



Legislative History Research: A Basic Guide

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Summary

This report provides an overview of federal legislative history research, the legislative process, and where to find congressional documents. The report also summarizes some of the reasons researchers are interested in legislative history, briefly describes the actions a piece of legislation might undergo during the legislative process, and provides a list of easily accessible print and electronic resources. This report will be updated as needed.

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Introduction

Black's Law Dictionary defines *legislative history* as "the background and events leading to the enactment of a statute, including hearings, committee reports, and floor debates."¹

It also describes one of the primary purposes legal, policy, and legislative researchers investigate the legislative history of a particular piece of legislation: "Legislative history is sometimes recorded so that it can later be used to aid in interpreting the statute."²

However, the purpose of legislative history research is not limited to statutory interpretation. Questions researchers may want to answer through legislative history include

- Which committees and Members were involved?
- How was the legislative language amended as it advanced through the congressional process?
- How did Members vote on proposed amendments and final passage?

To answer these and similar questions, researchers must identify the chronological steps the legislation followed through Congress and the materials that document what happened during each of these steps.

The Legislative Process

This report focuses on legislative history research, and therefore does not contain detailed information about the legislative process. However, because a general understanding of the legislative process is helpful when compiling a legislative history, overviews of certain congressional actions are provided. Detailed guides on the legislative process for the House and Senate are available online:

- How Our Laws Are Made, Revised and Updated, by John V. Sullivan
Parliamentarian, United States House of Representatives
Presented by Mr. Brady of Pennsylvania
July 24, 2007
<http://thomas.loc.gov/home/lawsmade.toc.html>
- Enactment of a Law by Robert B. Dove
Parliamentarian, United States Senate
Updated: February 1997
<http://thomas.loc.gov/home/enactment/enactlawtoc.html>

In addition, there are a number of Congressional Research Service (CRS) reports on various aspects of the legislative process referenced throughout this report and available on CRS's website at <http://www.crs.gov>.

¹ Black's Law Dictionary, 9th Ed.

² Ibid. For further analysis of the use of legislative history for the interpretation of statutes, see CRS Report 97-589, *Statutory Interpretation: General Principles and Recent Trends*, by Larry M. Eig.

Legislative History Resource Material

The legislative history resource materials discussed below vary in scope and availability. For example, the Government Printing Office's (GPO's) Federal Digital System (FDsys), through its website <http://www.gpo.gov/fdsys/search/home.action>, is an online collection of official congressional publications and databases containing texts of legislation, the *Congressional Record*, House and Senate calendars, committee prints, committee hearings, committee reports, and other material useful for legislative research.³ However, the information available on these websites is limited to more recent Congresses. By contrast, print publications may be more historically complete, but limited to only one type of document or information. For example, the *Congressional Record* and its predecessor publications, which are available in print going back to 1789, contain information on procedural actions for legislation and transcripts of the proceedings on the House and Senate floor, but do not contain the text of committee hearings.

The references cited below are available online through government sources or in hard copy through CRS or the Law Library of Congress. They are also commonly available at local libraries, law libraries, or federal depository libraries. References to fee-based services that require subscriptions are not included because they may not be available in all congressional offices. GPO has a website to assist patrons in finding the nearest depository library, at <http://catalog.gpo.gov/fdlpdir/FDLPdir.jsp>.

In addition, some stages of the legislative process are more fully documented than others. For example, bills are often debated and amended extensively during their consideration by congressional subcommittees, but these deliberations are not usually transcribed and made widely available. In general, information on subcommittee action is limited to discussion in news accounts or reports from the full committee.

Compiled Histories

In some instances, a legislative history may have already been compiled. There are a couple of government sources for compiled legislative histories.

Print Sources

Government Accountability Office (GAO) Legislative History Microfiche. Contains the legislative history for most public laws from 1921 to 1980. Reprints from the microfiche may be available from CRS, the Law Library of Congress, or at a federal depository library.

Committee Prints. On occasion, committees produce legislative histories of enactments within their jurisdiction. Reprints of published copies of committee prints may be available through CRS, the Library of Congress, or at a federal depository library.

³ The Government Printing Office is in the process of migrating information from GPO Access into FDsys. This report references material available through FDsys. For more information on the transition, see GPO's FDsys information page at <http://www.gpo.gov/projects/fdsysinfo.htm>.

Legislation

Bills. Most legislation introduced by a Member of Congress (i.e., the legislation's sponsor) is introduced as a "bill," the general form used for legislation that will have the force of law if enacted.⁴ Bills are numbered sequentially in the order they were introduced. Bills introduced in the Senate are preceded by "S."; those in the House by "H.R." Bills remain pending from the time of introduction until final passage or the final adjournment of a Congress (i.e., the numbered two-year convocation of the House and Senate that begins January 3 following each biennial federal election). Bills not enacted during a Congress "die"; further legislative consideration requires that they be reintroduced in the next Congress.

Joint Resolutions. While bills are used for purposes of general legislation, joint resolutions (S.J. Res. or H.J. Res.) are used to propose constitutional amendments and for a variety of special or subordinate purposes, such as continuing appropriations.⁵ Except for those proposing constitutional amendments, joint resolutions become law in the same manner as bills.

If a legislative measure receives action, GPO publishes versions of the legislative text as it moves through the various stages of the legislative process. These versions include those marked reported, engrossed, engrossed House/Senate amendment,⁶ public print, and enrolled. By comparing different bill or resolution texts, researchers can determine at what stage in the legislative process revisions were made.

Texts of Legislation

Online Sources

Government Printing Office (FDsys)

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=BILLS>

FDsys enables users to browse or search for bills and resolutions from the 103rd Congress (1993-1994) forward.

Legislative Information System (LIS)

<http://www.congress.gov>

THOMAS

<http://thomas.loc.gov>

⁴ A bill is enacted only if both houses of Congress pass identical versions of it and either the President signs the passed version or, if the President vetoes the bill, two-third majorities of both houses pass the bill again thereby overriding the veto.

⁵ Simple and concurrent resolutions do not have the force of law and therefore were omitted from this discussion. For additional information on all types of bills and resolutions, see CRS Report 98-706, *Bills and Resolutions: Examples of How Each Kind Is Used* and CRS Report 98-728, *Bills, Resolutions, Nominations, and Treaties: Characteristics, Requirements, and Uses*, both by Richard S. Beth.

⁶ For additional information, see CRS Report 98-812, *Amendments Between the Houses: A Brief Overview*, by Elizabeth Rybicki and James V. Saturno.

LIS is available to congressional researchers. Users can browse or search for bill and resolution texts starting with the 101st Congress (1989-1990). THOMAS is available to the general public and covers the same time period for legislative text.

American Memory's *A Century of Lawmaking for a New Nation: Bills and Resolutions*
<http://memory.loc.gov/ammem/amlaw/>

The American Memory website contains scanned images of some historical bills and resolutions. Coverage for the House starts with the 6th Congress (1799-1800) through the 42nd Congress (1871-1872). For the Senate, coverage is from the 16th Congress (1819-1821) through the 42nd Congress (1871-1872).

Print Sources

Print versions of bills are available on microfiche or microfilm through the Law Library of Congress (1789-current) and certain federal depository libraries.

Bill History and Status

At its most fundamental, legislative history tracks congressional action on a piece of legislation and its status within the legislative process. When beginning a legislative history research project, one of the first steps a researcher may want to undertake is locating information on the history of the bill and citations to documents. Through the years, various government and private entities have tracked the history and status of bills.

Online Sources

LIS

<http://www.congress.gov>

THOMAS

<http://thomas.loc.gov>

LIS is available to congressional offices and provides bill summary and status information on bills and resolutions starting from the 93rd Congress (1973-1974) to the present. THOMAS, a public legislative service from the Library of Congress, contains the same information on a bill's history and status.

Congressional Calendars

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CCAL>

House and Senate calendars are published periodically during the session by the Clerk of the House and the Secretary of the Senate. The calendars provide a list of legislation. In the House calendar, the history and current status of legislation receiving action is summarized.⁷ FDSys

⁷ See CRS Report 98-437, *Calendars of the House of Representatives*, by Christopher M. Davis; CRS Report 98-429, *The Senate's Calendar of Business*, by Betsy Palmer; and CRS Report 98-438, *The Senate's Executive Calendar*, by Betsy Palmer.

contains final House and Senate calendars starting from the 104th Congress (1995-1996) to the present.

Print Sources

Digest of Public General Bills and Resolutions. The Bill Digest, a publication of the Library of Congress from 1936 until 1990, contains summaries and status of legislation.

House and Senate Calendars. Published copies of the calendars are available through CRS, the Law Library of Congress, or at a federal depository library.

Congressional Information Service (CIS). A commercial service, the CIS Index lists each public law in the Annual Abstracts volume and references publications concerning the law. These references include a list of congressional hearings, reports, documents, and prints back to 1970. The Legislative Histories volume contains the legislative history information on selected public laws, including dates of congressional debate, back to 1970. The CIS Historical Index contains congressional documents from 1789 through 1972.

Committee Action

Legislation is usually referred to a committee after introduction, according to its subject matter. Often, a committee will further refer the legislation to one of its subcommittees. The subcommittees may request reports from government agencies or departments, hold hearings, markup the bill (meet to propose changes), and report the legislation to the full committee. The full committee may take similar action, with or without prior subcommittee consideration, and report the legislation to its full chamber (i.e., the House or Senate.)

Hearings. Hearings provide a committee or subcommittee the opportunity to explore topics or legislation.⁸ Hearings may include statements of committee Members and interested parties, as well as the testimony of witnesses. GPO publishes hearings made available to them by committees.

Online Sources

GPO FDsys

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CHRG>

Through FDsys researchers can download selected committee hearings starting with the 105th Congress (1997-1998).

Print Sources

Print versions of committee hearings are available through CRS and the Law Library of Congress. More recent hearings are available through the House and Senate Document Rooms. Individual hearings may be available through a federal depository library.

⁸ For additional information on hearings, see CRS Report 98-317, *Types of Committee Hearings*, by Valerie Heitshusen; CRS Report RL30548, *Hearings in the U.S. Senate: A Guide for Preparation and Procedure*, by Betsy Palmer; and CRS Report 98-488, *House Committee Hearings: Preparation*, by Christopher M. Davis.

Reports. Most legislation never proceeds through full committee consideration and remains in committee for the remainder of a Congress. However, committees may, by majority vote, report some bills and resolutions for consideration by the entire chamber. The House requires a written report on the legislation, but the Senate does not. These committee reports can be particularly useful documents for legislative history research because they often describe the purpose of the legislation and summarize or explain specific provisions. The report will also give details on the committee's actions, understandings, and conclusions about the legislation. Changes to existing laws, votes on amendments during markups, and subcommittee information are supplemental material to the committee report that may also be useful for legislative history research.⁹ If the legislation was considered by a subcommittee, that information may also be covered in the full committee's report. Committee reports are published by GPO. Sometimes, the reports are reproduced in whole or part by commercial publishers.

Committee reports are identified as House Report (H. Rept. or H. Rep.) or Senate Report (S. Rept. or S. Rep.) and given a number (e.g., S.Rept. 107-31 is the 31st report to the Senate in the 107th Congress).

Online Sources

LIS

<http://www.congress.gov>

THOMAS

<http://thomas.loc.gov>

LIS is available to congressional researchers and has committee reports starting from the 104th Congress (1995-1996). THOMAS has the same coverage for committee reports.

GPO FDsys

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CRPT>

FDsys contains committee reports starting from the 104th Congress (1995-1996).

Print Sources

Print versions of committee reports are available through CRS, the Law Library of Congress, and possibly a federal depository library. More recent reports may be available through the House and Senate Document rooms.

The Serial Set. This serial publication contains House and Senate documents and reports bound by session of Congress beginning in 1817. It is available through CRS, the Law Library of Congress, and may be available through a federal depository library.

U.S. Code Congressional and Administrative News ("USCCAN"). USCCAN, a commercial service, reprints the major reports and conference report or portions thereof, for most public laws

⁹ For a description of other required content for committee reports, see CRS Report 98-169, *House Committee Reports: Required Contents*, by Judy Schneider and CRS Report 98-305, *Senate Committee Reports: Required Contents*, by Elizabeth Rybicki.

enacted since 1941, along with the text of the public law. This publication is available through CRS, the Law Library of Congress, and may be in the collection of a federal depository library.

Prints and Documents. Committee prints and documents can be used to duplicate research papers or annual reports from executive branch agencies of interest to the committee, papers prepared by the committee staff, reports on investigative and oversight hearings and activities, and analytical information on legislation. Some committees use prints for reproducing compilations of laws that come under their legislative jurisdiction. Committee prints are identified as House Print (H. Prt.) or Senate Print (S. Prt.) and given a number (e.g. Senate Print 111-6 is the sixth numbered print for the Senate in the 111th Congress). Committee documents are identified as House Document (H. Doc.) or Senate Document (S. Doc.) and given a number (e.g. House Document 111-2 is the second numbered document for the House in the 111th Congress).

Online Sources

GPO FDsys—Committee Prints

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPRT>

FDsys has committee prints starting from the 104th Congress (1995-1996).

GPO FDsys—Committee Documents

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CDOC>

FDsys has committee documents starting from the 104th Congress (1995-1996).

Print Sources

Copies of committee prints and documents are available through CRS and the subject collections of the Library of Congress. More recent prints and documents may be available through the House and Senate Document rooms. Individual prints and documents may be available through a federal depository library.

Floor Action

Legislation may be brought to the floor of the respective chambers for consideration by the full House or Senate. The length and scope of debate on the floor of Congress (e.g., which amendments, if any, will be considered) are governed by the rules of the respective chambers. For example, in the House, the measure is sometimes considered under the terms of a “special rule,” that is, a simple resolution reported by the Committee on Rules, which may be accompanied by a written report specifying which amendments can be offered on the floor. Votes on amendments¹⁰ and final passage may or may not be in the form of a formal recorded vote, in which the vote of each Member is identified. The debates are published in the *Congressional Record*. Recorded votes, called “roll call votes,” are published in the *Congressional Record* but they can also be found through other sources, such as the Clerk of the House website, the Secretary of the Senate, and commercial publishers.

¹⁰ For additional information on the amending process, see CRS Report 98-853, *The Amending Process in the Senate*, by Betsy Palmer and CRS Report 98-995, *The Amending Process in the House of Representatives*, by Christopher M. Davis.

After legislation is passed by one chamber, it is sent to the other chamber for action, where it is often referred to committee. If the second chamber chooses to consider the legislation and passes it without change, it is submitted to the President.

Remarks on the House or Senate floor can be useful for legislative history research because Members will often speak to the purpose of the legislation, emphasize or clarify certain provisions in the legislation; or raise concerns about the potential impact in their statements. In addition to debate on passage, sponsors and cosponsors may submit introductory remarks and materials on legislation into the *Congressional Record*. These remarks may explain the reasons for, and expected effects of, the legislation.

The Congressional Record

The *Congressional Record* is the official record of the proceedings and debates of Congress and contains a summary of the daily proceedings of the House and Senate. Predecessor publications for the *Congressional Record* are the *Congressional Globe* (1833-1873), *Register of Debates in Congress* (1825-1837), and *Annals of the Congress of the United States* (1789-1824).

Currently, there are two editions of the *Congressional Record* published by GPO—the daily edition and the permanent edition. The daily edition is published each day Congress is in session and the pages are lettered and numbered by chamber (e.g., Senate pages begin with “S” and House pages begin with “H”). The permanent or “bound” edition is published years later. It is continuously paginated (e.g., the pages are renumbered and the “S” and “H” designations are dropped) and the text may have been edited.

Online Sources

LIS

<http://www.congress.gov>

THOMAS

<http://thomas.loc.gov>

LIS is available to congressional researchers only and has links to the daily edition of the *Congressional Record* starting from the 101st Congress (1989-1990). THOMAS has the same coverage for the *Congressional Record*.

GPO FDsys—*Congressional Record*, Daily Edition

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CREC>

FDsys provides the *Congressional Record* from 1994 to the present. Users can search by keyword, page number, or browse by date of publication.

GPO FDsys—*Congressional Record*, Permanent Edition

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CRECB>

The permanent edition of the *Congressional Record* is available through FDsys for the years 1998 through 2002.

GPO FDsys—*Congressional Record Index*

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CRI>

The *Congressional Record Index* lists all introduced legislation by number. References in the *Index* are to pages in that year's *Congressional Record*. Each Congress spans two years and typically is divided into two sessions, with each session conducted during a separate calendar year. Legislation introduced during the first session may also be referred to in the second session of the same Congress. Coverage for the *Congressional Record Index* through GPO online is 1983 to the present.

American Memory's *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates*

<http://memory.loc.gov/ammem/amlaw/>

Contains scanned images of the journals and debates of Congress from 1789 through 1875.

Print Sources

Copies of the *Congressional Record* and its predecessor publications are available through CRS, the Law Library of Congress, and may be available at a federal depository library.

Roll Call Votes

Online Sources

Office of the Clerk, U.S. House of Representatives

<http://clerk.house.gov/legislative/legvotes.html>

The House Clerk's website has roll call votes from 1990 to the present.

Secretary of the United States Senate

http://www.senate.gov/pagelayout/legislative/a_three_sections_with_tasers/votes.htm

The Secretary of the Senate's website has roll call votes from 1989 to the present.

Print Sources

Congressional Quarterly Almanac. The *CQ Almanac*, a commercial publication, contains floor roll call votes. It also includes valuable background information as well as references to relevant material on major legislation. *CQ Almanac* has been published annually since 1945. These volumes may be available through CRS, the Law Library of Congress, and in the collection of a local library.

Conference Committee Action

If there are differences between the House and Senate versions of a piece of legislation, the last chamber to adopt its version may send its language back to the other chamber for further

consideration in amended form. The first chamber may take up the amended version, or the two chambers may establish a conference committee to reach agreement on a common version.¹¹ Each chamber appoints conferees, usually members of the original reporting committees, who may take up only those areas in disagreement. A majority of the Senate conferees and a majority of the House conferees must agree on what to report back to their respective chambers.

Upon reaching agreement, a conference committee usually issues a report (usually printed as a House Report) that contains two parts: the agreed upon text and a joint explanatory statement. The joint explanatory statement in the conference report may discuss the differences between the House and Senate passed language, the reasons certain provisions were chosen over others, and provide additional information on the purpose of the legislation.¹²

If passed by both chambers in identical form, the legislation is sent to the President.

Conference Committee Reports

Conference committee reports are available in the same formats and sources as regular committee reports. They can also be found in the *Congressional Record*.

Presidential Action

The President may approve a bill or resolution, veto it, or take no action. If the President signs a bill into law, he may issue a signing statement.¹³ If no action is taken, the legislation becomes public law after 10 days (Sundays excepted) unless final adjournment of Congress has occurred, in which case the legislation does not become law (known as a “pocket veto”).

If the President vetoes the legislation, the Congress may override the veto.¹⁴ Two-thirds of the House of Representatives and two-thirds of the Senate must vote to override the veto. If the two chambers vote to override the veto, the legislation becomes law without the President’s signature.

Presidential Signing Statements

Online Sources

Compilation of Presidential Documents

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>

¹¹ For additional information on conference committees, see CRS Report 98-696, *Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses*, by Elizabeth Rybicki and CRS Report RL34611, *Whither the Role of Conference Committees: An Analysis*, by Walter J. Oleszek.

¹² For additional information, see CRS Report 98-382, *Conference Reports and Joint Explanatory Statements*, by Christopher M. Davis.

¹³ For a discussion of the applicability of presidential signing statements, see CRS Report RL33667, *Presidential Signing Statements: Constitutional and Institutional Implications*, by T. J. Halstead.

¹⁴ For more information, see CRS Report RS22654, *Veto Override Procedure in the House and Senate*, by Elizabeth Rybicki.

The *Compilation of Presidential Documents* is the official publication of presidential documents issued by the National Archives and Records Administration's Office of the Federal Register. It consists of the Weekly Compilation of Presidential Documents and the Daily Compilation of Presidential Documents. Of note for legislative history researchers, it contains presidential signing statements. It is available online through the GPO's website from 1993 to present.

Print Sources

Public Papers of the Presidents of the United States. Published by the National Archives and Records Administration's Office of the Federal Register, these volumes contain public messages, speeches, and statements of the presidents beginning with President Herbert Hoover (1929) to present. They are available through CRS, the Library of Congress, and federal depository libraries.

Weekly Compilation of Presidential Documents. Published beginning in 1965 and ending with the January 26, 2009 issue, it contains statements, messages, and other presidential materials released by the White House. It is available through CRS, the Law Library of Congress, and federal depository libraries.

Public Laws

The *United States Statutes at Large* contain public and private laws enacted since 1789. GPO publishes the official text of the public and private laws of the United States. Beginning with the 110th Congress (2007-2008), GPO has digitally signed and certified the PDF versions of individual public laws (also called "slip laws") available from its website.

Online Sources

GPO FDsys—*United States Statutes at Large*

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=STATUTE>

Coverage on the GPO website is from the 108th Congress (2003-2004) to the 110th Congress, first session (2007).

GPO FDsys—*United States Statutes at Large* (Digitized)

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=GPO&browsePath=United+States+Statutes+at+Large+%28Digitized%29&isCollapsed=false&leafLevelBrowse=false&ycord=183>

Coverage on the GPO website is from the 82nd Congress (1951-1952) to the 107th Congress (2001-2002).

GPO FDsys—Public and Private Laws

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=PLAW>

Coverage on the GPO website is from the 104th Congress (1995-1996) to the present.

American Memory's *A Century of Lawmaking for a New Nation: Statutes at Large*

<http://memory.loc.gov/ammem/amlaw/>

The American Memory website contains scanned images of the *Statutes at Large* from 1789 through 1875.

Print Sources

United States Statutes at Large. The *Statutes at Large* volumes contain public and private laws enacted since 1789. They are available through CRS, the Law Library of Congress, and at some federal depository libraries.

U.S. Code Congressional and Administrative News (“USCCAN”). This commercial service reprints public laws enacted since 1941. This publication is available through CRS, the Law Library of Congress, and may be in the collection of a federal depository library.

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