tracking and retrieving by bill number from the 1989 (101<sup>st</sup> Congress). Click “Bills.”
- 7) Westlaw (BILLS) (includes 50 states and congress)
- 8) Lexis (BLTEXT)

Cite enacted bills as statutes unless they are being cited to document legislative history. In that case cite bills as unenacted bills but include (enacted) after the citation.

Statutes are cited according to *Bluebook* Rule 12. Include the name of the act, title number, abbreviation of code cited, section symbols and span of sections containing the statute and the date enacted. For example: Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 – 9675 (1994).

Unenacted Bills are cited according to *Bluebook* Rule 13.2. Include the name of the bill (if relevant), name of the house, bill number, number of congress, section and year. For example: S. 516, 105th Cong. § 2 (1997).

### **Committee Prints**

Committee prints are the publication of studies conducted by committee staff. Committee prints are not primary legislative history documents because they are not formally adopted by committees. They are valuable in understanding legislation because they can provide background and context for the decisions made by committees.

- 1) Available from GPO Access from 1997 – present at:  
<http://www.gpoaccess.gov/cprints/index.html>
- 2) Available in full text from LexisNexis Congressional in “Congressional Publications” from 1830 (21<sup>st</sup> Congress) - present.
- 3) (pre ’70) *CIS Congressional Committee Prints Index, From the Earliest Publications Through 1969*. OCU Call # Z 1223.Z7 (ref).
- 4) Available from the Lexis library (CMTPRN) from the 104<sup>th</sup> Congress (1995) – present.
- 5) The law library receives various committee prints on microfiche from the Agriculture, Banking, Indian, Interior, Judiciary, Environment, Rules, Natural Resources, Taxation, and Veterans Committees. Search the library catalog for specific holdings.

Consult the citation information under the heading “Committee Reports.”

### **Committee Hearings**

House and Senate Committees hold hearings on matters of general concern and on specific legislation. Committee hearings are technically not part of legislative history since they do not contain Congressional deliberations. Hearings generally contain the views and statements of interested parties not legislators. They provide background information and are useful sources for understanding why Congress did or did not adopt specific language based upon the testimony of experts. See *Statutes and Statutory Construction* § 48:10 for a discussion of the weight given to statements at committee hearings and citations to federal and state cases.

- 1) The websites of individual committees are available from THOMAS <http://thomas.loc.gov>
- 2) GPO Access <http://www.access.gpo.gov/congress/cong017.html> has committee hearings transcripts from 1997 (105<sup>th</sup> Congress) forward.
- 3) *Senate Treaty Documents* (GPO Access has Senate and House Treaty Documents back to the 104<sup>th</sup> Congress, <http://www.gpoaccess.gov/serialset/cdocuments/index.html>).
- 4) *Senate Executive Reports* from the foreign relations committee, from recent congresses:  
<http://www.access.gpo.gov/congress/senate/senate11.html>
- 5) LexisNexis Congressional has transcripts and prepared statements with select coverage from 1824 (18<sup>th</sup> Congress) – present in “Congressional Publications.”
- 6) Lexis library (NEWS;CNGTST) has transcripts of testimony.
- 7) Westlaw database (USTESTIMONY) from October 1993 – present contains transcripts of oral and written statements submitted to congressional committees. The database (CONGTMY) from July 1995 – present contains the full text of congressional testimony.

8) (pre '70) *CIS Congressional Committee Hearing Index* (23<sup>rd</sup> – 91<sup>st</sup> Congress, 1833 – 1969). Divided into sections for different sections of Congress. Provides access through a reference bibliography, index to subjects and organizations, index by personal name, and a supplementary index.

9) *CIS Microfiche Library* '75 – '85 and '91 – '98 – For bills that have become Public Laws this set provides a reprint of the bills, hearings, reports, committee prints, and Congressional Documents relating to enactment. (LLS) (indexed by CIS Index)

10) The law library receives various committee hearing transcripts on microfiche from the Agriculture, Banking, Indian, Interior, Judiciary, Environment, Rules, Natural Resources, Taxation, and Veterans Committees. Search the library catalog for specific holdings.

Cite hearings according to *Bluebook* Rule 13.3. Include the entire title, bill number, subcommittee and committee name, number of Congress, pinpoint page cite, year and identifying information about the witness. For example: *Protection from Personal Intrusion Act and Privacy Protection Act of 1988: Hearing on H.R. 2448 and H.R. 3224 Before the House Comm. On the Judiciary*, 105th Cong. 56-57 (1998) (statement of Richard Masur, President, Screen Actors Guild).

### **Committee Reports**

Committee reports are generally the most important document in a legislative history because they represent the understanding of members of congress who worked closely with the bill. Reports are published in a numbered series that indicates which house, which Congress and establishes a report number. (ex: H.R.(house of reps) Rep. No. 105 (congress #-)538 (report #) (1998). See *Statutes and Statutory Construction* §§ 48:06-08 for a discussion of the weight given to committee reports and citations to federal and state cases.

1) Reports are issued by the GPO and are sometimes available from the individual committees (check for websites, Thomas has links to individual committees from its homepage).

2) LexisNexis Congressional provides full text access from 1989 (101<sup>st</sup> Congress). Click “Publications.”

3) Historical reports are available in full text from LexisNexis Congressional from 1789 (1<sup>st</sup> Congress) – 1969 (91<sup>st</sup> Congress) under the heading “Historical Full Text.” “Guided Search” allows a full text search. “Document Numbers” and “Legislative Numbers” allow retrieval by citation.

4) Indexed (not full text) in LexisNexis Congressional’s CIS Index from 1970 (91<sup>st</sup> Congress) and in Historical Indexes from 1789 (1<sup>st</sup> Congress) to 1980 (96<sup>th</sup> Congress).

5) All reports for a session are bound in the official compilation the *Serial Set* 1789- present. From the 84<sup>th</sup> - 95<sup>th</sup> Congress, House and Senate reports were available in bound volumes called “Miscellaneous Reports.” Beginning with the 96<sup>th</sup> Congress all reports are compiled and

arranged in numerical sequence in bound volumes and are found in the House and Senate Section of the *Serial Set*. Access the *Serial Set* through the LexisNexis Congressional Serial Set Digital Collection.

6) The Library of Congress American Memory Project contains selective coverage of the *Serial Set* from the 1833 (23<sup>rd</sup> Congress) to 1917 (64<sup>th</sup> Congress).

<http://memory.loc.gov/ammem/amlaw/lwsslink.html>

7) GPO Access <http://www.access.gpo.gov> and THOMAS <http://thomas.loc.gov> have reports beginning in 1995 (104<sup>th</sup> Congress).

8) Select reports are found in: *United States Code Congressional and Administrative News* (St. Paul : West, 1953 - ) OCU Call # KF 48.U54 (ref).

9) The Law Library receives reports from the following committees on microfiche as a depository library. Search the library catalog to locate them. Appropriations (H & S); Banking and Financial Services (H); Banking, Housing and Urban Affairs (S); House Administration; Indian Affairs (H); Judiciary (H & S); Environment and Public Works (S); Resources (H); Rules (H); and, Standards of Official Conduct (H).

10) *CIS Microfiche Library '75 – '85 and '91 – '98* – For bills that have become Public Laws this set provides a reprint of the bills, hearings, reports, committee prints, and Congressional Documents relating to enactment. (LLS) (indexed by CIS Index available in ref).

11) Westlaw database (LH) is a database of the USC Legislative History. Selective coverage from 1948 – 1989, complete coverage from 1990 – present.

12) Lexis library (GENFED; CMTRPT) has reports from 1990 – present.

Cite to committee reports according to *Bluebook* Rule 13.4. Include the name of the chamber, number of the Congress, report number, pinpoint citation to page number, year and U.S.C.C.A.N. citation if available. For example: S. REP. NO. 95-797, at 4 (1978), *reprinted in* 1978 U.S.C.C.A.N.

### **Congressional Debates**

Are generally not as influential as committee reports. Some authority claims that debates are not to be given weight for legislative history purposes, See *S & E Contractors v. US*, 406 U.S. 1, 13 (note 9) (1973), however when the statements come from the bill's sponsors they are given some weight when the stated intention is to clarify or explain the bill's purpose. See *Statutes and Statutory Construction* § 48:13 for a discussion of the weight given to statements made during legislative debates and § 48.15 for a discussion of the weight given to statements of the sponsor of the bill.

The *Congressional Record* (CR) is a nearly verbatim transcript published each day either house is in session. CR does not contain hearings or committee reports but does include the text of some conference committee reports. Each CR contains a daily digest summarizing the day's

activities. The digest provides news of bills introduced, reports filed, and measures debated or passed and list of committee meetings held. There is an index to the CR by subject, legislator name and title of legislation that is published every 2 weeks which culminates in the bound volume. The index includes history of bills and resolutions table.

The Congressional Record has been in publication since 1873. Its predecessors include *The Debates and Proceedings in the Congress of the United States* covering the 1<sup>st</sup> Congress (1789) – 18<sup>th</sup> Congress (1824), *Annals of Congress* ranging from 1834 – 1856, *Register of Debates* covering the second session of the 18<sup>th</sup> Congress (1824) – the 25<sup>th</sup> Congress (1837) and the *Congressional Globe* covering the 23<sup>rd</sup> Congress (1833) – 42<sup>nd</sup> Congress (1873). These historical publications are accessible in the

1) Hein Online's Congressional Documents Collection contains all the historical publications mentioned above and the *Congressional Record* through the previous calendar year. Other sources of the historical publications include the law library's microfiche collections and online from the Library of Congress's American Memory Project at:

<http://memory.loc.gov/ammem/amlaw/lwcr.html>

2) OCU – retains the current year only in paper and has select years in bound volumes OCU Call # KF 35.A22 (2 North) The entire set is also in microforms, AA 241 (LLS).

3) THOMAS has coverage from 1989 (101<sup>st</sup> Congress).

4) GPO Access has coverage from 1994.

5) GPO Legislative History Collection. Provides the Congressional Record Index from 1983 – present: <http://www.gpoaccess.gov/hob/index.html>

6) LexisNexis Congressional from 1985 (99<sup>th</sup> Congress). Click “Publications.”

7) The Lexis database (CONGREC) has coverage from 1985.

8) The Westlaw database (CR) has coverage from 1985.

9) Fednet, <http://www.fednet.net/> provides streaming audio video of House and Senate debates.

10) The C-Span network provides television coverage of House and Senate debates.

Cite congressional debates according to *Bluebook* Rule 13.5. After 1873 cite to the *Congressional Record* bound edition including volume, page number, year and speaker if available. Cite to the daily edition only for material not yet appearing in the bound edition. See Rule 13.5 for information on citing debate before 1873. For example: 123 CONG. REC. 17,147 (1977).

### **Conference Reports**

A bill is eligible for a conference when it has been passed in one house and then amended and passed in another house. A conference committee is made up of Senators and Representatives appointed to work out differences in the amended bill. When Senate and House conferees reach agreement on all or part of an amended bill they prepare a report making their recommendations to the House and Senate. The report contains a prefatory statement which must be sufficiently detailed and explicit to inform Congress of the effect of the report on the matters committed to conference. Each house of congress must then agree on the recommendations of the conference report for the bill to pass. See *Statutes and Statutory Construction* §§ 48:08 for a discussion of the weight given to conference committee reports and citations to federal and state cases.

- 1) LexisNexis Congressional has the full text of conference committee reports from 1990 (101<sup>st</sup> Congress) to present. Click “Publications” and then “Reports.” Abstracts of pre 1990 reports may be searched for under “CIS Index.” Results will be returned under “Reports.”
- 2) Historical reports are available in full text from LexisNexis Congressional from 1789 (1<sup>st</sup> Congress) – 1969 (91<sup>st</sup> Congress) under the heading “Historical Full Text.” “Guided Search” allows a full text search. “Document Numbers” and “Legislative Numbers” allow retrieval by citation.
- 3) THOMAS has them from 1995 (104<sup>th</sup> Cong). Click on “Committee Reports” and limit to conference reports.
- 4) In the Lexis library (LEGIS;CMTRPT) from 1948.
- 5) In the Westlaw database (LH) from 1948.
- 6) Select conference reports may be found in print in the LexisNexis Serial Set Digital Collection.
- 7) Abstracts of select conference reports appear in USCCAN.

Consult the citation information under the heading “Committee Reports.”

### **Presidential or Executive Agency Documents**

Presidential messages, reports and documents of federal agencies may be of interest when developing a legislative history but because these are not developed by Congress they are not considered a primary source of legislative history. See *Statutes and Statutory Construction* §§ 48:05 for a discussion of the weight given to messages from the executive and citations to federal and state cases.

- 1) *Congressional Record*
- 2) *Weekly Compilation Presidential Documents*, OCU Call # AA 192 (microforms) (1965- )
- 3) Available from GPO Access from 1993: <http://www.gpoaccess.gov/wcomp/index.html>

4) Sometimes found in USCCAN's Legislative History Section.

© 2004 Lee Peoples Last modified: 2/16/09