Tracking Federal Legislation

“Pix” Kathleen Fleming
March 17, 2014
Legislative History

• Legislative History is the official record or documents of a proposed law. This is all documents from introduction in Congress to Presidential signature.
Legislative History can show...

- Intent of Legislators.
- What language in bill was changed.
- How members of Congress voted on language changes.
- Who voted, or did not vote, for passage.
- How a bill becomes law!
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.
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. Dingell (for himself, Mr. Waxman, Mr. Pallone, Mr. Stupak, Ms. DeGette, and Ms. Sutton) 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

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.
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).
Concurrent Resolution

Calendar No. 529

112th CONGRESS
2d Session

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. Rubio (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. Hutchison, Mr. Roberts, Mr. Wicker, Mr. Alexander, Mr. Barrasso, Mr. Isakson, Ms. Klobuchar, Ms. Murkowski, Mr. Tester, Mr. Vitter, Mr. Moran, Mrs. Shaheen, Mr. Thune, Mr. Lee, Mr. Menendez, Mr. Toomey, Mr. Risch, Mr. Cornyn, Mr. Wyden, Mr. Blumenthal, Mr. Brown of Massachusetts, Mr. Coburn, 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

Begun 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 itself against the North Korean invasion;

Whereas the hostilities 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 1,789,000 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 54,246 dead (of whom 33,739 were battle deaths), more than 103,284 wounded, and approximately 8,055 listed as missing in action or prisoners of war;

Whereas the Korean War Veterans Recognition Act (Public Law 111–41) was enacted on July 27, 2009, so that the honorable service and noble sacrifice by members of the United States
Focus on Bills...
Legislative Overview

![Diagram of Legislative History](image)
Legislative History Research

- **Primary Sources:** actual text of Bills, Hearings, Reports, etc.
- **Secondary Sources:** articles that discuss/evaluate the Bills, Hearings, Reports, etc.
- **Compiled Legislative Histories**
Complexity

- Free or for fee?
- Primary or secondary sources?
- Print or electronic?
Free & Electronic

- THOMAS  http://thomas.loc.gov (until end of 2014)
- Congress.gov  http://beta.congress.gov
- Fdsys  http://www.gpo.gov/fdsys/search/home.action
- Sunlight Foundation  http://www.opencongress.org
- GovTrack  https://www.govtrack.us
- Wikipedia
For Fee

- CQ Products
- HathiTrust
- HeinOnline
- LexisNexis
- Proquest Congressional products
- Westlaw
- *United States Code Congressional and Administrative News*
Government Sources (FREE!!)

- House and Senate Bills
- Committee Reports
- Congressional Debates
- Committee Hearings
- Committee Prints
- Presidential Documents
Bill versions

• Different bill versions can indicate legislative intent.

• “Mark-up” typically done in sub-committees
  – Sub-committees do not issue a formal report
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.
H.Rpt. 111-234

FOOD SAFETY ENHANCEMENT ACT OF 2009

July 29, 2009—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WAXMAN, from the Committee on Energy and Commerce, submitted the following

REPORT

[To accompany H.R. 2749]

(INCLUDING costs estimate of the Congressional Budget Office)

The Committee on Energy and Commerce, to whom was referred 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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Constitutional Authority Statement
Exemptions and Tax and Tariff Benefits
Advisory Committee Statement
Applicability of Law to Legislative Branch
Federal Mandates Statement
Committee Cost Estimate
Congressional Budget Office Estimate
Section-by-Section Analysis of the Legislation

BACKGROUND AND NEED FOR LEGISLATION

There is substantial evidence that the nation's food safety system could be improved to better address potential food safety threats. There has been a string of food-borne illness outbreaks in recent years in foods consumed by millions of Americans each day such as pistachios, peanuts, and spinach. As numerous reports and congressional hearings have shown, the ability of the Food and Drug Administration (FDA) to oversee the safety of our food supply is compromised by inadequate authorities and insufficient resources.

LEGISLATIVE HISTORY

H.R. 2749 was introduced on June 8, 2009, by Chairman Emeritus Dingell, Chairman Waxman, Subcommittee on Health Chairman Pallone, and Reps. DeGette and Sutton. H.R. 2749 builds upon the food-related provisions in H.R. 759, the Food and Drug Administration Globalization Act of 2009, introduced by Chairmen Dingell, Pallone, and Stupak on January 28, 2009. Prior to the bill's introduction, the Subcommittee on Health held a legislative hearing on the discussion draft of the Food Safety Enhancement Act of 2009 on June 3, 2009. There were three hearings on food safety held in the 111th Congress by the Subcommittee on Oversight and Investigations (February 11, 2009, and March 19, 2009) and by the Subcommittee on Health (March 11, 2009). These hearings built upon the hearings held in the 110th Congress on the safety of the nation's food supply.
Congressional Debates

• Debates are found in the Congressional Record.
• Can be entertaining.
• The bound edition is preferred for Legislative History.
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 be part of this conversation. I want to see the day when we have a single 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 he was in the Senate and before he became conversant with most of the laws of the land, if I asked, do you believe there is 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 a 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 are seeing 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 Washington 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—thank goodness the Senate is 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 games are over.

No, 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 99 Senators, 1 Senator says no.

We said 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 don't 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 on a democratic basis. That, to me, is basic.

When a customer goes into a store across America, they assume something: They assume the government is involved in this decision, that somebody, 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 out 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 Oklahoma—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 appropriations 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 authorization bill.
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.
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.
I. BACKGROUND

Fifteen federal agencies administer at least 30 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. FSIS oversees domestically-produced and imported meat, poultry, and processed egg products. FDA regulates all other foods, including fruits, vegetables, seafood, and milk.

A. U.S. Government Accountability Office

In September 2009, the Government Accountability Office (GAO) released a report on the safety of imported food, Food Safety: Agencies Need to Address Gaps in Enforcement and Collaboration to Enhance Safety of Imported Food. In the report, GAO examined FDA’s difficulties in coordinating information-sharing and enforcement efforts with Customs and Border Protection (CBP). CBP provides information on imported food shipments to FDA, but GAO found that the two agencies’ failure to assign unique identification numbers to import firms limits FDA’s ability to tackle problems with high-risk food shipments.

GAO also found that FDA does not have sufficient authority to ensure importer compliance with existing requirements. After imported food enters the United States, it remains in the possession of the importing firm until the FDA approves its release. The importer posts a monetary bond with CBP that is intended to discourage the shipment’s unauthorized release prior...
Presidential Documents

• Recent Administrations make a statement about why they are signing a piece of Legislation.
Historical Data (1774-1875)

http://memory.loc.gov/ammem/amlaw/lawhome.html
National Archives: Center for Legislative Archives

Guide to the Records of the U.S. House of Representatives at the National Archives, 1789-1989 (Record Group 233)

Table of Contents

Chapter 1 An Introduction to Research in the Records of Congress
Chapter 2 Records of the Agriculture Committee

U.S. Congressional Serial Set

- House and Senate Reports & Documents
- Fdsys has House and Senate Reports & Documents since 104th Congress (1995-).
- Bound by session of Congress.
- Began publication with the 15th Congress, 1st Session (1817).
- Documents before 1817 may be found in the American State Papers.
Serial Set

• Numerical Lists of Documents & Reports

232. Student Aid and Fiscal Responsibility Act of 2009 ........................................... 15278
233. Consideration of H.R. 3326, make appropriations for Department of Defense, fiscal 2010 ... 15278
234. Food Safety Enhancement Act of 2009 ............................................................. 15278
236. Corporate and Financial Institution Compensation Fairness Act of 2009 ....................... 15278
237. Consideration of H.R. 3269, amend Securities Exchange Act of 1934, provide shareholders with advisory vote on Executive Compensation and prevent incentives practices of financial institutions ................................................................. 15278

• Schedule

HOUSE REPORTS

15268 ................. House Reports Nos. 1-15
15269 ................. House Reports Nos. 16-37
15270 ................. House Reports Nos. 38-69
15271 ................. House Reports Nos. 70-101
15272 ................. House Reports Nos. 102-128
15273 ................. House Reports Nos. 129-149
15274 ................. House Reports Nos. 150-166
15275 ................. House Reports Nos. 167-190
15276 ................. House Reports Nos. 191-217
15277 ................. House Reports Nos. 218-229
15278 ................. House Reports Nos. 230-253
15279 ................. House Reports Nos. 254-287
15280 ................. House Reports Nos. 288-298
15281 ................. House Report No. 299
15282 ................. House Report No. 299
15283 ................. House Reports Nos. 300-316
15284 ................. House Reports Nos. 317-330
15285 ................. House Reports Nos. 331-365

America's Affordable Health Choices Act of 2009, pt. 1
America's Affordable Health Choices Act of 2009, pts. 2-3
Print

• All Bills, Reports, Hearings are sent to full depository libraries.

• Partial depository libraries receive a portion of legislative material.
Primary sources from the Government +

• History of Bills: FDsys 98th Cong. (1983-) (is separate file)


Primary sources from the Government

• Congressional Record (Congressional Debates): FDsys 103<sup>RD</sup> Cong. 1994-, THOMAS 101<sup>st</sup> Cong. 1989-, Congress.gov 104<sup>th</sup> Cong. 1995-

• Congressional Record Index: FDsys 98<sup>th</sup> Cong. (1983), THOMAS 104<sup>th</sup> Cong. (1995--)

• Committee Prints: FDsys 104<sup>th</sup> Cong. (1995-)

• Presidential Documents: FDsys 1993-
Primary sources from the Government

• Committee Hearings: FDsys 104th Cong. (1995-)
  – May also be on committee/subcommittee web page and are NOT ALWAYS PUBLISHED
• Calendars
• House Roll Call Votes
• Senate Roll Call Votes
• Legislation by Sponsor
• Congressional Record
• Laws
• Advanced search has Congress-to-Year Conversion
• Bills
• Bill Summary and Status
  – Text of legislation (for all versions)
  – All Congressional Actions (links to all documents except Hearings)
• Congressional Committees
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**Actions**

- **Major actions**
- **All actions**
- **All actions including floor amendments**

### Example Actions for H.R.2751 — 111th Congress (2009-2010)

<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/04/2011</td>
<td></td>
<td>Became Public Law No. 111-353</td>
</tr>
<tr>
<td>01/04/2011</td>
<td></td>
<td>Signed by President.</td>
</tr>
<tr>
<td>12/29/2010</td>
<td>House</td>
<td>Presented to President</td>
</tr>
<tr>
<td>12/21/2010</td>
<td>House</td>
<td>Motion to reconsider last on the table Agreed to without objection</td>
</tr>
<tr>
<td>12/21/2010</td>
<td>House</td>
<td>On motion that the issue agree to the Senate amendments Agreed to by the Yeas and Nays. 215 - 144 (Roll no. 645). (as in House agreed to Senate amendment: CR H8901-H8902) Type of Action: Resolving Differences Action By: House of Representatives</td>
</tr>
<tr>
<td>12/21/2010</td>
<td>House</td>
<td>Considered as unfinished business. (consideration: CR H8902)</td>
</tr>
</tbody>
</table>
• FDsys provides free online access to official Federal Government publications.
Legislative Collections

- History of Bills (advanced search)
- Congressional Bills
- Congressional Documents
- Congressional Hearings
- Congressional Record
- Public and Private Laws
- U.S. Statutes at Large
History of Bills
(advanced search)

Lists Legislative actions on bills as reported in the Congressional Record (FDsys has 1983-)

In print: The Congressional Record Index has History of Bills.
A History of Bills entry includes:
- Bill number
- Title
- Summary
- Names of Sponsors and Co-sponsors
- Chronological list of actions on a Bill

Each action references a Congressional Record page and date, e.g. H8892 [21DE]
- H=House section of CR and [21DE] is December 21st
PL111-353 contains 71 publications.

FDA Food Safety Modernization Act

**Publication Type: Legislative History**

**DIGITAL-PDF ID:** PL111-353
**PUBLIC LAW PDF ID:** PL111-353FT
**DATE:** Jan. 4, 2011
**ENACTED-BILL:** H.R. 2751
**STATUTE AT LARGE:** 124 Stat. 3885
**CONG-SESSION:** 111-2
**USCS:** 7 USCS § 7625, 21 USCS § 331, 21 USCS § 333; more...


**SUMMARY:**
To amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

**ELABORATION:**
Public Law 111–353
111th Congress

An Act

To amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

Public Law 111–353
111th Congress

An Act

To amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

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

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “FDA Food Safety Modernization Act”.

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).
Compiled Legislative Histories

- Johnson, Nancy P. *Sources of Compiled Legislative Histories*
- Reams, Bernard D. *Federal Legislative Histories: An Annotated Bibliography and Index to Officially Published Sources.* (out of print)
- Law Librarians Society of Washington, D.C. LLDC
  - Legislative SourceBook
    - [http://www.llsdc.org/sourcebook](http://www.llsdc.org/sourcebook)
  - (REALLY USEFUL!!)
    - Many sources and links to all aspects of legislation
Compiled Legislative Histories

- HeinOnline: U.S. Federal Legislative History Library
- Proquest: Legislative Insight
- WestLaw: US GAO Federal Legislative Histories
Secondary Sources can be QUITE useful!!

- Academic Search Premier
- CQ Researcher
- Google Scholar
- LexisNexis
- New York Times
- Almost any database will have an article or two about legislation.

Matters of scale and the politics of the Food Safety Modernization Act

US food safety overhaul in legislative limbo

Food Safety
Would new legislation make the food supply safer?

An Analysis of the FDA Food Safety Modernization Act: Protection for Consumers and Boon for Business

FDA Food Safety Modernization Act: Is it Enough?
Questions?
Potentially Useful Web Sites for Tracking Legislative History

- Via Open CRS (https://opencrs.com/), the Congressional Research Service has a great deal of information on legislative history (including compiled histories). The following are a few sources.
  - Legislative History: https://opencrs.com/document/RS21178/2002-03-22/
  - Law Librarian’s Society of Washington, D.C. (http://www.llsdc.org/) also has a great deal of relevant information. Illustrative examples follow.
    - LLSDC Legislative Sourcebook: http://www.llsdc.org/sourcebook
    - Finding or Compiling Federal Legislative Histories Electronically
    - Legislative Histories of Selected U.S. Laws on the Internet: Free Sources
    - Quick Links to House and Senate Committee Hearings and Other Publications
    - Sources for the Text of Congressional Bills and Resolutions

- THOMAS has links to data about the legislative process (and a congressional dictionary).
  - The Legislative Process: http://thomas.loc.gov/home/laws_made.html

- Congress.gov also videos and a transcript of the legislative process.

- FDsys has an extensive help file. In Help under “What’s Available”, Congressional Bills explains the measures that can be introduced in Congress, and defines 50+ versions of bills.
Sources Cited


Upcoming Accidental Librarian Webinars

• **Session evaluation:** [http://tinyurl.com/grs-eval34](http://tinyurl.com/grs-eval34)

• April 16: Federal regulations with Lisa Nickum, Colorado School of Mines

• May: Hearings?

• Department of Education data! Social Programs! BLS! And more!

• Brought to you by the North Carolina Library Association’s Government Resources Section. Join us! [http://www.nclaonline.org/government-resources](http://www.nclaonline.org/government-resources)