Federal Legislative History

Legislative history is a term that refers to the documents that are produced by Congress as a bill introduced, studied and debated. These legislative documents are often used by attorneys and courts in an attempt to determine Congressional intent or to clarify vague or ambiguous statutory language. Examples of these documents are committee reports, committee hearing, committee prints, floor debates, bills drafted in aid of the legislation and presidential signing statement. There are a number of resources available for compiling legislative histories. Here are some of them.

- U.S. Code Congressional and Administrative News (U.S.C.C.A.N.)
- Westlaw
- ProQuest Congressional
- HeinOnline
- The Library of Congress Thomas
- FDsys

None of these resources is complete. They should be treated as complementary.

U.S.C.C.A.N.
In order to carry out a basic legislative history research, five pieces of information must be borne in mind.

- Is there a compiled legislative history on the law?
- In what year was the law or amendment in question made?
- What is the Public Law or Statute at Large citation?
- Which Congress passed the law and what is the bill number?
- What is the popular name of the statute?

We shall explore these issues in turn, using appropriate illustrations to drive home our points.

a. Finding compiled legislative histories
There is quite a large body of compiled legislative histories in existence. If the publisher is reputable, take advantage of these resources.

b. Determining the date of the law or amendment in question
If this is known, proceed to the corresponding years in U.S.C.C.A.N. If unknown, consult the historical note or summary accompanying the provision in the United States Code.
c. Statutes at Large Citation
If the Public Law citation is known, proceed to the appropriate section in the U.S. C.C.A.N. volume. This is set out on the spine. Alternatively consult the popular name table.

d. Popular name
As may sometimes happen, all that is available to the researcher is the popular name of the statute. Popular names are names assigned to legislation- examples are McCain-Feingold Act or Defense of Marriage Act. Use United States Code (United States Code Annotated or United States Code Service) to locate the name. Other information provided with the “Popular Name” are: Public Law number, Statute at Large citation, date of the law, and, section of United States Code to which the law is classified. Classification is the process by which a piece of legislation transition from the chronological order in Statutes at Large to the appropriate topic or chapter in United States Code.
THE CODE OF LAWS OF THE UNITED STATES OF AMERICA

TITLE 1—GENERAL PROVISIONS

This title was enacted by act July 30, 1947, ch. 302, 61 Stat. 252.

PART 1—GENERAL PROVISIONS

Sec. 1. Words denoting number, gender, and so forth

§1. Words denoting number, gender, and so forth

In determining the meaning of any Act of Congress, unless the context indicates otherwise—

1. Words denoting number, gender, and so forth

Statute at large citation
Date
Public law number
Classification to United States Code

Defense of Marriage Act
Short title, see 1 U.S.C. 701
$7. Definition of “marriage” and “spouse”

In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus or agencies of the United States, the word “marriage” means only a legal union between a man and a woman as husband and wife, and the word “spouse” refers only to a person of the opposite sex who is a husband or a wife.

(Added Pub. L. 104–199, §3(a), Sept. 21, 1996, 110 Stat. 2413.)

$1738C. Certain acts, records, and proceedings and the effect thereof

No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.


e. Congress where the law originated

It’s often helpful to translate Congress number to year. The 104th Congress sat in what year(s)? See http://history.house.gov/Congressional-Overview/Profiles/104th/. From this website, 104th Congress covered 1995-1997.
Finally, proceed to U.S. Code Congressional and Administrative News (U.S.C.C.A.N.) for volumes covering 104th Congress or the period of 1995-1997. Focus is on the volume(s) dealing with legislative history. The spines of the volumes provide guide to coverage.
Westlaw

Westlaw also provides resources for legislative research. The salient ones are:

<table>
<thead>
<tr>
<th>Database</th>
<th>Abbreviation</th>
<th>Suggested query format</th>
</tr>
</thead>
<tbody>
<tr>
<td>Popular name table</td>
<td>USCA-POP</td>
<td>“defense of marriage”</td>
</tr>
<tr>
<td>Public law</td>
<td>US-PL</td>
<td>us pl 104-199</td>
</tr>
<tr>
<td>All versions of Congressional bill</td>
<td>CONG-BILLTXT (add the Congress number e.g. 104th Congress will be CONG-BILLTXT104) – searches various versions of bills introduced in Congress</td>
<td>“defense of marriage”</td>
</tr>
<tr>
<td>Arnold &amp; Porter Compiled Legislative History</td>
<td>Scope is wide – search for “Arnold &amp; Porter legislative history” in the database selection query box</td>
<td></td>
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</tbody>
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ProQuest Congressional

[link]

ProQuest Congressional offers access to congressional publications dealing with the wide variety of topics addressed by Congress.
HeinOnline: U.S. Legislative History Library [http://heinonline.org/HOL/Welcome](http://heinonline.org/HOL/Welcome)

There are two collections

a. Sources of Compiled Legislative History Database
b. U.S. Federal Legislative History Title Collection

**Sources of Compiled Legislative History Database**
The Sources of Compiled Legislative History Database is derived from the looseleaf publication Sources of Compiled Legislative Histories: A Bibliography of Government Documents, Periodical Articles, and Books by Nancy P. Johnson, Law Librarian and Professor of Law Georgia State University College of Law. All compilations for major laws are included in the database with the following exceptions: appropriations measures, ceremonial matters, laws that extend the life of an agency or authority, and laws that affect small numbers of persons or specific regions of the country. The sources for these compilations include congressional documents, legal periodicals, treatises and looseleaf services.

**U.S. Federal Legislative History Title Collection**
The Legislative History Title Collection is a collection of full-text legislative histories on some of the most important and historically significant legislation of our time. In addition to major complete legislative histories, this collection includes texts related to legislative histories. A legislative history is the collection of documents that are produced in Congress during the enactment of a law.

- Sources of compiled legislative history database – options:
  - browse by Congress
  - browse by public law

<table>
<thead>
<tr>
<th>Public Law/ Bill Number</th>
<th>Statute</th>
<th>Congress</th>
</tr>
</thead>
</table>

- U.S. Federal Legislative History Library – this are landmark legislation – Civil Rights Act, Sarbanes-Oxley Act, etc.

<table>
<thead>
<tr>
<th>Public Law No.</th>
<th>Popular Name</th>
</tr>
</thead>
</table>

A very important part of the Heinonline database is the option to search across both collections.
Searching for specific document. To use this option, select “Field search” and select the specific field.


THOMAS was launched in January of 1995, at the inception of the 104th Congress. The leadership of the 104th Congress directed the Library of Congress to make federal legislative information freely available to the public. Since that time THOMAS has expanded the scope of its offerings to include the features and content listed below. Congress.gov will eventually replace The Library of Congress Thomas in the future.

- Bills, Resolutions
- Activity in Congress
- Congressional Record
- Schedules, Calendars
- Committee Information
- Presidential Nominations
- Treaties
- Government Resources
Select Congress: 111 | 110 | 109 | 108 | 107 | 106 | 105 | 104 | 103 | 102 | 101 | View 100-50

Select a Range of Public Laws
> 104-1 - 104-100
> 104-101 - 104-200
> 104-201 - 104-300
> 104-301 - 104-333

View Public Laws by Type in Bill Number Order
> House Joint Resolutions
> House Bills
> Senate Joint Resolutions
> Senate Bills

Looking for Pub. L. 104-199 "Defense of Marriage Act"
FDsys  http://www.gpo.gov/fdsys/search/home.action

FDsys Access is a repository of Conference reports, Congressional bills, Congressional record, Public laws, United States Code, and Presidential documents or signing statements, among others. All of these resources are slated for migration to FDsys which is a modern database containing digitally signed materials

http://www.gpoaccess.gov