

Questions and Answers in Legislative and Regulatory Research

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This re-edited version was prepared by Ellen Sweet and Rick McKinney. The 1999 edition was first published in an article appearing in the March/April 1998 issue of the Law Librarians' Society of Washington D.C. newsletter, *Law Library Lights* (v. 41, no. 4), and entitled "Legislative Inquiries and Conundrums". The authors were members of the Legislative Research Special Interest Section and included Catherine Rogalin, Rick McKinney, Carol Waesche, Ellen Sweet, Charlotte White, Judy Manion and Julia Taylor.

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A. Questions on Bills and Resolutions:

Q: A-1) In the news I have heard the terms “Congressional bill” and “Congressional resolution.” What is the difference between them?

Answer: There are four types of legislative measures used by Congress for different purposes:

Bill: This is the vehicle which Congress uses for most legislation and is identified by either H.R. or S. (which designates the originating chamber) and a number given sequentially upon the bill's introduction. New numerical sequences are applied to bills at the start of each two year Congress; the same for resolutions.

Joint Resolution: Once, this was used for general legislation, but now it is used for constitutional amendments or special legislative purposes (such as continuing appropriations). It is identified by S.J. Res. or H.J. Res. and a number.

Concurrent Resolution: This is used for expressing fact, principles, opinions or purposes of both the House and Senate (such as a budget or adjournment resolution) in which both chambers have a common interest. It is identified by H. Con. Res. or S. Con. Res. and a number.

Resolution: This is sometimes referred to as a simple resolution. It is used to regulate the administrative or internal business in either the House or the Senate or to express facts or opinions on non-legislative matters. It is identified by H. Res. or S. Res. and a number.

To become law, bills and those joint resolutions which are not proposed constitutional amendments must be passed by both the House and the Senate and presented to the President for signature. Joint resolutions that are proposed constitutional amendments become amendments to the U.S. Constitution upon passage by two-thirds vote by both the House and the Senate and approval by three-quarters of state legislatures and are then presented to the Archivist of the United States.

Concurrent resolutions and simple resolutions are not signed by the President nor do they have the force of law.

Q: A-2) A patron has a copy of a bill discussed in the news, but says the bill does not contain the language that is described. How can that be?

Answer: The media generally report on new information, not on something that's been around for a while. The patron may have an earlier version of a bill than the one that is being described. At this point, you need to determine the status of the bill. It is possible that a bill has just passed in the House or Senate. It is also possible that a Committee has recently met and marked up the bill (meaning the Committee has met and considered amendments to the bill) and ordered it reported to the floor. If that is the case, then the amendments will be incorporated into the reported bill. Unfortunately, just because the Committee has ordered the bill reported doesn't mean that the new version of the bill will be available tomorrow. Committee staff usually prepare reports on reported bills which summarize the bills and discuss the history and need for their enactment, and this can take some time. Bills made available online or those retrieved from the House or Senate Documents Rooms may not yet contain the marked up text as reported.

The House and Senate Documents Rooms keep only the most current printed version of the bill; once they receive the reported bill, they discard the introduced version. Don't forget, you can always call the House Legislative Resource Center (202/226-5200) for a status check. In addition, the fee-based online services have bill status information, as does Congress.gov.

Q: A-3) I have read that a bill was amended in committee, but I can't seem to easily locate the amendments online or from the House and Senate Documents Rooms. How can I get a copy of those amendments?

Answer. This question is related to the previous question. The House and Senate Document Rooms carry the printed text of bills as introduced, reported, and passed, but generally not amendments. First check the Committee's web site; often the amendments will be posted there. Online vendors such as CQ.com may include the text of committee amendments in their services. Additionally, the text of the amendments are sometimes reprinted in specialized topical publications, such as those published by Bloomberg BNA and Tax Analysts. There is always the chance that another colleague, who may be following the bill, has obtained copies of the committee amendments to the bill by having staff present at the committee markup when the amendments were considered and copies were distributed. Last but not least, if a House bill has already been reported out of committee and is headed to the floor, committee amendments may be reprinted in the text of the report on the rule governing floor debate issued by the House Rules Committee.

Q: A-4) I understand that sometimes a congressional bill is referred to as an "Act" even before it gets to the President. Is that possible?

Answer: This is the accurate way to refer to legislation that has passed either the House or the Senate. It allows Congress to differentiate between bills that are still within the originating chamber and those that have moved out of the originating chamber. When bills are printed after being passed by one chamber (the engrossed version) and are sent to the other chamber (as referred) they will have the words "An Act" printed on them instead of the words "A Bill." Unfortunately this differentiation actually obscures the difference between legislation that has passed one chamber and legislation that has been enacted into law. A bill that has cleared both chambers in the same form is sent to the President as an enrolled text.

Bills that have passed the chamber of origin and been referred to the other chamber are generally printed and made available to the public. However, the texts of the bills as passed by only a single chamber (the engrossed version) are not printed for public distribution before referral to the other chamber, as they would duplicate the content of that version. Nor are enrolled versions printed. However, both of these versions are available electronically (FDsys, Thomas, others).

Q: A-5) Where can I find the text of bills introduced in Congress many decades ago, but not enacted?

Answer: The Law Library of Congress maintains hard copy and microform copies of most congressional bills introduced from at least the 6th Congress (1799-1800) for the House and from 16th Congress for the Senate (1819-1820). These bills and resolutions from the early Congresses to the 42nd Congress (1873-1874) have been optically scanned and placed on a Library of Congress website at <http://memory.loc.gov/ammem/amlaw/lwhbsb.html>. The Library of Congress THOMAS database has all congressional bills and resolutions from the 101st Congress (1989-1990) to the present. A number of commercial databases have the text of congressional bills as well including LexisNexis (from 1989), Westlaw (from 1995), Bloomberg Law (from 1995) and Proquest Congressional (from 1789). See *Sources for the Text of Congressional Bills and Resolutions* on LLSDC's Legislative Source Book . <http://www.llsdc.org/sourcebook>.

The Law Library of Congress maintains hard copy and microfiche copies of the majority of Congressional bills ever introduced and some law school libraries (like Harvard) have obtained this microfiche collection. Too, many university law libraries hold the entire Congressional Information Service (CIS) (now ProQuest Congressional) microfiche collection of House and Senate bills which dates from the 73rd Congress (1933).

Beginning in 1979 (96th Congress) until 2000 (106th Congress), the U.S. Government Printing Office made microfiche copies of all bills and resolutions available to government depository libraries; but from 2001 (107th Congress), depository distribution of Congressional bills has been in electronic format alone.

GPO's FDsys (<http://www.gpo.gov/fdsys>) Congressional bill collection provides the text of all bills and resolutions from 1993 (103rd Congress) to the present in authenticated PDF format as well as Text and XML formats. Congress.gov also links to these files.

THOMAS.loc.gov, which is being replaced by Congress.gov, provides electronic text to bills and resolutions from 1989 (101st Congress) forward) as does GovTrack.us. Currently, Congress.gov has bills from 1993.

Another source for old bills is the *Congressional Record*, especially for copies of Senate bills, which since the 1960s are frequently printed upon introduction. Occasionally the *Congressional Record* (usually in its Extension of Remarks section) reproduces the text of newly introduced House bills. The Index to the Congressional Record (Bound Edition) will note when the text of a bill appears in the Record. Bills that pass one chamber (unamended version), but not the other, are normally printed in the Record, and the text of conference reports is also printed there as well. If the bill is reported out of committee in the House, the text of the reported bill can often be found in the accompanying committee report (committee reports are rarely if ever published in the Record). Conversely, Senate reports generally do not contain the text of reported bills that are published separately.

A third possibility is in Congressional hearings. Frequently, bills as introduced will be printed in hearings addressing that bill or its subject matter. It is best to check the CIS (now ProQuest Congressional) Index to see if hearings were held on the legislation. You can also identify hearings by using old committee calendars. Too, the *CCH Congressional Index* references hearings in its Status Table section.

Proquest Congressional provides most Congressional bills and resolutions from 1789 in PDF format with metadata search capability.

B. Questions on U.S. Laws and Code:

Q: B-1) A patron says he has read a news article that talks about a law that was just passed on the Hill and he wants to see a copy of that law. What should I do? How do I get a copy of a new law?

Answer: First, check the article and make sure it does, indeed, say that the bill has passed both chambers and is cleared for the President. Oftentimes, the news report is on the action of one of the chambers. Remember that before a bill is signed into law, it needs to have cleared both chambers in identical language.

If the article does say the bill is headed to the President, you need to determine whether the bill has actually been received at the White House. A phone call to the White House Executive Clerk (202/456-2226 - <http://www.whitehouse.gov/briefing-room/pending-legislation>) will provide you with the information. There is no requirement for Congress to immediately present the bill (as enrolled) for signature; sometimes it takes a month or more for a bill to travel down to 1600 Pennsylvania Avenue. The President has ten days (excluding Sundays and Holidays) from receiving the bill to sign or veto it. After the President signs the bill into law, the bill is sent to the Office of the Federal Register for public law and *Statutes at Large* numbering. The House of Representatives' Law Revision Counsel usually will have already assigned sections of the enrolled bill to sections of the U.S. Code (codification) unless the legislation is particularly long or if many laws are enacted around the same time (e.g., at the end of a Congressional session).

It may take several weeks, if not months, before a law is formally published as a slip law (pamphlet) with *Statutes at Large* page numbering at the top and *U.S. Code* citations in the margins. The information, however, is usually online long before that time. The enrolled version of the enacted legislation (PDF version on FDsys) will have the same page format as the slip law. Shortly after enactment, the Office of the Federal Register assigns a public law number to the enrolled version and at the same time it also assigns a *Statutes at Large* volume number and page numbers to the slip law. The recent public law numbers assigned by the Office are available at <http://www.archives.gov/federal-register/laws/current.html>. With this information one can easily figure out what the proper *Statutes at Large* page numbering will be in the rest of the law before the slip law is actually published. To do this, add the *Statutes at Large* page number furnished for the first page to the page in question in the enrolled version of the bill and then subtract one. For example,

H.R. 2832 is enacted as PL 112-40, 125 Stat. 401. Thus section 214 of H.R. 2832 as enrolled, found on page 5 of the bill, can be cited as 125 Stat. 401, 405.

To figure out the *U.S. Code* citation, the Law Revision Counsel in the House of Representatives publishes a table showing where sections of new laws have been assigned to the U.S. Code; see <http://uscode.house.gov/classification/tables.shtml>.

FDsys, THOMAS, Congress.gov, and other online services will have electronic copies of the legislation available for downloading. You need to choose the enrolled version of the bill since this contains the final language presented to the President. For some acts, especially large omnibus appropriations acts that need to be enacted speedily, an enrolled copy may not be prepared for the President's signature and one may have to rely on the legislative language of the agreed-upon text in the conference report. Conference reports are always published in the *Congressional Record* the day they are filed.

Once the slip law has been printed, you can obtain hard copies of the law in several places. Both the House and Senate Documents Rooms carry slip laws when they are printed; they are distributed to government depository libraries as well. Also, advance sheets to the *United States Code and Congressional and Administrative News* (USCCAN), the *United States Code Annotated* (USCA), and the *United States Code Service* (USCS) will include the text of newly enacted laws. Bloomberg BNA's *United States Law Week* reprints major legislation and its *Daily Report for Executives* also carries text of major bills. Topical newsletters may also reproduce the text of selected laws or relevant excerpts in their respective subject fields.

Q: B-2) Is it correct to say that Congress passed a law or do you have to add the President's action?

Answer: The popular expression "Congress passed a law" is true in that Congress passes legislation that becomes law upon President's signature, with the exceptions of: 1) a Congressional override of a Presidential veto, or 2) when the President allows a bill to become law without his signature. So, technically, only under these two exceptions could you say definitively that Congress passed a particular law, but even then you would want to include the reference to the veto override or that it was allowed to become law. However, "common parlance" to say that Congress passed a law or that Congress enacted a law. While this is not exactly correct, there really is no concise way to express the concept. After all, Congress is the legislative body that makes the laws and as author of these laws, it is Congress that normally receives the credit or blame for their enactment.

Q: B-3) Do U.S. laws become effective when the President signs them and is that the same as the date of enactment?

Answer: The date of enactment of a federal law is the same as the date on which the President signs the bill into law. *On those occasions where bill becomes law without the President's signature (i.e., the President neither signs nor vetoes the bill, it still becomes law if Congress is still in session at the end of the 10-day veto period).* The effective date may be the date of the signature or it may be stipulated within the law, such as 60 days after enactment, or by designating a specific date of enforcement. The date of a law's effectiveness sometimes has its own section number (usually at the end) and different titles or sections of a public law may specify different dates of effectiveness.

Q: B-4) Someone sent me a link on Congress.gov to the text of the "Commodity Futures Modernization Act of 2000," but it was to the text of a bill that was introduced (H.R. 5660) and had not been signed by the President. They said it was placed in an appendix to a law. Is that possible? Are there other laws with similarly embedded bills or appendices?

Answer: In a move apparently designed to bypass the lengthy time it takes to prepare an enrolled text of a large bill for the President's signature, certain small bills were presented to the President with other large bills incorporated by reference within them. For example, in the 106th Congress, five U.S. public laws were enacted in this way. These laws, which have the same validity as other laws, include the Consolidated Appropriations Act for fiscal year (FY) 2000 (Public Law 106-113); the Departments of Veteran Affairs and Housing and Urban Development and sundry agencies appropriations act for FY 2001 (Public Law 106-377); the National Defense Authorization Act for FY 2001 (Public Law 106-398); the Departments of Commerce, State, Justice, Judiciary and Related Agencies Act for FY 2001 (Public Law 106-553); and the Consolidated Appropriations Act for FY 2001 (Public Law 106-554). The statute citations to the appendices in the public laws begin at 113 Stat. 1501A-1, 114 Stat. 1441A-1, 114 Stat. 1654A-1, 114 Stat. 2762-A, and 114 Stat. 2763A-1 respectively, and each appendix continues for perhaps hundreds of pages. Since enrolled texts setting out the incorporated bills were not prepared for these bills, online bill searches may not indicate that these bills were enacted into law, and they might be entirely missed if the search is restricted to enrolled bills alone or bills passing one or more chambers.

As a precedent has been established for this manner of presenting bills to the President, Congress may do so again, especially for large bills presented at the end of a Congressional session. There have been other instances when getting a large bill quickly to the President for signature was so time-critical that an enrolled version of the bill was never prepared. In these cases, for several months the only record of the law was the language in the agreed upon conference report. See, for example, Public Law 105-277, the Omnibus Consolidated and Emergency Appropriations Act for fiscal year 1999. In that and some other instances additional statute pages were added onto a single statute page as in 112 Stat. 2681-1, 112 Stat. 2681-2, and so on.

Q: B-5) Is there a difference between the popular name or short title of a U.S. public law and its official title?

Answer: Official titles of a summary nature are applied at the beginning of all U.S. laws, bills and resolutions by the Office of Legislative Counsel in the House or Senate. They start with phrases such as "to amend," "to clarify," "to require," "to provide," "making appropriations for," and other similar phrases. The text of these phrases is not enacted into law and they will not appear in the *United States Code*.

If Congress wants to apply a short title to an act or to a title or subtitle thereof, Congress will specifically designate one of the sections (usually the first in the act or title, but in the past it sometimes was the final section) for that purpose. The section usually begins with the phrase, "This Act (or Title) may be cited as" and then continues with the chosen short title, such as the "Electronic Signatures in Global and National Commerce Act" or the "Identity Theft and Assumption Deterrence Act of 1998."

Popular names to U.S. public laws are based either on the short title given them by Congress or they are unofficially applied by common use to certain acts by members of Congress, the media and/or officials and employees in the Executive Branch. The popular name "Bank Secrecy Act," for instance, has been applied to the U.S. law, first enacted in 1967, concerning financial record keeping and reporting (now codified at 31 U.S.C. Chap. 31 and Chap. 53, subtitle II). The short title to part of the act, the "Currency and Foreign Transactions Reporting Act," never became that popular. Before the 1970s, few acts were given short titles by Congress and so popular names were commonly used when speaking about them, such as the "Sherman Anti-Trust Act" (1890) or the "Edge Act" (1929). Frequently, the popular name came from the name of the U.S. senator or representative most associated with its passage. However, names of members of Congress (especially in recent years) may also be used in the designated short title of acts as in the "Clinger-Cohen Act" (1996), and the "Gramm-Leach-Bliley Act" (1999). Contrary to general practice, there is no rule that requires a senator's name to precede that of a representative's.

Q: B-6) If I have only the popular name to an Act, how can I find the text?

Answer: Popular name indices to U.S. public laws are included as part of the official *United States Code*, (USC) but since the 2000 edition references are only to the original public law and where the popular name can be found in the *Code* which is usually a note in a related section. The USC Index can be found online at <http://uscode.house.gov/popularnames/popularnames.htm>. More comprehensive indices can be found in the *United Code Annotated* (USCA), and the *United States Code Service* (USCS). These indices will identify the proper statute, its amendments, and citations to all the sections of the Code the law pertains. In addition, the USCA index now lays out where a public law's sections are laid out in the *Code*. Another index is *Shepard's Acts and Cases by Popular Names: Federal and State*. If the popular name index does not seem to contain your act, you might try variations of the name or conducting a database search across law reviews and news stories. The USCS index is available on LexisNexis and the USCA index is available on Westlaw.

Q: B-7) The popular name I have been provided is not really to a law, rather it's called the "Byrd Amendment." How do I find it?

Answer: There is no reference source linking popularly named amendments to their respective US Code locations. Generally, the best source for tracking down this type of information is to run several online searches in law review articles, news articles, and the *Congressional Record*. If the provision obtained a popular name as an amendment, it was probably discussed by that name by members of Congress or members of the press. It is important to ask your patron if he or she has any clue about what the subject matter of the amendment concerns. For example, there are several popularly named Byrd Amendments: one on government procurement, another on extraneous budget items, and another still on government ethics.

Q: B-8) I hear the terms "law," "statute," and "code" used fairly interchangeably. Are they interchangeable terms with regard to Federal legislation?

Answer: Laws generally refer to the whole body of authorities that govern a state, including not only enacted legislation, but also judicial precedents, accepted legal principles, treaties, administrative orders and regulations, and other authorities. A statute, on the other hand, is a law passed by a legislative body, and a U.S. statute is a law passed by Congress, be it a U.S. public law affecting the general public or a U.S. private law solely affecting a private person. A code is an officially promulgated and systematic collection or revision of laws, rules or regulations. The *U.S. Code*, arranged by subject under titles, chapters and sections, constitutes the general and permanent laws of the U.S. as enacted by Congress.

In current practice, enacted U.S. public laws are chronologically set out in volumes of the *U.S. Statutes At Large* in an ascending numeric page sequence, with the first public law in a Congressional session beginning a new volume of the *U.S. Statutes*. Those parts of U.S. public laws that are general and permanent are assigned sections in the *U.S. Code*, which is published later. Many times sections to public laws are placed as notes to sections in the *U.S. Code*, but this is generally for editorial reasons based on the structure of laws previously enacted and assigned parts of the Code. Such public law sections have the same force of law as other sections. Since 1975 U.S. public laws published as single pamphlets, called "slip laws", already show their proper statute page numbers and *U.S. Code* citations (in the margin or as related in an amended text). Slip laws are the first official publication of new laws.

Q: B-9) I have been told that titles of the United States Code are only "prima facie evidence" law. What does that mean and can I rely on them?

Answer: *Prima facie* is Latin for *at first sight* or *on first appearance*, *on the face of it*. It is fact presumed to be true unless disproved by some evidence to the contrary (Black's Law Dictionary). In 1926, some members of the Senate balked at enacting the *United States Code* into *positive and legal evidence* of the law while repealing all previous law. This was no doubt due in part to the many alleged inaccuracies

of the similarly enacted *Revised Statutes of the United States* in 1873. A compromise to have the Code enacted *prima facie* evidence for a period of one year, in order to work out the bugs, was also ultimately not acceptable either. Thus, although the *U.S. Code* was enacted as part of the *United States Statutes At Large*, it was never approved as positive law in its entirety. If there is some discrepancy between the text of the Code and the text of a statute and its statutory amendments, the statute *rules* it is the more authoritative of the two.

The *United States Code*, although not enacted as positive law, is regularly updated, and as a subject arrangement consolidating all general and permanent statutes in force, it is today looked upon as the primary source for current law. Since 1925 many titles of the *United States Code* have been carefully revised, codified with new sections and enacted separately into positive law. (However, appendices subsequently assigned to these titles are not positive law). These enacted titles (as of this 2013 revision) include titles 1, 3, 4, 5, 9, 10, 11, 13, 14, 17, 18, 23, 28, 31, 32, 35, 36, 37, 38, 39, 40, 41, 44, 46, 49, and 51. Thus a total of 26 out of 51 titles of the *United States Code* (titles 6 and 34 were repealed or eliminated) have been enacted into positive law and their text is legal evidence of the law. The matter contained in other titles of the Code is *prima facie* evidence of the laws.

It is now part of the duties of the Law Revision Counsel of the House of Representatives to revise and prepare other titles for enactment into positive law. The Law Revision Counsel also assigns Code sections to newly enacted laws.

Q: B-10) Why are early laws cited by their chapter numbers and not their public law numbers?

Answer: Traditionally, a statute encompassed all the laws and resolutions in a single Congressional session, and a chapter was considered as one law or resolution in that statute. Some states, even today, have a similar system. Although the *U.S. Statutes at Large* divides public from private acts in its publication volumes, a chapter number is actually assigned in chronological sequence to each public and private law and resolution in a statute during each Congressional session. What appear to be skipped chapter numbers in the public law section are probably located in the private law section.

A single Congress in the nineteenth and early twentieth centuries might have anywhere from two to four sessions. Thus the same chapter number might be assigned to two to four different laws in the same Congress. The date of enactment and a statute page citation might also be shared by another law. It is sufficient, however, to cite older laws with all three identifiers as in *the Act of June 20, 1874, Chap. 341, 18 Stat. 123.* When amendments were made to older laws, frequently a longer identifier was used, as in *the act of June twentieth eighteen hundred and seventy four entitled ~~An~~ An act fixing the amount of United States notes, providing for redistribution of national security, and for other purposes.*

Unique public and private law numbers were assigned to individual laws as early as 1908 beginning in the 60th Congress (as in Public No. 107 . 60th Cong.) and placed in the margin or heading area of a law, but these numbers did not become official identifiers until 1957. Since 1957, sequentially assigned public law numbers became the unique identifier for public laws and sequentially assigned private law numbers became the unique identifier for private laws. After 1956, chapter numbers were no longer being assigned to public and private laws, but they are still used as the *official* designation for laws prior to 1957.

By their nature, unique identifiers do not need to be accompanied by other information for the specific law to be located, but official citation manuals generally require more information, as in the *National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat. 852* or *Priv. L. No. 94-75, 90 Stat. 2985 (1976).*

Q: B-11) I have a citation to the 19th century *Revised Statutes of the United States* (R.S. ____). Is this law still valid, and what about U.S. laws enacted before that time?

Answer: *An act providing for publication of the Revised Statutes and Laws of the United States* was approved on June 20, 1874. In section 2 of the Act, the Secretary of State was *charged* with the duty of

causing to be prepared the printing, publication, and distribution of the *Revised Statutes of the United States*” which would contain a revised and consolidated compilation by subject (73 titles) of all the general and permanent laws of the United States in force on December 1, 1873 (published in 1875, see 18 Stat., part I). All acts embraced by the revision prior to that date were repealed and the revision became legal evidence of the laws contained therein. Any law or portion of those laws not embraced by the revision and not repealed or superseded (such as local, private, and temporary laws) shall remain in force+(see section 5596 of the Revised Statutes).

Though numerous experts worked on the revision from 1866 through 1873, even before the publication of the *Revised Statutes* many errors were discovered in the 1873 text. To correct these errors and to bring the revision up to January 1, 1878, a new edition of the *Revised Statutes* was published as a replacement (unnumbered) volume to the *Statutes At Large*. In the 1878 revision, Congress provided that the enacted law not preclude reference to, nor control, in case of any discrepancy, the effect of any original act as passed by Congress since the first day of December, eighteen hundred and seventy-three+(Act of March 9, 1878, chap. 26, 20 Stat. 27). Thus the errors corrected in the 1878 revision as well as the addition of any laws included in the Revised Statutes that were enacted between December 1, 1873 and January 1, 1878 are not positive law per se. However, in practical terms, the *1878 Revised Statutes* is considered a source statute and citations to it (R.S. ___) have the force of law.

Today there are many laws that still amend and refer to the *Revised Statutes of the United States* (e.g., the national banking laws). A table on the status of each section of the *Revised Statutes of 1878*, and the corresponding location of that section in the *United States Code* is located in the Tables volumes in the *U.S. Code*, as well as in the unofficial sources *U.S. Code Annotated* and *U.S. Code Service*.

Additionally, many private and local laws as well as treaties enacted before December 1, 1873 may still be binding even though they are not included in the *Revised Statutes of the United States*.

Q: B-12) I have a citation to a section in a U.S. public law. How do I find where it is located in the *United States Code*?

Answer: Sections of each public law are cross indexed to the Code in one of the tables to the *United States Code*, the *United States Code Service*, and the *United States Code Annotated*. See USC Table III at <http://uscode.house.gov/table3/table3years.htm>. For recent public laws, the Law Revision Counsel in the House of Representatives prepares similar tables (both from law section to Code section and from Code section to law section) and makes them available from 1997 forward on its web site at <http://uscode.house.gov/classification/tables.shtml>. Also, each public law (in statute volume or slip form) has the applicable U.S. Code citation to each section of the law printed in the side margin. Note, however, that only permanent and general laws of the United States are codified. Thus all laws or sections of a given slip law or statute may not be codified and therefore will not be included in the United States Code, only in the Statutes at Large.

Q: B-13) Over the years a law in which a patron is interested has been amended many times. Where can I find the text of a current law with all of its current amendments properly inserted in its given sections as a public law, rather than its assigned sections in the *United States Code*?

Answer: There really is no officially published compilation of current U.S. statutes except those titles published as part of the *U.S. Code* or those published laws that have never been amended. However, the Office of the Legislative Counsel in the U.S. House of Representatives has made available on its website (http://legcounsel.house.gov/HOLC/Resources/comps_alpha.html) a list with links in PDF format to frequently requested compilations U.S. statutes. In addition sometimes a federal agency or a Congressional committee which has jurisdiction over a law will publish an updated version of a particular law or compilation of laws (<http://www.loc.gov/law/find/compilations.php>), but these are still unofficial. Commercial publishers, such as loose-leaf services may also publish unofficial, updated versions of laws.

Q: B-14) We have the *United States Code Annotated* in our library. What are the differences between it and the *United States Code Service* and the official *United States Code*?

Answer: The *United States Code Annotated* (USCA), published by the Thomson West, and the *United States Code Service* (USCS), published by LexisNexis, are similar services. Both attempt to set out the *United States Code* (USC), including the notes under each Code section (although they may reorganize the notes and call them something different) and then add cross references to the *Code of Federal Regulations* and other material as well as annotations to court cases construing various sections of the Code. Surprisingly, the USCA and the USCS also include selected lengthy texts from the *Code of Federal Regulations*, such as consumer credit regulations added after 15 USC chap. 41.

Both the USCA and the USCS also update their services with annual pocket parts in contrast to the USC, which is published every six years and is updated by cumulative annual supplement volumes. However, because the USCA and USCS volumes and pocket parts are almost always issued before the publication of the USC and its cumulative supplements, these privately published unofficial titles cannot always accurately reflect the careful and painstaking work of the staff of lawyers at the Office of the Law Revision Counsel in the U.S. House of Representatives, which is the government office assigned to produce the *U.S. Code*. This includes discretionary section headings, notes about repeals or subsections that are no longer in effect, or even whole sections or subsections accidentally removed or not included. Corrections, when they are caught, all too frequently, have to be published in later pocket parts of the USCA and the USCS.

The USCA and the USCS also differ from one another. Generally, USCS court annotations are more selective than that of the USCA and the cross references of each are generally to their own publications such as the *U.S. Code Congressional and Administrative News* of West and the *American Law Reports* of Lexis.

In contrast to the USCA and the USC, the USCS tries to set out the Code in the words of the statute enacted and does not substitute words to make them more congruent with a Code such as *section 2(b) of this law*, instead of *section 2(b) of this chapter*.

Finally, the USCS has many other materials not included in either the USC or the USCA such as the text of international agreements and Federal agency administrative rules of procedure. The USCS also has interpretive notes to court decisions of uncodified statutes, of treaties, of presidential proclamations, and of congressional resolutions.

Q: B-15) I have found number of places in the U.S. Code with references to federal entities that no longer exist. How can that happen?

Answer: When a law abolishes or merges federal entities, complete conforming amendments to other parts of the Code frequently are not made at the same time, leading to discrepancies. When selected titles of the Code are enacted into positive law, the Law Revision Counsel does the research and attempts to make the necessary changes to other parts of the Code. Until the Law Revision Counsel makes the corrections, Congressional time and resource constraints usually prevent it from fixing such discrepancies in a portion of the Code via legislation.

Q: B-16) What is the difference between legislative measures that are authorizations and legislative measures that are appropriations?

Answer: An authorization is a provision in a statute that establishes funding for a particular program or agency. The provision may authorize the program or agency for one year, a number of years, an indefinite time period or a fixed time period. An authorization may be for a fixed amount of money or for such sums

as may be necessary. When introduced, authorization measures are referred to the standing committee that has jurisdiction over that program or agency.

An appropriation is a provision in a statute that permits spending by empowering a federal agency to obligate a set amount of funds and make payments out of the U.S. Treasury for specified purposes (e.g., for an agency or a program). Some appropriations, like Social Security payments, are in permanent provisions of a law, but for most Federal programs and agencies, appropriations are generally temporary in that they are provided for by annual appropriation measures. Annual appropriations, which correspond to fiscal years beginning on October 1 of each year, are generally the only pieces of legislation that must be enacted in some form each year.

The House and Senate appropriations committees currently each have 12 subcommittees with near-corresponding jurisdictions in the House and Senate. Until recent Congresses, these subcommittees generally drafted 12 different appropriation measures subsequently introduced under the auspices of the full Appropriations committees and then enacted into law. However, partisan policy differences combined with narrow party margins in Congress have made enacting separate appropriation bills by subcommittee jurisdiction increasingly rare. In such cases of delay, Congress usually passes one or more continuing resolution(s) to carry on government functions that are still ongoing. Sometimes a large consolidated appropriations measure is enacted that covers all the remaining appropriations. Supplemental or emergency appropriations may also be enacted later in a fiscal year to cover unforeseen shortfalls in appropriations.

Laws that are authorizations are considered ~~general~~ and permanent and are thus codified; their text is placed in the *U.S. Code* either in various sections or as notes to sections. In contrast, most parts of appropriations laws are **not** considered ~~general~~ or "permanent," so they are excluded from the *U.S. Code*. However, Congress often places statutory language and/or instructions concerning permanent provisions included in appropriations laws; these provisions are then placed in the *U.S. Code* and noted in the margin of U.S. public laws.

Even though some general appropriations provisions: 1) are directive in nature (such as the general provisions in the annual Financial Services and General Government appropriations act), 2) appear without much change almost every year, *and* 3) are in effect, general and continuing, they are not really considered permanent and are not placed in the *U.S. Code*. If they were permanent, they would not need to be enacted each year. Provisions in appropriations that are meant to be permanent are expected to state this in the statutory language.

It is not unusual for a program or agency authorization to expire, but to still be continued in annual appropriations. Conversely, it is also not unusual for some authorized programs to cease because they were not funded (appropriated). Appropriations, the ~~power~~ of the purse, and authorizations are two of the chief tools that Congress wields in shaping public policy.

C. Questions on Legislative Histories:

Q: C-1) A patron has requested a legislative history of a particular public law that we do not own and for which we may not have collected the pertinent documents. What should I do?

Answer: From 1973 to the present Congress.gov (replaced THOMAS.gov) provides free access to a list of actions on each Congressional bill or law with links to related bills (from 1993), related committee reports (from 1995), and related debates and amendments in the Congressional Record (from 2001). Note that related hearings are not provided and while not comprehensive this related material will often answer many legislative history information requests.

Traditionally, just looking in the *United States Code Congressional & Administrative News* (USCCAN; began in 1941) will also answer the request. USCCAN reprints selected Congressional reports - generally the conference report joint explanatory statement and either the House or Senate Committee report. Often, this will be sufficient for your requester. If the patron decides more information is needed, first remember to check the *Union List of Legislative Histories*, published by the Law Librarians Society of Washington, D.C. (LLSDC). Many agencies and firms in D.C. and elsewhere compile legislative histories for their agency or firm's use. Do not reinvent the wheel. If no one has the required history, you will need to begin gathering the items included in a legislative history including the law, reports, debate, bills, hearings, and any other relevant documents. Start slowly, since the answer to their particular question may be in the report or the debate, so there may be no need to track down all the parts. If you are unsure which documents are relevant, try looking at the CIS (now ProQuest Congressional) Legislative History volume for the year your law was enacted with detailed abstracts beginning in 1984 and with references from 1970. The volumes are available online on Proquest Congressional and on LexisNexis. For laws enacted prior to 1970, it is a good idea to start with the History of Bills and Resolutions in the bound Congressional Record Index for the session of Congress during which your law was proposed or enacted.

All Congressional reports are reprinted in the *United States Serial Set*, published by the U.S. Government Printing Office (GPO). The Serial Set now has over 15,000 volumes and contains documents dating from 1817. All regional government depository libraries own the U.S. Serial Set; many other large libraries may own portions of it or have it on microfiche. GPO publishes an index to the schedules and volumes of the U.S. Serial Set and ProQuest Congressional (previously CIS) also produces a detailed index. Check LLSDC's Union List of Legislative Documents to locate local libraries holding the set and the indices.

Hearings are generally considered the weakest source of legislative intent, but sometimes a statement by a witness, particularly one from a relevant agency, is right on point and may be your only relevant source. Since the mid-1980s, the full text of published hearings has become increasingly available electronically on FDsys, committee Web sites, etc. The Proquest Congressional Hearing Collection has virtually all Congressional hearings on microfiche or online from 1824 to the present and selected large libraries may house this collection. The CIS Index is a good source to identify hearings issued after 1969 (other CIS indices cover pre-1970 items) and a number of libraries around the Washington, D.C. area and the country keep the CIS microfiche collection of hearings; others retain selected hard copy for hearings that correspond to their usual subject collections (i.e., a firm that practices tax law would most likely have tax hearings, etc.).

In the recent decades complete or near complete legislative histories for thousands of public laws have been placed on various commercial databases, including Proquest Legislative Insight, Westlaw (digitized GAO histories of laws from 1927 to 1994; a premium database), and HeinOnline (hundreds of digitized law firm histories). There are numerous other legislative histories on free and commercial sites. See presentations on LLSDC's Legislative Source Book (<http://www.llsdc.org/sourcebook>) entitled *Finding or Compiling Federal Legislative Histories Electronically* and *Legislative Histories of U.S. Laws on the Internet*.

Q: C-2) In *United States Code and Congressional & Administrative News* I can't find any legislative history information on a particular section of the U.S. Code I'm looking at, even though that is where the annotation in the U.S.C.A. told me to look. What gives?

Answer: The *United States Code and Congressional & Administrative News* (USCCAN) does not include all pertinent legislative history documents to a particular law, or even the references to them - it is simply a starting point that has important drawbacks. It will set out the text of new laws, but the legislative history material included is selective. For permanent and general laws of the United States, USCCAN will publish that portion of a conference report which contains the joint explanatory statement of the conferees on a bill that has become law (if there is one), and it will also set out the text of one of the related committee reports (if there is one) from the House or Senate. At the beginning of the legislative history portion of a law, USCCAN will generally note the committee report number of a companion piece of legislation as well as the dates of passage in each chamber. The actual body of remarks and debate related to the law's history may be far more extensive, even going back to previous Congresses and the law's related bills and reports may

be much more numerous than those listed as well. These are editorial decisions that the publisher, Thomson Reuters, makes, based partially, no doubt, on space limitations.

So beware! The *United State Code Annotated* (USCA), also published by West, will note in its annotations the available USCCAN legislative history of a law cited to as authority by a particular section of the Code, but the history, while related to the law, may have nothing relevant to say about the particular section in question. Even if you find some relevant legislative history in USCCAN, there may be many other very pertinent pieces of the legislative history to the section that are not included in USCCAN. This is particularly true for lengthy and/or complicated legislation (such as omnibus bills) and/or legislation that took more than one Congress to be enacted. Try to supplement the information in USCCAN with other sources whenever possible. Often, the legislative history notes at the very end of the slip law not only identify the bill enacted, but also the number of the companion bill in the other chamber. You can use these bill numbers as starting points for further research using online databases, the Internet, or even the "History of Bills and Resolutions" section of the bound *Congressional Record* to get a more complete picture. In recent decades the annual CIS (now ProQuest) Legislative History volume provides abstracts and notes on most of the legislative history documents to a particular law.

Q: C-3) In a large legislative history, how do I figure out the best place to look for the legislative intent of a particular provision?

Answer: The most likely place to find legislative intent language is generally at the point the provision made its way into the history of the act. Start by determining the "coordinates" of your particular provision by finding the provision in the slip law and noting its context. Note the exact wording, the section numbering and heading of the provision, the title containing the provision, the provisions preceding and following it, etc. This effort will help you more easily locate the provision in earlier versions of bill texts and in explanatory language in the history's reports, debates and hearings.

After noting these things, the first place to examine legislative intent is in the joint explanatory statement of the conference report (if there is one). Since the agreed upon legislative language in a conference report is generally the same as that presented to President and is in the final stage of the legislative process, joint statements by the conferees generally hold considerable weight as far Congressional intent goes. There may be no section numbering in the joint explanatory statement but such statements are almost always organized in the same order as the agreed upon legislative text in the conference report; if you have noted the location context of your provision, you should be able to find some sort of brief explanation about it.

If the joint explanatory statement contains little of relevance or if you want to find more relevant statements, try examining some of the bills as reported to see if the same provision (or similar provision worded differently) is present. Then check the bills' accompanying committee reports for relevant explanations or section-by-section summaries. It is also helpful to review the background or purpose section of the reports.

If your provision is not located in any of the bills as reported, then there is a good chance that it was added on the House or Senate floor. In that case there may well be an explanation in the *Congressional Record* for the provision when the amendment was dealt with on the floor. Or perhaps the provision is the same as introduced and there might be an introductory statement by the sponsor in the *Congressional Record*. Witnesses at Congressional hearings (especially witnesses from federal agencies with jurisdiction) may have made comments about the provision or about the need for such a provision and these can be reviewed. A large legislative history may go back several Congresses and thus additional bills, reports, debates, and hearings might have to be examined as well.

The same steps can be employed electronically (and usually more easily) if the law was enacted since approximately 1995. All bill texts in an entire Congress can be searched for certain key words in your provision and all statements in the *Congressional Record* can be searched as well. Although unofficial, many prepared witness statements and verbatim transcripts of Congressional hearings are also searchable online. News articles with possible explanations for your provision might also be searched, but these of course would have little weight before a court.

Recap: to find the legislative intent of a particular provision in a large legislative history, first find your provision in the slip law and determine its context so that you may use this information to locate similar language in the component documents of the legislative history. In the legislative history, the best places

to find substantive comment by Congress is at the point the provision is added or amended in the history. The order of preference of documents to find legislative intent is usually the following: 1) the joint explanatory statement (usually brief) in the conference report, if there is one; 2) the summary or explanatory language in committee reports; 3) the remarks, discussion and debate in the *Congressional Record*, especially those by the floor managers or key sponsors of the legislation; and 4) the statements made in Congressional hearings.

D. Questions on the Congressional Record:

Q: D-1) On C-SPAN a patron heard a member of Congress make an inflammatory remark on the floor of the House several days ago. However, I cannot seem to find the remarks in the *Congressional Record*. Doesn't the Record reproduce remarks verbatim?

Answer: D-1) The simple answer is, no, the *Congressional Record* is not a verbatim record of what is spoken on the House and Senate floors. Members are allowed a brief time to edit their remarks before the *Congressional Record* is printed the next day. Many of them use this opportunity to correct glaring grammatical errors, as well as off-the-cuff remarks, that they would prefer be removed from public record. They also have a second chance to change their remarks before the bound edition is published. In the House of Representatives, inflammatory remarks can also be stricken from the Record on a point of order to "take down the words." Clause 9 of Rule XIV of the Rules of the House of Representatives mandates that the Record be a "substantially verbatim" account of debate, but permits the deletion of unparliamentary remarks by order of the House.

Although rarely used in the Senate, Clause 5 of Rule 19 of the Standing Rules of the Senate also permits the taking down of ~~ex~~exceptionable words. +Such exceptionable or objectionable words may then be ordered expunged from the Record on a simple unanimous consent motion.

It should also be noted that not everything printed in the Record has actually been said on the floor. Insertions of speeches, articles and bill texts are very common. Generally, in the House, these insertions are printed in a slightly different font (sans-serif) to make it obvious which remarks were said aloud and which were inserted later. In the Senate, there are bullets placed before such insertions.

Q: D-2) How can I find the citation to the bound edition of the *Congressional Record* if I have only the citation to the daily edition?

Answer: There is no source that will give you the exact correlation between daily and permanent (bound) edition pages. This requires a bit of research. Since 1967, the daily edition has been numbered sequentially within certain segments, S for Senate chamber actions, H for House chamber actions, E for extension of remarks, HL for lobbyist listings (no longer in the Record), and D for the Daily Digest. The bound edition of the *Congressional Record*, on the other hand, simply numbers everything sequentially in any given Congressional session (except for the Daily Digest section) and is generally published several years after the daily edition comes out. However, it is considered the authoritative version once it is published. Currently, FDsys provides electronic full text for only 1999-2001, but commercial vendors such as HeinOnline and Proquest cover the full range of years published (1873 to recent published editions). Some government depository libraries may have the bound *Congressional Record* in microform, but now only regional depository libraries receive it in hard copy.

If the citation is to the debate without a bill number, find the part of the *Congressional Record* that includes the date on which the debate occurred in the Daily Digest section of the bound edition (the last book in any

volume of the permanent edition). In the Daily Digest, go to the date of the debate and then find the reference in the Daily Digest for that particular debate. This will give you either: 1) the beginning page or, 2) the range of pages for the debate. It will also give you an outline of debate so you may be able to guess how far into the debate you may want to search for your citation. Now that you have page numbers you can read through the debate in the bound edition looking for your quote.

If the citation is to a member speaking about a bill, find the part in the bound edition of *Congressional Record* that includes your date and find the member in the bound edition's Index/History of Bills. The Index subdivides *Congressional Record* content by members by type: amendments offered bills and resolutions introduced, remarks, etc. Find the member whose quote you need. Make a note of the *Congressional Record* page numbers covered for your date and look in the material listed under the member for a page which falls within your designated range. [Beginning in 1983, volumes of the Index contain the dates with the page numbers. This date information is not included in the History of Bills.] You can also use this method when searching for colloquies. Just look for a page where both members are listed as speaking.

If you have a copy of the page in the daily edition, then you can use it to visually compare it to the bound edition. Frequently the bound edition page will look exactly the same as the daily edition with the same paragraphs in the same locations on the page. If not, you can at least zero in on a nearby paragraph that begins with a certain phrase or unusual word.

HeinOnline has also digitized the daily edition of the *Congressional Record* back to 1980 and has made available a citation locator from 1980 in which page numbers or dates from one or the other edition is converted so that the beginning page proceedings for the House or Senate for the applicable day will then appear and then enable one to browse more specifically.

Q: D-3) I have a citation to what appears to be a 1958 appendix to the *Congressional Record*, but I cannot seem to locate it. What are these appendices to the *Congressional Record* and how can I locate them.

Answer: Appendices to the *Congressional Record* contain material inserted into the Record by a member of Congress (almost always on the House side) and published at the end of the daily edition. The inserted material may concern commendations for people and organizations in one's Congressional district, remarks on legislation introduced, or other matters. Unlike other inserted material, a member of Congress does not have to be recognized on the floor to have such material inserted, but there is generally a limitation on the length of the material to be inserted.

Prior to 1955, this material appeared as separate parts at the end of each volume in the bound edition of the *Congressional Record* which were designated with pagination beginning with the letter A. Between 1955 and 1968 (volumes 101-114, appendices in the daily edition of the *Congressional Record* were no longer included in the publication of the bound edition, but they were still referenced in the bound *Congressional Record Index*). To get around this shortfall, many libraries took it upon themselves to bind this material (albeit on newspaper grade paper) from the daily edition and place it on the shelf next to the appropriate bound volumes. Some microform publishers have also included the *Congressional Record* appendices for that time period and the Appendix for that time period also appears in the HeinOnline bound edition. However, there was another period of time from 1923 to 1936 (volumes 63-81) in which the Appendix was not published in the bound *Congressional Record* and not indexed and this material may be largely lost. After 1968, inserted material was placed in the "Extension of Remarks" section of the daily edition, and later integrated into the other pages of the bound *Congressional Record* (in sequential numeric fashion) that were issued on the same day.

Q: D-4) My patron is looking for Congressional debates in the early part of the 19th century, but volume 1 of the *Congressional Record* we have begins in 1873. What did Congress use before there was an official *Congressional Record*?

Answer: The Constitution only requires that a journal of proceedings be maintained by the U.S. Senate and House. These journals, published since 1789, include no verbatim or summary of remarks--just facts on legislation passed, introduced, votes, and so on.

In lieu of verbatim accounts, newspapers would often send reporters to the House and Senate floors to cover Congressional debates and publish summaries of them as news stories, often leaving out much and presenting the summary from a certain editorial bias. At that time, Congressional remarks were difficult to hear from the press galleries. Uniform procedures for taking shorthand were also unknown until the mid 19th century.

In 1834 commercial publishers Joseph Gale and William Seaton began collecting and selectively publishing these early summaries of debates and legislative actions in a publication called the *Annals of Congress*. Organized by session in 42 volumes, and taking 22 years to compile and publish, the *Annals* are recognized today as the best source for coverage of Congress during the first 18 Congresses, 1789 through 1824. Funds appropriated by Congress assisted in its production. Each volume contains a separate index for House and Senate proceedings. In addition, the *Annals* include an appendix for each Congress containing public laws and some executive reports. However, records for each chamber are organized by session rather than by individual days.

The *Register of Debates*, also published by Gales and Seaton, was the first contemporaneous attempt to compile and publish the debates and proceedings of Congress. Its volumes cover the years 1824 to 1837 (the second session of the 18th Congress to the first session of the 25th Congress). Like the *Annals*, which were actually begun ten years later, it is not a verbatim account but rather a compilation of selected summaries of Congressional debate. The *Register* was printed at the end of each session and arranged by numbered columns rather than by date. Members of Congress were permitted to revise (and even substantially rewrite) their speeches before they were printed. An appendix to each session contained Presidential messages, public laws and selected executive department and Congressional committee reports. Separate indices to each House and Senate session volume and to the appendix were also included.

Beginning in 1833, a newspaper type publication, the *Congressional Globe*, began daily coverage (issued weekly) of Congressional proceedings, with bound volumes being published at the end of a session. Published by Blair & Rives, coverage continued to 1873 (the 23rd to the 42nd Congress). The *Globe* also was not a verbatim account but according to its subtitle claimed to provide only "sketches of the debates and proceedings". Members of Congress could submit a copy of the full text of their speeches to be included in an appendix. Like the *Register*, appendices to the *Globe* also contained Presidential messages, executive department reports, and the text of laws, but not Congressional committee reports. By the middle of the century, due to improvements in shorthand and in Congressional willingness to pay for the salaries of reporters and copies of the reports, the *Globe* gradually became a more accurate reflection of what was actually said during Congressional debate.

Complete PDF images of these early records of Congressional debates can be found on the Library of Congress web site, <http://memory.loc.gov/ammem/amlaw/lawhome.html>, % Century of Lawmaking For a New Nation, +as well as on Hein Online; electronic full text is also available from Proquest Congressional.

E: Questions on Committee Publications and Rosters:

Q: E-1) The Congressional Information Services (CIS) (now ProQuest) Index does not seem to list a particular congressional hearing that was held several years ago. I'm pretty sure the hearing took place. Where else can I look?

Answer: Some hearings are never published such as those concerning national security and minor nominations to executive and judicial positions. Others may take several years to be published depending on the priorities of the committee. Two or three months after being held is usually the fastest time a hearing gets published. To verify that a hearing took place you can check the Daily Digest section of the Congressional Record, but this source may not always have field hearings or hearings taking place after Congress has adjourned. You could also call the committee, look at its home page or consult the committee calendar. Of commercial online sources, CQ.com is probably the most accurate (they call to verify witnesses have spoken). To get a hearing before it is officially published you might try obtaining the prepared statements from the witnesses or from the committee, if they have extra copies. Many federal agencies and committees place prepared statements on their public Web pages. Commercially, Federal News Service and CQ Roll Call Transcripts both make written prepared statements and selected Q & A transcripts available electronically (by subscription) on their own websites and also via secondary providers such as LexisNexis, Westlaw, Bloomberg Government, Dow Jones News Services and others. However, it is important to realize that these commercial transcripts are unofficial. Before a hearing is published, witnesses are generally given copies of the transcripts of their remarks and are allowed to edit them.

Q: E-2) Where can I find a list of congressional committee members in previous Congresses?

Answer: Since 1847 (30th Congress) the official *Congressional Directory*, now published by GPO, has contained a list of House and Senate standing committees and the members of those committees. This publication is available digitally for free from 1868 via the Haithi Trust (<http://catalog.hathitrust.org/Record/003917021>) and by subscription from 1887 in HeinOnline's U.S. Congressional Document Library. It can also be found for free on GPO's FDsys website since 1997. Most government depository libraries receive the *Congressional Directory*, although few would have it as far back as the 19th century. The Center for Legislative Archives (202-501-5350) of the National Archives and Records Administration does have the Directory back into the 19th Century and since it was published as a House Document from 1887 to 1933 it is also included in the *United States Congressional Serial Set* held by many government depository libraries.

In addition to the Directory, since 1947 (80th Congress) a list of the members of Congressional committees have been published in the annual edition of *United States Code and Congressional & Administrative News*, published by the West Group (now Thomson Reuters).

Other sources include old committee calendars and old congressional hearings as members of the committee and/or the subcommittee holding the hearing are normally listed inside the front cover of each hearing.

F: Questions on Federal Regulations:

Q: F-1) A recent news article stated that an agency has approved a new regulation, but I cannot find it the *Federal Register*. How long does it take to get a regulation officially published and what other recourse is there?

Answer: It generally takes about a week after an agency approves a new or proposed rule before it appears in the *Federal Register*. If there are last minute changes to be made or if an agency is waiting to publish the rule jointly with one or more other agencies, it may take much longer. To make sure that proper procedures and formats are followed each agency has a designated staff member that acts as liaison to a designated staff member at the Office of the Federal Register. Final rules, proposed rules, and notices must be published according to procedures set forth in the *Document Drafting Handbook* (<http://www.archives.gov/federal-register/write/handbook/>) issued by the Office of the Federal Register.

Most agency Web sites will publish a new or proposed rule right after it is approved, and many times the rule is attached to an agency press release announcing the rule. To help the public track newly published rules, the Office of Federal Register maintains a Web site (<http://www.federalregister.gov/public-inspection>) setting forth the upcoming content of the *Federal Register*. To browse current and recent daily tables of contents with Federal Register page number citations, go to GPO's FDsys listing at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>.

Q: F-2) When do final rules published in the *Federal Register* normally become effective, and can an agency publish a rule as final before they have published it in proposed form with a request for comments?

Answer: Final rules normally become effective 30 to 90 days after their publication in the *Federal Register*. Pursuant to 5 USC Chapter 8, Congress has to be given notice of new rules before they take effect; after review Congress may disapprove of specific rules by joint resolution, especially those with major economic impact. Most final rules are issued in proposed form with a request for comments and a comment period. However, there are exceptions to this procedure as noted in section 553 of the Administrative Procedure Act (<http://www.law.cornell.edu/uscode/text/5/553>). These exceptions may include specialized legal authorities (e.g., the Federal Reserve increasing or decreasing its discount rate which is promulgated in 12 CFR part 201) or agency findings that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. Other exceptions may include corrections to previously issued rules or suspension of an obsolete rule or the issuance of legal interpretations or policy statements. However, when an agency wants to publish a rule as final before public comment, it frequently will publish it as interim or temporary rule with a request for comment and change the rule if it feels the comments so warrant. The Internal Revenue Service does this quite frequently by publishing a temporary rule and proposed rule in the *Federal Register* on the same day.

Q: F-3) How can I find the implementing regulations to a specific section of a U.S. public law?

Answer: First, using tables in the *United States Code Service* (U.S.C.S.) or the *United States Code Annotated* (U.S.C.A.), find the U.S. Code citation to the section of the public law. Then look up that section in the U.S.C.S. or the U.S.C.A. and see if the note field following the text of the section gives a corresponding reference to the *Code of Federal Regulations* (C.F.R.).

If there is no corresponding reference there, look in the CFR Index and Finding Aids to the "Parallel Table of Authorities and Rules" which organizes parallel tables to the C.F.R. by U.S. Code section, Statutes At Large citations, public laws, and Presidential documents. These authority citations are designed to match

those authorities listed at the beginning of each part of the Code of Federal Regulations. The C.F.R., organized by subject (title) and agency, is reissued annually after being updated to include finalized agency rules published in the daily *Federal Register* during the previous year. As all these cross-references and parallel tables may not pick up every rule change and do not reflect proposed rules, it may be wise to perform an online search of the *Federal Register* and perhaps check the *Federal Register Index* in the year(s) following enactment of a U.S. Code section or section amendment.

Many sections of the *United States Code* may not have regulations that implement them. Too, there may be many regulations listed under a Code citation that are only tangentially related to that section of the law. Similarly it is sometimes difficult to tell which authority citations to the U.S. Code in a part of the *Code of Federal Regulations* actually prompted regulation and which authority citations are only tangentially related to the regulations or refer only to an agency's general powers and responsibilities.

Q: F-4) How come I can't find a summary and rationale for a particular regulation in the *Code of Federal Regulations*, but I can find this sort of information when the regulation is published in the *Federal Register*?

Answer: According to its *Document Drafting Handbook* (<http://www.archives.gov/federal-register/write/handbook/>), the Office of the Federal Register mandates certain preamble requirements from federal agencies when they publish their proposed or final rules in the *Federal Register*. These requirements delineate the basic who, what, where, when, and why information and are set out as AGENCY, ACTION, SUMMARY, EFFECTIVE DATE (or DATES when comments are due), FOR FURTHER INFORMATION CONTACT, and SUPPLEMENTAL INFORMATION (which generally explains the regulatory history, the rationale for the rule, and a summary of the comments received).

The preamble to a new or revised rule is not part of the regulation, per se, and thus is not permitted to be published in the *Code of Federal Regulations*. It should also be noted that most preambles are written for rule amendments rather than for the whole rule, and thus, any general preamble would have to be continuously updated much like a summary of a statute in a continuously amended law. Since 1978, however, whenever a final or proposed rule is published in the *Federal Register*, a preamble, following the above format, precedes the text of the regulation. Before that time, preambles seemed to be shorter and not as precisely organized. Prior to 1971, brief explanations of regulations followed, rather than preceded, the text of regulations published in the *Federal Register*.

Q: F-5) How do I find out if a federal regulation, which is printed in the annual *Code of Federal Regulations* (CFR), has been amended or not?

A: F-7) The monthly *List of Sections Affected* (LSA), published by the Office of the Federal Register, lists CFR parts and titles that have been newly established, amended or proposed to be established or amended. The LSA (<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=LSA>) references pages in the *Federal Register* where the amendments can be found. LSA. It is available in a monthly print edition and is available on the Web from 1997 to the present. Please note that the annual CFR, unlike the *U.S. Code*, is issued in quarterly installments. CFR titles 1-16 are updated as of January 1 of each year, CFR titles 17-27 are updated as of April 1 of each year, CFR titles 28-41 are updated as of July 1 of each year, and CFR titles 42-50 are updated as of September 1 of each year. Thus the monthly *List of Sections Affected* updates various CFR titles from different starting dates. Each issue of the daily *Federal Register* also has a cumulative list concerning parts affected during the month it is issued. A current cumulative list for the month can be found in the most recent issue of the *Federal Register* (or on the aforementioned Web site) and earlier monthly cumulative lists can be found on the last day of the month that a *Federal Register* was issued. Some libraries continue to retain all four of the LSA's that complete a year's cumulative listings. Other libraries now rely on the *List of CFR Sections Affected* on FDsys, the annual *Federal Register Index*, and electronic searching of the *Federal Register*.

Q: F-6) I am looking for an appendix to a part of the *Code of Federal Regulations* (CFR) and although I have found it in the past in the paper version of the CFR, I cannot seem to locate it in the browseable CFR on FDsys. Is it there or not?

Answer: CFR appendices and supplements are generally used to publish agency guidelines, forms, and staff interpretations concerning a particular regulation. Due, apparently, to software identification problems, appendices and supplements to parts of the CFR on FDsys are not separately identified, but instead are placed in the last section of a CFR part. In the browseable CFR, appendices and supplements are not even listed after the last section, but are instead incorporated in it. The current but unofficial version of the CFR, called e-CFR (<http://www.ecfr.gov/>) does lay out appendices and supplements in its linkable table of contents.

Q: F-7) How can I find the text of a Presidential executive order or proclamation if I only have its number, and how can I tell if it's still valid?

Answer: Executive Orders of the President are officially published in a variety of places including the *Federal Register*, Title 3 of the *Code of Federal Regulations*, the *Compilation of Presidential Documents*, and the *Public Papers of the President*. All of the above sources are available for free on GPO's FDsys (<http://www.gpo.gov/fdsys/>). Most policy-oriented executive orders also are assigned to a particular section of the United States Code and published in the note field for that section. The location of these orders, as well as whether a particular order has been eliminated, can found in Table IV of the *United States Code*, the *United States Code Service*, and the *United States Code Annotated* (Table 3). The Office of the Federal Register has on its Web site an executive orders disposition tables index (<http://www.archives.gov/federal-register/executive-orders/disposition.html>) from 1937 to the present with links to the full text for executive orders beginning with the Clinton Administration. The Office has also published compilations of executive orders of general applicability and continuing effect. The last one published is entitled *Codification of Presidential Proclamations and Executive Orders: April 13, 1945 . January 20, 1989* (<http://www.archives.gov/federal-register/codification/>). The American Presidency Project (http://www.presidency.ucsb.edu/executive_orders.php?year=2013&Submit=DISPLAY) maintains a website which lists and links executive orders from 1826 to the present, arranged by President and date, on individual HTML pages. Presidential executive orders may also be located in the annual *United States Code and Congressional & Administrative News* (USCCAN) published by Thomson Reuters and on various online services which publish the Federal Register or the U.S. Code. Westlaw also has executive orders dating from 1936 in its PRES file as does LexisNexis in its EXECOR file. Proquest has all executive orders and Presidential proclamations online from 1789 (<http://www.proquest.com/products-services/Executive-Orders-and-Presidential-Proclamations.html>) and also sells the same in its CIS microfiche collection 1789-1983 (http://cisupa.proquest.com/ws_display.asp?filter=cis_intermediate&item_id=%7B70973AFD-A28C-4DCE-9381-11E31E7B5187%7D).

Executive orders are generally directed to, and govern actions by, Federal government agencies and officials. Executive orders founded on the authority of the Constitution or U.S. statute have the force and effect of law and as such they are assigned to a particular section of the *United States Code* and published in the note field following that section. The location of these assigned orders, as well as whether the order was eliminated, can found in the back of the tables volume of the *United States Code*, the *United States Code Annotated*, and the *United States Code Service*.

Presidential proclamations are primarily hortatory in nature by commemorating certain days, weeks, and months in honor of something or someone. These proclamations, which generally concern private persons, are not legally binding.

For further information see the Congressional Research Service report entitled "Executive Orders and Proclamations" by John Contrubis, last updated on March 9, 1999 (26 pages; Order No. 95-772). See <http://www.llsdc.org/assets/sourcebook/crs-exec-orders-procs.pdf>.