Using Legislative History to Find Legislative Intent

This 90-minute session is designed for the summer associate, judicial, law firm or government agency law clerk, intern, extern or research assistant. You will learn how to use ProQuest Congressional Digital Suite & Legislative Insight, the premier legal research tools for federal legislative and government materials to:

1. Develop an understanding of the legislative process both:
   a. Procedurally – How did the language read as first proposed, what committees considered the proposal, when were amendments made and where was the proposal when it was amended;
   b. As an adversarial process – who was lobbying in support of the proposal and what were they trying to accomplish, who was active in opposition what were their objections, who was responsible for amendments to the proposal;

2. Become familiar with the documents available pertinent to your issue;
3. Identify where in the process the changes you care about occurred – this provides a mechanism to narrow the scope of your search for explanations for why the language was changed;
4. Learn how to identify both direct and circumstantial evidence of intent.
Course Objectives

• Familiarize participants with ProQuest federal legislative resources
• Exploit powerful ProQuest search tools to identify & retrieve federal legislative documents
• Employ advanced techniques to increase search precision
This about the sum of what I knew upon graduation from an ABA-accredited law school...
Agenda

• Purposes of federal legislative research
• Overview of sources
• Tracking a bill using ProQuest Congressional and Legislative Insight
• Compiling a legislative history using ProQuest Congressional and Legislative Insight
  What makes up a Legislative History?
  What do the individual pieces provide?
  Which pieces are most important?
  What are the steps in performing a L.H.?
  How do I track down the individual pieces?
What is Legislative History?

- “collection of documents produced during the process that led to the passage of a law”
- From first consideration to arrival on President’s desk
- The progress of a bill through the legislative process
- The documents created during that process
  - versions of bills and amendments, committee reports, debates, and hearings, & other miscellaneous publications (may vary according to purpose- for an agency, for litigation, etc.)
Congress: A Civics Lesson

• Established in Article 1 of the US Constitution
  "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

• House
  – 435 members
  – Elected every 2 years
  – Initiates revenue-raising bills
  – Initiates impeachment processes

• Senate
  – 100 members
  – Elected every 6 years
  – Ratifies treaties and approves presidential appointments
  – Decides impeachment cases

• Meets for two-year ‘Congresses’ each with two ‘Sessions’ that are numbered – currently in the 113th Congress, 1st Session.
Each institution’s access to the various ProQuest Congressional Digital Suite modules will vary. You can view the modules/date coverage available on the Advanced Search tab.

Most law schools will have access to the **Congressional Basic Subscription**, which covers abstracts and indexing for Hearings, Reports, Documents and Committee prints from 1970-present (there are links to HTML text from approximately the mid-1990s)

The basic subscription also covers all of the material searched from the other links on the left of your screen: bill track, bill text, members and committee coverage, the Daily Congressional Record and the Code of Federal Regulations and Federal Register, specifically:

- Selected hearing transcripts and submitted testimony from 1988 forward
- Most committee reports from 1990 forward
- Bills (all versions) introduced and bill tracking reports from 1989 forward
- Selected committee prints from 1995 forward
- Most House and Senate documents from 1995 forward
- Daily Congressional Record from 1985 forward
- Federal Register from 1980 forward
- Code of Federal Regulations from 1981 forward
• Current U.S. Code
• Public laws from 1988 forward

Many institutions also subscribe to the *Historical Indexes*, which cover material prior to 1970, though there is some overlap with the *Basic* subscription (the unpublished hearings collections stretch into the early 1980s). The various series have different start dates; users can see these on the Advanced Search tab.
Legislative Insight Part A, 1929-2012:
18,058 histories
includes all Major Laws 1929-2012* and all CIS histories from 1970-2012
(many with updated research and indexing).
* Major laws are those that are identified in a CRS report "Major Acts of
Congress and Treaties Approved by the Senate, 1789-1980"

Legislative Insight Prospective- New laws from 2013

Legislative Insight Part B (1789-1965)
Focusing on laws enacted prior to 1929, with data being added continuously:
9,000 brand new histories
Major Laws 1789-1928*
Other laws from 1789-1928 identified by researchers, customers, or other
sources as important
Additional laws 1929-1965 not included in Legislative Insight Part A, also
Public Resolutions and pre-57th Congress public laws that were enacted
before the Public Law numbering system was established—these laws will
only have a Statutes at Large number as their identifier.
3-forward (113th Congress)
In some circumstance the source of the language in question can arguably influence the level of scrutiny the legislature applied to any particular term. For example, if the language comes out of the deliberations of a committee it suggests a higher level of scrutiny in choosing the term in question, whereas if the legislature simply accepts language brought by some sponsoring agency as part of a larger proposal it suggests a “first impression” meaning could be more applicable.
Courts Use Legislative History

- “As for the propriety of using legislative history at all, common sense suggests that inquiry benefits from reviewing additional information rather than ignoring it. . . . Our precedents demonstrate that the Court’s practice of utilizing legislative history reaches well into its past. See, e.g., Wallace v. Parker, 6 Pet. 680, 687-690, 8 L.Ed. 543 (1832). We suspect that the practice will likewise reach well into the future.” Wisconsin Public Intervenor v. Mortier, 501 U.S. 597, 610 (1991)

- “Our first step in analyzing the issue involved in this case is to ask whether Congress has directly spoken to the precise question at issue.” (citing Chevron, 467 U.S. 837, 842) - Specking v. Commissioner of IRS, 117 T.C. 95

- “Our cases subsequent to Cort v. Ash have plainly stated that our focus must be on ‘the intent of Congress.’ . . . The key to the inquiry is the intent of the Legislature.” – Merrill Lynch v. Curran, 456 U.S. 353
Questions Answered in Legislative History

- Who sponsored this legislation and why? What did he or she say about it during introduction and debates? Were there colloquies about the bill?
- How did the language of the law change in various versions of the bill? Amendments? Is there direct evidence or is it circumstantial? (mark-ups/hearings or reports with analysis vs. bills only)
- What did the Committee recommend in their Report? Did they say why?
Types of measures introduced in Congress

- Bills
- Simple Resolutions
- Concurrent Resolutions
- Joint Resolutions
- Most legislation introduced NEVER BECOMES LAW
Bills

- A “Bill” is a legislative measure that involves the expenditure of money.¹
- Bills are assigned a number in the order of introduction in a two year congressional session. (H.R. 1 for House & S. 1 for Senate).
- Bills must pass both House & Senate (identical versions).
- Bills require Presidential signature.
H.R. 2749

To amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

June 8, 2009

Mr. Doggett (for himself, Mr. Waxman, Mr. Ellsberg, Mr. Stenholm, Ms. DeLauro, and Mr. Nussle) introduced the following bill, which was referred to the Committee on Energy and Commerce.

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes.

AN ACT

To amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Simple Resolutions

- Typically administrative measures in either House or Senate and only concern the Chamber where resolution is introduced.
- A resolution is assigned a number in the order it was introduced in a two year congressional session. (H. Res. 1 for House & S. Res. 1 for Senate).
- Typically not legislative, and do not require Presidential signature.
House Resolution

H. RES. 691
[Report No. 111-235]

Providing for consideration of the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
July 29, 2009

Ms. SLAUGHTER, from the Committee on Rules, reported the following resolution, which was referred to the House Calendar and ordered to be printed

RESOLUTION
Providing for consideration of the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes.
Concurrent Resolution

- For matters affecting both Chambers of Congress (express facts, opinions, etc.).
- Typically not legislative, do not require Presidential signature.
- After passage by both Houses are placed in special section of the Statutes at Large. ²
- A concurrent resolution is assigned a number in the order introduced in a two year congressional session. (H. Con. Res. 1 for House & S. Con. Res. 1 for Senate).
Calendar No. 529

S. CON. RES. 50

Expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2012

Mr. RURO (for himself, Mrs. McCaskill, Mr. McCain, Mr. Kerry, Mr. DeMINT, Mr. Nelson of Florida, Mr. Johanns, Mr. Udall of New Mexico, Ms. Ayotte, Mr. Warner, Mr. Heller, Mr. Boozman, Mr. Casey, Mr. Coons, Mr. Blunt, Mr. Hatch, Mrs. Hutchinson, Mr. Roberts, Mr. Wicker, Mr. Alexander, Mr. Barrasso, Mr. Johnson, Mr. Klobuchar, Mr. Murray, Mr. Tester, Mr. Vitter, Mr. Moran, Mrs. SmITHERS, Mr. THUNE, Mr. LEE, Mr. MENENDEZ, Mr. TOOMEY, Mr. BACHMANN, Mr. CORNYN, Ms. WYDEN, Mr. BLUMENTHAL, Mr. BROWN of Massachusetts, Mr. CORBEN, and Mr. KIRK) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations.
Joint Resolution

- Limited focus (single appropriation, proclaiming commemorative days, etc.)
- Must pass both Houses and has force of law.
- Only way to introduce a Constitutional Amendment. ³.
- A Joint Resolution is assigned a number in the order it was introduced in a two year congressional session. (H.J. Res. 1 for House & S.J. Res. 1 for Senate).
Joint Resolution

One Hundred Eleventh Congress of the United States of America

AT THE SECOND SESSION

Began and held at the City of Washington on Tuesday, the fifth day of January, two thousand and ten

Joint Resolution

Recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States Korea alliance;

Whereas on June 25, 1950, communist North Korea invaded the Republic of Korea with approximately 125,000 troops, thereby initiating the Korean War;

Whereas on June 27, 1950, President Harry Truman ordered the United States Armed Forces to help the Republic of Korea defend South against the North Korean invasion;

Whereas the hostility ended in a cease-fire marked by the signing of the armistice at Panmunjom on July 27, 1953, and the peninsula still technically remains in a state-of-war;

Whereas during the Korean War, approximately 1,780,600 members of the United States Armed Forces served in theater along with the forces of the Republic of Korea and 20 other members of the United Nations to defend freedom and democracy;

Whereas casualties of the United States during the Korean War included 54,266 dead of whom 33,730 were battle deaths; more than 159,284 wounded; and approximately 8,000 listed as missing in action or prisoners of war;

Whereas the Korean War Veterans Recognition Act (Public Law 111-5) was enacted January 27, 2009, to honor the honorable service and noble sacrifice by members of the United States
Legislative History Sources- Where do we find the materials electronically?

- Primary Sources: actual text of Bills, Hearings, Reports, etc.
  - Government Websites (Congress.gov, Loc.gov, committees, Fdsys.gov)- limited coverage for historical material (pre-1994)
  - Paid databases for pubs or Compiled Legislative Histories -
    - Lexis – no digital replicas, html text only, coverage dates limited
    - Westlaw- USCANN- 1948, limited materials, GAO digital leg histories- 1924-1995, not standardized
    - Hein Online-selected, compiled by law firms and others, not standardized, limited coverage
    - ProQuest-all dates, all materials, and compilations

- Secondary Sources: articles that discuss/evaluate the Bills, Hearings, Reports, etc.
- Shepardize & focus on “legislative intent”- find cases that may analyze law
Bill versions

- Different bill versions can indicate legislative intent.
- “Mark-up” typically done in sub-committees
  - Sub-committees do not issue a formal report but may be transcribed as a hearing, often unpublished
Committee Reports (House, Senate, Conference)

- Very useful.
- Contain revised text of bill.
- Describe purpose of bill.
- Contain reason for Committee recommendation.
- Have analysis & intent of legislation
Committee Reports (House, Senate, Conference)

- Explains rationale behind committee recommendation.
- Conference reports (a Conference Committee is appointed when House and Senate bills are different) come at end of legislative process and report on text of compromise bill.
Serial Set: What is it?
• Began with the 15th Congress, 1st Session (1817)
• Documents before 1817 may be found in the American State Papers.
• Documents cover a wide variety of topics and may include
  – Reports of executive departments and independent organizations,
  – Reports of special investigations made for Congress
  – Publications about the history of the government, institutions and architecture of Washington
  – Annual reports of non-governmental organizations.
• During the late nineteenth and early twentieth centuries, executive-branch materials were also published in the Serial Set.

• Useful in researching almost anything to do with government, policy, legislation, etc.

Serial Set: What is it?
• Contains:
  – House Documents
  – Senate Documents
  – House Reports
  – Senate Reports
  – Senate Treaty Documents

• Documents are primarily the information coming IN to the committee. This includes texts of various executive communications to Congress, executive agencies’ annual or special reports to Congress, accounts of committee activities and committee-sponsored special studies, and a miscellany of publications such as ceremonial tributes to individuals or reports of patriotic organizations.
• Reports are primarily the information coming OUT of a committee to the larger body (House or Senate). This is how congressional committees formally report and make recommendations to the Senate or House as a whole concerning their findings and deliberations regarding specific pieces of legislation, or their investigative or oversight activities.
• Can sometimes be the most informative documents related to the creation of specific legislation. They can provide the data the committee used in their decision-making, and can provide insight into the thinking behind a particular piece of proposed legislation.
Congressional Record: What is it?
• It is the official record of the proceedings and debates of the United States Congress.
• Title Changes
  – Annals of the Congress of the United States: 1st – 18th Congresses (1789–1824)
  – Register of Debates in Congress: 18th Congress 1st session – 25th Congress 1st session (1824–1837)
  – Congressional Globe: 23rd through 42nd Congresses (1833–1873)
  – Congressional Record: 43rd Congress (1874) – Present

• Covers what happens on the floor of Congress (NOT what happens in committees)
• Important to know: Members of Congress can revise or extend their remarks and for most of the years of congress these are not indicated in the CR. Now, they are in a different typeface or indicated with a bullet.
• Additional info available here: http://thomas.loc.gov/home/abt.cong.rec.html

Consists of
• House section and Senate section each covering floor debate and business.
• Extensions of Remarks (speeches, tributes and other clarifications that were not actually uttered during open proceedings – formerly called Appendix)
• Daily Digest (Summary of what happens)
• Index for each session of congress by name & subject
• Also contains communications from the President and the Executive Branch, memorials, petitions, and various information (including amendments and cosponsors)

What is it used for?
• To track debates on topics across time (compare Prohibition and Repeal debates)
• Congressional Rhetoric
• To look at members’ ‘Record’ on particular issues
• Tracks votes
• Demonstrates changes in procedure over time
Congressional Debates

- Debates are found in the Congressional Record.
- Can be entertaining!
- The bound edition is preferred for Legislative History (citation).
Congressional Record Sections

- Daily Digest (e.g. D1234) – In the back of each issue; has the table of contents for the day’s activities.

- House section (e.g. H1234) – The public proceedings and debates of the House (spoken and inserted word).

- Senate section (e.g. S1234) – Includes public proceedings and debates of the Senate (spoken and inserted word).

- Extension of Remarks (e.g. E1234) – Lists tributes, inserted statements, other information.
from Oklahoma said yesterday he is interested in it, and I welcome him to being part of this conversation. I want to see the day when we have a simple food safety agency that gets the job done in a professional way.

What do we do before then? Knowing that this will take some time, and it has taken time already, what do we do? I think we should clearly look at the weaknesses in the current food safety system and address them directly.

If I said to the Presiding Officer, before we go to the Senate and before we become acquainted with many of the laws of the land, if I were to believe there was a Federal law which allows the Federal Government a mandatory recall of contaminated, deadly food products on the shelves of America, he would say, of course, that is why we have food safety agencies. The answer is no, there is no such law. The government has no power to recall deadly and contaminated food products on shelves across America—amazing, but it is the fact. This bill we are trying to call before the Senate will give the government the power to recall deadly food. That is a major step forward. If we did nothing else in this bill, it is a major step forward.

The bill also gives the Food and Drug Administration the authority to expand their inspections, not just here in the United States, where there is plenty to be done—we see an FDA inspector once a year as a novelty—but overseas, where there is literally no inspection. As foods come in from all

So here we are, a moment, an opportunity we have worked for for years—literally years—a bill we have been working on for months in a bipartisan fashion, and all we are asking for is a chance to bring it to the floor. That is all. Bring it to the floor, entertain amendments, debate it, deliberate, and vote. People who come and visit Washing- ton, I suspect think that is what the Senate does, right? An important issue, a life-and-death issue for families, something we all care about when we put food on the table for our families. And we are finally going to take up something that affects their lives, and it is going to do it in a professional, bipartisan way. Thank goodness all the names are over.

So, welcome to the U.S. Senate. When we bring the matter to the Floor and ask for a chance to debate and deliberate it, 1 Senator, who is on the floor today, says no—not 2 Senators. I senator says no.

We ask to the Senator: If you object to the bill, you can vote against it. He said: Not good enough. We said to the Senator: If you want to offer an amendment to this bill, offer an amendment. Not good enough. He says: No, I don’t want the Senate to take up this bill and debate it. I want them to vote on this bill. I want this bill to die right now. I don’t want it to go forward.

From my point of view, we are all entitled to our opinion. We are all entitled to our opinion. That, to me, is basic.

When a customer goes into a store across America, they assume some- thing. They assume the government is involved in this decision, that some- body, somewhere took a look at what they are about to buy and said it is safe to sell it in America. I have to tell you, in most instances, they are mistaken. The inspections are not frequent enough. The inspections, sadly, do not take place in many instances.

Well, the argument on the other side is, come on, Senator, everybody can dream up a new way to spend money. You have dreamed up a new way to spend money. You want to have more inspections. You want to send inspectors not to make sure our food is safe. Well, great, I can think up a way to spend money, too. The argument is, if you are going to spend money and add to our deficit, the answer is no, no matter what you say, or you have to come up with some way to pay for it now.

What I have to remind the Senator from Arkansas—and he and I have had this debate over and over—this is an authorization bill. It does not spend money. In order to spend the money, you have to go through an appropria- tions bill that actually spends it. In other words, you are given a finite amount of money and you decide. What is a priority? I think this is a priority. Something else may not be funded. This should be funded. It is an authoriza- tion bill.
Hearsings can also yield a clear statement of intent, when the testimony is coming from a member of Congress. If hearings are being held on a particular piece of legislation, sponsors/co-sponsors will often testify as to intent. However, many and often most of the witnesses in hearings are not Members of Congress. Thus, with regards to their testimony, it is less reliable, and only inferences can be drawn from their testimony to legislative intent. Fact witnesses in areas in which Congress is passing legislation to overcome state sovereign immunity under the Commerce Clause or Section V of the 14th Amendment might be particularly compelling, as Congress needs to establish sufficient facts in such cases as to overcome the states’ immunity.

See analysis of 42 USC 13981:…§ 13981 is supported by numerous findings regarding the serious impact that gender-motivated violence has on victims and their families. See, e.g., H. R. Conf. Rep. No. 103-711, p. 385 (1994); S. Rep. No. 101-138, p. 40 (1995); S. Rep. No. 101-549, p. 38 (1990). But the existence of congressional findings is not sufficient, by itself, to sustain the constitutionality of Commerce Clause legislation. As we stated in Lopez, "Simply because Congress may conclude that a particular activity substantially affects interstate commerce does not necessarily make it so." 514 U.S. at 557, n. 2 (quoting Hodel, 452 U.S. at 311 (REHNQUIST, J., concurring in judgment)). Rather, "whether particular operations affect interstate commerce sufficiently to come under the constitutional power of Congress to regulate them is ultimately a judicial rather than a legislative question, and can be settled finally only by this Court." 514 U.S. at 557, n. 2 (quoting Heart of Atlanta Motel, 379 U.S. at 273 (Black, J., concurring)).

[$615] In these cases, Congress’ findings are substantially weakened by the fact that they rely so heavily on a method of reasoning that we have already rejected as unworkable if we are to maintain the Constitution’s enumeration of powers. Congress found that gender-motivated violence affects interstate commerce “by deterring potential victims from traveling interstate, from engaging in employment in interstate business, and in places involved in interstate commerce; . . . by diminishing national productivity, increasing medical and other costs, and decreasing the supply of and the demand for interstate products.” H. R. Conf. Rep. No. 103-711, at 385.Accord, S. Rep. No. 103-138, at 54.


While congressional findings are certainly helpful in reviewing the substance of a congressional statutory scheme, particularly when the connection to commerce is not self-evident, and while we will consider congressional findings in our analysis when they are available, the absence of particularized findings does not call into question Congress’ authority to legislate.

Gonzales v. Raich, 545 U.S. 1, 21 (U.S. 2005)

Congressional Hearings:

What are they?

• Meeting or session of a Senate, House, joint, or special committee of Congress
• Used to obtain information and opinions on proposed legislation, conduct an investigation, or evaluate/oversee the activities of a government department or the implementation of a Federal law.
• May also be purely exploratory in nature, providing testimony and data about topics of current interest.
• Obtain data and testimonies from a wide variety of sources
• Most congressional hearings are published two months to two years after they are held. Some are never published.

What are they used for?

• Researching a particular issue or policy – often considered primary sources for students
• Researching the inner workings of Congress – committee structure, power plays among members, etc.
• Researching special interests via witnesses called to testify
• Tracking issues over time (Nuclear nonproliferation during the Cold War vs. after The Cold War)
• Evaluating the relationship between Congress and the Administration (confirmation hearings)
• Wonderful source of data
Committee Hearings

- Provide investigative or informative data.
- Transcripts include questions, answers and other statements.

- Reflect views of testifying parties, not Congress.
- Good for background information.
- Are not always published.
These can be as helpful as committee reports, especially with regard to tax legislation, but aren’t as relied upon as committee reports because while both are, in reality, mostly drafted by committee staffers, reports are statements from the committee to the floor, while prints are usually meant for committee reliance.

Other items: materials relied upon by Congress, but not created by Congress, such as Presidential vetoes, or agency appropriations requests. Veto statements can have an important impact on legislative history depending on how Congress reacts to the veto (i.e., whether Congress overrides, or amends the legislation to conform to the President’s wishes). Another type is items that are part of the legislative history, but which come after Congress’s work is done, such as Presidential signing statements. Generally, these materials are included for the purpose of being comprehensive, as one can’t really impute intent back to Congress retroactively. That said, if Congress subsequently amends the law on the basis of documents in this category (such as a report of a commission created by Congress to report the impact of the legislation), it might become an important part of that later law’s legislative history.

Auxiliary Services to Congress
• Congressional Research Service
  -- Nonpartisan
  -- Congress’s “think tank.”
  -- Policy group staffed by experienced researchers, economists, policy analysts and statisticians
  -- Existed informally earlier but was codified in 1946 and called The Legislative Research Service. Renamed CRS in 1970.
  -- Does not provide reports to the public except through your congressperson (or FOIA request).
  -- Available Online in ProQuest Congressional but not widely for free
  -- Major Studies and Issue Briefs of the CRS was also put out in MF
  -- Goldmine of information for researchers on any topic.
  -- Example: "Youth and the Labor Force: Background and Trends" from July 2013

• Congressional Budget Office
  -- Created in 1974
  -- Nonpartisan
  -- Provides economic data to congress
  -- Publishes reports in print (SuDoc Y10.2) and online (http://www.cbo.gov/topics/) back to 94th Congress (1975-76)
  -- Reports analyze economic impact of proposed legislation as well as enacted legislation
  -- Really useful for students writing policy analysis or policy proposal papers
  -- Example: The Economic Impact of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act
Committee Prints

- Special studies for use by committees.
- Often prepared by the Congressional Research Service.
- May contain an analysis of similar bills or excerpts from hearings.
BACKGROUND

Fifteen federal agencies administer at least 10 federal laws concerning food safety. The Food and Drug Administration (FDA) and the U.S. Department of Agriculture Food Safety and Inspection Service (FSIS) are primarily responsible for ensuring the safety of food products. FDA enforces domestically produced and imported meat, poultry, and processed egg products. FSIS regulates all meat products, including beef, pork, veal, and lamb.

A. U.S. Government Accountability Office

In September 2008, the Government Accountability Office (GAO) released a report on the safety of imported foods. Food Safety: Agencies Need to Address Gaps in Enforcement and Oversight. The report noted that FDA’s and FSIS’s enforcement of food safety laws is limited by a lack of resources and information. The report also highlighted the challenges faced by FDA in ensuring the safety of imported foods, including the need to conduct inspections outside the United States and the difficulty in ensuring compliance with U.S. standards.

B. U.S. House of Representatives

In May 2011, the Committee on Energy and Commerce held a hearing on the “Role and Performance of FDA in Ensuring Food Safety.” The hearing was chaired by Representative G. K.nder. The hearing focused on the role of FDA in ensuring the safety of food products, particularly in the area of imported foods. The hearing highlighted the challenges faced by FDA in ensuring the safety of imported foods, including the need to conduct inspections outside the United States and the difficulty in ensuring compliance with U.S. standards.

C. U.S. Senate

In June 2011, the Senate Committee on Appropriations held a hearing on the “Imported Food Safety.” The hearing was chaired by Senator Barbara Boxer. The hearing focused on the role of FDA in ensuring the safety of imported foods and the need to increase resources to address the challenges faced by FDA in ensuring the safety of imported foods.
Most important legislative history materials, in order:

- **Committee Reports**
  - Usually considered the most important
  - Shows intent of legislation
  - Committee’s rationale for its recommendations
  - The most important source of legislative intent is the last report before the final bill language, which is frequently the *Conference Report*

- **Bills** (including different versions & amendments)
  - **Sponsor remarks** made on the House or Senate floor (debates & transcripts may include explanations of bill’s provisions that are unclear)
  - **Committee hearings** (public hearings held by committees considering bills)
    - Testimony from a variety of government, private sector and academic witnesses
    - Can provide information about purpose or expected effect of legislation
Before you begin your leg history research, it helps to know at least one of the following two pieces of information:

– The public law citation or the Statutes at Large citation (e.g. P.L. 107-56; 115 Stat. 272)
– The bill number and Congress of the Act or Resolution (e.g. H.R. 3162 from the 107th Congress)

For Congressional research in general, Names/Numbers/Dates will make your life easier if you have them:

– Name of congressperson, witness, committee, bill, etc.
– What congress AND what session
– Day/Date of votes, floor discussion, hearings, etc.
– Bill number (was it in the House or Senate)
– Serial Set Numbers
Depending on the information you are starting with, you may need to do a little more sleuthing to identify the exact piece of legislation that you are looking for—some Acts might be part of a much larger bill, so there are a few ways to enter.

- U.S. Code Section - *42 U.S. 12114*
- Citation “Triad” (i.e. parallel citations, sortof)
  1) Public Law number, or
  2) Statute-at-Large Citation or
  3) Bill No.
- Popular Act Name - *§ 104 of the Americans With Disabilities Act, FISA, PATRIOT Act*
General and Permanent Laws

- Official U.S. Code: published every 6 years, beginning with 1926
- Previous codification Revised Statutes (1875 & 1878)

Laws dealing with local matters, like name changes to public buildings, and matters that are in effect for a short period of time, like annual appropriations, are not general and permanent and thus are not generally placed in Code of law.

Positive law titles of a Code have been enacted with prior laws being repealed. They are "legal evidence" of the law in most courts. Titles of a Code that are prima facie ("on the face") evidence of the law have not been enacted but were compiled by codifiers and are rebuttable evidence of the law. In cases of inconsistency the individual enacted statutes prevail.

The US Statutes at Large is a chronological & permanent collection of the laws and treaties enacted by the United States Congress.

Documents include:

* All public laws from 1789 to present
* Treaties with Indian tribes from 1778 to 1873
* Treaties with foreign nations from 1776 to 1950
Note all the linkable annotations- caselaw, law reviews, other statutes, CFR, FR!
Look below the statute text at the HISTORY segment - this will give you the information regarding what was changed and when, use this to identify where you need to go next. Title I section 104 is very important info- note this!


Currently, the Stat. links do not work- we cannot link to internal pagination used in the USC.
Link from USCS History section to PL text

Public Law

Document Information
- Public Law Info
- Links to
- Full Text
- Terms

Public Law Info
- Citation: P.L. 101-336 (S. 22)
- Public Law: 101 P.L. 336 (S. 22)
- Date: July 26, 1990
- Title: PUBLIC LAW 101-336 (S. 22)
- Formerly: HTTP://congressional.proquest.com/congressionallresult...

Links to
- Bill Tracking Report
- Full Text Version(s) of Bill
- CIS Legislative History Document

An Act
To establish a clear and comprehensive prohibition of discrimination on the basis of disability.

Full Text
We the Senate and House of Representatives of the United States of America in Congress assembled.

ProQuest
Remember This!

The Statutes at Large citation and Public Law citation are located in the History segment of the United States Code (USCS) sections.
Enhancements for users with access to digital modules will:

Allow digital customers to link out from the legislative history record to digital publications to which they are entitled

Allow digital customers to search for publications related to a PL number, retrieve the digital records associated with the PL, and then search the full text of all the related publications in a single search using the *Focus* feature

Note that the legislative history record displays the link to the basic CIS record in addition to the digital PDF link. Digital customers will see an additional link which appears first and is clearly marked as Digital-PDF. They will need to select this link to access their digital record.
sometimes someone else has already done the work!

**CRDC-ID**: CMP-1990-EDL-0014

**TITLE**: Legislative History of Public Law 101-336, the Americans with Disabilities Act, Vol. 1

Sample Legislative Intent Search

Question: Is withholding of highway trust funds for inflationary purposes in keeping with legislative intent of PL 91-605, the Federal Aid Highway Act of 1970?

Step 1: Search by Number

ProQuest Congressional Publications

Search by Number

Legislative Citations

- Bill Number: 112 (2011-2013) ▼
  e.g. H.R. 1727
- Public Law Number: 91 (1969-1971) ▼
  e.g. PL 15
- Statute at Large: Stat.
  e.g. 98 Stat. 1331
- Chapter: 4 ▼
  e.g. Law (1953-1956)
  Date: 1953-1956
- Public Resolution: 30 ▼
  Date: 1953-1946
- US Code Citation: USC
  e.g. 7 USC 1621

Search Clear form
The withholding of highway trust funds as an anti-inflationary measure is a clear violation of the intent of the Congress as expressed in section 15 of the Federal-Aid Highway Act of 1998. We again wish to emphasize the clear legislative intent that funds apportioned shall not be impounded or withheld from obligation and further that no funds are authorized from the highway trust fund to pay the administrative expenses of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless these funds are identified as a line item in an appropriation act and are to meet obligations attributable to the construction of Federal-aid highways or highway planning, research, or development. This provision is not intended to prevent FHWA from entering into contracts with other Federal agencies for joint projects utilizing administrative funds of FHWA for its share of the project.
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