

Research Guide

FEDERAL LEGISLATIVE HISTORY SOURCES

Researchers must sometimes determine the legislative intent of Congress in enacting a particular law. To do so, one must locate documents containing information considered or generated by Congress before enacting a law. This is called constructing a legislative history. These documents may include hearings held by congressional committees considering a bill, reports issued by these committees, internal committee documents, debates or statements on the Senate or House floors, various versions of a bill and presidential messages.

The key to finding this documentation is the **Public Law Number**. Since the 85th Congress (1957), bills enacted into law are assigned a Public Law Number (P.L.), as well as a parallel citation to the *United States Statutes at Large* (*Stat.*). All public laws are numbered consecutively in order of approval, e.g., P.L. 112-8. The first number is the number of the Congress; the second number is the chronological designation of that piece of legislation. In other words, P.L. 112-8 is the eighth consecutive public law enacted by the 112th Congress. The parallel citation to the *United States Statutes at Large*, e.g. 125 Stat. 34, informs the researcher of the volume and page number where that public law can be found.

A. COMPONENTS OF LEGISLATIVE HISTORIES

Before embarking on the legislative history journey, it may be prudent to review the nature of its components and the relative weight each is typically given as evidence of legislative intent.

(Note: If you already understand the nature and value of a legislative history's components, skip to either §B to locate compiled legislative histories or §D to locate only specific components.)

- **Bills:** Proposed laws that must pass both chambers of Congress before being sent to the President for approval or veto. Bills are enumerated chronologically in the order introduced. The number is preceded by the chamber designation: **H.R.** for House of Representatives; **S.** for Senate. The bill number is retained during the amendment process and throughout the two-year session of Congress. Each bill is assigned to a committee, which may hold hearings on the proposed legislation and/or issue a report.

Generally, a bill is published and available in its entirety at limited stages along its path of consideration and passage, such as when it is introduced, its final version when it passes a chamber (enrolled), and its final version after passing both chambers and as sent to the President (engrossed). In other words, while it may be amended several times, a version of the entire bill incorporating each amendment as it is added is unavailable. However, the researcher can discover the text of an individual amendment in sources such as the *Congressional Record* and determine the amendment's fate, by links provided in websites such as Thomas.gov, Congress.gov, govtrack.us and ProQuest Congressional Publications. See a Reference Librarian for assistance.

- **Reports:** Reports are issued by committees of either chamber, or by joint conference committees when reporting and making recommendations on a bill to the chamber(s).

Note: Bill drafts and Reports provide the best direct evidence of legislative intent because they are actually drafted by the legislators and their staff. They are commonly viewed as the most important components of a legislative history.

- **Hearings:** Congressional committees hold hearings on particular bills as well as on topics that fall within the scope of their responsibility. Hearings transcripts are generally published and express the views of non-legislator stakeholders of what the bill under consideration should accomplish.
- **Debates:** Congressional debates and political posturing take place on the floor of the House or Senate and are printed in the *Congressional Record*. These are not the same as hearings that take place before a committee. While the *Record* is generally assumed to be a verbatim transcript, senators and representatives have the right to change the text of their remarks (as printed in the Daily Edition) before a final version is published in the Final Edition.

Hearings and Debates also provide direct evidence of legislative intent, but only to the extent that they record the words spoken by legislators themselves. The testimony given (by non-legislators) during Hearings does not provide any direct evidence of legislative intent. However, such testimony can provide evidence of what legislators knew or had access to at the time they drafted the bill. This might provide a powerful argument of implied legislative intent.

- **Committee Prints:** Items printed by a House or Senate committee and intended for internal use by the committee. Among the items issued as prints are studies, investigative reports, section-by-section analysis of certain bills, and hearings or hearings excerpts.
- **Documents:** Various items are published as House or Senate Documents, including executive communications to Congress, special reports to Congress, and special studies.

Committee Prints and Documents also provide evidence of what legislators knew or had access to at the time they drafted the bill. They can also be used to argue an implied legislative intent.

B. COMPILED LEGISLATIVE HISTORIES

Researchers often save time by using a compiled legislative history. While these compilations may omit certain documents and may not be authenticated, they can serve as a useful starting point, are already organized and can significantly diminish a researcher's confusion. If the full text of a needed document is not provided in a given service, then the researcher must search for it in other sources (from §D). Also, when researching laws enacted prior to 1984, the researcher will very likely have to compile his own legislative history by developing a chronology of actions, discussed in §C.

- **Library of Congress:** <http://thomas.loc.gov>. **Bill Summary & Status** provides a chronology of actions and links to full text of legislation, various versions of the bill, related bills, committee reports and the *Daily Congressional Record*. Documents in PDF are exact replicas of the source document as contained in the Federal Digital System (FDsys) and are authenticated for purposes of Federal Evidence Rules and the California Evidence Code. A chronology of actions and links to some documents commenced with the 93rd Congress (1973); robust document linkage commenced with the 104th Congress (1995).
- **ProQuest Congressional:** <http://www.sandiego.edu/law/lrc/> > Legal Research Databases > Congressional Publications. Chronology from 91st Congress (1969); robust document linkage commenced with 101st Congress (1989). Groups all individual pieces of an Act's legislative history. Many available as PDFs of the source documents; those not available digitally can be found in the *CIS Indexes* microfiche, below, or the Federal Digital System (FDsys).

- **CIS Index** (Congressional Information Service): LRC Reference Index KF 49 .C62. Since 1984, CIS has published a Legislative History volume for each year, with Acts arranged by public law number. All full-text document(s) —except *The Congressional Record*—can then be retrieved from the companion microfiche, ProQuest Congressional, or the Federal Digital System (FDsys).
- **Sources of Compiled Legislative Histories**, by Nancy P. Johnson. This bibliography can be used to determine if a compiled legislative history has been issued for the act being examined. All compilations vary in the quality and the quantity of congressional documents.
 - **Online: HeinOnline:** <http://www.sandiego.edu/law/lrc> > Legal Research Databases > HeinOnline > U.S. Federal Legislative History Library. Arranged alphabetically by the Act's Popular Name, it contains the full-text PDFs of the source documents.
 - **Print:** LRC Reference Index KF 42.2 .S724. Arranged by Public Law Number, it provides the document number of each piece of the legislative history. The LRC's online catalog, HeinOnline or ProQuest Congressional must then be searched for retrieval of the full-text document(s).
- **United States Code Congressional and Administrative News (USCCAN):** LRC Reading Room KF 48 .W45. USCCAN reprints public laws along with selected portions of committee reports needed to develop an interpretation of legislative intent. Hearings, committee prints, and documents are not included. Since 1941, dates of consideration are listed for each act for locating debates in the *Congressional Record*. Also reproduced in Westlaw's *Legislative History (LH)* database.
- **LexisNexis** > Legislation & Politics – U.S. & U.K. > U.S. Congress > Legislative Histories. Contains many full-text documents of Legislative Histories, prepared by Congressional Information Service (CIS), of key U.S. Public Laws from first consideration through presidential signature. Abstracts of the hearings, reports, prints and documents cited in the Legislative Histories are also included.
- **Westlaw** > US GAO Federal Legislative Histories (FED-LH). Comprehensive legislative histories for most U.S. Public Laws enacted from 1921 to 1995, as compiled by the U.S. Government Accountability Office, including the text of laws, bills, committee reports, Congressional Record documents, transcripts of hearings, and other documents in PDF format.
- **Journal articles, law firm document sharing systems, etc.** Check resources such as LegalTrac (LRC Database), <http://www.llsdc.org/sourcebook/> or your firm's document sharing system to see if someone else has compiled a legislative history of the Act and made it individually available.

C. GUIDE TO CONGRESSIONAL MATERIAL

In the absence of a compiled legislative history, a researcher attempting to compile his own must often contend with massive amounts of information. To avoid confusion, it is best to develop a chronology of events (introduction of bill, dates of hearings, dates reports issued, dates of passage, etc.) and to note all publications before tracking down the items. Several works provide lists of materials available for laws passed, and for bills considered but not passed.

- **Congressional Index:** LRC Reading Room & Reference Index KF 49 .C6. This looseleaf service provides a chronology for every bill, from its date of introduction through signature by the President, for Congresses dating back to 1951. Two volumes are issued and updated during each Congress (one volume for House bills and one for Senate bills). Included are indexes by subject and floor votes.

D. COLLECTIONS OF INDIVIDUAL CONGRESSIONAL DOCUMENTS

- **Federal Digital System (FDsys):** <http://www.gpo.gov/fdsys/>. Contains full-text, authenticated Public and Private Laws; the *U.S. Code*; Congressional reports, hearings, documents and bills; the final edition of the *Congressional Record*; and the Compilation of Presidential Documents. Years of coverage vary.
- **ProQuest Congressional:** <http://www.sandiego.edu/law/lrc/> > Legal Research Databases > Congressional Publications. Congressional reports, hearings, prints and documents, and the daily edition of the *Congressional Record*. Many of these are available as PDFs of the source document from as early as 1789 to the present. Those not available digitally can usually be retrieved from the CIS microfiche, below.
- **CIS Indexes and Abstracts** (Congressional Information Service): LRC Reference Index KF 49 .C62. For Acts passed prior to the publication of CIS' separate Legislative History volumes in 1984, researchers can use the index volumes to locate items by subject, name or number; the abstract volumes to read a summary of the document's contents; then retrieve the full text in microfiche or ProQuest Congressional. All publications of Congress—except *The Congressional Record*—are available starting in 1970.
- **CIS U.S. Congressional Hearings Index:** LRC Reference Index KF 24.8 C6. Lists all hearings issued and available for publication, 1833-1969. Many documents are available as PDFs of the source documents through ProQuest Congressional Publications. The LRC owns the full text hearings in microfiche, 1945-69.
- **CIS U.S. Congressional Committee Prints:** LRC Reference Index KF 49 .C59. This 5-volume index identifies prints issued through 1969 by subject, title, bill number Congress, and committee. Full text documents are available through ProQuest Congressional Publications or the LRC microfiche.
- **U.S. Congressional Serial Set:** LRC Reference Index KF 12.U5. All reports and documents issued by Congress are eventually bound in the *Serial Set*. The *Serial Set* does not contain hearings or committee prints. It covers documents issued 1789-1969. Many documents are available as PDFs of the source documents through ProQuest Congressional Publications. In addition, documents referenced in this source are available in microfiche, 1789-1969, and in printed volumes, 1880-1994.
- **Congressional Bills** (1933-2001): LRC Lower Level Microforms KF 16 .U54. The LRC has Congressional bills and resolutions in microfiche, 1981-2001. The companion index used to locate the bills is found at the same call number in the LRC Reference Index section. Each fiche is given a unique number. To find the text of a bill, choose the *Finding Aid* for the appropriate year and session. The bills are divided between House and Senate, and are listed in the left-hand column. Next to the bill number is a reference to the fiche number. Bills from 1933-81 are available on microfiche in the Lower Level Microforms at KF 16 .U53. They are organized by Congress.
- The **Congressional Record**. The LRC owns the daily edition, 1981-present, and the final edition, 1789-present, both in microfiche. (*Note: pagination between the two editions does not match; in fact, they are designated differently.*) The current two years of the daily edition are also available in paper in the Reading Room stacks. Older copies of the final edition in paper are located on the LRC's Lower Level. An annual index is produced to locate items by subject, bill number, or sponsor. This resource is widely available through numerous online services, including the Federal Digital System (FDsys), thomas.loc.gov, HeinOnline, ProQuest Congressional, LexisNexis and Westlaw.

Please contact a Reference Librarian for further assistance:

lrcrefer@sandiego.edu / 619-260-4612

Note: Websites with the suffix .gov or .org are accessible to anyone anywhere.

Anyone physically present on campus may access ProQuest Congressional Publications and HeinOnline. Only currently enrolled USD Law Faculty and Students may access Lexis and Westlaw for educational purposes.