

## Lawmaking in the United States

The Constitution of the United States and its amendments form the basis of our legal rights and privileges. Only laws that fall within the framework of the Constitution and the legal precedents regarding the Constitution's intent can remain in effect.

The text of the Constitution is available on the behind the Reference Desk on the 2nd Floor in print; and available at the *THOMAS* web site at: <http://thomas.loc.gov>

*Constitution of the United States of America: Analysis and Interpretation* is an annotated version updated by supplements which include the latest interpretations. Available as Senate document 103-6, Serial Set 14152. It is also available in searchable text at: <http://www.gpoaccess.gov/constitution/>

The United States has three branches of government: legislative, executive, and judicial. Laws may evolve from the action of each branch. A **legislative history** generally traces a bill from its introduction in Congress through the legislative process. Research on the history of a law may also include tracing administrative law (executive branch) and case law (judicial branch).

### Legislative Law

Legislative law originates as a *bill* or *resolution* and introduced either independently, jointly, or concurrently in the House of Representatives and/or the Senate. After introduction, the bill is sent to the appropriate committee(s) for study. The committee(s) may choose to let the bill "die" by taking no action, or it may *report* its findings to the full chamber for further action. Any number of bills on the same topic may be introduced into each chamber with different text and each chamber may alter each text of a bill originally introduced for consideration and it may even include the text from several bills, amendments, and/or riders. A bill passed in the House may differ from the version passed in the Senate. When differences arise, they are resolved through the negotiations of a joint committee. Both chambers must agree on an identical form of the bill before it can go to the President for further action.

The Daley Library has the full-text of *bills* from the 81st Congress (1949) to the 106th Congress (2001) in microfiche. As of October 1, 2001, the full-text of *bills* are only available electronically via the GPO Access web site <http://www.gpoaccess.gov>

House and Senate publications are cited as:

PUBLICATION	HOUSE	SENATE
<i>Bill</i>	HR	S
<i>Resolution</i>	H Res	S Res
<i>Joint Resolution</i>	HJ Res	SJ Res
<i>Concurrent Resolution</i>	H Con Res	S Con Res

## Legislative Process

A bill or resolution may be introduced only by a member of Congress. It is introduced and read into the *Congressional Record*, the daily transcript of action on the floor of Congress. Once read, it is placed on the *Calendar* and referred to Committee. The Committee then will mark-up the bill (edit the language) and may hold *hearings* to gather information from experts. Once the hearings are concluded, the Committee votes whether to revise the proposed language, refer to another Committee, or *report* back to the full chamber. This report is scheduled for floor debate and then a vote. Amendments and riders to the bill may be offered according to the rules of the chamber. Once the legislation passes in one chamber, it is sent to the other chamber (engrossed) and the entire process starts again. Both Chambers must approve the same language of a bill before it can be sent (enrolled). At any point in the process, the bill can "die". The President then is required to sign or veto the legislation. After a bill or resolution is passed by both chambers of Congress and approved by the President, or by a veto override, it becomes either a *Public Law* (one that applies to the general public) or a *Private Law* (one that applies to one person or to a specific group of people). Laws are cited as:

P.L. 105-206	(the 206th law passed by the 105th Congress)
110 Stat 2934	(volume 110 of the <i>Statutes at Large</i> page 2934)

For more detailed information on the legislative process, see: *How our laws are made* (available on the THOMAS web site at: <http://thomas.loc.gov/home/lawsmade.toc.html>)

### Annotated list of legislative finding tools

WWW	THOMAS <a href="http://thomas.loc.gov">http://thomas.loc.gov</a> a Library of Congress site which provides access to legislation and legislative action back to the 93rd Congress
WWW	GPO Access <a href="http://www.gpoaccess.gov">http://www.gpoaccess.gov</a> a Government Printing Office site which provides access to recent legislation and legislative action. GPO Access is the first site with current information. Legislative information dates back to the 103rd Congress.
2nd Floor Reference Index Table J69 .C6 latest Congress at Desk	<i>Congressional Index</i> - a two-volume per Congress print resource which indexes bills and resolutions as introduced and traces their history through that Congress by the bill number, sponsor, and subject. The "Status of Bills" section traces action by date.
2nd Floor Reference Index Table KF49 .C624	<i>CIS Annual Index</i> is the best tool for finding what Congress has published and for tracking legislation. This title began in 1970, has an index and abstract volume for each year. In 1984, CIS introduced the <i>Legislative History</i> volume for enacted public laws. Cumulative indexes are also available.
2nd Floor Reference Index Tables JK1 .C663 KF49 .C62	<i>Congressional Quarterly</i> is another publisher of Congressional Information. The <i>Weekly Report</i> provides updated information on what happened on Capital Hill each week in layman's terms. The <i>Almanac</i> provides an overview of major legislation for each year. CQ also publishes <i>Congress and the Nation</i> , a detailed analysis of public policy. <b>The Weekly Report is shelved in Periodicals by call number JK1.C15 and is available in the Electronic Journals 1990- 6 months ago.</b>
3rd Floor Documents	<i>Congressional Record</i> is the daily transcript of Congressional intent. Available in both print and on the GPO Access web site.

2nd Floor Periodicals Current issues in Reserve	<i>Congressional Digest</i> is a monthly periodical where each issue examines a specific topic such as abortion. Proposed legislation as well as laws currently in effect are presented along with pro and con viewpoints from members of Congress. <b>It is shelved in Periodicals by call number JK1.C65 and in the Electronic Journals 1985 – present.</b>
2nd Floor Reference Desk KF90 .S52 1999	<i>Shepard's Acts and Cases by Popular Name</i> is a quick finding aid when you know the popular name of a law or case but not the citation.
2nd Floor Reference Index Tables KF50 .U5	A <i>Slip Law</i> is the first official publication of a new law. (Once passed, it is known as a "law" or a "statute" instead of a "bill" or "resolution"). An abbreviated legislative history is included at the end of the recent laws. Daley Library keeps the slip laws only until the permanent bound volumes of the <i>Statutes at Large</i> arrive (see below).
2nd Floor Reference Index Tables KF50 .U5	<i>United States Statutes at Large (Stat)</i> is the permanent bound collection of laws in chronological order. Each volume includes an index and a table of contents.
3rd Floor Documents Y 1.2/5:	<i>United States Code (USC)</i> is a subject compilation of the <i>Statutes</i> arranged by "title" (broad subject) and "section" (specific parts of the subject).
2nd Floor Reference Index Tables KF62 1972 .L38	<i>United States Code Service</i> is a privately published version of the <i>USC</i> which includes historical references, annotations, and cites to the <i>Code of Federal Regulations</i> . It has its own index volumes.
Electronic Resource	<i>Index to Legal Periodicals</i> is a database of legal research primarily found in law reviews. While UIC's collection of law reviews is not extensive, we do own most of the research law school reviews (Yale, Univ. of Chicago, etc.) and legal newspapers.
Electronic Resource	<i>Lexis Nexis Academic Universe</i> is an electronic database for locating legal, legislative, and related materials.

## Administrative Law

Administrative law originates in the executive branch of government. It may be a decision, rule, or regulation issued by a department or an agency of the federal government, or it may be an Executive Order or a Proclamation issued by the President. There are not any comprehensive indexes exclusive to administrative law decisions. Executive agencies which publish decisions include the Department of the Interior, Federal Maritime Protection Board, Federal Labor Board, Federal Communications Commission, etc.

## Regulations

After legislation is passed by Congress, it is the responsibility of the appropriate federal agencies within the executive branch to administer and implement the law. For example, responsibility for the *Safe Drinking Water Act* is assigned to the U.S. Environmental Protection Agency. Rules and regulations are the result of a lengthy process, so it may be difficult to find any regulatory action on recent legislation. The process includes: (1) the announcement of proposed rules or regulations in the *Federal Register (FR)*, (2) a public comment period, generally at least 60 days, (3) agency consideration of the public comments received, (4) public hearings may be held on the proposed regulations, and (5) the announcement of the final rule and its effective date, with summarization of the comments and the changes made as a result, in the *Federal Register*. Rules and regulations are organized in 50 titles by broad subject in the *Code of Federal Regulations (CFR)*. These titles are NOT the same 50 titles of the *United States Code (USC)*. Newly issued Executive Orders are published in the *Federal Register*. Executive Orders and Proclamations that have the force of law are published in Title 3 of the *CFR*.

Rules and regulations are cited as:

64 FR 25963	(volume 64 of the <i>Federal Register</i> page 25963, the page where the rule is found).
40 CFR 141 (1998)	(title 44 of the <i>Code of Federal Regulations</i> , section 141 of the 1998 edition)

***Annotated list of administrative/regulatory finding tools***

WWW	GPO Access <a href="http://www.gpoaccess.gov">http://www.gpoaccess.gov</a> offers full-text of both the FR and CFR as well as the LSA.
2nd Floor Reference R1	<i>Federal Register</i> back to 1998; previous years available in Microforms on the 3rd Floor. Includes the proposed rules and regulations, announcements of public hearings on proposed rules and regs as well as the final version of rules and regs. Has its own index by agency.
2nd Floor Reference R1	<i>Code of Federal Regulations</i> is a subject compilation of the federal rules and regulations. One fourth of the <i>CFR</i> is revised each quarter of the calendar year. See the <i>List of Sections Affected (LSA)</i> for updates. It has its own annual index by topic and agency.
2nd Floor Reference R1	<i>List of Sections Affected (LSA)</i> is a monthly publication designed to lead <i>CFR</i> users to amendments and changes. It is organized by <i>CFR</i> title, chapter, part, and section numbers.

**Case Law**

Case law originates in the judicial branch of government and examines the validity of laws and regulations as they relate to the Constitution and to existing law (legal precedent). The court system is hierarchical, with the Supreme Court of the U.S. being the highest in the country. Its decisions are published in several sources: (1) *U.S. Reports*, the official government edition. Like the slip laws, decisions are first issued as pre-prints before the bound volumes are published. (2) *Supreme Court Reporter*, a privately published version of the *U.S. Reports* that includes some annotation, and (3) *U.S. Law Week*, a privately published periodical that tracks "every Supreme Court petition and case on the docket, from filing to final disposition". These non-government publications do not include verbatim transcripts of all cases. They do provide a summary of the legal issues and the opinions (including dissenting opinions) of the Court. Cases heard at the Appellate and District Court levels are reported in the *Federal Reporter* and the *Federal Supplement* respectively.

Cases may be cited as:

410 U.S. 113	(volume 410 of the <i>U.S. Reports</i> , page 113)
44 F.2d 66	(volume 44 of the <i>Federal Reporter Second Series</i> , page 66)
22 F. Supp. 78	(volume 22 of the <i>Federal Supplement</i> , page 78)
65 USLW 2191	(volume 65 of <i>United States Law Week</i> , page 2191)

**NOTE:** The Daley Library does **not** subscribe to the legal electronic databases Westlaw and Lexis-Nexis, which include many of the resources described in this handout.

***Annotated list of case law finding tools***

WWW	GPO Access <a href="http://www.gpoaccess.gov">http://www.gpoaccess.gov</a> Use as a finding aid to the <i>U.S. Reports</i> , 1937-1975; this is NOT an official version of the Supreme Court opinions.
3rd Floor Documents	<i>United States Reports (U.S.)</i> Decisions of cases heard before the U.S. Supreme Court. Summarizes the legal issues of the case and reports the opinions of the justices. Use the <i>Supreme Court Digest</i> as an index.
Main Book Stacks K .S958 1964-present	<i>Supreme Court Reporter (S. Ct.)</i> is a privately published version of the <i>U.S. Reports</i> with annotations.
3rd Floor Documents K .F293	<i>Federal Reporter (F, F.2d, F.3d.)</i> Reports on cases at the federal appellate court level. Use legal encyclopedias and digest as an index. (e.g. <i>American Jurisprudence</i> )
3rd Floor Documents KF105 F4	<i>Federal Supplement (F. Supp.)</i> Reports on cases at the federal district court level. Like above, use legal encyclopedias and digest as an index.
2nd Floor Reference Index Tables K .U589	<i>U.S. Law Week (USLW)</i> A loose-leaf publication in two sections: "Supreme Court" and "General Law". The Supreme Court section provides a summary of orders, cases filed, arguments, journal of the Court, table of cases, topical indexes, and opinions of the Court. The General Law section provides selected coverage of legal developments unrelated to the Supreme Court, but which have national significance. Updated weekly, it is a great source for current information.
3rd Floor Documents K .U5885	<i>United States Supreme Court Digest</i> provides a summary of the opinions of the Court organized by subject. Updated by pocket parts.
3rd Floor Documents KF154. A43	<i>American Jurisprudence</i> is a legal encyclopedia that provides a textual statement of substantive and procedural law. It is arranged alphabetically by 40 topics. Cites selected court decisions and is updated by pocket parts.
Electronic Resource	<i>Index to Legal Periodicals</i> is the good way to locate legal cases and citations. This indexes the majority of law reviews in the United States as well as other key legal newspapers.
Electronic Resource	<i>Lexis Nexis Academic Universe</i> is an electronic database for locating legal, legislative, and related materials.

For a good, basic overview of how a bill becomes a law, please see *Ben's Guide* at <http://bensguide.gpo.gov/9-12/lawmaking/index.html>

### Tracing Federal Legislation

Legislative Process	Publications	Finding Tools
Legislation is introduced and referred to a committee	Bills Resolutions	<i>Congressional Record</i> <i>CCH Congressional Index</i> <i>CQ Weekly Report</i> <b>GPO Access <a href="http://www.gpoaccess.gov">http://www.gpoaccess.gov</a></b>
Committee marks-up legislation Committee holds hearings	Amendments Riders Hearings Committee Prints	<i>CIS Annual Index</i> <i>CCH Congressional Index</i> <i>Monthly Catalog</i> <i>CQ Weekly Report</i>
Committee recommends passage	Reports	<i>CIS Annual Index</i> <i>CCH Congressional Index</i> <i>CQ Weekly Report</i> <b>THOMAS <a href="http://thomas.loc.gov">http://thomas.loc.gov</a></b> <b>GPO Access <a href="http://www.gpoaccess.gov">http://www.gpoaccess.gov</a></b>
Chamber debates and votes	Congressional Record (text of debate and vote)	<i>CIS Annual Index</i> <i>CCH Congressional Index</i> <i>CQ Weekly Report</i> <i>CQ Almanac</i> (for that year) <b>THOMAS <a href="http://thomas.loc.gov">http://thomas.loc.gov</a></b> <b>GPO Access <a href="http://www.gpoaccess.gov">http://www.gpoaccess.gov</a></b>
Legislation is engrossed and sent to the other chamber where the above process is repeated.	Amendments Riders	<i>CIS Annual Index</i> <i>CCH Congressional Index</i> <i>CQ Weekly Report</i> <b>THOMAS <a href="http://thomas.loc.gov">http://thomas.loc.gov</a></b> <b>GPO Access <a href="http://www.gpoaccess.gov">http://www.gpoaccess.gov</a></b>
Bill is sent to conference committee (when two chambers disagree on language of proposed legislation)	Conference Report	<i>CIS Annual Index</i> <i>CCH Congressional Index</i> <b>THOMAS <a href="http://thomas.loc.gov">http://thomas.loc.gov</a></b> <b>GPO Access <a href="http://www.gpoaccess.gov">http://www.gpoaccess.gov</a></b>
Legislation is sent to the President for signature or veto	President's message	<i>Weekly Compilation of Presidential Documents</i> <b><a href="http://www.whitehouse.gov">http://www.whitehouse.gov</a></b>
Public Law (signature)	Slip law <i>U.S. Statutes at Large</i> <i>U.S. Code</i>	<i>CIS Annual Index</i> <i>CCH Congressional Index</i> <i>CQ Weekly Report</i> <b>THOMAS <a href="http://thomas.loc.gov">http://thomas.loc.gov</a></b> <b>GPO Access <a href="http://www.gpoaccess.gov">http://www.gpoaccess.gov</a></b>

Veto	President's veto message	<i>Weekly Compilation of Presidential Documents</i> <b><a href="http://www.whitehouse.gov">http://www.whitehouse.gov</a></b>
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Please note that *Lexis Nexis Academic* may help your research at all levels.