The Legislative History Process

In order to understand legislative history, you must understand the steps of the federal legislative process.

Documents are produced during each step of the legislative process. These documents make up the legislative history of the law you are researching.

This is a simplified model of the legislative process and the type of documents it produces:

Now we will review the legislative process in greater detail, as well as the documents produced at each step of the process.

The documents that make up a legislative history are what you will use to craft a legal argument based on legislative intent.

A Bill is introduced to the full House or full Senate. The introduction of the Bill by its sponsor is printed in the Congressional Record, a daily publication of all Congressional activities.

The Congressional Record is a transcript of the proceedings on the floor of Congress.

After its introduction, the Bill is assigned a number by which it is identified throughout the legislative process.
The Bill is assigned to one or more committees.

The Committee often conducts Hearings to hear the views of various individuals or organizations interested in the legislation.

Hearings transcripts are published individually and referred to by title.

The Committee Report reprints the Bill with any changes it has made. It also describes the Bill’s purposes and provides reasons for the Committee’s recommendations on the Bill.

Also, it often includes the legislative history of the Bill, and what the Committee regards as the need for new legislation.

The Committee Report almost always includes a section-by-section analysis of the Bill which is very helpful if your research is concentrated on just one section or select sections of the law.

The Committee Report is referred to by number, which begins with the number of the Congress in which the report was written.

Committee Reports are published in the United States Congressional Serial Set.

They are arranged by Congress, Congressional session, and chamber. Each House Reports or Senate Reports volume shows the range of report numbers on its spine. The Georgetown Law Library has access to the Serial Set in print located in the Mezzanine of the Williams Reading Room and electronic form.

The Committee Report, with the amended Bill, is sent to the full House or full Senate. The Bill is discussed, debated, and voted upon by the full chamber.

The discussions, debates, and votes are recorded in the Congressional Record.

Once one side of Congress votes to approve the Bill, it is sent to the other side. Identical Bills must be passed by a majority vote in the House and Senate.

If the Bills are not identical, a Conference Committee is formed to work out the differences. The Committee has members from both the House and Senate.

The Conference Committee will write a report – called a Conference Report – and present it with the amended Bill to both chambers.

Conference Reports are simply another form of a Committee Report and they almost always have a House of Representatives number, published in the Serial Set.

When produced, the Conference Report is the single most important document for legislative history purposes. It represents a work at the end of the legislative process, as well as the views and compromises of both sides of Congress.

Once the Bill is passed by both Houses, it is sent to the President for signature and it becomes a Public Law.

A Public Law is identified by number, which begins with the number of the Congress in which it was passed. It is also cited to the United States Statutes at Large where all Public Laws are published.
Finally, if the Public Law is of general and permanent nature, it becomes part of the U.S. Code.

The Code is arranged by subject, so the provisions in the Public Law may be codified in several different titles.

The next tutorial will discuss how to get started with Legislative History research.