Gov Docs 101: Legislative History Research

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What is a Legislative History?

- All the documents that surround the passage of a particular Act (limited to a particular Congress). This is the focus of this presentation. This is the formal legislative history.

- All of the above, but including similar legislation and background documents from previous Congresses. This broader view goes beyond the formal legislative history to general public policy issues that span multiple Congresses.
Elements of Legislative History

- Congressional Debate
- Congressional Bills/Resolutions
- History of Bills
- Congressional Hearings
- Congressional Reports
- Congressional Documents
- Presidential Signing Statements
- CRS Reports
- CBO Cost Estimates
- Congressional Committee Prints
- Any of the Above from Previous Congresses
- Archival Papers from Members of Congress
- Court Cases
Why do Users Want Legislative Histories?

• To understand ambiguities in legislation
• To discover what motivated lawmakers to pass legislation
• To understand where legislation fits into a public policy issue
• To understand successes or failures of outcomes of legislation
• To understand the social or cultural influences upon legislation within a particular slice of time
Where to Find Legislative Histories

- Published books and journal articles
- HeinOnline (U.S. Federal Legislative History Library)
- ProQuest Legislative Insight
- ProQuest Congressional
- Many parts of legislative histories can be found in Congress.gov and Govinfo.gov. Most of our focus today will be on these two resources.
Document Trail of Legislation

(not intended to show chronology, only documents that come out of the process)
Legislative Histories Look Back at what led up the passage of a Law

- Bill
  - Debate (Cong. Record)
  - Reports (Intent)
  - Hearings (Testimony)
  - Documents
  - Committee Prints (Research)

- US Statutes at Large (Public Laws)
  - “the law as passed”

- US Code (Topical)
  - “the law as amended”

- GAO
- CRS
- CBO

These may show outcomes of legislation
ProQuest Legislative Insight: The Best Tool for Leg. Hist.

But not all libraries can afford this product. This presentation emphasizes how to do legislative history research with freely available sources.
The “poor man’s” legislative history can be found as an endnote to Public Laws (94th Congress, 1975 onward).
### Overview of Finding Legislative History Resources, part 1

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<tr>
<td>Bill text</td>
<td>Search or browse bills/resolutions. All actions links to text</td>
<td>Search or browse bills/resolutions. 80 versions (<a href="https://www.govinfo.gov/help/bills">https://www.govinfo.gov/help/bills</a>)</td>
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<tr>
<td>Debate</td>
<td>Search or browse by date (Daily ed. 1989-present). Also links to FT within context</td>
<td>Search or browse Daily ed (1994-present) or Permanent ed (1873-2015). Bill no. as “hook”</td>
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<td>Committee Prints</td>
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<td>Search by broad topic and limit to comm. prints</td>
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## Overview of Finding Legislative History Resources, part 2

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<tr>
<td>Presidential Signing Statements</td>
<td>Date signed included, but have to search CPD in Govinfo.gov</td>
<td>Get signing date from end of PL and search CPD</td>
<td>Unofficial: <a href="https://www.presidency.ucsb.edu">American Presidency Project</a></td>
</tr>
<tr>
<td>Public Law</td>
<td>Linked to from bill; search for or browse all PLs</td>
<td>Use bill no. or PL no as “hook”. Browse or search “Public and Private Laws”</td>
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</tr>
<tr>
<td>US Code</td>
<td>---</td>
<td>Find codification in PL margin. Then use citation lookup, or browse to section.</td>
<td>Find codification in PL or in Table III of <a href="https://www.congress.gov">House US Code</a>; annual “rollback” if desired. Hook is Stat citation.</td>
</tr>
</tbody>
</table>
Debate in the Congressional Record

April 20, 2005

THE ENERGY BILL

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DeFAZIO. Mr. Speaker, I have nothing against classics. I drove a 1968 Barracuda to work today. But I am looking at hybrids because of the high cost of gas and to get a little more efficient.

The Republicans are offering us a classic energy bill today, firmly rooted in the 1950s: no improvements in efficiency, no investment in energy-efficient technologies, no breakthroughs. Even worse, $8 billion of subsidies to the oil and gas industry. Well, heck, they need it. That was only the quarterly profit of ExxonMobil gouging people at the pump last quarter. They want to give us more of the same.

The President’s own energy information administration says this bill will, quote, have only negligible impact on production, consumption and imports of oil. In fact, they said it will probably increase the price of gasoline by 3 cents per gallon. I guess that is to pay for the now subsidies to the suffering oil and gas industry.

That is an energy policy for the 21st century?

Congressional Record debate is also linked to from within Congress.gov
Congressional Reports: The Gold Mine for Legislative Background

Bill → Debate (Cong. Record) → Reports (Intent) → Hearings (Testimony) → Documents (Contained in the Serial Set) → Committee Prints (Research) → US Statutes at Large (Public Laws) → “the law as passed” → US Code (Topical) → “the law as amended” → GAO → CRS → CBO → These may show outcomes of legislation
The DNA Identification Act of 1994 established federal DNA labs and authorized the Federal Bureau of Investigation to begin compiling DNA information into a central database. This database is known as the National DNA Index System (NDIS) and the system for analyzing and communicating the data is the Combined DNA Index System (CODIS). The 1994 Act allowed DNA testing to be done by accredited state labs with results from state labs being uploaded to CODIS.

DNA technology has advanced a great deal in the years since the 1994 Act. Whereas it once took days or weeks, DNA testing can now be completed in a matter of hours. There is currently technology, known as Rapid DNA technology, that allows for DNA testing and identification on a small, copier-sized machine. A DNA sample—oftentimes a cheek swab—is taken, placed into a cartridge that slides into the Rapid DNA machine, and reports back the DNA profile in approximately ninety minutes. The FBI, working with the forensics community, is hopeful that this technology can be used in a booking station to help identify suspects in the same way a fingerprint is currently used. At present, Rapid DNA technology can only be used for identification purposes, not crime scene analysis.

Unfortunately, the 1994 Act creating CODIS does not allow for the use of this technology since only state labs are allowed access to CODIS. Currently, booking stations have to send their DNA samples off to state labs and wait weeks for the results. This has created a backlog that impacts all criminal investigations using forensics, not just forensics used for identification purposes. H.R. 510 would modify the current law regarding DNA testing and access to CODIS. The short turnaround time resulting from increased use of Rapid DNA technology would help to quickly eliminate potential suspects, capture those who have committed a previous crime and left DNA evidence, as well as free up current DNA profilers to do advanced forensic DNA analysis, such as crime scene analysis and rape-kits.
Perhaps not so important to attorneys, but very important to social scientists, public policy interests, and students writing policy papers.
Most Difficult Aspect of Legislative History Research: Finding Hearings

• No reference to hearings in Congress.gov or in Congressional Calendars
• Selected hearings are in Govinfo.gov, but not connected to legislative histories
• Endnotes of Public Laws make no references to hearings
• ProQuest Legislative Insight mentions hearings in the contemporary Congress and previous Congresses, but not everyone is able to afford this product.
• ProQuest Congressional lists hearings in their Legislative History module (1969-present). This is the online version of Congressional Information Service’s CIS Annual, which is functionally superseded by ProQuest Legislative Insight.
THE ENERGY POLICY ACT OF 2005

HEARINGS HELD BY THE
SUBCOMMITTEE ON ENERGY AND AMENDMENTS
AND CONSUMER "COMPETITION" OF THE
COMMITTEE ON ENERGY AND
COMMERCE
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRTEENTH CONGRESS
FIRST SESSION
HEARING ON
"KEEP THE LIGHTS ON: THE FEDERAL ROLE IN MANAGING THE NATION'S ELECTRICITY"

The FERC-related provisions of the conference report on H.R. 6 address the most pressing issues in the areas regulated by the FERC. The discussion below updates the Subcommittee on Energy and Commerce's hearing, which addressed the legislation of FERC and NERC areas addressed by the conference report on H.R. 6, recommends changes to certain provisions in the conference report on H.R. 6, and recommends the addition of some new provisions. Since the Energy Policy Act of 2005 had not been introduced at the time this testimony was prepared and may contain provisions that differ from those in the conference report on H.R. 6, this testimony does not include specific recommended legislative text. I would be happy to provide such text once Commission staff has reviewed any newly introduced bill.

Key Provisions in the Conference Report on H.R. 6

The provisions in the conference report on H.R. 6 address the major areas in which FERC and NERC legislation is needed. My testimony identifies possible improvements to the bill.

Reliability

In the past year, in the wake of the Texas Energy Crisis and the blackout of August 2003, the Commission has taken certain actions to enhance the reliability of the electricity grid. On April 19, 2004, the Commission issued a policy statement clarifying that it interprets the term "Good Utility Practice"—which is a requirement currently contained in all public utility open transmission tariffs—to include compliance with North American Electric Reliability Council (NERC) reliability standards or more stringent regional reliability council standards. Accordingly, public utilities that own, control, or operate transmission systems subject to FERC jurisdiction are required to operate their systems in compliance with NERC reliability standards.

In addition, concurrent with the issuance of the policy statement, the Commission issued an order directing transmission providers to report to their vegetation management practices related to certain overhead interstate transmission lines. The Commission later submitted a report to the Congress summarizing the responses it received from transmission owners, and making certain recommendations on vegetation management practices.

Most recently, in December 2004, the Commission directed certain control area operators and transmission providers to complete a survey on their operator training practices to help determine best operator training practices for the industry. Responses were due on January 31, 2005 and the Commission will report the results to the Congress.

These actions, however, clearly are not a substitute for much-needed reliability legislation. Federal legislation is necessary to provide a clear, enforceable framework for reliability rules. Specifically, a system of mandatory reliability rules, with penalties for violations of these rules, is needed to maintain the reliability of our nation's transmission system. The reliability provisions in the conference report on H.R. 6 generally are adequate. However, the Congress also should consider improv-
Finding References to Hearings in Reports

- Govinfo.gov – search using bill number as hook
- S. 802 (114th Congress); June 12, 2015
- No reports were issued
- But, using Congress.gov, we see that a “Related Bill” was H.R. 2100 (114th Congress).
Find Out about Hearings in One of Three Ways

• Congressional Reports: “Hearings” heading in text of report
• Search Govinfo.gov Hearings database for Bill no. in the right Congress.
• House or Senate Committee website
Documents & Committee Prints

• Often not associated with legislation, but there are some times when they are. There are usually no “hooks” to connect these with legislation. You just have to forage around.

• As an example, see the PQ Legislative Insight Leg Insight for PL 115-141, the Consolidated Appropriations Act of 2018.
  • America First: A Budget Blueprint To Make America Great Again. H.doc.115-18
  • Request for Additional Fiscal Year 2018 Funding and the Necessary Authority To Address Ongoing Recovery Efforts Due to the 2017 Atlantic Hurricane Season, Communication from the Director, the Office of Management and Budget. H.doc.115-80

• Over 40 committee prints are listed in PQ Leg. Insight, but no “hooks” exist to retrieve these.
Usually US Code citations can be found under the Short Title in the PL, or later in the law.

119 STAT. 594 PUBLIC LAW 109–58—AUG. 8, 2005

Public Law 109–58
109th Congress

An Act

To ensure jobs for our future with secure, affordable, and reliable energy.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Energy Policy Act of 2005”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Not all Public Laws go into the US Code. Use Table III of the House US Code to see if it is in USC, and where it is codified.

“The Code only includes the general and permanent laws of the United States. Temporary laws, such as appropriations acts, and special laws, such as one naming a post office, are not included in the Code.” (https://uscode.house.gov/faq.xhtml).
Key to Table III of the House U.S. Code is knowing the PL or Stat citation

Some Examples:


Legislative History Case Study 1: Rapid DNA Act of 2017

Public Law 115–50
115th Congress
An Act
To establish a system for integration of Rapid DNA instruments for use by law enforcement to reduce violent crime and reduce the current DNA analysis backlog.

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Rapid DNA Act of 2017”.

SEC. 2. RAPID DNA INSTRUMENTS.
(a) Definition—Section 125303(a) of the DNA Identification Act of 1994 (42 U.S.C. 14133(a)) is amended by adding at the end the following:

"(b) In addition to issuing standards as provided in paragraphs (1) through (4), the Director of the Federal Bureau of Investigation shall issue standards and procedures for the use of Rapid DNA instruments and resulting DNA analyses.

(c) In this Act, the term 'Rapid DNA instruments' means instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.

The Director of the DNA Identification Act of 1994 (42 U.S.C. 14133(a)) is amended to read as follows:

"(d) In addition—"
Legislative History Case Study 1: Rapid DNA Act of 2017

Hooks:

- H.R. 510 – 115th Congress
- P.L. 115-50

PUBLIC LAW 115–50—AUG. 18, 2017
131 STAT. 1061

LEGISLATIVE HISTORY CASE STUDY 1: RAPID DNA ACT OF 2017

H.R. 510

To establish a system for integration of Rapid DNA instruments for use by law enforcement to reduce violent crime and reduce the current DNA analysis backlog.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2017

Mr. ROBINSON (for himself, Mr. WILSON of Illinois, Mr. KURIHARA, Mr. ROAX of Ohio, Mr. UOKE, Mrs. WAGNER, Mr. HARRIETTE, Mr. SOTO, Mr. PRAGUE, and Ms. MALONEY) introduced the following bill, which was referred to the Committee on the Judiciary.

A BILL

To establish a system for integration of Rapid DNA instruments for use by law enforcement to reduce violent crime and reduce the current DNA analysis backlog.

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

2. SECTION 1. SHORT TITLE.

(a) This Act may be cited as the “Rapid DNA Act of 2017.”

3. SEC. 2. RAPID DNA INSTRUMENTS.

(a) Standards—Section 210(b)(a) of the DNA Identification Act of 1994 (42 U.S.C. 14132(b)(b)) is amended by inserting at the end the following:

“DNA. In addition to issuing standards as provided in paragraphs (1) and (2), the Director of the Federal Bureau of Investigation shall issue standards and procedures for the use of Rapid DNA instruments and resulting DNA analysis.

(b) In this Act, the term ‘Rapid DNA instruments’ means instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.”

(b) Procedures—Paragraph (2) of section 210(b)(b) of the DNA Identification Act of 1994 (42 U.S.C. 14132(a)(b)) is amended to read as follows:

“(2) Notwithstanding any other provision of law, the DNA analysis procedures developed pursuant to subsection (a) shall be used by the—

(A) laboratories that—

(1) have been certified by an independent professional association of persons actively involved in forensic science that is recognized within the forensic science community; and

(2) undergo external audit, not less than once every 2 years, that demonstrate compliance with standard established by the Director of the Federal Bureau of Investigation; or

(B) criminal justice agencies using Rapid DNA instrumentation, as determined by the Director of the Federal Bureau of Investigation in compliance with the standards and procedures issued by the Director under subsection 210(b)(a) and (c).”

4. SEC. 3. CONFIRMING AMENDMENTS RELATING TO COLLECTION OF DNA IDENTIFICATION INFORMATION.

(a) FROM CERTAIN FEDERAL OFFENDERS—Section 2 of the DNA Analysis Banking Elimination Act of 2000 (42 U.S.C. 14132(b)) is amended—
Bill Text from Congress.gov or Govinfo.gov

Congress.gov

Text as of February 16, 2017

An Act

[Page 131 STAT. 1001]

Public Law 115-50
115th Congress

Govinfo.gov

Hooks:

- H.R. 510 – 115th Congress
- P.L. 115-50
Debate in Congressional Record

Bill History in the Congressional Record

Page numbers for legislative actions on this bill link to the Congressional Record. Learn more.

From the Congressional Record, Volume 163 (2017)

H.R. 519 - A bill to establish a system for the integration of rapid DNA instruments for use by law enforcement to reduce violent crime and reduce the current DNA analysis backlog to the Committee on the Judiciary.

By Mr. SENSENIBRENNER (for himself, Mr. Sununu of California, Mr. Rodney Davis of Illinois, Mr. Kind, Mr. Ryan of Ohio, Mr. Cohen, Mrs. Wagner, Mr. Ratcliffe, Mr. Spelcer, Mr. Pearse, and Mr. DesJarlais).

Cosponsors: Ms. DAVIS [7th], H. SCHULTZ [7th], H. EDDO [8th], H. ASSESS [17th], H. ASSESS [21st], H. ASSESS [22nd], H. ASSESS [25th], H. ASSESS [26th], H. ASSESS [27th]

Reported (H. Rept. 115-117), H. ASSESS [11th]

Rules suspended. Pased House, H. ASSESS [11th]

Text, H. ASSESS [10th]

Message from the House, S. ASSESS [10th]

Read the first and second times, S. ASSESS [11th]

Referred to the Committee on the Judiciary, S. ASSESS [11th]

Committee discharged. Passed Senate, S. ASSESS [11th]

Message from the Senate, S. ASSESS [11th]

Message from the House (received August 4, 2017, during adjournment), S. ASSESS [55th]

Examined and signed in the House (August 2, 2017), H. ASSESS [55th]

Examined and signed in the Senate (August 4, 2017, during adjournment), S. ASSESS [55th]

Presented to the President (August 7, 2017), H. ASSESS [56th]

Approved (Public Law 115-50) (Signed August 10, 2017)

CONGRESSIONAL RECORD — HOUSE

May 16, 2017

H. ASSESS - A bill to establish a system for the integration of rapid DNA instruments for use by law enforcement to reduce violent crime and reduce the current DNA analysis backlog to the Committee on the Judiciary.

The House will resume proceedings on postponed questions at a later time.

With rapid DNA technology, it is possible to test the DNA of arrestees as soon as they are in custody and determine within hours whether they match the DNA profile from a crime scene or from other earlier crimes.

This technology would also enable police to check the Federal DNA database to see if an arrestee matches the DNA profile from previous crimes for which a DNA sample exists but no known suspect has been identified.

Rather than waiting weeks for a DNA sample to be processed and risk releasing a suspect back into the public to potentially reoffend, creating new victims, police will be able to determine at initial booking if the suspect is a person of interest in other crimes.

This bill will provide important tools for law enforcement. For instance, it will inform decisions about pretrial release or detention and their conditions. It will solve and prevent all crimes, including violent crimes. By freeing up forensic analysts, it will prevent DNA analysis backlogs.

From either Congress.gov or Govinfo.gov
Legislative Background from Reports

All Actions H.R.510 — 115th Congress (2017-2018)

05/11/2017  House  Reported by the Committee on Judiciary  H.Rept.115-117

Need to check for related bills in the other chamber

All Actions H.R.510 — 115th Congress (2017-2018)


A related bill may be a companion measure, an identical bill, a procedurally-related measure, or one with text similarities. Bill relationships are identified by the House, the Senate, or CRS, and refer only to same-congress measures.

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<tr>
<th>Bill</th>
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<th>Relationships to H.R.510</th>
<th>Relationships Identified by</th>
<th>Latest Action</th>
</tr>
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<tr>
<td>S.139</td>
<td>FISA Amendments Reauthorization Act of 2017</td>
<td>Identical bill</td>
<td>CRS</td>
<td>01/19/2018 Became Public Law No: 115-118.</td>
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</table>

Related Bills (1)
The Background and Need section is generally a very clear and brief explanation of the deficiencies in current law and the justification for the legislation.
Notices of hearings can be found in congressional reports.

### All Actions H.R.810 — 115th Congress (2017-2018)

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<th>Date</th>
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<td>Signed by President.</td>
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<td>09/10/2017</td>
<td>House</td>
<td>Presented to President.</td>
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<td>09/13/2017</td>
<td>Senate</td>
<td>Message sent to the House.</td>
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<tr>
<td>09/13/2017</td>
<td>Senate</td>
<td>Received in the Senate.</td>
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<td>09/13/2017</td>
<td>Senate</td>
<td>Motion to reconsider the table agreed to by unanimous consent.</td>
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### House Committees

- Armed Services
- Commerce, Justice, Science, and Transportation
- Energy and Commerce
- Judiciary

### Senate Committees

- Armed Services
- Judiciary

### H. Rpt. 115-117

The Committee on the Judiciary held no hearings on H.R. 510. However, the Judiciary Committee’s Subcommittee on Crime, Terrorism, Homeland Security and Investigations held a hearing on a virtually identical bill, H.R. 320, on June 18, 2015. Testimony was received from Ms. Amy Hess, Executive Assistant Director of Science and Technology, Federal Bureau of Investigation; Ms. Jody Wolf, Assistant Crime Laboratory Administrator, Phoenix Police Department Crime Laboratory, President, American Society of Criminal Laboratory Directors; and Ms. Natasha Alexenko, Founder, Natasha’s Justice Project.
Find Hearings in Govinfo.gov or CGP
Legislative History Case Study 2: Check Clearing for the 21st Century Act

Public Law 108–100
108th Congress
An Act
To facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation’s payments system, and for other purposes.

Oct. 28, 2003
[H.R. 1474]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Check Clearing for the 21st Century Act” or the “Check 21 Act.”

SEC. 2. FINDINGS, PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) In the Expedited Funds Availability Act, enacted on August 21, 1980, the Congress recognized the need for the Board of Governors of the Federal Reserve System to consider establishing regulations requiring Federal Reserve depository institutions to provide for check truncation, in order to improve the check processing system.

(2) In that same Act, the Congress—

(A) provided the Board of Governors of the Federal Reserve System with full authority to regulate all aspects of the payment system, including the receipt, payment, collection, and clearing of checks, and related functions of the payment system pertaining to checks; and

12 USC 5001.
Legislative History Case Study 2: Check Clearing for the 21st Century Act

Hooks:

• H.R. 1474 – 108th Congress
• P.L. 108-100
Debate in Congressional Record

Hook: H.R. 1474 (108th Congress)

LEGISLATIVE HISTORY—H.R. 1474 (S. 1334):
HOUSE REPORTS: Nos. 108–132 (Comm. on Financial Services) and 108–291
(Comm. of Conference).
SENATE REPORTS: No. 108–79 accompanying S. 1334 (Comm. on Banking, Housing,
and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 149 (2003):
June 5, considered and passed House.
June 26, considered and passed Senate, amended, in lieu of S. 1334.
Oct. 8, House agreed to conference report.
Oct. 15. Senate agreed to conference report.
Oct. 28, Presidential statement.

Today, as a cosponsor of the Check Clearing for the 21st Century Act, I am proud
announcing the introduction of a new instrument of commerce into the
American economy, the substitute check. The substitute check will provide
opportunities to greatly decrease the frantic highway and air traffic
associated with the gargantuan task of shipping and flying billions of dollars
worth of checks around this country every single year.

Thanks to electronic imaging, paper checks have the opportunity to be
converted into electronic form, transmitted in seconds to the home bank across
the country, and printed out at their final destination as substitute checks.
Reports for Legislative Intent

LEGISLATIVE HISTORY—H.R. 1474 (S. 1384):
HOUSE REPORTS: Nos. 108-152 (Comm. on Financial Services) and 108-291 (Comm. of Conference).
SENATE REPORTS: No. 108-79 accompanying S. 1334 (Comm. on Banking, Housing, and Urban Affairs).
June 5, considered and passed House.
June 26, considered and passed Senate, amended, in lieu of S. 1334.
Oct. 8, House agreed to conference report.
Oct. 15, Senate agreed to conference report.
Oct. 28, Presidential statement.


Calendar No. 168

CHECK TRUNCATION ACT OF 2003

JUNE 25, 2003—Ordered to be printed

Mr. Shelby, from the Committee on Banking, Housing, and Urban Affairs, submitted the following

REPORT

[To accompany S. 1334]

[Including cost estimate of the Congressional Budget Office]

The Committee on Banking, Housing, and Urban Affairs, reported an original bill (S. 1334) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

Under current law, banks must physically present and return original checks to receive payment unless the bank has an agreement with another bank to do so by electronic means. The electronic process for transmitting information allows banks which have those voluntary agreements to stop, or truncate, the flow of paper checks. Some banks have such agreements and have been able to take advantage of electronic processing using advanced imaging technology. However, since there are over fifteen thousand
Hearing Info from Reports

From Senate Report 108-79

The Banking Committee’s action followed a hearing on the check truncation proposal. On April 3, 2003, the Committee heard testimony regarding the Federal Reserve Board proposal on Check Truncation. The witnesses testifying were Vice Chairman Roger Ferguson, Board of Governors of the Federal Reserve System; Ms. Lindsay Alexander, President and Chief Executive Officer of the NH Federal Credit Union, representing the Credit Union National Association; Ms. Janell Mayo Duncan, Legislative and Regulatory Counsel from Consumers Union; and Mr. Danie Buchanan, Executive Vice President from Zions Bancorporation, representing the American Bankers Association, the Financial Services Roundtable, America’s Community Bankers, Independent Community Bankers of America and the Consumer Bankers Association.

I searched CGP: banking committee april 3, 2003 check


http://purl.access.gpo.gov/GPO/LPS48705

From House Report 108-132

The Subcommittee on Financial Institutions and Consumer Credit held a hearing on Tuesday, April 8, 2003 on H.R. 1474, the “Check Clearing for the 21st Century Act”. The following witnesses testified: The Honorable Roger W. Ferguson, Vice-Chairman, Board of Governors of the Federal Reserve System; Mr. C.R. Cloutier, President and CEO, MidSouth Bank, NA, on behalf of Independent Community Bankers of America and America’s Community Bankers; Mr. Grant Cole, Senior Vice President and Senior Change Management Executive, Transaction Services, Bank of America, on behalf of American Bankers Association, Consumer Bankers Association, the Electronic Check Clearing House Organization, and the Financial Services Roundtable; Mr. Dale Dentlinger, Director, ETRADE Access, ETRADE Bank; Ms. Janell Mayo Duncan, Legislative and Regulatory Counsel, Consumers Union; Mr. Joseph Knieley, Vice President, Payment Solutions, NCR Corporation; Ms. Celia C. Woodham, Director of Operations, Chartway FCU, on behalf of Credit Union National Association.

I searched CGP: "H.R. 1474" check clearing

AE 2.110:108-100

http://purl.access.gpo.gov/GPO/LPS43077
President Signing Statement

Public Law: “law as passed”

Get through Congress.gov or Govinfo.gov.
Presidential Signing Statement

Easiest way is to look it up in the American Presidency Project.

Then find the official full text in Govinfo.gov
### TABLE III TOOL [CURRENT THROUGH 116-63 (OCTOBER 4, 2019)]

The Table III Tool enables you to browse the United States Code Table III. For printing purposes, the PDF file is available.

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**$5001. Findings; purposes**

#### (a) Findings

The Congress finds as follows:

1. In the Expedited Funds Availability Act (12 U.S.C. 4601 et seq., enacted on August 10, 1987), the Congress directed the Board of Governors of the Federal Reserve System to consider establishing regulations requiring Federal reserve banks and depository institutions to provide for check truncation, in order to improve the check processing system.
2. In that same Act, the Congress—
   - (A) provided the Board of Governors of the Federal Reserve System with full authority to regulate all aspects of the payment system, including the receipt, payment, collection, and clearing of checks, and related functions of the payment system pertaining to checks; and
   - (B) directed that the exercise of such authority by the Board supersede any State law, including the Uniform Commercial Code, as in effect in any State.
3. Check truncation is no less desirable in 2003 for both financial service customers and the financial services industry, to reduce costs, improve efficiency in check collections, and expedite funds availability for customers than it was over 15 years ago when Congress first directed the Board to consider establishing such a process.

#### (b) Purposes

The purpose of this chapter are as follows:

1. (1) To facilitate check truncation by authorizing substitute checks.
2. (2) To foster innovation in the check collection system without mandating receipt of checks in electronic form.
3. (3) To improve the overall efficiency of the Nation’s payments system.


**REFERENCES IN TEXT**

The Expedited Funds Availability Act, referred to in subsec. (a)(1), (2), is section 10 of Pub. L. 100–85, Aug. 10, 1987, 101 Stat. 635, as amended, which is classified principally to chapter 41 (§5001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5001 of this title and Tables.

This chapter, referred to in subsec. (a), was enacted Pub. L. 108–100, Oct. 28, 2003, 117 Stat. 1177, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

**Effective Date**

Pub. L. 108–100, §20, Oct. 28, 2003, 117 Stat. 1174, provided that: "This Act [enacting this chapter, amending section 412 of this title, and enacting provisions set out as notes under this section] shall take effect at the end of the 60-month period beginning on the date of the enactment of this Act [Oct. 28, 2003], except as otherwise specifically provided in this Act."

**Short Title**

Pub. L. 108–100, §1(a), Oct. 28, 2003, 117 Stat. 1177, provided that: "This Act [enacting this chapter, amending section 412 of this title, and enacting provisions set out as notes under this section] may be cited as the ‘Check Clearing for the 21st Century Act’ or the ‘Check 21 Act.’"
Additional Resources
Summary

• Legislative histories can generally be accomplished with freely available resources, especially Congress.gov and Govinfo.gov.

• A few additional resources also help such as uscode.house.gov, gao.gov, and crsreports.gov.

• Hearings and the most challenging part, but now you know how to find them.

• Congressional reports usually contain the “gold mine” of legislative background and intent.
Questions?

This presentation is based on Chapters 3 & 4 of my book.

Mastering United States Government Information
Sources and Services
by Christopher C. Brown

This book provides a broad and current overview of the field of government information, filling important gaps left by other resources on the topic.

March 2020
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