Roadmap

- Context for Legislative History
- Legislative Process
- Documents Produced in the Process
  - What They Are
  - How to Find Them
Context for Legislative History
Branches of Government

CONSTITUTION

LEGISLATIVE
- Congress
  - House of Representatives
  - Senate

EXECUTIVE
- President
- Vice President

JUDICIAL
- Supreme Court
Legislative Branch

U.S. Const. Art. I, 8: “make all laws which shall be necessary and proper”
Basic Terminology

- The Congress: Senate & House of Representatives


- Session: each year within the two-year period
Legislative Process
“I’m just a bill . . .”

- **Step 1**: A bill is introduced in the house or senate.
- Each bill is identified by the abbreviation of the house in which it was introduced (H.R. or S.) and a sequential number.
  - H.R. 911
  - S. 911
“Well now I'm stuck in committee
And I sit here and wait . . .”

*Step 2:* The bill is referred to a committee. The committee will hold hearings on the bill and will generate a report for the entire House or Senate to consider.

- **Hearings on H.R. 911 Before the Subcomm. on Improving the Legal Profession of the House Comm. on Educ., 104th Cong. 27-28 (1999).**
“While a few key congressmen Discuss and debate . . .”

Step 3: The bill is debated on the floor of the House or Senate. Transcripts of those remarks are kept.

• 143 Cong. Rec. 23,251 (1999).
“Now I go to the House of Representatives, and they vote on me.”

Boy: If they vote yes, what happens?

Bill: Then I go to the Senate and the whole thing starts all over again.

Boy: Oh no!

Bill: Oh yes!

- Now designated as an “Act”
- Assigned to Senate committee
  - Hearings
  - Reports
- Debated on the floor
  - Floor debates
“Well then I’m off to the White House
For the President to sign . . .”

Step 4: The bill becomes a law and is first given a Public Law number (e.g., 104-205) then compiled chronologically into the Statutes at Large, and finally included topically in U.S.C.

Sources of Legislative History
Why Use Legislative History?

- Statutes are not always clear and unambiguous.
- Canons of construction don’t always resolve ambiguities.
- When that happens, sources beyond the statute itself may be consulted to determine its meaning.
Four Sources of History

- Bills
- Committee reports
- Hearing transcripts
- Floor debates
Where History is Published

**Print Sources**
- Compiled legislative histories
- USCCAN (*United States Code Congressional & Administrative News*)
- Congressional Information Service (CIS)
- *Congressional Record*

**Electronic Sources**
- Congressional Universe
- Thomas
- GPO Access
Compiled Legislative Histories

Nancy P. Johnson, *Sources of Compiled Legislative Histories: A Bibliography of Government Documents*

Bernard D. Reams, Jr., *Federal Legislative Histories: An Annotated Bibliography and Index to Officially Published Sources*
USCCAN

- **Content**: text of statute and committee reports
- **Organization**: session of Congress
- **Access**: Statutes at Large number
- **Additional info**:
  - West publication; referenced in U.S.C.A.
CIS

**Content:** Committee reports and hearings; citation to floor debates in Congressional Record

**Organization:** Chronological

**Access:** Public Law Number

**Additional info:**
- Commercially published
- More thorough than USCCAN
- Main volumes published only on microfiche (also available through LexisNexis or Congressional Universe)
- Index volumes published in print; references by Public Law number
Congressional Record

Content: Floor debates from House & Senate
Organization: Chronological
Access: Bill number
Additional info:
- Published in daily edition and permanent edition
- Daily edition separated into House and Senate sections
  - 142 Cong. Rec. H8620
- Permanent edition numbered consecutively
  - 142 Cong. Rec. 11,352
Congressional Universe
web.lexis-nexis.com/congcomp
GPO Access
www.access.gpo.gov

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UNITED STATES GOVERNMENT PRINTING OFFICE

Senate Joint Resolution 22

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