Today’s Agenda

- How a Bill Becomes a Law
- How Statutes Are Published
- How to Locate All the Documents Created In Between (Leg. Hist.)
- How This Will Make You a Summer Associate

How a Bill Becomes a Law

- This review focuses on the federal legislative process.
- Individual states may vary in their legislative processes, especially in the general availability of legislative history materials – we’ll touch on this briefly at the end of the presentation.
1. Someone gets a bright IDEA

2. BILL Introduced on Floor

*S. 2725*

A BILL

To provide for a center of excellence for chimpanzees that have been propagated as research animals to be re-homed in facilities operated by the Public Health Service, and for other purposes.

*Note that there might be Related Acts – House and Senate frequently introduce parallel bills.*
3. Bill Referred to Committee

- Committee assignment based on subject matter.
- Most bills “die” in committee.
- But those that survive usually generate a few reports, which contain section-by-section analyses of its provisions.
- Reports are generally considered the most “authoritative” legislative history material.

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3. Committees, continued

The committee may also hold hearings, in which interested parties are invited to testify or submit statements.

(Disclaimer A: Not all hearings are published. Or put on C-SPAN.)

(Disclaimer B: The subjects of the photo at right are most likely not testifying about the Chimp Act.)
4. Bill Released to Full Chamber

- There may be debates on the floor.

Congressional Record
(10/24/2000)

There may be a vote.
If the bill passes in one chamber, it goes to the other. Process starts again.
In this case, the Senate passed the House version of the bill (H.R. 3514) without amendment by Unanimous Consent.

4., continued

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- In this case, the Senate passed the House version of the bill (H.R. 3514) without amendment by Unanimous Consent.

5. Different Versions Reconcile

- If bill was amended in its trip to the other chamber, or the other chamber adopts its own version, they must be reconciled into a final version.
- This is done through a conference committee, made up of reps from both chambers.
6. Final Bill Approved in Both

- Sent to President for approval or veto.
- President may issue a "signing statement" at this time.

Weekly Compilation of Presidential Documents / Public Papers of the Presidents

7. Bill Becomes a Public Law

Public laws are first issued as "slip laws" (individual pamphlets), in paper and online.
Slip laws are then compiled into session laws, a bound volume of public laws in chronological order – Statutes at Large (Stat.).
Session laws eventually re-arranged into a code, a subject-based arrangement of all public laws which are currently in force.
Session Laws

- **Official**: Statutes at Large (cited as Stat.)
  
  Available 1789–present in: Lexis/Westlaw; HeinOnline (PDF); Law Library Federal Alcove (Level 3)

- **Unofficial**: U.S.C.C.A.N. (includes selected legislative history materials)
  
  Available 1941–present in: Westlaw; Federal Alcove

Codes

**Official Version**: U.S. Code

- Published by Government Printing Office every six years...sort of
- No annotations or “added value” material (references to secondary sources, etc.)
- Available in print in Law Library’s Federal Alcove
- Now available as PDF in HeinOnline

**Unofficial (Commercial Annotated Versions)**:


Codes

- Codes are divided into “Titles” (50 in U.S.C.)
- “Title 9” of U.S.C. ≠ “Title IX”!
  - Titles with Roman numerals are internal to a session law.
  - A single session law may end up being codified across many different sections of the Code (“scattered”).
Finding known cites

- Can simply enter citation into search box:
  - “Get a Document” (Lexis)
  - “Find by Citation” (Westlaw)
- If you don’t have the proper citation abbreviation, use
  - “Find a Source” (Lexis)
  - “Publications List” (Westlaw)

Finding unknown cites

When searching by topic, remember to use SEGMENTS (a.k.a. “fields”) to narrow down your topic.
- To search for a term in just the specified title, subtitle, and chapter of the statute, limit to HEADING (Lexis) / PR (Westlaw)
- You can also limit your search to the TOC in both.

The United States Code library is now activated in HeinOnline. It provides PDF versions of the official federal code dating back to its inception in 1790. The Revised Statutes, an 1873 precursor to the US Code, was already available in Mail’s U.S. Statutes at Large library.

In other U.S. Code news, GPO Access has just begun to post the latest official version of the USC (2006 edition) at http://www.gpoaccess.gov/uscode.html. Titles 1-41 are now available; titles 42-50 are available on the 2009 edition. The Goodson Law Library has been receiving the 2006 U.S. Code in print since this spring, and the delay between receipt of print volumes and online acknowledgement of the new edition by GPO created a strange limbo for cite-checkers, who are required by the bluebook to cite to the latest official edition of the USC whenever possible. Remember that GPO considers the electronic versions to be unofficial, and warns that researchers should always verify the online version against the print edition.

POSTED BY J. MICHAEL GOODSON LAW LIBRARY AT 7:31 PM. 6 COMMENTS
LINKS TO THIS POST:
LEGAL, FEDERAL, LEGISLATIVE HISTORY, RESEARCH TIPS
You can also consult the USCA Tables volume (USCA-TABLES database on Westlaw) to find which sections of the Code were amended by a particular Public Law.
Navigating the databases

- **Popular Name Table**: can look up a law if you only know the short title.
- Available on both Lexis and Westlaw, as well as in print.
Navigating the databases

- **BOOK BROWSE (Lexis)** or “Previous/Next section” (Westlaw)—allows you to easily navigate through consecutive sections of the Code
- Think of it like turning the pages of a book
- More cost-effective way to search statutes
Remember: the databases you see on the home page are NOT the only available options!
For a complete listing, consult:
- View More Sources (Lexis)
- Directory (Westlaw)
Keep in mind:

Bigger database = bigger bill…
Statutes and regulations can be amended, repealed, superseded by another statute, or struck down by a court...at any time.

Both Lexis and Westlaw offer services to update your statute, in order to find cases which have interpreted it.

- Lexis: Shepard’s
- Westlaw: KeyCite

Presentation of results is significantly different between the two services.
Shepardizing

- Presentation of results is significantly different in Shepard’s from in KeyCite
  - Individual sections and subsections are listed, as they have been cited by courts
  - Results are arranged by court
- Best for finding case citations, rather than amendments

KeyCite Flags

- A small yellow triangle indicates that
  - The statute was amended by a prior state law
  - The statute was amended by a state court decision
  - The statute has been cited by a court
  - The statute has been cited by a state law
  - The statute has been cited by a combination of all of the above
- A red flag indicates that
  - The statute is a federal law
  - The statute is currently amended or repealed
  - The statute is in a process of being amended or repealed
  - The statute is under consideration
  - The statute is under consideration for amendment or repeal
- A green circle indicates that the statute has been referred.
See "History" for amendments. Generally, you can click "Focus Restrict By" to see if any negative references show up.
Only goes back 12 months, so doesn’t provide much information in this case.

Let’s try Westlaw KeyCite. Click on the green C flag, gives us a status (top up front).

Note that clicking on the KeyCite symbol defaults us to “Citing Reference” results only – we’ll click on History in a moment.

Can limit results with Limit KeyCite Display button.
If you’re looking at multiple statutory sections, bear in mind that a case might cite the entire section generally, or just one specific sub-section. ✗ You’ll need to click all the links that apply to your research.
Historical Statutes

- Session laws (Statutes at Large)
  - Lexis: Statutes at Large; USCS—Public Laws (1988–)
- Also historical versions of the U.S. Code back to early 1990s on Lexis and Westlaw; and back to 1925 on HeinOnline
How to Find Legislative History (LH) Documents

- First, gather as much information as you can about the law you’re researching.
  - Short title (popular name)
  - Public Law number
  - Statutes at Large citation
  - Original bill number

Compiled LH

- Start by looking for a compiled legislative history—a single or multi-volume book that reprints all LH materials.
  - Johnson, Sources of Compiled Legislative Histories (also available through HeinOnline)
  - Reams, Federal Legislative Histories: An Annotated Bibliography (at call # KF42.2 .F42 1994 in Reference Stacks on Level 3)
Compiled Legislative Histories

- Compiled LH may also be available as separate databases in **Lexis** and **Westlaw**.
- Usually these are prepared for "major" (famous) acts:
  - USA Patriot Act
  - Americans with Disabilities Act
  - Clean Air Act Amendments
Use the information buttons (i) to learn about the contents of a database, and tricks for searching in it with fields.
DIY Legislative History

- If you are not lucky enough to have a ready-made compiled LH volume, there are several methods for doing it yourself (DIY).
- Remember to make note of the P.L. number & original bill numbers.
- Find citations to LH documents
  - Cases; statutes
  - Secondary sources
  - CIS Index

Westlaw often defaults to a search box, but you can also browse a table of contents in many databases.
CIS Index (1970–present)

- Provides list of LH citations for a particular Public Law number; separate volume gives lengthier abstracts of each document.
- Numbering system (CIS) corresponds to a microfiche collection on Level 1 of the library; some materials are also available online.
Other sources for LH documents

- LexisNexis Congressional – Available through Legal Databases page at: http://www.law.duke.edu/lh-hrresources

- The federal government makes much LH material available online in PDF through GPO Access (http://www.gpoaccess.gov).
  - Includes committee reports, selected hearings, and the daily Congressional Record
  - Generally 1994–present, browsing works better than searching
Other sources for LH documents

- You can access the full text and status of federal bills (1973–present) for free through THOMAS (http://thomas.loc.gov)
  - Includes links to Congressional Record and committee reports, where available
  - Links to PDF documents on GPO Access and provides more sophisticated searching than GPO
### Proposed Amendments

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<td>Pay consultants at or more of your search words.</td>
<td>31</td>
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<tr>
<td>1. Complementary Health Improvement, Reimbursement, and Productive Act (Introduced as amended)</td>
<td>31</td>
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<tr>
<td>2. Complementary Health Improvement, Reimbursement, and Productive Act (Introduced as amended)</td>
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<td>4. Complementary Health Improvement, Reimbursement and Productive Act (Introduced in Senate [S. 315])</td>
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#### Table 1

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<th>Bill No.</th>
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<th>Status</th>
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<td>Senate</td>
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**IN THE SENATE OF THE UNITED STATES**

June 13, 2020

Ms. Smith of Nebraska (for herself, Mr. JONES, Mr. KLEIN, Mr. LEE, Mr. MITCHELL, and Mr. WOLF) introduced the following bill, which was read twice and referred to the Committee on Finance, Education, Labor & Human Resources.
As mentioned previously, states vary widely in their publication of LH materials. Consult a state-specific research text for the area where you will be practicing. Also look for the web sites of in-state law schools or in-state legislative libraries, which may offer online research guides.
Upcoming Research Refreshers

Wed 3/23: Cases & Court Documents
Thu 3/24: Regulations & Administrative Law Materials
Fri 3/25: Researching Business & Company Information
Mon 3/28: Free & Low-Cost Legal Research
Tues 3/29: Attorney’s Guide to Health & Medical Research
Wed 4/1: Research Methods in Immigration Law
Thu 4/2: Tackling Tax Research
Fri 4/3: Putting it All Together: Taking a Research Assignment from Start to Finish

Each class will be led by an experienced research instructor from the LLILP program. It is two hours, too large a time commitment? No worries! Come only to the topics which interest you the most. Contact the library’s Reference Desk with any questions about the Research Refresher series.

Edited by L. Michael Doscher Law Library at 11:30 PM
Labels: EVENTS, LAW, RESEARCH TIPS