

A Guide to Legislative History, Presidential and Executive Agency Documents, and Advocacy Research

Locating Information for the Public Policy Paper/Presentation

Overview

This pathfinder will help you investigate the legislative history of a bill. It also serves as a guide to accessing Presidential and Executive Agency Documents, and information from and about advocacy groups.

Included in this pathfinder are:

- I. Legislative History** – Congressional Bills, Debates, Committee Reports, Hearings, and Prints
 - II. Executive Agency Documents** – Executive Agency Reports and Presidential Signing or Veto Messages, etc.
 - III. Advocacy Research and Additional Aids** - Advocacy Group information, additional Web sites of interest, and politics research reference materials
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I. Legislative History

Identifying the legislature's purpose in passing statutes and the legislature's intended meaning for specific provisions of statutes requires students to investigate the **legislative history** of the statute. This process typically involves looking at the various versions of bills, committee prints, committee reports, and legislative debates.

1. Congressional Bills

Prior to its enactment as a law, a proposed piece of legislation is introduced as a bill or a joint resolution into either the House of Representatives (assigned an H.R. or H.J. Res. Number) or the Senate (assigned either an S. or S.J. Res. Number). When a bill is amended, or modified, it is usually reprinted with the amending language. The comparison of the language of the bill as introduced and its subsequent amendments may reveal legislative intent, since the insertion or deletion of language may indicate a legislative choice.

Documents to identify and obtain, if they exist, include:

- The bill as originally introduced in the House or Senate
- The bill with any amendments
- The bill as it passed in the originating body and as introduced into the other house
- The bill as amended by the second house
- The bill as it passed by the second house
- The bill as amended by a conference committee of the House and Senate
- The public law

2. Committee Hearings

Hearings, which may be held by the committees of the House and Senate, are generally of two types. A hearing may be held to investigate matters of general concern. The second type, more prevalent, concerns proposed legislation. These hearings are held after a bill is assigned to a congressional committee.

The primary function of this type of hearing is to provide committee members with information that may be useful in their consideration of the bill. In most instances, transcripts of the hearings are published. When published, hearings contain the transcript of testimony, the questions of committee members and the answers of the witnesses, statements and exhibits submitted by interested parties, and occasionally the text of the bill that is the subject of the hearing.

However, it is important to remember that hearings are not held on all legislation and not all hearings are published. Also, hearings may have been held during a session of Congress prior to the one in which the law was enacted. Hearings also might have been held on proposed legislation containing similar provisions to the law being researched.

It may be beneficial to extend the search for hearings beyond a particular session, or for legislation other than the law being researched.

Documents to identify and obtain, if they exist, include:

- The hearings held by the committees to which the bill was assigned
- The hearings from previous congressional sessions concerning the subject matter of the bill being researched
- The hearings on related bills or bills containing similar provisions that may have been held in prior Congresses

3. Committee Prints

Committee prints are special studies in specific subject areas prepared for the use and reference of congressional committees and their staff. These publications could include bibliographies, analyses of similar bills on a subject, excerpts from hearings, etc.

Documents to identify and obtain, if they exist, include:

- Documents that may have some relation to the legislation under consideration for the research being done.

4. Committee Reports

After a bill is introduced into either the House or Senate, it is assigned to one or more committees that have jurisdiction over the subject matter of the bill. If the bill does not “die in committee,” and the committee recommends its passage, it does so in a written committee report. The committee report usually includes the revised text of the bill, if any; the changes made in committee; an analysis of the intent and the content of the proposed legislation; and the rationale behind the committee’s recommendation. Most committee reports will also contain a minority report arguing against passage in the present form. The debate between supporters of the proposed legislation and its opponents in the committee report can be an excellent summary of the points of controversy surrounding the proposed legislation.

Committee reports are usually considered the most important documents in determining the legislative intent of Congress because they reflect the understanding of those members of Congress closely involved in studying the subject matter of and then drafting the proposed legislation.

Documents to identify and obtain, if they exist, include:

- The reports of the committees of both houses to which the bill was assigned
- The report of the conference committee of the House and Senate (This report is usually issued as a House report)

5. Congressional Debates

Debate on a bill on the floor of the House or Senate can take place at almost any time during the legislative process, but most frequently the debate occurs after a bill has been reported out of the committee to which it was assigned. However, most public laws are passed without ever being debated on the floor of Congress. Usually, only bills of great public interest receive such debate.

Documents to identify and obtain, if they exist, include:

- The debates, if any, on the floor of both houses of Congress for the research being done

Accessing Legislative History:

Congressional Bills	<ul style="list-style-type: none"> • LexisNexis: Congressional http://coleproxy.cornellcollege.edu:2048/login?url=http://web.lexis-nexis.com/congcomp <ul style="list-style-type: none"> ➢ Legislative Histories, Bills & Laws <ul style="list-style-type: none"> ➢ Bills – Search bill tracking reports by keyword, sponsor, or bill number; search the full text of bills; retrieve bills by number
Committee Reports	<ul style="list-style-type: none"> • LexisNexis: Congressional <ul style="list-style-type: none"> ➢ Congressional Publications <ul style="list-style-type: none"> ➢ Reports – Search the full-text of committee reports (use Advanced Search) ➢ Document Number – Search by report number
Congressional Debates	<ul style="list-style-type: none"> • LexisNexis: Congressional <ul style="list-style-type: none"> ➢ Daily Congressional Record & Rules <ul style="list-style-type: none"> ➢ <u>Congressional Record</u> – Search by keyword or by speaker
Committee Prints	<ul style="list-style-type: none"> • LexisNexis: Congressional <ul style="list-style-type: none"> ➢ Congressional Publications <ul style="list-style-type: none"> ➢ <u>Committee Prints</u> – Search the full-text of committee prints (use Advanced Search)
Legislative History	<ul style="list-style-type: none"> • LexisNexis: Congressional <ul style="list-style-type: none"> ➢ CIS Index – <i>1970 to present</i> <ul style="list-style-type: none"> ➢ Legislative Histories, Bills & Laws <ul style="list-style-type: none"> ➢ By number – Search legislative histories by law or bill number or Statutes at Large citation ➢ By keyword – Search the CIS Legislative Histories by keyword ➢ Congressional Indexes <i>1789-1969</i> <ul style="list-style-type: none"> ➢ Congressional Publications <ul style="list-style-type: none"> ➢ Testimony – Find information within testimonies by keyword, by witness, and date (use Advanced Search) ➢ <u>Bills</u> – Access bill tracking reports, search full-text of bills or retrieve a bill by number • THOMAS Legislative Information on the Internet http://thomas.loc.gov/ <ul style="list-style-type: none"> • THOMAS has the Congressional Record and full-text of legislation available from 1989 (101st Congress) to the present. In addition, THOMAS has summaries (not full-text) of legislation are available back to 1973 (93rd Congress). The FAQ for this web site is helpful.

* **LexisNexis Congressional** provides citation information for legislative information. Check out the “Help Toolbox” below the search screen. Go to “How to cite electronic publications.”

**For information on how to research case law, please see the pathfinder entitled *A Guide to Legal Research*.

Adapted from:

Jacobstein, J. Myron, Roy M. Mersky, and Donald J. Dunn. Fundamentals of Legal Research. 6th Ed. New York: The Foundation Press, Inc., 1994.

II. Presidential and Executive Agency Documents

Occasionally, documents not developed by Congress are relevant to developing a legislative history. These may consist of presidential messages or reports and documents of federal agencies. The President or an executive agency's members acting through the President often send proposed legislation to Congress for consideration. Presidential messages or executive agency memoranda may accompany the proposal to Congress. These documents explain the purpose and describe the President's or agency's intent of the legislation.

Also, after a bill passes Congress, it is sent to the President. If the President signs or vetoes the legislation, the President may add a signing statement or veto message, which incorporates the President's rationale for the action taken on the legislation.

Documents to identify and obtain, if they exist, include:

- Presidential or executive agency reports accompanying proposed legislation sent to Congress by the President
- Presidential signing statements or veto messages

Accessing Presidential or Executive Agency Documents:

Presidential Documents	<ul style="list-style-type: none">• Daily Compilation of Presidential Documents (January 29, 2009 on) http://www.gpoaccess.gov/presdocs/index.html• Weekly Compilation of Presidential Documents (1993 to January 28, 2009) http://www.gpoaccess.gov/wcomp/index.html• The White House http://www.whitehouse.gov/
Executive Agencies	<ul style="list-style-type: none">• Department of Agriculture (USDA) http://www.usda.gov• Department of Energy (DOE) http://www.energy.gov/• Department of the Interior (DOI) http://www.doi.gov/• Department of Transportation (DOT) http://www.dot.gov/• Environmental Protection Agency (EPA) http://www.epa.gov/• General Accounting Office (GAO) http://www.gao.gov/• Nuclear Regulatory Commission (NRC) http://www.nrc.gov• US Global Change Research Information Office (GCRIIO) http://www.gcrio.org/

Adapted from:

Jacobstein, J. Myron, Roy M. Mersky, and Donald J. Dunn. Fundamentals of Legal Research. 6th Ed. New York: The Foundation Press, Inc., 1994.

*For a full list of U.S. Executive Branch Web sites, see <http://www.loc.gov/rr/news/fedgov.html>.

III. Advocacy Research and Additional Aids

1. Advocacy Research

Advocacy research includes the investigation of groups that participate in the act or process of advocating a cause.

Environmental issues suffer no shortage of such groups. It is important to remember when accessing such information to keep in mind the bias of the author or promoter of the information. Caution! Be aware of bias!

Accessing Advocacy Group Web Sites

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| <ul style="list-style-type: none">• Political Information.com – Environment – http://www.politicalinformation.com/links/Issues/Environment/ |
| <ul style="list-style-type: none">• Political Advocacy Groups: Environment – http://www.csuchico.edu/~kcfont/environ.html |

2. Additional Legislative History Web-related Web Sites

These web sites are from the University of Michigan's Documents Center. These sites are excellent resources for additional information and access points to legislative and executive history.

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| <ul style="list-style-type: none">• Public Policy Matrix – http://guides.lib.umich.edu/content.php?pid=17104&sid=115693• Legislative Histories United States Congress – http://guides.lib.umich.edu/content.php?pid=19087&sid=132752 |
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3. Law Reviews

Law reviews are journal articles published in legal periodicals. These articles are an excellent resource for researching case law and legislative history because they typically contain secondary source material providing historical context for what the law has been, what it is now, and what it might become. Also, law review articles reflect conflicting expert opinions about what the law should become.

Accessing Law Reviews

Law Review Articles	<ul style="list-style-type: none">• LexisNexis: Academic Universe – available at http://coleproxy.cornellcollege.edu:2048/login?url=http://www.lexisnexus.com/us/lnacademic<ul style="list-style-type: none">➤ Legal Research<ul style="list-style-type: none">➤ Law Reviews – Search Law Reviews by keyword. Selecting “More Options” allows you to search an individual law review title.
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4. Books

Many books are published on the topic of legislative histories. Though books may not contain the most recent developments with regard to legislative action, they do typically provide in-depth coverage of specific action surrounding a bill or group of bills on a particular topic or issue.

Accessing Books

Cole Library Catalog	<ul style="list-style-type: none">• Cole Library’s catalog represents the Library’s physical holdings, including books. You can access it from the Library’s homepage or at http://voyager.cornellcollege.edu/cgi-bin/Pwebrecon.cgi?DB=local&PAGE=First
WorldCat	<ul style="list-style-type: none">• From the Cole Library homepage, select <i>Electronic Resources</i> and then <i>WorldCat</i>.• Search for books by keyword, title, author, etc... (Reminder: WorldCat <i>does not</i> index journal articles, only books.)• You may request books Cole Library does not own via Interlibrary Loan from WorldCat.

5. Additional Aids

Legal Research Reference Materials

The Bluebook: A Uniform System of Citation, 17th Ed. <ul style="list-style-type: none">• A citation primer based on the 17th edition of <i>The Bluebook</i> is available at http://www.law.cornell.edu/citation/.	REF 340 B625 2000
Black’s Law Dictionary	REF 340.03 B564b 1990
Researching Constitutional Law, 2nd Ed.	REF 342.73 M492r 2000

For additional questions, or to schedule a research consultation, please contact:

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