



Uncovering Federal Legislative History—Part II

Locating federal legislative history documents can be as simple as using a few free Internet sites or fee-based services, if the statute under scrutiny is relatively recent or if only a few specific documents are needed.¹ However, researching older laws or compiling a comprehensive legislative history may be more time consuming and likely will include a number of print resources.

Many legislative history resources are accessed by the Public Law (“P.L.”) number or by House (“H.R.”) or Senate (“S.”) bill number. Other information, such as the title, sponsor, and congressional session may prove useful in locating documents. This article focuses on print resources that can be used to research older laws or to compile a more comprehensive federal legislative history.

Locating Compilations

The first step a researcher should take when researching legislative history is to determine whether such a history already has been compiled for the statute. Although the existence of a compilation is more likely when researching a major topic of legislation, taking a moment to look at these resources can save a researcher hours of time re-creating something that already exists.

Compilations can be found by searching the online catalogs of area libraries such as the University of Denver’s Westminster Law Library, University of Colorado Law Library, Colorado Supreme Court Law Library, or Denver Public Library.² Using these catalogs, researchers can locate print or microfiche copies of compilations that are locally available. Two publications also provide references to published legislative histories: *Sources of Compiled Legislative Histories* and *Federal Legislative Histories*.³ Once a researcher determines that a published legislative history exists, it becomes a matter of tracking it down at a local library or requesting it through an interlibrary loan.

Creating a Legislative History

If a legislative history does not already exist, the researcher needs to review the necessary documents. The researcher typically will want to look at bills introduced in Congress to see if there are different versions in the House and Senate, or perhaps changes in the language or specific provisions before the bill was enacted into law. Conference committee reports reconcile differences in language between the House and Senate versions of a bill.

Hearings before committees or subcommittees furnish testimony from experts and interested parties and might include studies, statistics, or other factual information. Floor debates from the House and Senate offer statements from legislators and list a bill’s sponsors. Committee reports provide reasons for their recommendations, including an analysis of various sections of the legislation. These often are the most helpful to a researcher. Although not strictly legislative history because they do not reflect the intent of Congress, presidential signing or veto statements provide the President’s thoughts on the action taken.

Finding Helpful Aids

The researcher can access various indexes and other online sources that may help locate material in print or microfiche form. Some of these resources are discussed below.

The CCH Index

One resource that focuses only on bills is called the Congressional Index. Published by Commerce Clearing House, Inc. (“CCH”), the Congressional Index provides details on the current status and history of individual bills back to 1967. Each congressional session has a separate House and Senate vol-

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ume. These volumes index the bills and bill number by subject, sponsor, or author. The set provides a short summary of the bill and lists its current status, including a chronological record of actions that have been taken, such as referrals to committee, amendments, and passage into law.

The Congressional Index is helpful in identifying all bills on a topic, whether or not they were passed into law. Although it does not provide the full text of the bills, most large research libraries carry the full text of these bills on microfiche.

U.S.C.C.A.N. Offers Legislative History

The United States Code Congressional and Administrative News ("U.S.C.C.A.N.") offers a basic overview of legislative history materials back to 1951. This set contains separate volumes, entitled "Laws" and "Legislative History," for each congressional session. The information contained in these volumes is primarily accessed by the P.L. number. The Laws volumes contain the full text of the Public Laws and give references to the Statutes at Large ("Stat.") citations. The Legislative History volumes contain selected full-text legislative history documents, usually a committee report or a House/Senate report.

Although coverage varies depending on the time period, U.S.C.C.A.N. includes dates of consideration and passage, bill numbers, presidential signing statements, and citations to the Congressional Record. The predecessor to U.S.C.C.A.N., a set called U.S. Code Congressional Service, uses a slightly different format to provide similar material covering 1941 through 1951.

The CIS Index

By contrast, the Congressional Information Service ("CIS") Index published by LexisNexis™ supplies a more comprehensive listing of documents, which the researcher can then access through the accompanying microfiche collection. Hearings, committee prints, House and Senate reports and documents, and executive reports or treaty documents are all indexed in this publication. This print subscription is available for patrons to use at the four libraries noted above. It is a print product. The electronic counterpart, called the "LexisNexis Congressional," which is discussed below, is available in academic institutions.

The CIS Index has been published since 1970. Currently, this series has three volumes per year: an Index volume, an Abstracts volume, and a Legislative History volume. The set is updated by monthly abstract and index pamphlets that are superseded by the annual publications. The Index volumes reference documents by subject, name of sponsor or witness in a hearing, or title, as well as by bill, hearing, or report number. The Abstracts volumes provide brief abstracts of the entire publication, along with witness and testimony information for hearings.

Since 1984, the CIS Index has published detailed legislative history material in a separate Legislative Histories volume. Prior to 1984, more concise legislative history information was available in the back of the Abstracts volume. Legislative material in both versions is listed by P.L. number. A typical Legislative Histories entry divides the documents into several categories, such as Public Law, Reports, Bills (introduced, enacted, and related), Debates, Hearings, Committee Prints, Documents (such as Presidential transmittals), and Miscellaneous (Presidential remarks and signing statements). Summaries of the

documents are provided so that researchers can more easily identify which documents are suitable for their purpose.

Each document entry is followed by a citation that lists the CIS accession number needed to access the document on microfiche (for example, CIS87:S681-2), as well as a corresponding government document number to access material in print from a depository library (for example, Y4.R86/2:S.hrg.100-127).

A more limited amount of legislative history information for legislation prior to 1970 is available to researchers through a set published by CIS called the "U.S. Serial Set." This index covers material from 1789 through 1969. Various time frames are divided into separate volumes that give citation information to documents, using either a subject index or a finding list by document number for reports and presidential messages. These indexes provide a corresponding microfiche number to locate the full text of the document.

Also, both of these CIS publications are available in a subscription database called LexisNexis Congressional. (The U.S. Serials Set is an additional fee to the basic service and has not been purchased by all of the libraries listed below.) Using the database has several advantages. It is template-driven and covers the entire range of dates so that it is easier to search by subject. The database also has links to some full-text items, which saves the hassle and eyestrain of using the microfiche collections that accompany the print indexes.

LexisNexis Congressional can be used in house by patrons at the University of Colorado Law Library, University of Denver Law Library, and Denver Public Library (under the name Congressional Universe).⁴ Some of these libraries provide remote access for patrons with library cards.

The Congressional Record

Although the CIS Index series provides extensive citations to floor debates, the researcher must turn to the Congressional Record to locate their full text. This can be tricky because there are two versions of the Congressional Record—the Daily Edition and the Permanent Edition—and each has its own numbering system. Each volume of the Congressional Record covers a different session of Congress.

During the time Congress is in session, individual paper copies are published in a daily edition. This version divides the House and Senate into separate sections, and pages are numbered within each section. Also included are sections covering the extension of remarks and the daily digest. The page numbers for these sections always begin with a letter signifying which section is involved (S-Senate, H-House, E-Extension of Remarks, D-Daily Digest). A non-cumulative index is published every two weeks.

The permanent, bound edition of the Congressional Record integrates these materials into consecutively numbered pages. It is published at the end of the congressional session. An index also accompanies the permanent edition of the Congressional Record. Libraries may own either or both versions in print or on microfiche. This is a useful resource if the researcher needs to locate a citation that goes back further than the online coverage offered on Thomas, GPO Access, LexisNexis Congressional, Westlaw® or LexisNexis.⁵

Conclusion

In addition to the sources discussed here, newspaper articles, subject newsletters, and periodicals also may offer insight into legislative intent. The task of compiling a comprehensive fed-

eral legislative history can be a time-consuming and frustrating experience. To be successful, in many cases, the researcher's ultimate goal is to narrow the scope of legislative intent to a specific section of a bill. Be sure to ask a law librarian for assistance along the way.

NOTES

1. "Uncovering Federal Legislative History," 33 *The Colorado Lawyer* 29-32 (Feb. 2004).
2. These catalogs are available for searching at the following sites: Westminster Law Library (<http://pacman.law.du.edu>); University of

Colorado-Boulder Law Library ("LAWPAC") (<http://lawpac.colorado.edu>); Colorado Supreme Court Library (<http://www.cslibrarycat.state.co.us>); and Denver Public Library (<http://catalog.denver.lib.co.us>).

3. See Johnson, *Sources of Compiled Legislative Histories* (New York, NY: William S. Hein & Co., 2003) (arranged by topic, P.L. number, or title through the 106th Congress); Reams, Jr., *Federal Legislative Histories* (Westport, CN: Greenwood Press, 1994) (arranged by author, popular name, P.L. number, or bill number up to the 101st Congress).

4. See the library website addresses in note 2, *supra*.

5. For website addresses and a discussion of Thomas, GPO Access, and other online services, see the first article on federal legislative history cited at note 1, *supra*. ■

Research Links to Government Sites at Your Fingertips

Here are two website links to government sites on topics such as government, health, history, energy, the criminal justice system, education, children's pages, and outdoors/wildlife.

- The master list is available at: <http://www.cde.state.co.us/stateinfo/slstpschbib.htm>.
- "Quick Guide to Colorado State Government Statistical Information" provides links by subject to statistics on the state websites: <http://www.cde.state.co.us/stateinfo/QGGovtStatistics.htm>.

For information about these links, contact Maureen K. Crocker: State Publications Library, Colorado State Library, 201 E. Colfax, Denver, CO 80203; telephone: (303) 866-6728, or fax: (303) 866-6940.

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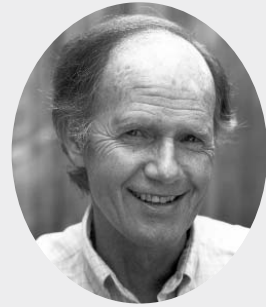
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