

Chapter 7

FEDERAL LEGISLATIVE HISTORY RESEARCH

Exercise 7.1

Researching the Legislative History of a Federal Statute Using Statutory Annotations

Learning Outcome

After completing this exercise, you should be able to locate documents in the legislative history of a specific federal statute by statutory annotation in Westlaw.

Instructions

1. An answer sheet is provided at the end of the questions for your convenience while you are working on the exercise. After you finish your research, you must submit your answers in type-written form. Do not retype the questions. The answer sheet should contain only the answers to the questions.
2. If you spend more than 15 minutes trying to find the answer to any individual question, use the troubleshooting hints in the General Instructions for this Workbook. If you are still unable to find the answer, stop and seek assistance.

Problem Sets

A B C D E

For letters F to O use the top letter above yours in the chart below unless directed otherwise. For example, letter M does problem set C.

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|---|---|---|---|---|
| A | B | C | D | E |
| F | G | H | I | J |
| K | L | M | N | O |

THE ASSIGNMENT

You can research federal legislative history in two ways: You can search for the history of a specific statute, or you can search legislative history by subject. This exercise covers research into the legislative history of a specific statute, which is the way lawyers most frequently conduct legislative history research. Exercise 7.2 covers research into legislative history by subject.

For this exercise, you need to conduct research on legislative history related to your Client Matter, below. Although secondary sources, related statutes, and cases interpreting the statute can help you understand the statute, you have decided that you need to research the statute's legislative history to understand fully how the statute applies to your client's situation.

While you can conduct legislative history research in print, this exercise requires you to use only online sources.

I. Review Questions

- A. List four sources of federal legislative history.
- B. Rank the four sources you listed for Question A, above, in order from most authoritative to least authoritative, with source number 1 being the most authoritative and source number 4 being the least authoritative.
- C. Briefly explain why the source you ranked first in Question B, above, is considered the most authoritative source of legislative history.

II. Using Statutory Annotations to Research the Legislative History of a Specific Statute

To research the legislative history of a specific federal statute, you first need to locate the statute and review the legislative information provided with the statute. U.S.C.A. annotations in Westlaw contain references to the statute's Public Law (Pub. L.) number and its *United States Statutes at Large* (Stat.) citation, which are useful in researching legislative history. The annotations' "History" tab includes selected committee reports, *Congressional Record* entries, and other documents concerning the legislation. Annotations in Lexis and Bloomberg Law include references to the Public Law number and *United States Statutes at Large*, but not to committee reports. (Lexis and Bloomberg Law include recent and selected historical committee reports. In Lexis you can Browse Sources for "Federal Legislative Bill History." In Bloomberg, from the Select Sources pull-down, click Select Courts by U.S. Jurisdiction and go to Federal Law>Federal Legislative>U.S. Congress. Reports are found under the House and Senate headings.)

Review the Client Matter. Use the search box in Westlaw to retrieve the provision in U.S.C.A. for your problem set.

Client Matter and Statutory Provision

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| Problem Set A | You work for an organization that promotes leave policies for workers who wish to take time off work in order to have a child, raise a child, or care for a sick or ailing family member. You seek to research federal law providing for such leave. | 29 U.S.C.A. § 2612 |
| Problem Set B | You work for an organization that advocates for the rights of individuals with disabilities. You seek to research federal law prohibiting employment discrimination against persons with disabilities. | 42 U.S.C.A. § 12112 |
| Problem Set C | You work for an organization that promotes free and fair elections in the United States. You wish to research federal law establishing standards for voting systems. | 52 U.S.C.A. § 21081 |
| Problem Set D | You work for an organization that advocates against human trafficking. You seek information on federal programs to combat human trafficking. | 34 U.S.C.A. § 20705 |
| Problem Set E | You work for an organization that advocates for easier voter registration and voting procedures. You wish to research federal requirements for voter registration. | 52 U.S.C.A. § 20504 |

- A.** Briefly, in a sentence or two, describe what the section provides.
- B.** The Public Law number and *United States Statutes at Large* citation for the section as originally enacted and for any subsequent amendments appear in parentheses immediately after the text of the statute and before the annotations.
- Review the parenthetical following the text of the section you located for Question A, above, to answer the following questions.
- Provide the Public Law number and *United States Statutes at Large* citation for the section as it was originally passed (not for any subsequent amendments).
(Hint: Look for the earliest Public Law number and *United States Statutes at Large* citation.)
 - Click on the Public Law number link of the original Public Law to bring up the text of the original Act. (Hint: Click on the earliest linkable Public Law number.) What is the name of the Act?
 - Now go back to the statute. Has the statute been amended by later acts of Congress? If so, how many times has it been amended?
- C.** Access the committee report for your problem set. Locate the link to the committee report under the “History” tab. The report you need may appear in the “Legislative History Materials” section, the “Editor’s and Revisor’s Notes” section, or both.

Click on the link to the report, and answer the following questions.

Committee Report Citation

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| Problem Set A | Senate Report No. 103-3, January 27, 1993 |
| Problem Set B | House Report No. 101-485(II), May 15, 1990 |
| Problem Set C | House Conference Report No. 107-730, October 8, 2002 |
| Problem Set D | House Report No. 109-317(I), November 18, 2005 |
| Problem Set E | House Report No. 103-9, February 2, 1993 |

1. Provide the name of the committee that issued the report you located.
2. Before the statute was passed into law, it was assigned bill numbers in both the House of Representatives and the Senate. Provide the bill number for the version of the bill considered by the congressional committee that issued the report you located. (Hint: Look for the “S” number for bills considered by a Senate committee, and look for the “H.R.” number for bills considered by a House committee.)
3. Provide the date of the Act’s consideration in the Senate. If more than one date is listed, provide the latest date. (Hint: Be sure to provide the latest date, not the earliest (first) date.)
4. Skim the document, and answer the committee report question for your problem set below. (Hint: Go past the full text of the bill if it is reproduced at the beginning of the report to answer the question.)

Committee Report Question

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|---------------|---|
| Problem Set A | According to the section on Background and Need for Legislation, what problems does this legislation address? |
| Problem Set B | According to the section on Summary of the Legislation, what is the purpose of the ADA? |
| Problem Set C | According to the first paragraph of the report, what is the purpose of this legislation? |
| Problem Set D | According to the Purpose and Summary, what does the Act do? |
| Problem Set E | According to the Findings, what were some of the techniques developed to discourage participation in the late nineteenth and early twentieth centuries? |