Compiling a Federal Legislative History

What is legislative history

"Legislative history construction is a craft and relevant documents may not always be included, and sometimes, of course, not all of the documents to a history are available. Usually a legislative history includes the related public law, standing committee and conference reports, debates/discussion from the Congressional Record, various proposed bills in different versions, committee hearings, and perhaps a presidential signing statement, but more documents from different agencies and earlier congresses could be included as well."

Quote source: https://web.archive.org/web/20120307035314/http://www.lla.org/Expl-Leg-Hist/ (From older version of LLSDC website)

I. Brief Summary of the Bill Process Through Congress

1. A bill is introduced by a member of Congress in either the House or Senate.

2. The bill is assigned a number and referred to the committee which has jurisdiction over the subject of the bill.

3. The bill may be considered by the committee or refused further study. The bill may be amended or entirely rewritten while in committee. Also, hearings may be held where the committee receives testimony regarding the ramifications of the bill.

4. A committee mark-up is scheduled and the bill is analyzed.

5. The committee may submit the bill to the floor of the chamber. This is usually accompanied by a report.

6. If the bill is passed it is then sent to the other chamber for consideration. Much legislation, however, starts as similar bills in both houses.

7. The bill undergoes the same process as in the original chamber in which it is introduced.

8. If the House and Senate versions of the bill differ, the bill is sent to a conference committee composed of members from both the House and Senate.

9. A conference report is drafted, debated by each chamber, and approved.

10. The president either signs the bill into law or the president vetoes it. The president has ten days (excluding Sundays) to act upon a bill; if the president does not act within ten days, the bill becomes law without his signature, providing Congress is in session. If Congress adjourns before the ten-day limit, the bill does not become law; this is what is referred to as a "pocket veto."

For research assistance, contact lawlibref@ucdavis.edu or call (530) 752-0210
A Legislative History of a Federal Law CAN Include the Following Documents:

<table>
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<th>Text of public law</th>
<th>Committee reports</th>
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Not Sure of the Year to Congress Conversion?

Use these charts to verify the year, Congress and session.

For more information about Congressional sessions click here.

II. Previously Compiled Legislative History:

Frequently, someone has previously compiled all or most of the documents concerning a particular law. Check the following sources to determine if this exists:

1. ProQuest Congressional (formerly LexisNexis Congressional)
   
   [https://law.ucdavis.edu/library/find/databases.html#P](https://law.ucdavis.edu/library/find/databases.html#P)
   
   Search by the name of the act and then select the entry that has “Legislative History” directly under the name of the act.

2. Sources of Compiled Legislative Histories, Nancy P. Johnson
   
   Location: Ref. Reserve KF 42.2 2012 Suppl.

3. Sources of Compiled Legislative Histories, by Nancy P. Johnson
   
   Location: KF42.2 1979 Ref. Res.  
   
   [Heinonline.org](http://heinonline.org)

4. HeinOnline: in addition to above title, includes full text of compiled histories on major federal acts:
   

5. Federal Legislative Histories: An Annotated Bibliography and Index to Officially Published Sources, by Bernard Reams -
   
   Location: KF42.2 1994 Reference Reserve.

6. WestlawNext - On the Legislative History Page chose from Legislative History - United States Code OR Arnold & Porter Collection OR GAO Federal Legislative History OR CRS Bill Summaries
   
   [https://a.next.westlaw.com/Browse/Home/LegislativeHistory?transitionType=Default<contextData=%28sc.Default%29](https://a.next.westlaw.com/Browse/Home/LegislativeHistory?transitionType=Default<contextData=%28sc.Default%29)
   
   (You must have a current Westlaw password to access this resource)

7. Lexis Advance - Not available -

Search:

1. Use MORT (the Mabie Law Library’s catalog). Search keywords using words from the title of the act.

2. Search other library catalogs - in the “title” field use words from the title of the act. If another library has a relevant book, learn how to use Interlibrary Loan to request materials.
III. If No Compiled Legislative History Exists

Key Information Needed to Get Started:

If no compiled legislative history exists, the Public Law Number (Pub. L. No.) is the key. A Pub. L. No. is assigned each piece of legislation after it is enacted. The number is XX-YYY with the XX being the number assigned to that Congressional session and the YYY being a number that is assigned to each law enacted within that session.

The session starts with Y=1 and continues numbering each law consecutively until the session is over (e.g. Pub. L. No. 109-308 is from the 109th Congress and was the 308th public law that was passed and Pub. L. No. 110-308 is from the 110th Congress and was the 300th public law that was passed).

I. Locating the Pub. L. No. When the Relevant US Code Section is Known

If the relevant code section is known (e.g. x U.S.C. § x) the fastest way to locate the Pub. L. No. is to use an annotated code section. Use either the U.S. Code Annotated (U.S.C.A. (Westlaw)) or U.S. Code Service (U.S.C.S. (Lexis)) - review the “Credit(s)” U.S.C.A or the “History” in U.S.C.S.—both are located at the end of the text of the relevant code section.

These sections contain the date of passage, the Pub. L. No., and the Statutes at Large (STAT.) citation. If the section has been amended more than once, read the specifics on what each amendment did to determine which Pub. L. No. is the one needed to research the legislative history.

II. Locating the Pub. L. No. When the Act name is Known

If the name of an act is known, the most efficient way to locate the Pub. L. No. is to use the Popular Names Table. The Popular Name Table is an index of the names of acts with cross references to the official name of the act (e.g. the Patriot Act has a much longer official name). Use the Popular Names Table to locate the relevant act entry and each entry will list out the relevant annotated code section. The Popular Name Table is, especially, helpful if the Public Law was codified in many different section of the U.S. Code (e.g. the Patriot Act) (Westlaw USCA-POP; Lexis UCSC Popular Names Table; Mabie Law Library- Stacks KF62 .U53 and Stacks KF62 .U55).

If the legislation is fairly recent, Congress.gov is free and very good places to start. One caveat unlike the Popular Name Table neither of these resources will convert a commonly used name to the official name. For example, the legislative history of the PETS Act is available in both Thomas.loc.gov and Congress.gov, but in order to locate the legislative history the search must be for the “Pets Evacuation and Transportation Standards Act”.

Use resources such as Federal agencies websites, legal blogs and other legal research guides, if the Popular Name Table is not accessible; otherwise the Popular Name Table is the most efficient way to start.
If the Public Law was enacted from 1970 to 2002, a great source of information is CIS Annual Legislative Histories (Ref Res KF49 C62). From the 91st Congress (1969) to the 98th Congress (1985-1986) legislative histories are found at the end of the Abstracts volume. Beginning in 1984, an annual legislative history volume lists histories by public law number. Each history contains an abstract of the Public Law and full bibliographic citations to relevant documents.

See next sections in this guide for a more in-depth explanation of each document type and suggested sources for locating them:

IV. Explanation of Legislative History Documents & Sources for Locating Them

1) Public Law and Bills:

Each Public Law started as either a Senate or House Bill. It could then have been amended zero or several times before enactment. Often looking at the bill texts and comparing the versions to each other can give you an idea of what Congress was trying to do as they insert/change/delete various provisions.

If a bill does not become a law it dies at the end of the Congress (currently, a 2 year period - click here for a Congress to year conversion chart).

You may see the exact same text of the bill in a different Congress but it is a different bill with a different bill number.

A. Sources for locating bill numbers:

Bill numbers can be found in the U.S. Code Congressional and Administrative News (USCCA) - a Westlaw only product (Mabie Law Library - Stacks KF48 U554 in the Legislative History volume either under the Public Law number, or in Table 4 at the end of the last Legislative History volume; Westlaw USCCAN).

B. Sources of bill text:

- ProQuest Congressional (formerly LexisNexis Congressional) https://law.ucdavis.edu/library/find/databases.html#P
  - Covers 100th Congress (1987) - current

- Congress.gov https://www.congress.gov/
  - Use the “Browse” feature to locate bills by:
    - Legislative Action
    - Subject - Policy Area
  - The coverage varies by type of material
  - Set up email alerts to track specific legislation

  - Covers 103rd Congress (1993) - current
IV. Explanation of Legislative History Documents & Sources for Locating Them

- WestlawNext: Choose "Federal Materials" tab > click on Federal Proposed & Enacted Legislation > On the right side under "Tools & Resources" > Click on Historical Proposed Legislation (Bills)
  - Covers 104th Congress (1995) to within the last Congress
  - For the Current Congress - Click on "Proposed & Enacted Legislation" > Congressional Bills
- Lexis Advance: Click on "Browse" - upper left side in black and white > Click on "Sources" > In the box that has the words "Find a Source" > type in "BTX plus the Congress number" - for example "BTX101"
  - Covers 101st Congress (1989) to within the last Congress
  - Current Congress - Same as above but type in "BLTEXT" instead
- Mabie Law Library - Microfiche cabinets 8-15 (use Finding Aids on top of cabinets)
  - Covers 1st to Current Congress

The Public Law itself should be reviewed and can be found in the above places as well as USCCAN.

2) Committee Reports

Committee reports are the most significant documents of legislative history. House and Senate committees issue a report when a bill is reported out of the committee. The report generally includes the text of the bill as revised by the committee, as well as, analysis and reasoning for the committee’s recommendations.

If the House and Senate have passed bills on the same issue, a conference committee will be formed with members from each house. The resulting compromise will also be issued in a committee report.

A. Sources of reports:

- Proquest Congressional (formerly known as LexisNexis Congressional)
  - (1789 - current)
- U.S. Code Congressional and Administrative News
  - (WestlawNext) USCCAN
    - 1943-current
  - Print—Mabie Law Library Stacks KF48 .U554
    - 1951 - current
- Congress.gov https://www.congress.gov/
  - 104th Congress (1995) to current
  - To search - select from the drop-down menu to the left of the search box “Committee Reports”
  - 104th Congress (1995) - current
- WestlawNext: Search in databases LH (1948 - current) or GAO-RPTS (1994 - current)
- U.S. Congressional Serial Set (from Readex/Newsbank) http://uclibs.org/PID/42461
IV. Explanation of Legislative History Documents & Sources for Locating Them

- 1817 – 1984
- To search click on “Publication Search” > change the drop-down menu in “Document Class” > Scroll down to either House Report or Senate Report

- Mabie Law Library: Paper format on Level 4
  - from 91st Congress (1969) to 98th Congress (1983)

- Mabie Law Library: Microfiche format in cabinets 25-27 (use Finding Aids on top of cabinets)
  - from 96th Congress (1979) - current.

3) Congressional Record

The Congressional Record is the official record of what is said on the floor of the House and Senate. Indexes are kept in Ref Res. and contain a section on the history of bills arranged by bill number. This will indicate which pages of the Congressional Record the measures were debated.

A. Sources of the Congressional Record:

- Congress.gov https://www.congress.gov/
  - Use the “Browse” feature to locate Congressional Record by:
    - date from the 104th Congress (1995) to current
    - Congressional Record Index - from 104th Congress (1995) to current

- GPO’s Federal Digital System (FDsys)

- WestlawNext: Search in database CR
  - 99th Congress (1985) - current

- Lexis Advance
  - 99th Congress (1985) - current

- Proquest Congressional (formerly known as LexisNexis Congressional)

- HeinOnline - U.S. Congressional Documents
  - 1st Congress - current

- Bloomberg Law
  - Includes Historical (1933-1988) and 1989 - current

- Mabie Law Library: Microfiche cabinets 29-31 (use Finding Aids on top of cabinets)
  - 1873 - within the last four Congresses

- Mabie Law Library: Paper Format Level 4 at KF35 C56
  - approximately 1994/1999 - current
IV. Explanation of Legislative History Documents & Sources for Locating Them

4) Committee Hearings

Hearings are held by committees of the House and Senate and consist of transcripts of testimony before the committee. Hearings do not have to be held for every bill though they are fairly common.

If you don’t find a hearing directly concerning your bill, look for relevant hearings that were held on similar or related bills (including those in a previous year).

Not every hearing is published.

A. Sources for locating committee hearings:

- Use the Index of Congressional Committee Hearings found in Ref Res.
  - Note the volume and part number for using the microfiche in the basement.
  - 1863-1935
- Use the Cumulative Index of Congressional Committee Hearings found in Ref Res.
  - Note the volume and tab number for using the microfiche in the basement.
  - 1935-1970
- Check the CIS Annual Legislative Histories mentioned on pg. 4
  - 1970 - 2002

B. Sources of hearings:

- Proquest Congressional (formerly known as LexisNexis Congressional)
  - 1824 - current
- The Law Library carries hearings
  - in microfiche use (Finding Aids on top of cabinets)
    - 97th Congress (1981) - current
  - paper on Level 4.
    - 1971-1981
- HeinOnline - U.S. Congressional Documents
  - 13th (1813); 50th Congress (1887) - current
- GPO’s Federal Digital System (FDsys)
  - 99th Congress (1985) - current
- Rutgers Law Library - Camden U.S. Congressional Documents
  - NOT comprehensive for the years covered
  - 1970’s – early 2000’s

- WeslawNext: Search in database
  - CONGTMY from Federal Document Clearing House (FDCH)
    - Coverage begins 11/2004 - current
  - UTESTIMONY from CQ-Roll Call
    - Coverage begins with January 1993; Increased coverage begins with January 1996; Selected coverage from 1993 to 1996; Complete1996 - current
IV. Explanation of Legislative History Documents & Sources for Locating Them

- **LexisAdvance:**
  - After log in > Click on “Go to LexisAdvance” > Upper left click on “Browse” > Click on Sources > in box “Search for a source” type in “CQ Congressional Testimony”
  - 2007 - current

  5) Presidential Signing Statements

The U.S. President may issue a signing statement when a bill is either, signed or vetoed. They are not considered part of the legislative history record and are not considered as having a legal affect. They were initially rare but over time have become more common.

The statements can also be found in the Congressional Record.

They are not always issued when a bill becomes a law or is vetoed.

A. Sources of signing statements:

- Compilation of Presidential Documents
  - Consists of the Weekly Compilation of Presidential Documents (discontinued in January 2009) and the Public Papers of the Presidents of the United States. This set compiles those chronologically.

  - GPO’s Federal Digital System ([FDsys](#))
  - 1993 - current

- Lexis Advance - After log in > Click on “Go to LexisAdvance” > Upper left click on “Browse” > Click on Sources > in box “Search for a source” type in “Public Papers of the Presidents”
  - 2007 - current

- WestlawNext: Search in database [USCCAN-MSG](#)
  - 1986 - current

- Mabie Law Library (v.1/1965-2009): J80 A284 (level 6)
  - vol.1/1965 - vol. 44/2007

- HeinOnline - [U.S. Presidential Library](#)
  - [Weekly Compilation of Presidential Documents](#)
    - 1965- 2009
  - [Daily Compilation of Presidential Documents](#)
    - 2009 - current

  6) Committee Prints

Committee Prints are issued infrequently. They contain materials prepared specifically for the use of a committee such as studies or statements by committee members. These materials vary greatly but can include: draft reports and bills, directories, statistical materials, investigative reports, historical reports, situational studies, confidential staff reports, hearings, and legislative analyses.

They are generally considered for internal use and are not regularly published and/or made available to the general public.
They also do not have consistent number system. The U.S. Senate has a numbering (e.g. 106-59) system; the House does not have a numbering system.

A. Sources for locating committee prints:

- Consult CIS Annual Legislative Histories (Ref Res KF49 C62) or Proquest Congressional (formerly known as LexisNexis Congressional) [https://law.ucdavis.edu/library/find/databases.html#P](https://law.ucdavis.edu/library/find/databases.html#P) to see if one was issued on your bill.

B. Sources of committee prints:

- Mabie Law Library - Microfiche cabinet 28 (use Finding Aids on top of cabinets)
  - 97th Congress (1981) - current
- GPO’s Federal Digital System (FDsys)
  - 94th Congress (1975) - current
- HeinOnline - U.S. Congressional Documents
  - 103rd Congress (1993) - 110th Congress (1987)
- Proquest Congressional (formerly known as LexisNexis Congressional)
  - 1789 - current
- LexisAdvanced
  - After log in >Click on “Go to LexisAdvance”>Upper left click on “Browse”> Click on Sources > in box “Search for a source” type in “Committee Reports”> Click on “C”> scroll down till “Committee Reports" appears
  - 2000 – current
- Check the committee’s web site
  - Coverage varies greatly depending on the committee
  - Best for legislation within the last couple of years
- Check Harvest (UC Davis Libraries) for any prints that might have been catalogued individually
- Check Melvyl (UC Libraries) for any prints that might have been catalogued individually

Since availability and publication of materials vary greatly depending on the year, topic and type of document - the resources listed below are generally considered the best places to start.

This is not meant to be a comprehensive list.

Depending how historical the legislative history is these sources are considered the best place to start.

1700’s - 1800’s

- ProQuest Congressional (formerly LexisNexis Congressional) [https://law.ucdavis.edu/library/find/databases.html#P](https://law.ucdavis.edu/library/find/databases.html#P)
V. Historical Congress - Documents & Sources for Locating Them

- This is best for locating information about historical legislative history
  - full text access varies greatly depending on the type of document
- For those materials in microfiche this is the easiest way to locate either the Legacy

Congressional Information Service (CIS) Number or the CIS Number. These numbers will be in the Finding Aids on top of cabinets

- American State Papers (1789-1838)
  - Available through the Library of Congress
    http://memory.loc.gov/ammem/amlaw/lwsp.html
    - Browse
    - Browse – page headings
    - Search

- HienOnline - U.S. Congressional Documents
  - Congressional Record 1st—current

1800’s—1900’s

- U.S. Congressional Serial Set (1833-1917)
  - Available though the Library of Congress
    http://memory.loc.gov/ammem/amlaw/lwss.html
    - Browse
    - Search

- HienOnline - U.S. Congressional Documents
  - Congressional Hearings
    - 13th (1813); 50th (1887) - current
  - Congressional Record
    For an overview of how the Congressional Record has been published over time click here (from the Law Librarians Association of Washington DC (LLSDC))
    - 1st Congress (1789) - current

- U.S. Congressional Serial Set (via NewsBank)
  - U.S. Congressional Serial Set 1
    - 1817-1980
  - U.S. Congressional Journals
    - House and Senate Journals
    - 1953 - 1981

- Congressional Record from Bloomberg Law
  - Includes Historical (1933-1988)

- U.S. Code Congressional and Administrative News (USCCA) - a Westlaw only product
  - Mabie Law Library - Stacks KF48 U554
    - In the Legislative History volume either under the Public Law number, or in...
V. Historical Congress - Documents & Sources for Locating Them

Table 4 at the end of the last Legislative History volume

- Westlaw **USCCAN**
  - Coverage varies by type of document but best for materials after the late 19040’s

- **MORT** (the Mabie Law Library’s catalog). Search keywords using words from the title of the act.

- Search other library catalogs - in the “title” field use words from the title of the act. If another library has a relevant book, learn how to use Interlibrary Loan to request materials

Mabie Law Library

- **Bill Text**
  - Microfiche cabinets 8-15 (use Finding Aids on top of cabinets)
  - Covers 1st to Current Congress

- **Committee Reports**
  - Paper format on Level 4
    - from 91st Congress (1969) to 98th Congress (1983)
  - Microfiche format in cabinets 25-27 (use Finding Aids on top of cabinets)
    - from 96th Congress (1979) - current.

- **Congressional Record**
  - American State Papers (1789-1838)
    - Mabie Law Library location: J33 .U53 - Rare books
  - Microfiche cabinets 29-31 (use Finding Aids on top of cabinets)
    - 1873 - within the last four Congresses
  - Paper Format Level 4 at KF35 C56
    - approximately 1994/1999 - current