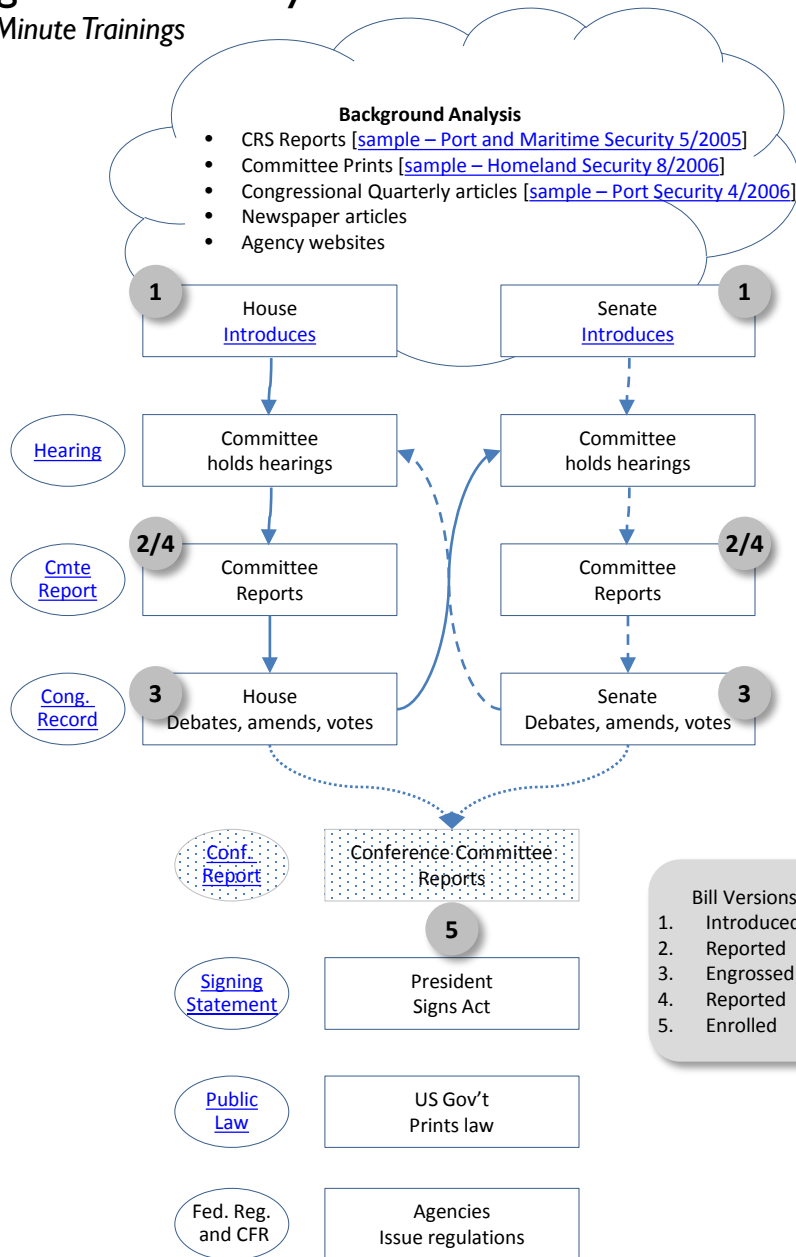


# Legislative History

## 20-Minute Trainings



## Where do you start?

### Citation

- **Popular name**, e.g. Americans with Disabilities Act
- **Statutory cite**, e.g. 42 USC § 12102
- **Public Law**, e.g. Pub. L. 101-336 (336<sup>th</sup> bill enacted by 101<sup>st</sup> Congress)
- **Statutes at large citation**, e.g. 104 Stat. 327 (104<sup>th</sup> volume of Statutes at Large, at page 327)
- **Bills**, e.g. S. 933, 101st Congress (S. = Senate, H.R. = House)

### Scope

- **Which documents?** How far back should you go? Why would your supervisor care? Why would a court?
- **How much time** should you spend?
- **Special considerations.** E.g. hearing testimony by a client.

## Has somebody else done the work?

### Compiled Legislative Histories

- LexisNexis - [CIS](#)
- Westlaw – [GAO](#) (1921- 95 ), [USCCAN](#), graphical histories
- ProQuest - [Legislative Insight](#), [Congressional](#)
- HeinOnline – [2 choices](#) [[Sample “Sources of Compiled Legislative History”](#)], with links to law reviews]

### Off-campus access

- **Lexis and Westlaw.** Use your password.
- **UCI resources.** [WebVPN](#) or software VPN

## Watch out for

- **Reauthorizations**, e.g. Voting Rights Act
- **Laws that enact language from an international agreement**, e.g. Digital Millennium Copyright Act
- **Omnibus bills**

*Few principles of statutory construction are more compelling than the proposition that Congress does not intend sub silentio to enact statutory language that it has earlier discarded in favor of other language.* INS v. Cardoza-Fonseca, 480 U.S. 442 (1987).

# Compiled Legislative Histories

for the *Violent Crime Control and Law Enforcement Act of 1994*  
108 Stat 1796, Public Law 103-322, 103 HR 3355  
[Title XXI = DNA Identification Act of 1994, see 103 HR 829]

## HeinOnline

1. “Title” – [836 documents](#) – lists individual links to remarks from members of Congress in the Congressional Record. *Nothing from before the 103<sup>rd</sup> Congress.*
2. “Sources” i.e. law reviews and other sources that discuss legislative history – [10 sources](#)

## Lexis

CIS (Congressional Information Service)

1. Legislative History [ CIS-NO(PL103-322) ] –109 documents, including many before the 103<sup>rd</sup> Congress

## ProQuest Legislative Insight

Legislative History – [370 documents](#), including many from before the 103<sup>rd</sup> Congress

## Westlaw

1. [History of 42 USC 14131 – 214 publications](#), including links to 4-part GAO compilation
2. GAO compilation – contains many documents from before the 103<sup>rd</sup> Congress. ([GAO contracts with West to make this info available online for 1921 - 1995.](#)\*)
3. USCCAN > Legislative History Reports – 3 reports (two conference, one from when it first came out of committee)

\* According to the research department at GAO, “[W]e are no longer creating legislative histories on the scale that we did up until 1995. The program and staffing were cut as part of a larger downsizing for the agency at that time. We currently create histories based on specific requests by attorneys at the agency, but these are not publically available.”

Documents (In rough order of most to least citeable in court)	Available?
Statutory purpose	No “Purpose” in the USC or the Act.
Bills & Amendments	Yes. From 103 <sup>rd</sup> and earlier. <a href="#">103 HR 3355</a> , <a href="#">103 HR 829</a> , <a href="#">102 HR 3088</a> , others
Committee Reports	Yes. For related bills, too. H. 103-34 (on <a href="#">103 HR 829</a> )
Floor statements	Yes.
Hearing testimony	Yes. <a href="#">Jun 13, 1991 Subc. - Civ &amp; Con'l Rights</a> (on 102 HR 339, 102 S 1355)
Committee prints	Not really.
Executive agency reports	Yes. <a href="#">1990 Office of Tech. Ass't</a> , others
Presidential statements	Yes.
Background information from CRS, newspapers, journals, think tanks, etc.	Not from the compiled histories, but references abound. See e.g. footnotes in H C. Rpt. 103 – 34. See also CRS reports from later: <a href="#">Jan 12 2001</a> and <a href="#">Jan 26 2001</a>