Federal Legislative History Guide

Introduction

Legislative history is a term that refers to the documents that are produced by Congress as part of the legislative process. These legislative documents are used by attorneys and courts to determine legislative intent behind the passage of the law in an effort to clarify vague or ambiguous language. All documents produced in the legislative process, with some being more persuasive than others, are persuasive legal authority.

This guide provides a brief description of the documents that comprise the legislative process. It briefly details their use and instructs the reader on how to locate such documents in the W & L Law Library. Coverage varies among various services so you should consider which service provides the needed coverage prior to searches. Access to some of the databases is restricted to IP authentication requiring access via the UPN service or on campus access.

The first step in compiling a legislative history is to determine if one already exists. Check (i) Annie, (ii) Sources of Compiled Legislative Histories (KF 42.J63 in the reference collection), and (iii) for legislation passed after 1984 (98th 2nd Congress) using the CIS Annual Legislative Histories (KF 49.C62 in the microforms area).

Bills

Introduction of a bill into Congress is the first formal step of the legislative process. After a bill is introduced, it is assigned a number, printed and referred to a committee. Bills are often amended during the legislative process and thus may be printed several times before they are passed or “die in committee.” Comparing the various versions of a bill may help in determining the intended meaning of the bill. Note that the bill number is one of the key elements in tracing a legislative history.

Finding Bills

Electronic Format:

Thomas (http://thomas.loc.gov/)

GPO Access (http://www.gpoaccess.gov/)


Lexis (http://www.lexis.com/research/)

Westlaw (https://lawschool.westlaw.com/shared/signon02.asp?path=%2fDesktopDefault.aspx)

Century of Lawmaking (http://memory.loc.gov/ammem/amlaw/)
Hearings

House and Senate committees hear testimony on proposed legislation in order to determine the need for new legislation in a particular area and to hear the views of various persons or organizations interested in the legislation. Hearings can provide a wealth of information for background research into the issue Congress is addressing. Hearings are held for almost all substantive legislation and transcripts of most hearings (including exhibits provided by the testifying) are published. For the purpose of interpreting enacted legislation, hearings are less useful than other than other legislative documents as they focus on the views of those testifying rather than the views of the committee or Congress. Hearings are published individually.

Finding Hearings

Electronic Format:

GPO Access (http://www.gpoaccess.gov/)


Lexis (http://www.lexis.com/research/)

Westlaw (https://lawschool.westlaw.com/shared/signon02.asp?path=%2fDesktopDefault.aspx)

Microform:

GPO Microfiche (97th Congress – 107th Congresses, Cabinets 24 & 25)

CIS Microfiche (91st 1st – 96th 2nd Congress, Cabinets 20-22)

Finding Aids for Bills

Congressional Index (current volume in loose leaf area; older volumes at KF 49.C6)

Microform:

GPO microfiche (97th – 107th Congresses, Cabinets 24 & 25)
Committee Reports (House, Senate, Conference)

Committee reports in general, and conference reports in particular, are the most important source in a legislative history. Reports are issued for almost every bill that becomes a law, and there is usually a report from each House and Senate committees that consider the legislation. Reports accompany bills when they are sent to the full chamber for debate and voting. Committee reports are the most important element of a legislative history.

Reports usually reprint the text of the bill, describe its purposes, and give the reasons behind the committee’s recommendations on the bill. A report may also contain a section by section analysis of the bill, which can be very helpful if your research is concentrated on only one section. Reports may also contain minority positions.

If a conference committee was appointed to draft a compromise bill acceptable to both the House and the Senate (this occurs when the House and Senate versions of a bill are different), a conference report will be issued. Conference reports are particularly important as they come at the end of the legislative process and report on the compromise bill.

Committee reports are published in the United States Congressional Serial Set and have unique numbers for each congress.

Finding Reports

Electronic Format:

Thomas (http://thomas.loc.gov/)

GPO Access (http://www.gpoaccess.gov/)


Lexis (http://www.lexis.com/research/)

Westlaw (https://lawschool.westlaw.com/shared/signon02.asp?path=%2fDesktopDefault.aspx)

Microform:

GPO Microfiche (96th 2nd -, Cabinets 23-24; arranged in SuDoc order)

CIS Microfiche (91th 1st – 96th 2nd Congress, Cabinets 20-22)

Paper Copy:

U.S. Code and Congressional and Administrative News (USCCAN) (91th 1st -, MRR; reprints selected reports)
Finding Aids for Reports

Electronic Format:


*Thomas* ([http://thomas.loc.gov/](http://thomas.loc.gov/))

Paper Copy:

*CIS Index* (91st 2nd Congress- . Microforms Area)

*CIS U.S. Serial Set Index* (1789-1969 Microforms Area)

*CIS Annual Legislative Histories* (98th 2nd Congress - , Microforms Area)

Congressional Debates

The *Congressional Record* contains a transcript of the legislative proceedings and debates on the floor of the Senate and the House. The *Congressional Record* may contain arguments for or against a proposed bill or amendment or explanations of provisions which are vague or unclear. The text of the debates in the *Congressional Record* is not necessarily a verbatim transcript.

The *Congressional Record* is published in two editions: the daily and the bound edition. The daily edition is published every day when Congress is in session. The daily edition has page numbers that begin with S (Senate), H (House), E (Extension of Remarks) and D (Daily Digest). At the end of each session of Congress the daily editions are collected, re-paginated and re-indexed into a permanent bound edition. In reality this process takes sometimes years to accomplish. When citing to the *Congressional Record*, cite to the bound edition if available. The pagination in the two editions does not correspond and there is no resource to help you compare the two page numbers; having the date when something appeared can help.

Finding the *Congressional Record*

Electronic format:


*Thomas* ([http://thomas.loc.gov/](http://thomas.loc.gov/))


Century of Lawmaking ([http://memory.loc.gov/ammem/amlaw/](http://memory.loc.gov/ammem/amlaw/))

Microform:

*National Archives Microfilm* (1833-1976, Cabinet 5)

*GPO Microfiche* (1977-, Cabinet 23)

There are several years in which the daily *Congressional Record* and the bound volumes were never produced on microfiche. The library has maintained the daily edition in paper for those years and they are with the current paper *Congressional Record* daily editions in the MRR.

**Finding Aids for the *Congressional Record***

*Congressional Record Index* (There is a separate Index for each volume and it is with the volume.)

PDF File of Sessions and Years of Congress with corresponding *Congressional Record* volume numbers


**Presidential Signing Statements**

When the President signs a bill into law, he may issue a statement expressing his view of the need for the legislation or why he is approving it. These statements were traditionally brief and contained little substantive analysis of the legislation. However since the Reagan administration and particularly during the terms of George W. Bush, signing statements have been used more vigorously and have become the subject controversy. There is some disagreement about their role in and importance to legislative history.

**Finding Presidential Signing Statements**

*Daily Compilation of Presidential Documents*

Electronic Format:

U.S. Government Printing Office


*Weekly Compilation of Presidential Documents*


*Public Papers of the Presidents of the United States*
Lexis (http://www.lexis.com/research/)

American Presidency Project (http://www.presidency.ucsb.edu/ws/)

Paper Copy: