"Writing a Legislative History"

Prof. Anthony Madonna
Lecture #6a
University of Georgia

Introductory Slides
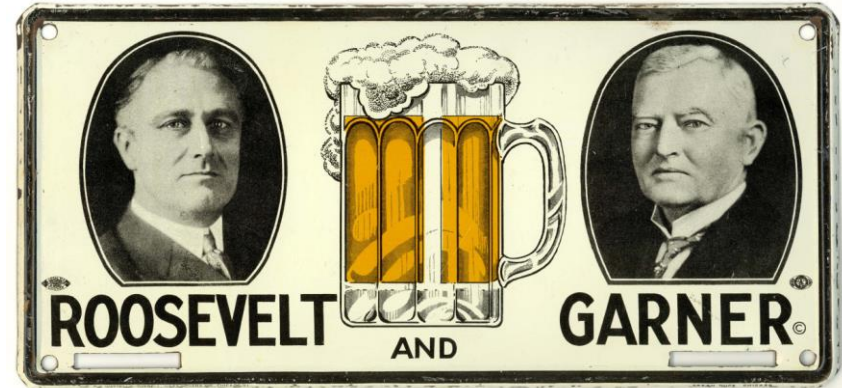
Writing a Legislative History

Above: Rep. John E. Moss (D-CA), who almost single-handedly brought about the Freedom of Information Act. He argued: "our system of government is based on the participation of the governed, and as our population grows in numbers it is essential that it also grow in knowledge and understanding."

Legislative History Overview

Legislative History - In order to demonstrate an understanding of the historical policy-making process, students are required to complete a paper analyzing the consideration and passage of a major piece of American legislation. After filling out the background survey discussed above, each student will be assigned to one of his 13 legislative history "teams."

While students are encouraged to work with their legislative history "teammates," they are not obligated to do so.

Each student will be assigned differing questions and duties related to the legislative history and graded separately. Students are also encouraged to use material from their exams in compiling their legislative histories. The legislative history assignment will count for 55% of the final course grade, broken up accordingly (more detailed discussions of the assignment will be provided in class):
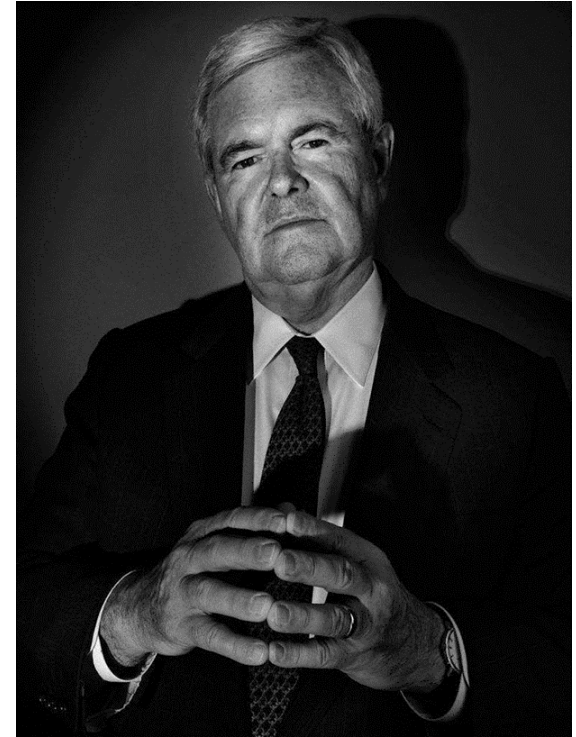

Above: After signing the Beer-Wine Revenue Act in the 73rd Congress, President Franklin D. Roosevelt (D-NY) famously declared "I think this would be a good time for a beer (Smith 2007)."

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Legislative History Overview

A brief, three-paragraph Summary detailing the legislation the student will be analyzing. More specifically, the summary section should do three things: Paragraph 1: Tell the reader what the law does/sought to do; Paragraph 2: Tell the reader why the law is or is not considered important today; Paragraph 3: Characterize its passage. Was is controversial? Partisan? What were the key votes/moments that occurred during consideration? The summary section should not exceed 500 words and is due on **_Friday, June 18th_** at 11pm. It is worth 5% of the final course grade.

A Background section that answers a specific question assigned by the instructor. Typically, this will necessitate contextualizing either the political climate the legislation was considered in or provide a history of the policy. Ideally, it will demonstrate why the legislation was needed. The background section is due on **_Wednesday, June 23rd_** at 11pm. It is worth 15% of the final course grade.

Above: Former House Speaker Newt Gingrich (R-GA). The man knows how to take a "power photo".

A Member Spotlight section. This is a short, one to two-page discussion detailing a member of Congress associated with the passage of the law. It can include either on a broad overview of a member's career and/or an interesting episode they were involved in. Students are encouraged to focus on whatever details they feel are the most interesting. The Member Spotlight is due on **_Tuesday, June 29th_** at 11 pm. It is worth 5% of the final course grade.
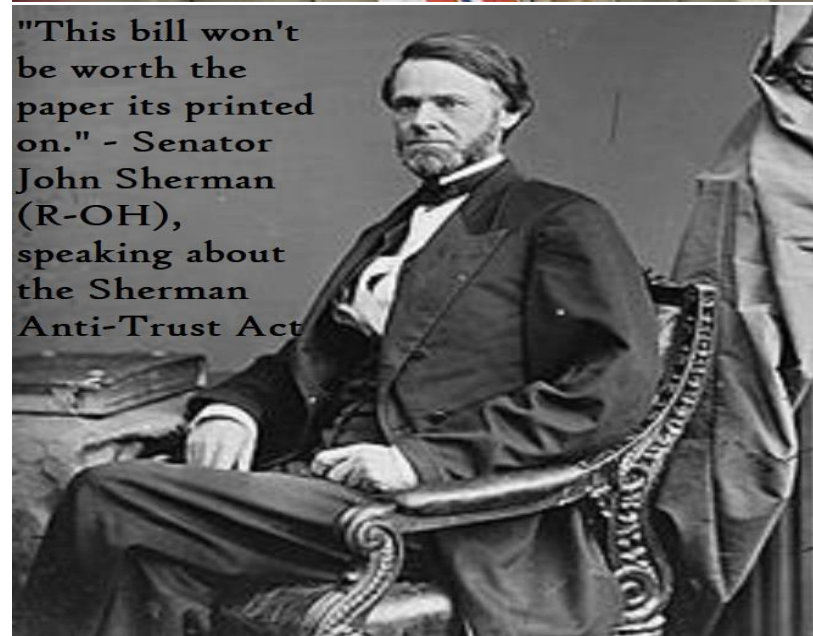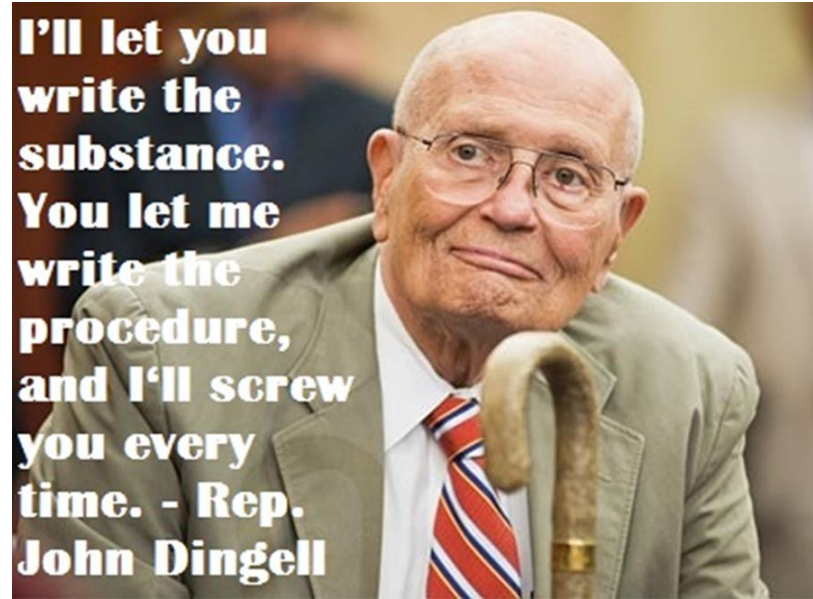
Legislative History Overview

A <u>Process</u> section that analyzes committee and floor consideration of the measure during a specific period assigned by the instructor. The may involve House or Senate consideration of a bill or conference report and will likely necessitate the discussion of a given rule or legislative procedure. It will also likely necessitate analyzing a roll call vote. The process section is due on ***Monday, July 5th*** at 11 pm. It is worth 20% of the final course grade.

An <u>Aftermath</u> section that analyzes a post-enactment event related to the bill assigned to the student by the instructor. This might include the law being amended by a subsequent piece of legislation, being altered by a series of Supreme Court decisions or its enforcement by the President and bureaucracy. The Aftermath section is due on ***Friday, July 9th*** at 11 pm. It is worth 10% of the final course grade.

I'll let you write the substance. You let me write the procedure, and I'll screw you every time. - Rep. John Dingell

"This bill won't be worth the paper its printed on." - Senator John Sherman (R-OH), speaking about the Sherman Anti-Trust Act

Legislative History Overview
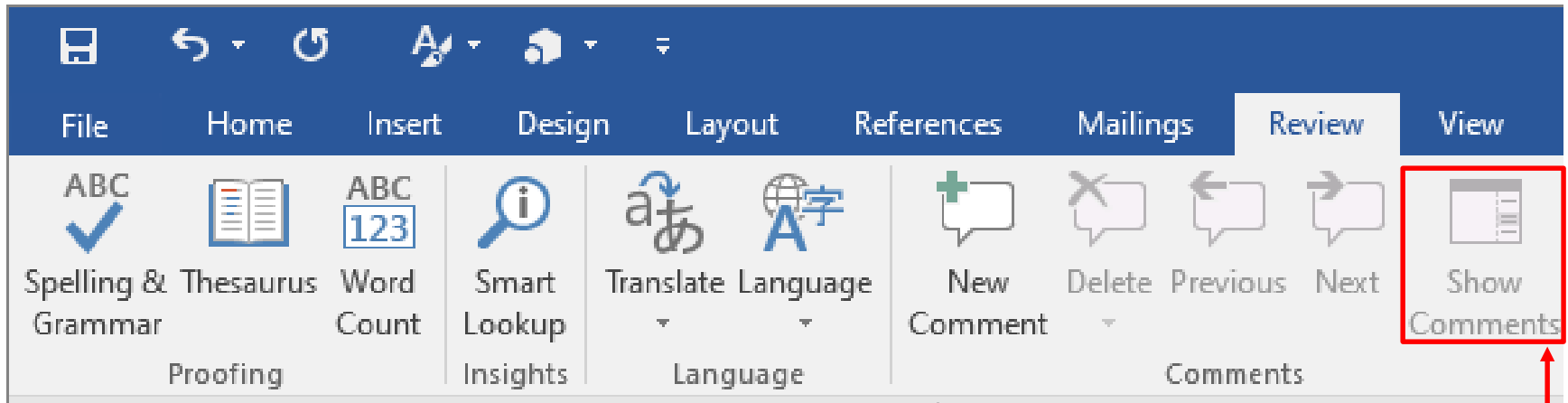

THE CONGRESS PROJECT

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Above: Consult www.thecongressproject.com (recent updates) for example legislative histories
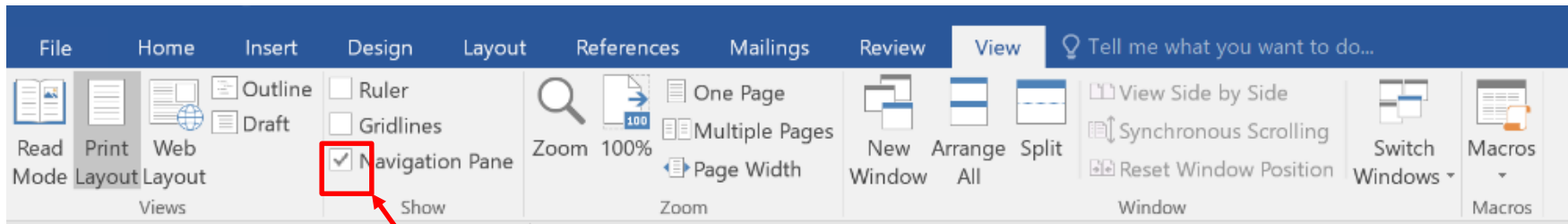
What You'll Be Starting With…

Prompt Sheets

You're going to be receiving an assigned bill from me by **Wednesday, June 16th.**

By Saturday, June 19th, you will also receive your prompt sheet. You're welcome to use the notes I've provided in there, as well as the attached newspaper articles.

These notes may be in comment form, so in Word, select the "Review" tab and make sure "Show Comments" is turned on.

Prompt Sheets

Additionally, to jump directly to a given section, you'll want to have "View Navigation Pane" enabled. In Word, select "View" and make sure "Navigation Pane" is check.

The next page will include some brief Comments on the legislation.

Prompt Sheet: Overview

The overview section is complete and you don't have to do anything with it. It's there purely for reference purposes for you.

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Assignment Prompt Sheet

The Controlled Substances Act

Overview

Act Title: Comprehensive Drug Abuse Prevention and Control Act of 1970

Congress: 91st Congress (1969-1970)
Session/Sessions: 2

Statute No: 84 Stat. 1236
Public Law No: 91 PL 513

Eid: 910513
Gid: 211-003

Bill: HR 18583
Sponsor: Rep. Harley Staggers (D-WV)
House Committees: Interstate and Foreign Commerce; Ways and Means
Senate Committees: Judiciary

Companion Bill: S 3246
Related Bills: S 2637; HR 14252; S 1895
House Rules: Hres 1216
Past Bills: 90 HR 15355

Introduced Date- Law Date: December 16, 1969 – October 27, 1970
House Floor Days: 3
Senate Floor Days: 7

Roll Call Votes: 17 (1 in the House, 16 in the Senate)

The Congress Project
www.thecongressproject.com

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Prompt Sheet: Comments and Assignments

You also don't need to do anything with the Comments section. It's just there to give you some background on the bill and links to additional information.

However, underneath the Comments is the **<u>Assignments</u>**. You need these to know what background, process, member spotlight and aftermath topics to address!!!!

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Legislative History Comments

Under existing federal laws, marijuana possession was punishable by up to 2-10 years in prison. The passage of the Controlled Substances Act as part of the *Comprehensive Drug Abuse Prevention and Control Act of 1970* (91 PL 513) reduced that to a misdemeanor punishable by a maximum one-year sentence. As CQ (1970) notes, that measure sought to "provide expanded programs of rehabilitation, treatment and drug abuse education, to unify and revise Federal narcotics laws, to revise the entire penalty structure for violations of those laws and to provide new tools for enforcement." Disputes over marijuana sentencing played a central law in the debate. Ultimately, the law also listed marijuana as a Scheduled I controlled substance.

The only process oddity here is that the Senate considered a related bill prior to the House movement on HR 18583. It was a more limited bill and I don't think it will be tough to deal with. The most controversial portion of that bill (S 3246), as well as most of this law, is the "no-knock" provision.

HR 18583 was brought to the House floor under a modified-closed rule and it doesn't look like there's a ton of conflict over it. It came to the Senate floor by uc. I cover both of these points below. It eventually passed the Senate unanimously and the House with only seven votes against (see Voteview on the House vote here).

Don't hesitate to e-mail me with questions! CQ (1970) is also worth consulting.

Assignments

For the sections below, you're going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

> **#1.** Guzman
>
> **#2.** Leggett
>
> **#3.** Payan

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Prompt Sheet: Background Questions

LEGISLATIVE HISTORY BACKGROUND QUESTIONS

This will be followed by "Background Questions." Consult your assigned number for the question you're expected to answer.

These are questions about the measure specifically assigned to you that a good legislative history would be able to answer in the background. There are certainly going to be additional questions regarding the measure I didn't include in here.

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Background Questions

1. What does this act actually do? Who was pushing for it? Was it part of the President's agenda? Why did Nixon want to address drug abuse at this point in time?

   Discuss the broader political context this bill was considered in. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? What other pieces of legislation were being considered/passed in this Congress? The Stathis (2014) piece might worth a citation here. This CRS (2019) report should be helpful.

2. The original Senate bill, S 3246, was described as primarily an "enforcement" measure. Why was it needed? Was it incorporated into the final bill? It sounds like much of the debate on S 3246 focused on whether Congress should allow authorities to enter an establishment during a drug raid without knocking (see articles below). What made this "no-knock" provision so controversial?

3. What happened in previous congresses regarding federal drug policy? In particular, under existing U.S. law, how was marijuana treated (see the Harrison Act here)? Why were some pushing to change this? What kind of reforms were they pushing for? Who was pushing back? There's a nice history discussion in the New York Times here (as well as other sources listed below).

However, for large, complex pieces of legislation, students will not be able to answer everything. I've found that students often like having these because it allows them to gear the legislative history in a specific direction.

If you have a specific focus or question coming into the bill, I'll try and incorporate it into the key questions section.

Prompt Sheet: Process Notes

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Process Sections

Please write-up the sections that correspond to your number. Feel free to incorporate any notes I might have dumped in the margins.

#1. Senate Consideration of S 3246 (January 23-28, 1970)

On January 23, 1970, Senate Majority Leader Mike Mansfield (D-MT) asked for, and received, unanimous consent that the Senate "proceed to the consideration" of S 3246 (*Congressional Record*, 91st Congress, January 23, 1970, 972)."

#2. House Consideration of HR 18583 (September 23-24, 1970)

The bill was brought to the floor under a modified-closed rule, Hres 1216 that precluded amendments to Title III. This was justified on the grounds that this section dealt with the tax code and that topic is often closed for amending. It was met with some opposition on the floor. Rep. H.R. Gross (R-IA), for example, opposed the rule "for the reason that it does prohibit amendments to title III." He added: "I can think of no good reason why this rule should have been brought out, precluding as it does the opportunity to amend an important part of the bill (*Congressional Record*, 91st Congress, September 23, 1970, 33297.)" Despite Gross's stated opposition both the previous question motion and the rule itself were adopted by voice vote.

#3. Senate Consideration of HR 18583 (October 6-7, 1970)

On October 6, 1970, Senate Majority Leader Mike Mansfield (D-MT) asked for, and received, unanimous consent that the Senate "proceed to the consideration" of HR 18583 (*Congressional Record*, 91st Congress, October 6, 1970, 35050)."

#2. House Consideration of the Conference Report on HR 18583 (October 14, 1970)

#3. Senate Consideration of the Conference Report on HR 18583 (October 14, 1970)

LEGISLATIVE HISTORY PROCESS SECTIONS

Next will be "Process Sections."

Process Notes is going to include the sections you should be writing up. As with the background section, consult you assigned number.

This section might also include weird nerd points I found interesting (it's likely that you will not). **PLEASE, FEEL FREE TO USE MY NOTES!**

I know this feels like you're plagiarizing me. I view it as "co-authoring" with your professor.

What you should be plugging into each section will vary depending on your key questions/piece of legislation.

Not all the process points will be relevant for your legislative history, as you're only drafting one section. However, students are expected to be familiar with other process sections for the exams.

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Prompt Sheet: Member Spotlight

Member Spotlight

Choose one of the following for your member spotlight:

#1. Sen. Mike Mansfield (D-MT); Rep. Larry Hogan (R-MD); Rep. J. Glenn Beall (R-MD); Sen. Jacob Javits (R-NY)

#2. Rep. Harley Staggers (D-WV); House Speaker John W. McCormack (D-MA); Rep. William Ryan (D-NY); Sen. Roman Hruska (R-NE)

#3. Sen. Harold Hughes (D-IA); Sen. Robert Griffin (R-MI); Sen. Thomas Dodd (D-CT); Rep. H.R. Gross (R-IA); Rep. William Springer (R-IL)

LEGISLATIVE HISTORY PROCESS SECTIONS

Next will be "Member Spotlight."

A list of potential members (all with varying levels of relevance to the underlying bill) is provided for each student. Again, consult your assigned number.

I really only provide the list here because I wanted to get away from everyone writing the same member spotlight section on Ted Kennedy or Newt Gingrich. If there's a member not on the list you want to take a crack at, have it. Just give me a heads up first.

Prompt Sheet: Aftermath Questions

LEGISLATIVE HISTORY AFTERMATH QUESTIONS

This will be followed by "Aftermath Questions." Consult your assigned number for the question/questions you're expected to answer.

This section looks a lot like the Background Questions section.

As with that section, if you have a specific focus or question coming into the bill, I'll try and incorporate it into the key questions section.

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Aftermath Questions

1. How was this act viewed upon passage? What did the newspapers say? At the time, it was viewed as a bill that softened marijuana laws and might put the country on a path towards legalization. What changed (see Courtwright 2004 below)? How did the final bill differ from the measure President Nixon was pushing? What happened to U.S. drug policy after this act was adopted?

2. How has this law evolved over time? Has it been featured in any major Supreme Court cases? Significantly altered by subsequent legislation? How relevant is this law currently? Are there additional issues related to it that reformers have been pushing to change? The no-knock provision for controlled substances was repealed in 1974 (see e.g. New York Times here), but states have continued to include them. Discuss the repeal of the no-knock provision at the federal level and their continued controversy in recent years.

3. How has this act been viewed by scholars? Do they highlight any major limitations? Also, address other developments in the law as they relate to marijuana policy. While the Controlled Substances Act weakened marijuana penalties, was there any discussion of eliminating them altogether? Discuss the relevance of this act as it pertains to contemporary drug policy. You might want to tie-in the relevance of the recent opioid crisis here.

Prompt Sheet: Suggested Sources

LEGISLATIVE HISTORY SUGGESTED SOURCES

Finally, a section called "Suggested Sources."

You do NOT have to consult all of these. I'll make a note of the ones that are particularly helpful. These are broken up into scholarly and newspaper source sections, so CRS or CQ Almanac may not be in here.

Watch my formatting here. I might have messed some stuff up.

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Suggested Sources

Scholarly Articles:

Courtwright, David T. "The Controlled Substances Act: How a "big tent" reform became a punitive drug law." *Drug and Alcohol Dependence* 76.1 (2004): 9-15.

Hodroff, Matthew B. "The Controlled Substances Act: Time to Reevaluate Marijuana." *Whittier L. Rev.* 36 (2014): 117.

Hudak, John. Marijuana: a short history. Brookings Institution Press, 2016.

Mikos, Robert A. "Preemption under the controlled substances act." *J. Health Care L. & Pol'y* 16 (2013): 5.

Kreit, Alex. "Controlled substances, uncontrolled law." *Alb. Gov't L. Rev.* 6 (2013): 332.

CRS 2019. "The Controlled Substances Act (CSA): A Legal Overview for the 116th Congress." Congressional Research Service. https://fas.org/sgp/crs/misc/R45948.pdf

Newspaper Pieces:

- https://www.vox.com/2014/9/25/6842187/drug-schedule-list-marijuana
- https://www.nytimes.com/2011/04/20/health/20painkiller.html
- https://time.com/4298038/marijuana-history-in-america/
- https://www.vox.com/2014/8/1/5954993/war-on-drugs-marijuana-legalization-US-drug-policy-absurd
- https://www.washingtonpost.com/news/wonk/wp/2016/04/06/the-dea-will-decide-whether-to-change-course-on-marijuana-by-july/
- https://www.theatlantic.com/national/archive/2011/07/marijuana-medical-use/352664/
- https://archive.nytimes.com/www.nytimes.com/interactive/2013/10/27/us/marijuana-legalization-timeline.html
- https://www.vox.com/2016/5/8/18089368/war-on-drugs-marijuana-cocaine-heroin-meth
- https://www.washingtonpost.com/graphics/2017/investigations/dea-drug-industry-congress/
- https://www.theatlantic.com/health/archive/2012/03/the-war-on-drugs-how-president-nixon-tied-addiction-to-crime/254319/
- https://www.vox.com/2016/5/8/18089368/war-on-drugs-marijuana-cocaine-heroin-meth
- https://www.nytimes.com/1986/11/17/us/anatomy-of-the-drug-issue-how-after-years-it-erupted.html
- https://www.businessinsider.com/legal-marijuana-states-2018-1
- https://www.washingtonpost.com/archive/local/1996/10/25/harold-hughes-dies-at-74/5c2e1ca8-ce34-4d3f-93f4-d684ba9f1e5b/
- https://www.nytimes.com/1996/10/25/us/harold-hughes-iowa-trucker-turned-politician-dies-at-74.html

"What is a legislative body for? It is not merely to make laws. It is to decide on all questions of public grievance, to determine between the different views entertained by men of diverse interests and to reconcile them both with justive. It must in some form hear the people. A negative decision by a legislative body is of as much value to the community as a law." -Thomas Brackett Reed (R-ME)

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Lecture #6b
University of Georgia

How to Write Each Legislative History Section

Section Instructions

Above: Former Senator Walter Jones (R-WA), the sponsor of "The Jones Act."

LEGISLATIVE HISTORY SECTIONS:

These slides take students through goals of each legislative history section and detail how the final product should appear.

Students are being asked to write portions of the legislative history, as opposed to the bill in its entirety.

Accordingly, for writing purposes, they should focus on answering the key questions provided to them by the instructor.

In short, the slides below will provide more detail than students in the course will need.

However, it bears repeating that while students will not be required to write every process section, they will be asked about them in their exams and should be familiar with them.

Topic Paper

THE TOPIC PAPER:

Students are asked to write a short Topic Paper detailing the issue and law the student will be analyzing. The Topic Paper accounts for 5% of the final course grade. This paper should include three sections: an introduction, a broad discussion of the policy area, and a paragraph detailing the legislation they will be writing their legislative history on. It is expected that students will be able to use their topic paper as part of the final legislative history.

The introduction should be one-three paragraphs and should use contemporary events to highlight how the legislation/policy is relevant today. In short, this section should hook the reader on why the legislation is important. Students *are required* to have at least two citations to contemporary newspaper articles in the introduction.

A second section should then highlight debates over the broader policy topic. Is the policy controversial? If so, what are the arguments for reform? What are the arguments for the status quo? If the policy is not controversial today, was it controversial when it was enacted? If so, what were the arguments for and against? Students should have at least two citations to scholarly sources in this section. If possible, students are encouraged to utilize one Congressional Research Service report. This section should be between 3-4 paragraphs.

Above: Former Representative Henry Hyde (R-IL), of "Hyde Amendment" fame.

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Topic Paper

THE TOPIC PAPER:

Finally, students should conclude with a brief section linking the policy topic to their assigned piece of legislation. Students are welcome to use material from their prompt sheets provided the prompt sheet has been posted. Additional information on the students assigned enactment can be found from the Stathis (2014) readings on ELC.

The topic paper should be turned in as a word document, in 12 point times new roman font and single-spaced. Newspaper sources should be cited in footnotes. Scholarly citations should be presented in a Work Cited section at the end of the paper and follow the Footnote and Citation guidelines. A topic paper template is provided in the instructions.

My preference would be for you to submit the topic paper via ELC as a Microsoft Word document. I do understand if you have to submit it via pdf however.

Above: It's former Representative Mike Castle (R-DE). He sponsored the IDEA Reauthorization Act of 2004 and holds the world record for eating 47 burritos in 10 minutes.*

*Sources are important!

Summary Section

SUMMARY SECTION: STRUCTURE

The summary section should do three things:

Paragraph 1: Tell the reader what the law does/sought to do.

Paragraph 2: Tell the reader why the law is or is not considered important today.

Paragraph 3: Characterize its passage. Was is controversial? Partisan? What were the key votes/moments that occurred during consideration?

It should not exceed 500 words

QUESTIONS:

Trying to toe a line here in terms of giving you instructions and material. I promise you, you won't be hurt grade-wise if you do something interesting here.

Don't worry about the overview.

They key in the summary section is to try and get a reader interested, while being accurate. So if you don't answer every question specifically, I think that's ok.

Above: Rep. Meyer London (S-NY), one of two socialist party members elected to the U.S. House and an aggressive opponent of the Espionage Act. He was eventually hit by a bus.

Background Section

BACKGROUND SECTION: OVERVIEW AND STRUCTURE

A Background section that answers a specific question assigned by the instructor. Typically, this will necessitate contextualizing either the political climate the legislation was considered in or provide a history of the policy. Ideally, it will demonstrate why the legislation was needed.

You have been assigned a specific question to focus on in your background section in your prompt sheets. **PLEASE READ THESE!** So you shouldn't be following the exact Background Section format from the "Writing a Legislative History" slides.

You don't need to answer all of the questions provided. Especially if one or two of them jump catch your eye and necessitate a lengthy answer. The long-term goal is to combine your background section with those of your "bill buddies" (this is not something you need to worry about). Ultimately, a good background section should provide the reader with enough information to understand the congressional debate. It should contextualize the political situation and the issue.

Pro-Tip: If you're ever on solo-parent duty, check to see if it's "Daycare Picture Day".

Background Section
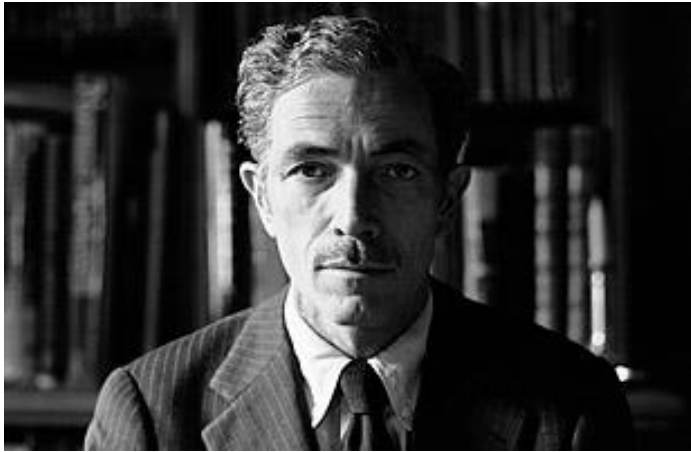
BACKGROUND SECTION: OVERVIEW AND STRUCTURE

Median word count on this section from past classes was 1150 and the average word count was 1161. Median word count for an A was 1655 and the average word count for an A was 1677. The median number of citations was 3.5, the median number of citations for an A was 6.25. Does this mean you have to hit these numbers? Of course not, we had A's that were much shorter and low grades that were much longer. But students have asked about length on these sections.

Please provide a Work Cited page and follow the Footnote and Citation guidelines.

My preference would be for you to submit the Background section via ELC as a Microsoft Word document. I do understand if you have to submit it via pdf however.

An example of an excellent Background section can be found below. Additional examples can be found on the Congress Project Website here:

- https://www.thecongressproject.com/anti-drug-abuse-act-of-1986
- https://www.thecongressproject.com/twenty-first-amendment/
- https://www.thecongressproject.com/standard-time-act-of-1918

Background Section

Above: During debate, Rep. Otis Wingo (D-AR) asserted the bill's supporters had "never seen the sun rise in 20 years" and predicted the measure would provide relief to "the slackers of the Nation who are too lazy to get up early."

BACKGROUND SECTION: SOURCES

In addition to suggested sources supplied by the instructor (most of which will focus on the policy), there are some useful sources to consult for information on the Congress.

- Stathis, Stephen W. 2014. Landmark Legislation, 1774-2012: Major U.S. Acts and Treaties, 2nd Edition. Washington: CQ Press.

The above Stathis book will provide information on landmark bills for each Congress, as well as background on the Congress. It is available online through UGA's website.

Additional useful information can be found on the Senate and House websites:

- https://www.senate.gov/history/partydiv.htm

- https://history.house.gov/Congressional-Overview/Profiles/101st/

Member Spotlight

Martha Griffiths, 91, Dies; Fighter for Women's Rights

By Wolfgang Saxon

April 25, 2003

Martha Wright Griffiths, a longtime United States representative who was a legend in Michigan Democratic politics and one of the most effective women's civil rights legislators of her day, died on

Above: Rep. Martha Griffin (D-MI), who navigated the Equal Rights Amendment through the U.S. House. Her obituary includes this description: "Dubbed the mother of the Equal Rights Amendment, the weapons she deployed during her 10-term congressional career included implacable determination, a lawyer's grasp of procedural niceties, and a tongue like a blacksmith's rasp. She once asked [an airline] executive if he thought he was running a brothel, and publicly denounced her political boss, then governor of Michigan, as a "son of a bitch"."

MEMBER SPOTLIGHT: STRUCTURE

A short, one to two-page discussion detailing a member of Congress associated with the passage of the law. It can include either on a broad overview of a member's career and/or an interesting episode they were involved in. Students are encouraged to focus on whatever details they feel are the most interesting.

The member profiled can be either a supporter or an opponent of the bill. Students are encouraged to consult bioguide, the Congressional Record and the "Historic Newspapers" resource for background information. When possible, students are strongly encouraged to include a citation to a member's obituary.

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Member Spotlight

MEMBER SPOTLIGHT: STRUCTURE

Look at the prompt sheet for a list of suggested members. Unless we've exchanged e-mails about this.

A good Member Spotlight section will likely run between six to eight paragraphs long. There's no maximum length on it. In previous courses, the median word count for the section was 839. For students who received a 93 or higher, it was 1008.

Generally want to shoot for a minimum of three sources. DIVERSIFY YOUR SOURCES. DO NOT USE ONLINE ENCYCLOPEDIAS.

Member Spotlight

MEMBER SPOTLIGHT: EXAMPLE

Rep. Thomas Blanton (D-TX), who was "booed" by wets on the floor, spoke of death threats he received due to his support for prohibition and encouraged other dries to continue to "hold the line (*Congressional Record*, 72nd Congress, February 20, 1933, 4512-16)."

Notably, Blanton was no stranger to this kind of treatment. He had been booed during earlier speeches as well and was a highly controversial figure in the House. Blanton was loathed for asking for roll call votes on a wide number of issues, raising frequent points of order on the floor and often aggressive during debate. His antics ate into floor time and caused delay. First elected to the House in 1917, Blanton's behavior came to a boiling point in 1921 when he entered a curse word into the Congressional Record. A resolution expelling him from the House was introduced.

While many anticipated Blanton would apologize, he instead gave an hour and half long speech defending himself, declaring that "the man who is not afraid to lose his own head does not consider political head (*Congressional Record*, 67th Congress, October 27, 1921, 6886)." His defense was largely led by the noted parliamentarian, Rep. Robert Luce (R-MA). A Republican, Luce announced it was difficult to defend Blanton but he felt duty-bound to oppose expulsion, which he felt was too extreme an option. Luce argued: "A seemingly righteous precedent set now may be turned to unrighteous ends next year (*Congressional Record*, 67th Congress, October 27, 1921, 6890)." After the expulsion resolution fell by eight votes, Blanton was unanimously censured. Blanton would faint on the floor afterwards.

For more, see Stevens (1982); "Censure to Blanton," 1921. *The Washington Post*, October 28; Fishbein, Rebecca. 2018. "The Time the Word 'Damn' Almost Got a Man Kicked Out of Congress." *Vice*, July 19. For the vote to expel see Voteview, 67th House, rcnum 119 (Poole and Rosenthal 1997).
https://voteview.com/rollcall/RH0670119

Process Section

PROCESS SECTION: OVERVIEW AND STRUCTURE

For their legislative history project, students are required to complete a "Process Section" that analyzes committee and floor consideration of the measure during a specific period assigned by the instructor. This may involve House or Senate consideration of a bill or conference report and will likely necessitate the discussion of a given rule or legislative procedure. It will also likely necessitate analyzing a roll call vote.

You will be assigned one or two process sections that correspond to either House or Senate consideration of a bill or conference report that is related to your landmark law. Again, pull up your prompt sheet, find the number assigned to you (under Assignments) and locate that number or numbers in the Process sections. Students are encouraged to consult Bioguide, the Congressional Record, Voteview and the "Historic Newspapers" resource for background information.

Median word count on this section from past classes is 1400. Median word count for an A is 2009. Does this mean you have to hit these numbers? Of course not, had A's that were much shorter and low grades that were much longer. But students have asked about length on these sections.

Above: Senator Bob Byrd (D-WV) mastered both the US Senate AND the fiddle. He's one of only thirteen individuals who can claim both.

Process Sections

Links

PROCESS SECTIONS: OVERVIEW

I'm calling any section between Background and Aftermath "process sections." You might have as few as two of these, but you might also have many more.

A good example of process sections can be found in the Comprehensive Anti-Apartheid Act of 1986 case on the Congress Project website:

- https://www.thecongressproject.com/comprehensive-antiapartheid-act-of-1986/#Initial-House-Consideration

These are the process sections for that bill. For most students, I will provide an outline with the process sections labelled beforehand. I recommend working off of that outline.

Questions to consider in the initial process sections (i.e. the first House and Senate consideration sections): When was the bill introduced? By whom? What committee or committees was it referred to? What happened in committee? When was it reported out?

How did it get to the floor? Was there a special rule in the House? A unanimous consent agreement in the Senate? Was debate over the initial process contentious?

Once on the floor, what happened? What did supporters of the measure say about it? What about opponents? I recommend pulling several quotes directly from the debate. Was there a key fight over an amendment? What was it? How did it pass (recorded vote, voice vote, etc…)? What was the vote total? How did newspapers discuss the House consideration?

Process Sections

PROCESS SECTIONS: STRUCTURE

In terms of length of the process sections, they will vary a great deal. Use notes from the instructor as a guide. I'll often tell you when to expect short process sections. Some of you may be dealing with highly complex pieces of legislation subjected to a great deal of debate. Accordingly, expect longer sections there. Again though, don't hesitate to quote directly from the Record.

Your first paragraph or two of the initial process sections will often focus on what happened to the bill in Committee. This is information will generally come from secondary sources like CQ Almanac and/or historical newspapers.

After this, the next paragraph or two will want to tell the reader how this bill reached the floor. House special rule? Unanimous consent agreement? Was there debate over this?

Above: Senator Richard Lugar (R-IN) (above) sponsored the Senate bill and was credited with getting the measure through committee "with sheer political muscle (CQ Almanac 1987)."

From there, you're going to want your next paragraph or handful of paragraphs to tell the reader about the debate and amending process. What were the arguments being made by opponents and supporters? Broadly speaking, I think you probably want to shoot for 2-3 direct quotes from the Congressional Record from both supporters and opponents.

Was there a key vote on an amendment that led to the bill's passage? For bills with a large number of floor amendments, a look through historical newspapers will help you identify the most important amendment votes.

Your *final paragraph* will recap the vote on passage. How did it pass? Who opposed it? Was it partisan? Ideological? You may want to use a figure from Voteview.com here.

Process Sections

Above: Rep. Ron Dellums (D-CA) viewed the House bill as a "step forward," but also "inadequate in response to what is evolving in South Africa at the very moment (*Congressional Record*, June 18, 1986, 99th Congress, 14276)." His full-text substitute amendment was adopted by voice vote.

PROCESS SECTIONS: GOALS

Perhaps the most important aspect of the process sections is making sure you keep the consideration chronological (you want to do that for this entire project.) When it doubt, provide a date. You don't want to include quotes from a debate on May 7, 1986 in a paragraph and then jump back to May 3, 1987 in the next paragraph.

Generally speaking, you have two main goals in the process sections: (1) to explain how the policy this piece of legislation was originally viewed by lawmakers and (2) to identify key issues in the legislation. These two goals may or may not overlap. Often times, policies we associate with a bill were not the focal point of the debate.

Occasionally, the content of a law might be altered by procedural rules or tactics employed by members of Congress. For example, in the case of the Anti-Apartheid Act of 1986, a stronger measure proposed by Rep. Ron Dellums (D-CA) was adopted in part because conservative opponents of the bill felt it was "the worst [measure] possible" and it would doom any attempt to sanction South Africa.

Process Sections

DW-Nominate Cutting Line

DW-Nominate Dimension 2: Social/Racial
Conservative — Liberal

Liberal — Conservative
DW-Nominate Dimension 1: Economic/Redistributive

Classified: 0.93
PRE: 0.67

FINAL PASSAGE VOTES:

EXAMPLE

The House debated the president's veto on September 29th and saw few new arguments, even by opponents of the bill who focused a lot of their attention on agriculture.

Representative Ron Marlenee (R-MT) said, "What a confusing world this congress creates… subsidizing our enemy so they will take grain, and yet a trading partner that takes cash, that has taken more grain than the Soviet Union, is going to be essentially embargoed." Rep. William Dannemeyer (R-LA) said the sanctions would cause problems for American exporters.

On the other hand, Solarz said it was hard to take Reagan's concern for black South Africans seriously, adding, "his expressions of concern make crocodile tears seem like Perrier water". Rep. Gary Ackerman (D-NY) added the rest of the world would be emboldened if America moved: "The leading nations of the world have balked at implementing any strict measure against Pretoria because of the United States' unwillingness to do so."

The House overrode President Reagan's veto 313-83 on September 29th, 1986. 82 Republicans joined 234 Democrats in support, with four Democrats joining 82 Republicans in opposition. As the figure below from voteview.com demonstrates, the vote was fairly ideological.

Process Sections

For many students, I have provided some text describing procedural issues and/or other issues that occurred during consideration of the bill. Feel free to use that text, delete it or keep it as is. I recognize this can be a bit daunting, but you are the ultimate editor here. Decide whether or not its useful to you.
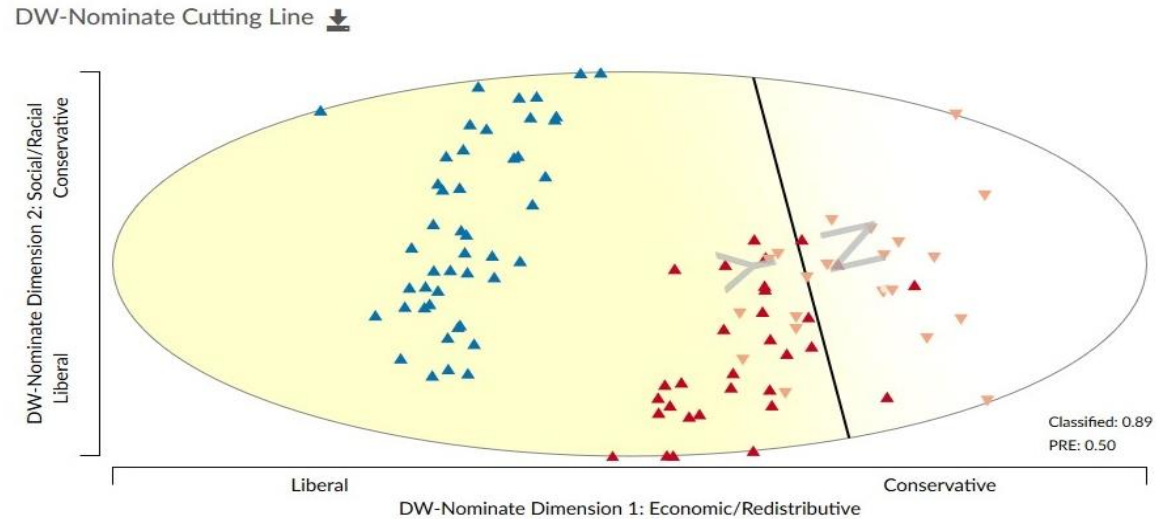
Above: The Senate vote to override President Ronal Reagan's veto of the Anti-Apartheid Act from Voteview.com. It was overridden 78-32, with all Democrats voting yes.

If you encounter a confusing procedural issue in the Congressional Record, you can either look up the procedure, e-mail me or quote it verbatim in your write-up. Please do not "guess" as to what might be happening.

When describing a final passage vote, roll call votes can be found using Voteview.com. You might find it helpful to include a Voteview figure. It is often helpful in characterizing whether the vote was partisan, ideological, etc.

It may be that your secondary process sections are longer than your initial process sections. This is purely dependent on how much floor debate occurred.

Median word count on this section from past classes is 1539. Median word count for an A is 1800. Does this mean you have to hit these numbers? Of course not, we had A's that were much shorter and low grades that were much longer. But students have asked about length on these sections, so I have provided it here.

Process Sections

PROCESS SECTIONS: CITING THE CONGRESSIONAL RECORD

When identifying good quotes from the Congressional Record, historical newspapers can help. Also, the identity of the member may be useful. Quotes from the bill sponsor, leading opponent, major amendment sponsor, party or committee leaders, moderate swing votes, etc., can all be useful in telling the story of this measure.

Give me at least a few quotes from both sides.

The *Congressional Record* should be cited parenthetically. It should take the following form: "Quote (*Congressional Record*, ## Congress, Month, Day, Year, Page #)." So, for example:

Senator Barry Goldwater (R-AZ) argued against the amendment: "Mr. President, I would like to suggest that we look at every amendment we have and ask ourselves, do we have to have this? [The] election is two years away. We do not have to start kissing this and rubbing that to get elected next time. And, thank God, I do not have to do it ever again (Congressional Record, 96th Congress, December 11, 1980, 16227)."

Above: Freshman Senator Mitch McConnell (R-KY), who argued: "Because I have chosen to stand with those who struggle for freedom, I must stand apart from my President."

Process Sections
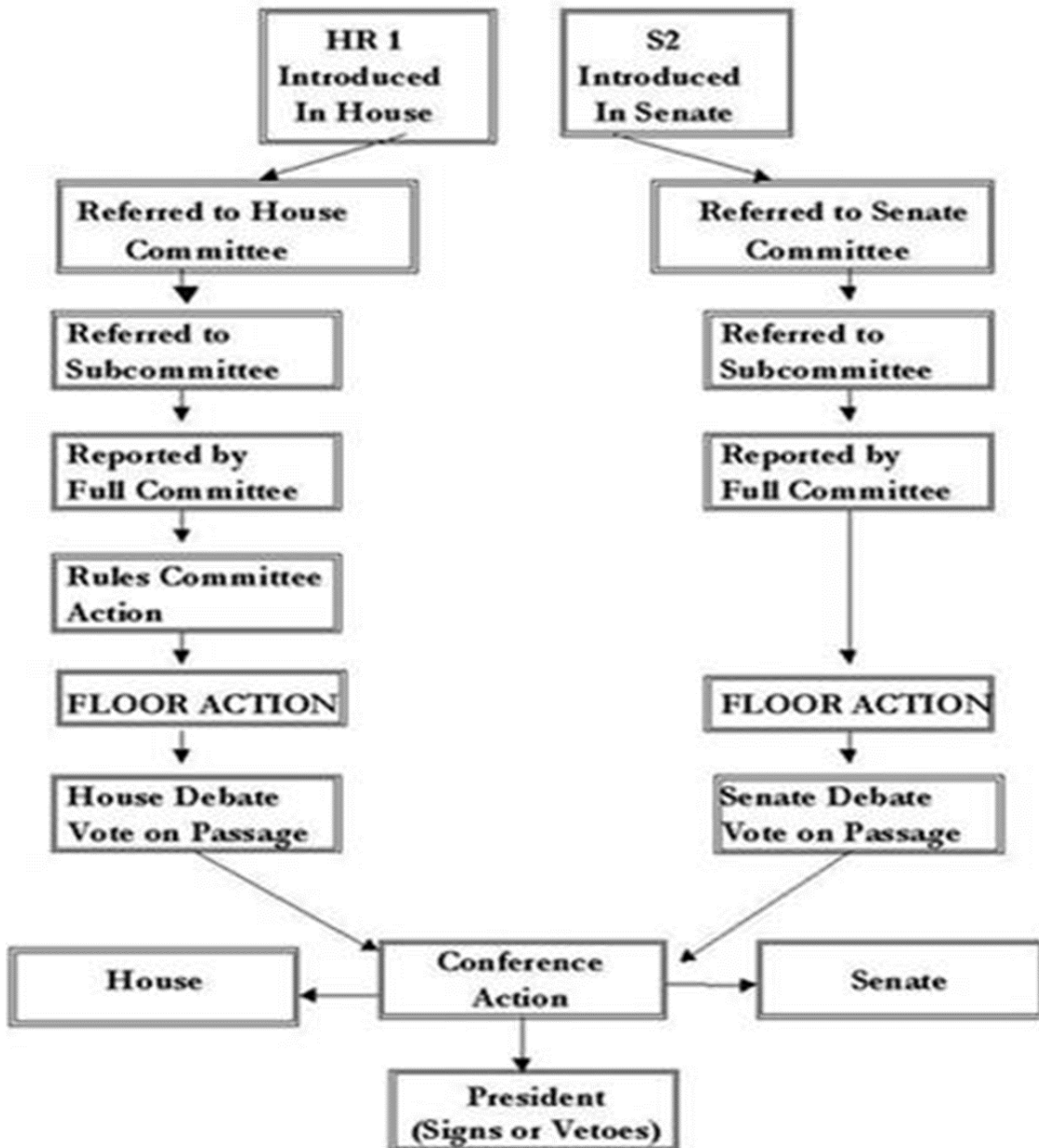
PROCESS SECTIONS: SOURCES

There are a number of additional resources to consult if you have questions on process. First, do not hesitate to e-mail the instructor.

Second, CQ Almanac, when available, often provides a nice overview of key issues and questions that occurred during debate. CRS Reports are also excellent resources.

Third, Congress.gov provides a video overview of the legislative process below:

- https://www.congress.gov/legislative-process

Additional sources can be found on the Congress Project website here:

- https://www.thecongressproject.com/data-and-links

Aftermath Section

AFTERMATH SECTION: OVERVIEW AND STRUCTURE

A good example of an aftermath section can be found in the Anti-Drug Abuse Act case on the Congress Project website:

https://www.thecongressproject.com/anti-drug-abuse-act-of-1986

Questions to be answered in an Aftermath section: When did the President sign it into law? Did the papers quote the President's discussion of it? Was the law amended by a subsequent law? Was it overturned in a later Supreme Court case? Bureaucratic rules? How do contemporary scholars view the law? Was it effective? Citations from google scholar will help here.

Above: Maryland basketball star Len Bias, whose death helped motivated the passage of the act.

Median word count on this section from past classes was 1057 and the average word count was 1096. Median word count for an A was 1457 and the average word count for an A was 1552. The median number of citations was 3.5, the median number of citations for an A was 5. Does this mean you have to hit these numbers? Of course not, we had A's that were much shorter and low grades that were much longer. But students have asked about length on these sections.

Aftermath Section

Above: Senator Charles Mathias (R-MD) (above) informed Majority Leader Bob Dole (R-KS) he would filibuster the bill with a death penalty provision in it and he was "prepared to spend Christmas [in the Senate]" to do so.

AFTERMATH SECTION: STRUCTURE

In the Anti-Drug Abuse Act case, the Aftermath section largely follows the questions detailed above. The first sentence notes when President Reagan signed the law. It's followed by newspaper coverage of the signing.

The following paragraph briefly detailed the passage of subsequent legislation amending the 1986 bill.

Finally, much of the Aftermath section focused on problems caused by the legislation, as identified by scholars and political observers. The idea here was to identify the positive or negative qualities the law is most known for.

In the case of the Anti-Drug Abuse Act, the most notable aspect of the law was the provision calling for "mandatory minimum sentences for possession of even smaller amounts of crack cocaine with the crack-to-powder ratio at 100 to one."

Finally, the Aftermath section concludes with contemporary events, highlighting its relevance. Specifically, it notes that: "Attempting to correct their severely flawed and racially biased legislation, Congress passed, and President Barack Obama signed into law the Fair Sentencing Act of 2010 (S. 1789; 111 PL 220). The New York Times reported that "Congress addressed the issue by passing the Fair Sentencing Act of 2010, which reduced the sentencing disparity to 18 to one."

The First Draft is Shit.

"Writing a Legislative History: Grading and Tips"

Prof. Anthony Madonna
Lecture #6c
University of Georgia

Grading and Tips for Writing

Legislative History: Final Grading

LEGISLATIVE HISTORY FINAL GRADING

Factors that influence students' grades include how well the student followed the assignment and answered key questions; spelling and grammar; did not include errors; if proper formatting was followed; and whether scholarly, journalistic and primary source materials were cited.
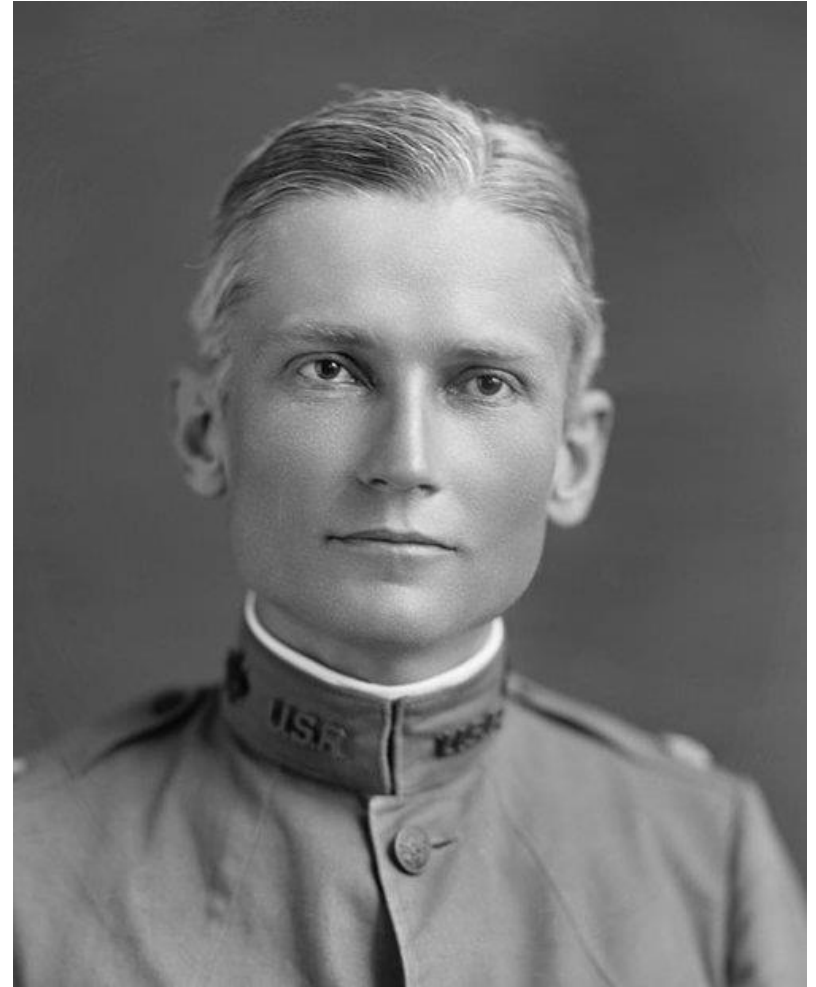
Above: Prior to coming to the Senate, Hiram Bingham (R-CT) was an academic and explorer most well-known for publicizing the location of the Inca city of Machu Picchu. He has been cited an inspiration for the Indiana Jones character.

Legislative History Tips

Look to www.thecongressproject.com for examples! But don't kill yourself trying to match the style.

You have the flexibility to focus on aspects of the law/bill you find the most interesting…

You don't have to know anything about Congress to do this assignment. Just ask questions…

The goals of a legislative history

1. Explain to the reader why the issue matters
2. Explain why Congress acted the why they did
3. If the policy evolved afterwards, provide a brief explanation of how and why
4. Tell the reader where to find more information

Things you should take away

1. How to research federal laws and legislation
2. Greater knowledge of a specific policy and its evolution
3. More incite on the lawmaking process
4. How to use footnotes…

43

General Points

I. Comments from me

1) Might be in a new document.
2) Turn on your comments feature.
3) More notes is NOT a bad thing!
4) Use what I'm giving you.

II. DON'T BE WRONG!

1) Be unsure, ask questions, say you don't know. But do **NOT** guess.
2) Part of the point is to ID confusing junctions in the lawmaking process. If you don't understand something, the odds are good readers won't either.

III. Really. The previous point.

1) There are no bad questions about process. There are, however, tons of bad answers. Do not give me the latter on this assignment.

44

General Points

IV. Find things that interest YOU.

1) Don't worry about making me happy. If there's a topic you find interesting, focus on that.
2) Policy impact, floor fights, member information, etc.
3) If you find a podcast or a video on your bill or topic, let me know!
4) Be flexible in the process sections

V. Google every member you quote

Who is this person speaking out against the bill? A liberal? A conservative? Are they someone respected in their caucus? Leadership? Do they have a personal connection or electoral motivation to break from their party here? Who are they speaking to?

Knowing this helps us understand the measure better. It's also interesting to readers as, for reasons unclear to me, they apparently find people more interesting then abstract legislative procedure.

General Points

V. When in doubt, write it down!

1) Use a notes section to look at later
2) Put free to put it in a footnote.

VI. Other points

1) Link the bioguide and congress.gov if possible.
2) What parts of the debate to focus on? Use the newspapers and CQ Almanac.
3) Look for quotes on your topic.
4) Use voteview.
5) If you quote the CR—and you definitely should—give me the member's name, the page number, the date and the Congress (i.e. Rep. Alan Trammell (D-MI) argued "Freedom is probably good (*Congressional Record*, 88th Congress, July 4, 1964, 11125).

VII. Being objective is hard. Get over it.

1) Your job here is not to ask if something SHOULD have happened, but to explain WHY it did
2) Use the scholarly arguments to contextualize this
3) Sources, sources, sources

General Points
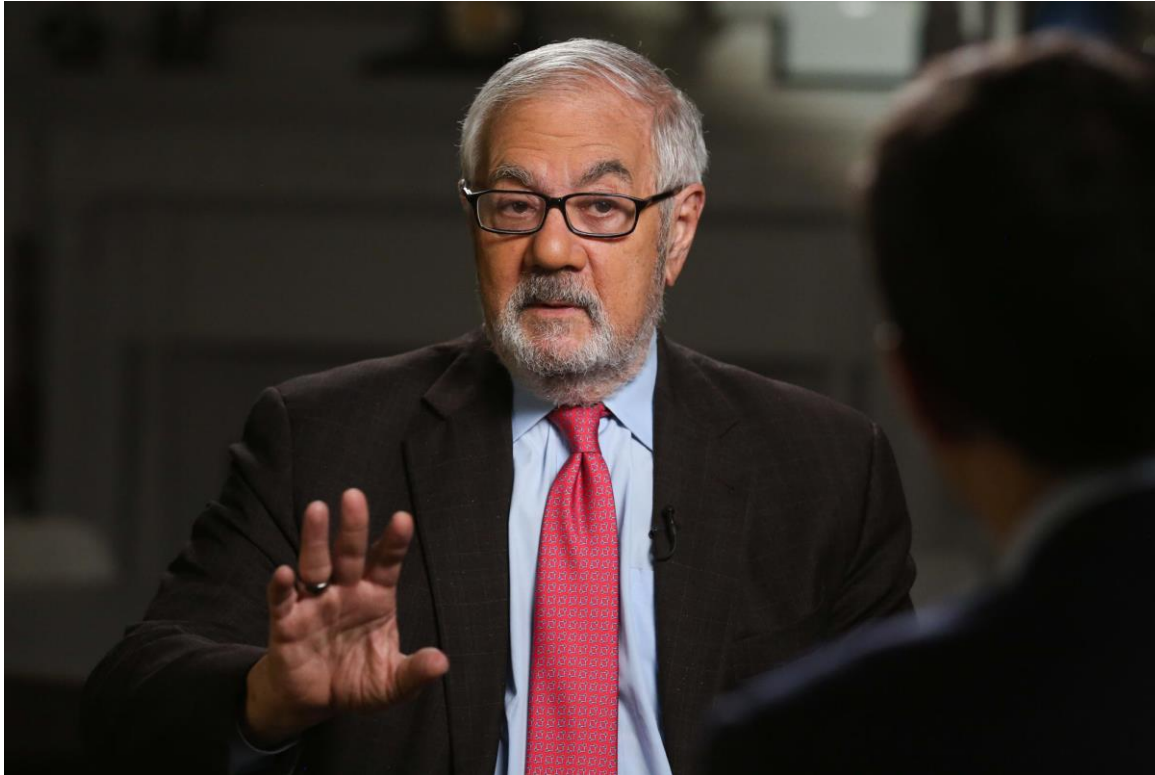
VIII. Make an effort on the citation and footnote guidelines.

When referencing a bill, no periods are needed (i.e. HR, Hres, HJR, HCR, S, Sres, SJR, SCR).

With members, when you first reference them, cite the Position Firstname Lastname (Party-ST). So, for example:

Rep. Barney Frank (D-MA).

Afterwards, you can simply refer to them by their last name.

If you're not familiar with it, you can take capitalized text that you pulled from an article title, highlight it, then select the case size button in Word (it's next to the font size) and select "Capitalize Each Word." It saves some time.

Ugh. Please don't give me "Footers". Insert a footnote.

General Points

IX. Use historical newspapers to bolster your conclusions

Newspapers will get insider quotes. These quotes will often contextualize whether the process that played out on the floor was "sincere" or "a show."

They will also help you focus on the most important amendments.

X. Link this to your Aftermath section.

What happened to the vocal supporters and opponents of this bill? Was the issue Congress focused on a problem in the years to come?

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"Writing a Legislative History: Accessing Sources"

Prof. Anthony Madonna
Lecture #6d
University of Georgia

Accessing Primary Source Materials and Other Resources for Writing a Legislative History

Key Terms

Primary source: An immediate, first-hand account of an event. They encourage students and researchers to seek out new information and are frequently employed by researchers to minimize certain types of bias. However, students should be aware that primary sources frequently include different types of biases as well.

Examples of key primary sources for Legislative Histories are The Congressional Record; Committee Reports; Legislative Text.

Secondary source: As the name implies, a secondary source is a step away from a primary source. It frequently quotes from—and relies on—a primary source. These are frequently useful to contextualize key issues and debates in lawmaking.

Examples include Historical Newspapers; Biographies; Scholarly Books and Articles.

Key Terms

A **bill** is the primary vehicle employed by legislators to introduce their proposals. House bills are designated H.R. 1, H.R. 2, etc…Senate bills are designated S. 1, S. 2, etc. As the Senate website notes, "They address either matters of general interest ("public bills") or narrow interest ("private bills"), such as immigration cases and individual claims against the Federal government." It needs to pass both the House and the Senate in identical forms and be signed by the President (or passed over a presidential veto) to become law.

Once a bill becomes law, it is assigned a **public law number** corresponding to the Congress is was enacted in and the order it passed. 115 PL 12 is a public law number corresponding the 12th public law enacted in the 115th Congress.

The law is also assigned a **statute number**. This corresponds to the volume and page number the law can be found in the *Statutes at Large*.

Congress may work on several bills throughout a given Congress before agreeing on a final bill that eventually becomes a public law. For example, the Senate may debate and amend S 120 while the House considers HR 5. Eventually, the two changes agree on the content of the bill and include that language in HR 282.

Legislative History Resources

Using Some Resources:

Instructions

www.thecongressproject.com

www.congress.gov

Congressional Record via Heinonline

Historical Newspapers

CQ Almanac

www.everycrsreport.com

ProQuest Legislative Histories

I'll let you write the substance. You let me write the procedure, and I'll screw you every time. - Rep. John Dingell
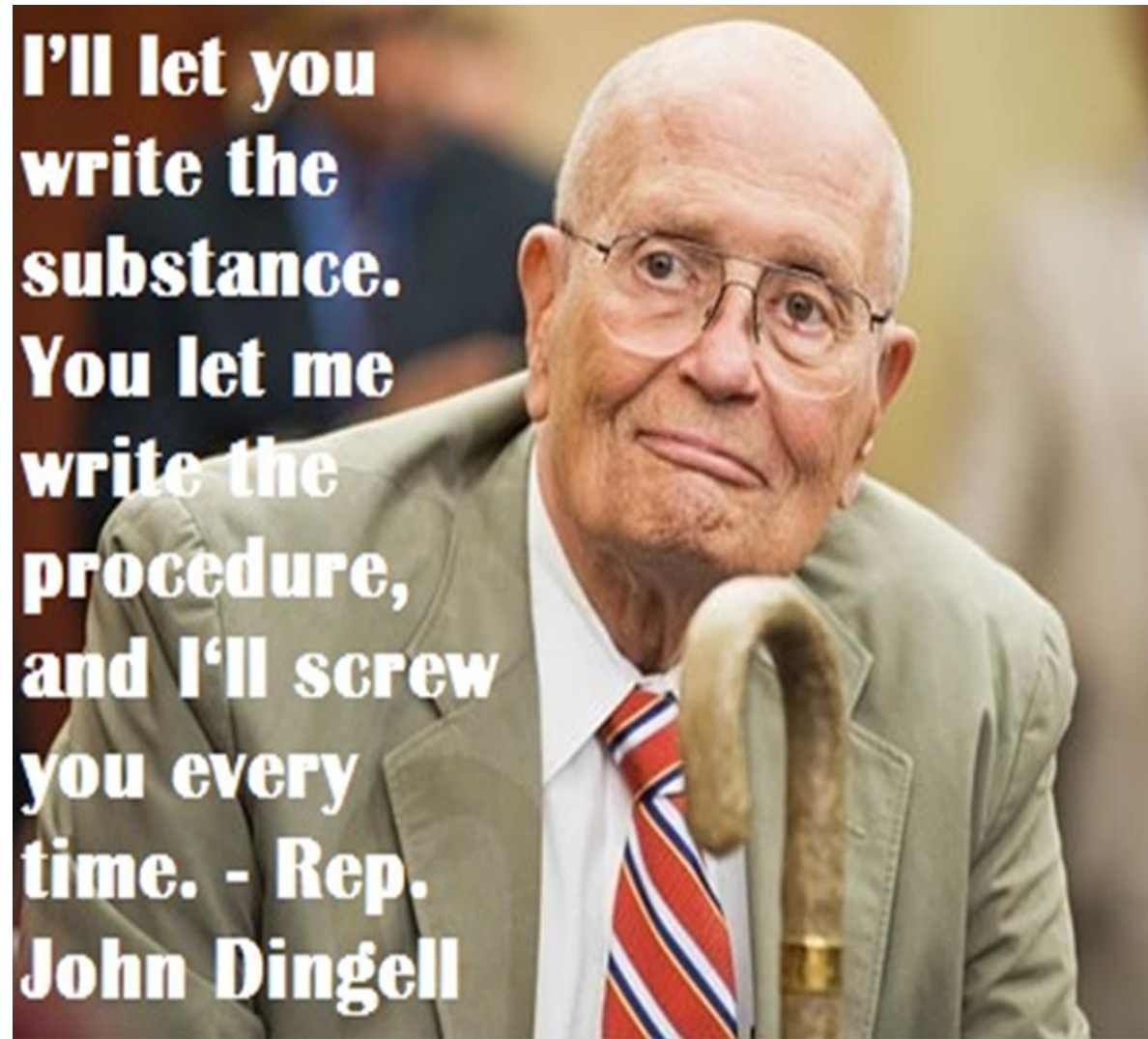
Finding Your Enactment in the CR

Access the Congressional Record through HeinOnline on the University of Georgia Library's website here:

http://www.libs.uga.edu/

From there, click on Databases A-Z, select "H" and find HeinOnline that way.

Finding Your Enactment in the CR

Pulling up HeinOnline will bring you to the following screen:

On the lower right-hand side, click on "U.S. Congressional Documents." On the dropdown menu, then select "Congressional Record." Click "Congressional Record" again on the dropdown screen.

Finding Your Enactment in the CR

Vol. 131 (99th Congress, 1st Session) (1985)

Vol. 130 (98th Congress, 2nd Session) (1984)

Vol. 129 (98th Congress, 1st Session) (1983)

Vol. 128 (97th Congress, 2nd Session) (1982)

Vol. 127 (97th Congress, 1st Session) (1981)

Vol. 126 (96th Congress, 2nd Session) (1980)

Vol. 125 (96th Congress, 1st Session) (1979)

Vol. 124 (95th Congress, 2nd Session) (1978)

Vol. 123 (95th Congress, 1st Session) (1977)

Vol. 122 (94th Congress, 2nd Session) (1976)

Vol. 121 (94th Congress, 1st Session) (1975)

Vol. 120 (93rd Congress, 2nd Session) (1974)

Vol. 119 (93rd Congress, 1st Session) (1973)

Vol. 118 (92nd Congress, 2nd Session) (1972)

Vol. 117 (92nd Congress, 1st Session) (1971)

Vol. 116 (91st Congress, 2nd Session) (1970)

Vol. 115 (91st Congress, 1st Session) (1969)

Vol. 114 (90th Congress, 2nd Session) (1968)

Vol. 113 (90th Congress, 1st Session) (1967)

Vol. 112 (89th Congress, 2nd Session) (1966)

Vol. 111 (89th Congress, 1st Session) (1965)

This will bring you to a list of volumes and congresses.
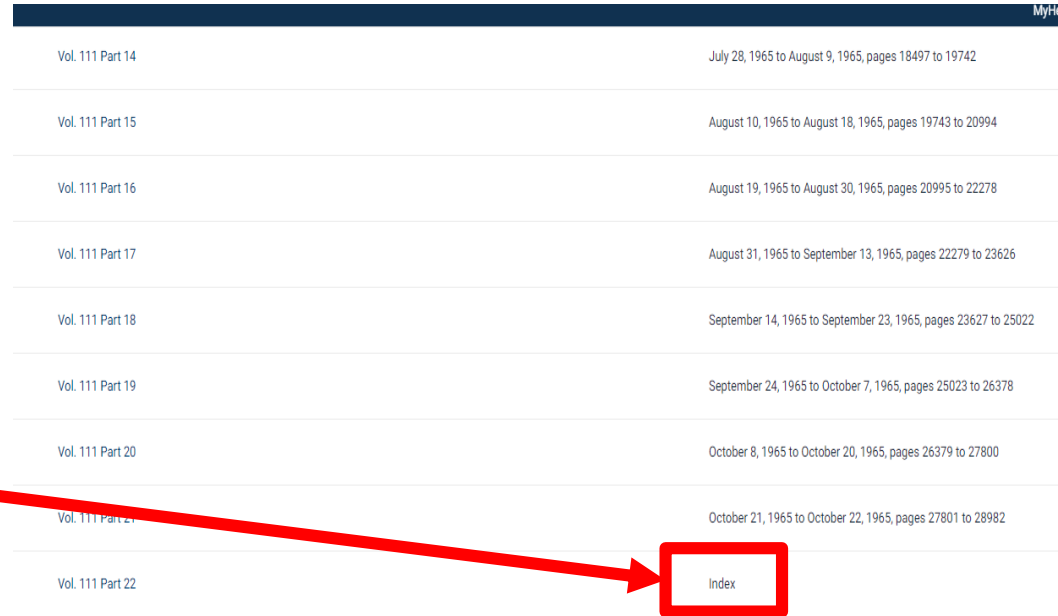
Find the 89th Congress. The overview lists only session 1. So select that.

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Finding Your Enactment in the Index

This will bring you to a list of parts and dates. Finding the first floor consideration of your bill requires one of three things:

(1) Most of you will have an outline with dates in it. If so, use that. (2) If not, check the bill on congress.gov. (3) If that's not available, find the bill in the index.

CQ Almanac is also invaluable in this respect.

Vol. 111 Part 14	July 28, 1965 to August 9, 1965, pages 18497 to 19742
Vol. 111 Part 15	August 10, 1965 to August 18, 1965, pages 19743 to 20994
Vol. 111 Part 16	August 19, 1965 to August 30, 1965, pages 20995 to 22278
Vol. 111 Part 17	August 31, 1965 to September 13, 1965, pages 22279 to 23626
Vol. 111 Part 18	September 14, 1965 to September 23, 1965, pages 23627 to 25022
Vol. 111 Part 19	September 24, 1965 to October 7, 1965, pages 25023 to 26378
Vol. 111 Part 20	October 8, 1965 to October 20, 1965, pages 26379 to 27800
Vol. 111 Part 21	October 21, 1965 to October 22, 1965, pages 27801 to 28982
Vol. 111 Part 22	Index

Finding Your Enactment in Congress.gov

ESEA is not on Congress.gov, which only covers legislation from the mid-1970s on. Some of the earlier measures in there will have incomplete information.

This is "No Child Left Behind." Click on Actions.

Finding Your Enactment in Congress.gov

Often, this will link directly to the CR, though it is often confusing.

Finding Your Enactment in the Index

Let's find ESEA in the Index. On the parts and dates portion of hein, select "index". It's usually at the bottom.

Reading the Index

The outline only listed HR 2362 as receiving floor consideration. Some enactments might have more! See this enactment.

Typical index breakdown: Introduction/referral, reported out of committee, special rule/suspension (if either occurs), debate and amending, passes chamber, referred to new chamber committee, reported, special rule/suspension (if either occurs), debate and amending, passes chamber, conference, president

Here's ESEA.

We probably want page 5727.

S. 275—To provide price and income protection for farmers and assure consumers of an abundance of food and fiber at reasonable prices, and for other purposes.
Mr. Talmadge, Mr. Allen, Mr. Dole, Mr. Domenici, Mr. Eastland, Mr. Helms, Mr. Huddleston, and Mr. Stone; Committee on Agriculture and Forestry, 1457.—Reported with amendment (S. Rept. 95–180), 14873.—Debated, 16036, 16075, 16135, 16146, 16268.—Amended and passed Senate, 16351.—Amended and passed House (in lieu of H.R. 7171), 25531.—Title amended, 25561.—House insisted on its amendments and asked for a conference. Conferees appointed, 25561.—Senate disagreed with House amendment and agreed to a conference. Conferees appointed, 25701.—Conference report submitted in the Senate and agreed to, 28522.—Conference report (H. Rept. 95–599) submitted in the House and agreed to, 28730, 29564.—Examined and signed, 29792, 29874.—Presented to the President, 30202.—Approved [Public Law 95–113], 31943.

H.R. 7171—To establish more responsive programs for the benefit of farmers and consumers of farm products; to extend and improve the programs conducted under the Agricultural Trade Development and Assistance Act of 1954, as amended; and for other purposes.
Mr. Foley, Mr. Poage, Mr. Jeffords, Mr. Akaka, Mr. Ammerman, Mr. Baldus, Mr. Bedell, Mr. Bowen, Mr. Breckinridge, Mr. Brown of California, Mr. Coleman, Mr. de la Garza, Mr. Huckaby, Mr. Jenrette, Mr. Jones of North Carolina, Mr. Jones of Tennessee, Mr. Krebs, Mr. Mathis, Mr. Moore, Mr. Panetta, Mr. Richmond, Mr. Rose, Mr. Skelton, Mr. Thornton, and Mr. Volkmer; Committee on Agriculture, 14648.—Reported (H. Rept. 95–348), 15152.—Made special order H. Res. 666, 21429.—Debated, 23702, 24053, 24377, 24545, 24756, 24942, 25206, 25462.—Amended and passed House, 25531.—Proceedings vacated. Laid on the table (S. 275 passed in lieu), 25561.

H.R. 2362—To strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.
Mr. Perkins; Committee on Education and Labor, 627.—Reported with amendment (H. Rept. 143), 4393.—Made special order (H. Res. 285), 5727.—Debated, 5733, 5958, 6095, 6112.—Amended and passed House, 6152.—Referred to Senate Committee on Labor and Public Welfare, 6178.—Reported (S. Rept. 146), 7056.—Debated, 7195, 7291, 7523, 7541, 7550, 7609, 7666, 7671, 7675.—Passed Senate, 7718.—Examined and signed, 7771, 7801.—Presented to the President, 7795.—Approved [Public Law 89–10], 8372.

Finding Your Enactment in the Index

Vol. 111 89th Congress, 1st Session ❯ LibGuide

Vol. 111 Part 3	February 17, 1965 to March 4, 1965, pages 2771 to 4246
Vol. 111 Part 4	March 5, 1965 to March 23, 1965, pages 4247 to 5726
Vol. 111 Part 5	March 24, 1965 to April 6, 1965, pages 5727 to 7200
Vol. 111 Part 6	April 7, 1965 to April 27, 1965, pages 7201 to 8646
Vol. 111 Part 7	April 28, 1965 to May 10, 1965, pages 8647 to 10072

Return to the parts and dates and find the one that covers page 5727. Right click it and open a new tab.

Finding Your Enactment in the Index

It's the *Congressional Record*!

- Some points on the CR…

This Congress breaks up the entries by chamber (they won't all do this.)

Select the date for page 5727.

Finding Your Enactment in the Index

Another way to find things is to search the section.

To do so, click on the magnifying glass. If you wanted to find a vote, for example, you might search for "yeas" or "ayes" or "Roll No."

Using the dropdown menu, type in "yeas" and select search *for this section.*

Finding Your Enactment in the Index

six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Education and Labor now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN] and, pending that, I yield myself 9 minutes.

Mr. Speaker, House Resolution 285 provides for consideration of H.R. 2362, a bill to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools. The resolution provides an open rule with 6 hours of general debate, making it in order to consider the committee substitute as an original bill.

The purpose of H.R. 2362 is to meet a

Here's the Rule being introduced!

What's the debate like? Pull some quotes into your outline!

Who are the members involved? Use Bioguide!

Sisk. Brown. Brown's Grandson. There CAN ONLY BE ONE!

Finding Your Enactment in Historical Newspapers

This is confusing as hell. What's going on here substantively?

Great question. Let's check historical newspapers.

Go back to the UGA library's databases. Find Historical Newspapers. Click on it.

Historical Dictionary of the Civil War and Reconstruction
Significant events in the U. S. Civil War era.
more...

Historical Newspapers Online
Full text of historical American newspapers, including the Atlanta Constitution, Christian Science Monitor, New York Times, Washington Post and Wall Street Journal.
more...

Historical Statistics of the United States
Historical statistical data for the United States
more...

History of the University of Georgia by Thomas Walter Reed
A historical account from 1885 to 1950.
more...
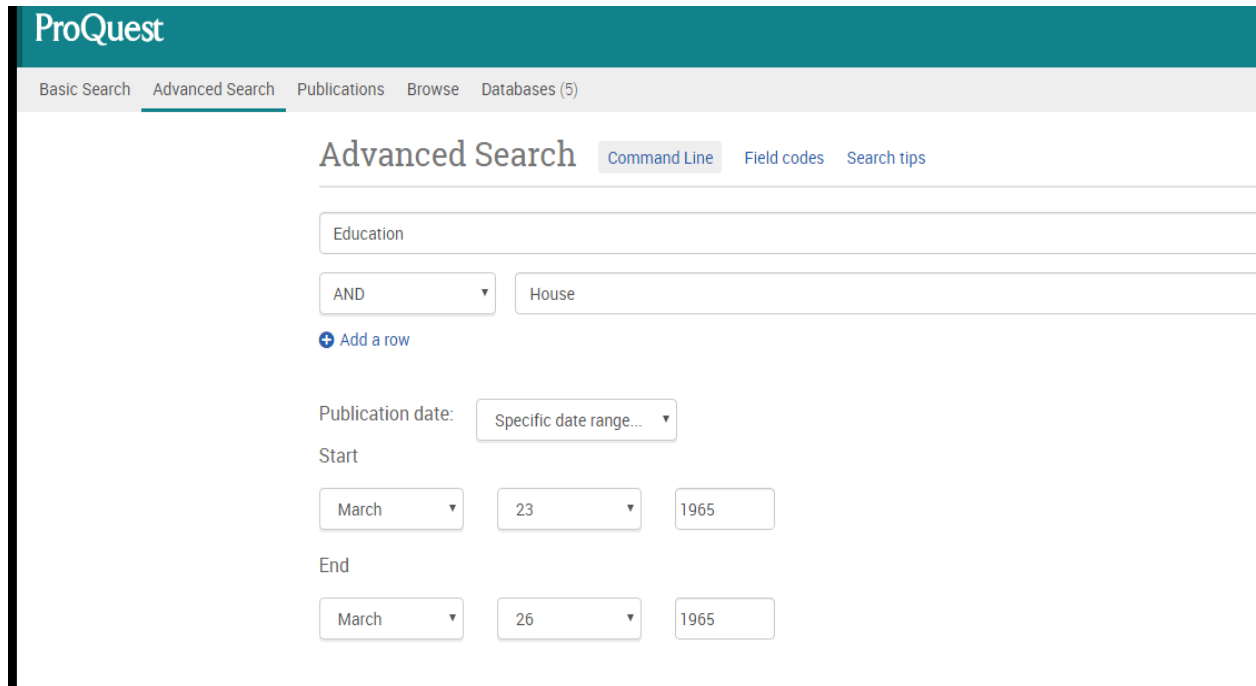
History Reference Center
Articles, books, images, and video on U.S. and world history.
more...

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Finding Your Enactment in Historical Newspapers

Click on "Advanced Search." You might have to play with the search terms, but select "Specific Date Range" and enter a few days before and after.

This was March 24th, 1965.

Finding Your Enactment in Historical Newspapers

The Results…

Finding Your Enactment in CQ Almanac

Let's also check CQ if you don't already have that. If your bill is pre-1945, you're out of luck…

Go back to the UGA library's databases. Find CQ Almanac. Click on it.

Corsini Encyclopedia of Psychology (2010) ↗
The Corsini Encyclopedia of Psychology, 4th Edition is a four-volume set with over 1,500 entries; including, complete coverage of DSM disorders and a bibliography of over 10,000 citations.
more...

CQ Almanac ↗
Annual summary of Congress by topic. Covers 1945-2013 (79th - 113th Congresses).
more...

CQ Historic Documents Collection ↗
Selected primary source material from recent U.S. history. Our content ends after June 30, 2019.
more...

CQ Researcher Plus Archive ↗
Reports on topical public issues. Our content ends after June 30, 2019.
more...

CQ Voting and Elections Collection ↗
Historical data and information about voting and elections in the U.S.
more...

Finding Your Enactment in CQ Almanac

Click on advanced search.

Enter your search term. Bill number is a solid first guess.

Click on Search Specific Books.

Find the years surrounding your bill's enactment.

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Finding Your Enactment in CQ Almanac

The Results…

Great resource for the Background section as well.

Additional Sources: Google Scholar

Four additional sources that students are encouraged to consult are (1) Google Scholar; (2) ProQuest Congressional; (3) HeinOnline's U.S. Federal Legislative History Library; and (4) Congressional Research Service Reports.

1) A google scholar search of your bill's title will frequently pull up a number of articles. These pieces are often law or policy related and can provide both useful background on your enactment and highlight the policy ramifications of it. The latter is particularly useful for your "Aftermath" section. Google scholar can be found here:

https://scholar.google.com/

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Additional Sources: ProQuest Congressional

2) ProQuest Congressional offers a wide-range of congressional documents from 1789 to present. It also includes fairly robust legislative histories that includes related bills, regulatory histories and assorted references. To find it, select "ProQuest Congressional" from "Articles and Databases" off of the University Library Website. Then select "Legislative Insight." A list of congresses will be on your left. Select your relevant Congress and find your bill.

Additional Sources: HeinOnline's U.S. Federal Legislative History Library

3) Like ProQuest Congressional, HeinOnline's U.S. Federal Legislative History Library will provide some legislative history information. To find it, select "HeinOnline" from "Articles and Databases" off of the University Library Website. Then, in the column on the right, select "U.S. Federal Legislative History Library." From there, select "Sources of Compiled Legislative Histories Database." Select your relevant Congress and find your enactment.

ⓘ U.S. Code
ⓘ U.S. Congressional Documents
ⓘ U.S. Congressional Serial Set
ⓘ U.S. Federal Agency Documents, Decisions, and Appeals
ⓘ U.S. Federal Legislative History Library

U.S. Federal Legislative History Library
U.S. Federal Legislative History Title Collection
Sources of Compiled Legislative Histories Database
Legislative Reference Checklist
External Links

ⓘ U.S. International Trade Library
ⓘ U.S. Presidential Library
ⓘ U.S. Presidential Impeachment Library
ⓘ U.S. Statutes at Large
ⓘ U.S. Supreme Court Library

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Additional Sources: CRS

4) As noted on the Federation of American Scientists website, "The Congressional Research Service, a component of the Library of Congress, conducts research and analysis for Congress on a broad range of national policy issues. While many CRS memoranda are generated in response to individual Member or staff inquiries and are confidential, most CRS reports are available to anyone who has access to a congressional intranet."

Congressional Research Service
Informing the legislative debate since 1914

CRS Reports are frequently drafted in response to certain legislation and often will provide detailed historical background and a discussion of the policy ramifications of a given bill. While Congress has directed CRS to not publicize their reports, a number of websites have publicized them. Before checking the websites listed below, I recommend students do a simple google search of their bill title and CRS report. If a report isn't listed, checking the websites below for a relevant report may be worthwhile:

- www.everycrsreport.com

- https://www.fas.org/sgp/crs/

- http://stanistan.org/index.html

- http://archives.democrats.rules.house.gov/archives/crs_reports.htm?utm_content=buffer4c368&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer

Additional Sources: BioGuide

5) Bioguide provides a "Biographical Directory of the U.S. Congress from 1774-Present. Students with questions about invidual members are encouraged to use it for additional information. It can be found at www.bioguide.congress.gov

Committee Resources

Changes in committee will be discussed and key aspects of the bill will be summarized in the committee reports. In recent decades, the minority and majority views are included in the same report, though historically, they have been reported separately.

Using Congress.gov, the committee reports can be found here.

Committee Resources

ProQuest | Legislative Insight

Home   Quick Search   Guided Search   Search by Number   Timeline Browse   Legislative Proc

PDF | Print | Export | Legislative Process

Options   Sort by pub type   ▼   Publication Filter   Show all

PL95-504 contains 89 publications.   *Tip: Begin your research with reports marked with*

Find terms on this page: [   ]   Go
Find terms in full text publications: [   ]   Go

Airline Deregulation Act of 1978

Publication Type: Legislative History

DIGITAL-PDF ID: PL95-504
PUBLIC LAW PDF ID: PL95-504FT
DATE: Oct. 24, 1978
ENACTED-BILL: 95 S. 2493
STATUTE AT LARGE: 92 Stat. 1705
CONG-SESS: 95-2
USCS: 15 USCS § 1511, 18 USCS § 112, 18 USCS § 878, more...
DURABLE URL: https://congressional-proquest-com.proxy-remote.galib.uga.edu/legisinsight?id=F

SUMMARY:

To amend the Federal Aviation Act of 1958, to encourage, develop, and attain an air transportati
to determine the quality, variety, and price of air services, and for other purposes.

REGULATORY HISTORY:

View the administrative rule-making process related to this public law.
Open in Regulatory Insight: Regulatory History of P.L. 95-504 ↪

SUPREME COURT CASE HISTORY:

View Supreme Court cases related to this public law, and their associated documents.
Open in Supreme Court Insight: American Airlines, Inc. v. Wolens (92-249): ↪
                                                    Johnson v. American Airlines, Inc. (94-1170): ↪
                                                    Alaska Airlines, Inc. v. Brock (85-920): ↪
                                                    American Airlines, Inc. v. Wolens (93-1286): ↪
                                                    Northwest, Inc. v. Ginsberg (12-462): ↪

▸ Legislative History of the Airline Deregulation Ac ❯ LibGuide

Legislative History of the Airline Deregulation Act of 1978, P.L. 95-504
9v. Washington: Covington & Burling, 1978
Washington: Covington & Burling,

[Search this title   ]   🔍

Cumulative Contents

▬ 1   (Doc. Nos. 1-8, 1978)
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In addition to Congress.gov, committee reports can be found in other places.

Scrolling down on ***ProQuest Congressional*** will give you Committee Hearings transcripts as well as committee reports.

Hein's Legislative History library will also have some reports.

Other sources to identify what happened in Committee: Historical newspapers, CQ Almanac.

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Assorted Process Terms

Rules Committee

Why a Rule? Priority.

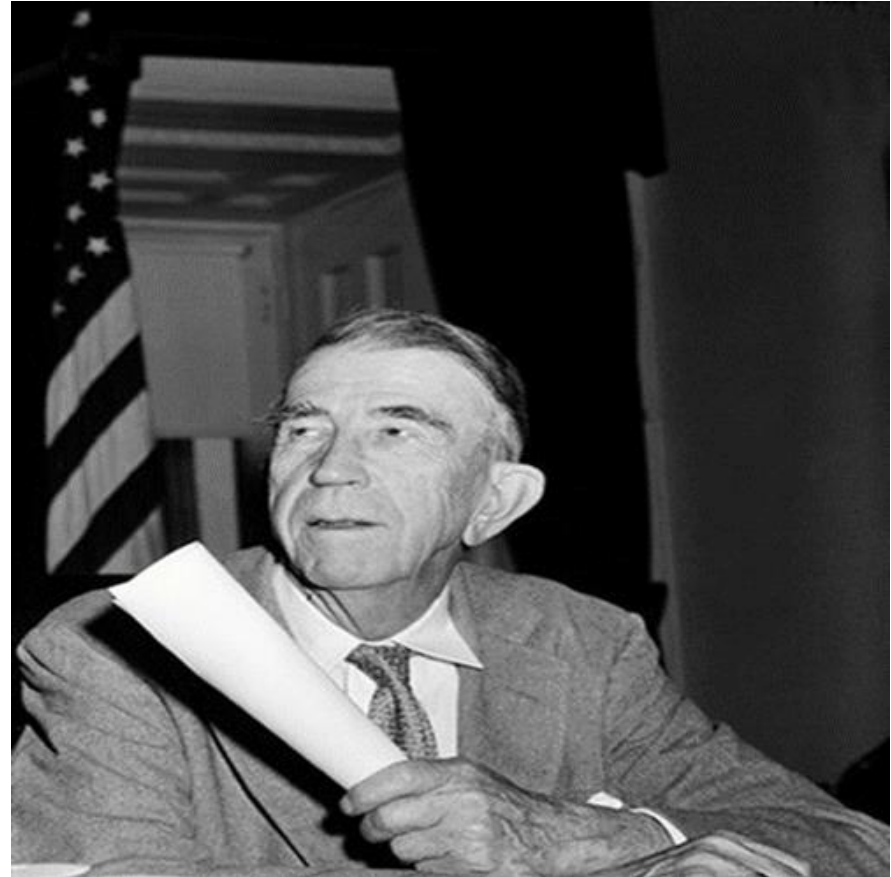Who serves on the Rules Committee? How does one become Chair?

9 to 4 majority party advantage on Rules…

History: Power stems from reforms in the late 19th Century.

Rules can block germane amendments, provide time limits.

Types of rules: closed, open, structured. Why is it so important to control the amending process?

Minority input on Rules?

Open Rule

The most common rule type for many congresses is the ***open rule***. An open rule will include language to the effect of "amendments will be considered under the 'five-minute' rule. This means any amendment can be offered and five-minutes will be permitted for debate and/or discussion.

Modified-Open Rule

A **_modified-open rule_** is generally considered an open rule with some non-discriminatory limitation. Generally, this takes the form of a time limit or a pre-printing requirement. In the case of a pre-printing requirement, the rule specifies that amendments will only be considered if they are printed in the Congressional Record by a certain time period. Practically, what this means is that the majority wants to know what amendments are coming ahead of time. The language will look like this rule from the 104th Congress: "No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before the beginning of consideration of the bill for amendment." Time limits will simply state that any amendments can be offered, but they will state that consideration of the bill and amendments will end at a specified time (i.e. at 5 p.m.) or after an allotted time period (i.e. two hours).

Closed Rule

A ***closed rule*** is the most restrictive type of rule. It bars any amendments from being offered. The rule text will generally not reference amendments of any kind. Instead, it will specify control over debate and then include language like the following: "The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except ne motion to recommit with or without instructions."

A Standard Closed Rule

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1430) to provide for a temporary increase in the public debt limit. All points of order against the bill and against its consideration are waived. Debate on the bill shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. ***The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.*** Sec. 2. Upon its passage by the House, H.R. 1430 shall be considered to constitute reconciliation legislation pursuant to section 7(a) of the conference report to accompany the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998.

The debate supports this as a purely closed rule. Here's the manager, Moakley (D-MA):

"[A] closed rule on a debt limit bill is traditional, especially for a new President, and closed rules in this circumstance have won overwhelming bipartisan support every time in the past."

And on the minority side, here's Solomon (R-NY):

"The new Members were told of the tradition and custom of closed rules on debt limit bills. They were told of procedural problems-of futile previous question fights, of germaneness rules, of closed rules, and on and on and on. But, Mr. Speaker, one of those new Members cut right through the smoke that was thrown in his face by the Rules Committee. He put it quite sim- ply and eloquently when he said the American people do not care about these procedural customs and traditions and precedents and obstacles. They do not really understand them."

A Modified-Closed Rule

A ***modified-closed*** rule is also highly restrictive. It will bar nearly all amendments, but may specify that an amendment will be offered by the Committee Chairman or his/her designee (or a set of amendments may be offered that have been approved of by the committee). A modified-closed rule also includes rules that are completely closed in one section, but open, modified-open or structured in other sections.
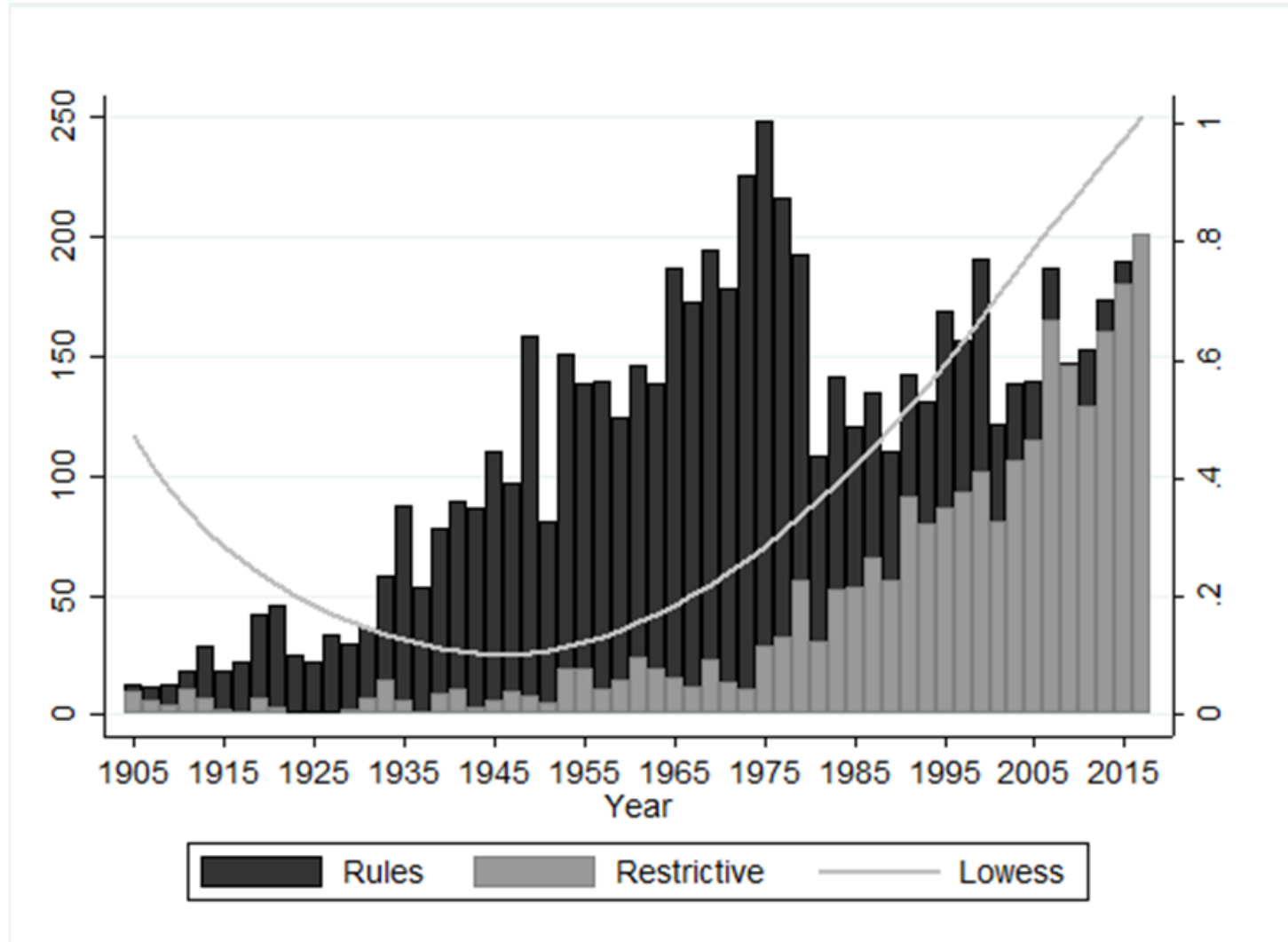
A Structured Rule

A ***structured rule*** is a restrictive rule that provides for only certain amendments to be in order. These are usually list in a report of the Committee on Rules. An announcement for a structured rule is typically made several days in advance. Amendments are then proposed and screened by the Rules Committee. Those found to be acceptable are printed in the report. The language will often look like this: "No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution."

Rules over Time; Other Provisions

1. Waiver only
2. Special Order
3. King-of-the-Hill
4. Queen-of-the-Hill
5. Self-executing
6. Martial Law
7. Bifurcated

Other floor options:
Suspension;
Unanimous consent.

Voting on the Floor

First vote may be to order the previous question motion on the Rule, followed by a vote on the Rule itself.

Debate here is structured by the rule. Generally, the floor is empty and the outcome is pre-determined.

Note: Not all votes are recorded!

This is often followed by debate on the bill, votes on any amendments (may not be recorded), a motion to recommit with instructions, potential votes on points of order and a vote on the bill.

What influence member votes? Reelection, policy goals, reelection, party loyalty, reelection. Priorities are often as important as policy goals.

Different vote types: Voice, Division, Teller, Recorded/Roll Call…

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Voice Vote

The default voting mechanism in Congress is the ***voice vote***.

During a voice vote, the chair will put forward two questions: "all in favor say `Yea'," and ``all opposed say `Nay'."

The job of tallying the votes in such a situation falls to the chair, and his or her count cannot be appealed. While members may make their opinions clearly known, voice votes produce no record of individual positions on a given bill.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. SABATH. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Division Vote

A **_division vote_** can be requested by any member.

Once requested, members rise if they take the affirmative on a question and they are then counted by the chair.

This process is repeated for those in opposition.

Division votes are not recorded and – like with voice votes – the chair's count of the votes cannot be appealed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. KNUTSON) there were—ayes 135, noes 152.

So the amendment was rejected.

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Teller Vote

A ***teller vote*** is a vote in which members of Congress pass between two tellers, who write down the votes of each member, along with their names.

Teller voting is restricted to the House of Representatives and is used infrequently in the modern era.

While it is likely to yield more accurate vote totals than either voice or division votes, it is similar to these in that it also does not produce a record of how members cast their votes

The CHAIRMAN. The time of the gentleman has expired. All time has expired on the pending amendment.

The question is on the amendment offered by the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. DOUGHTON of North Carolina and Mr. KNUTSON.

The committee divided; and the tellers reported that there were—ayes 174, noes 197.

So the amendment was rejected.

Roll Call Vote

To receive a ***roll call vote*** in either chamber a member needs a second of "one-fifth of those present."

In the House of the Representatives, once a sufficient second is voiced a roll call vote is taken. This voting has largely been done electronically since 1972. When the vote is called, members insert a personalized voting card into a station on the House floor and press either "Present", "Yea", or "Nay". Members' votes are then displayed on panels throughout the chamber.

While the speaker does have authority to extend votes, few last longer than the 15 minute requirement.

In the Senate, once the yeas and nays are ordered, the clerk begins to call the names of each senator alphabetically. The senator then has, generally, 15 minutes to respond to his or her name.

The SPEAKER. The question is on the passage of the bill.

Mr. KNUTSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KNUTSON. Yes.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KNUTSON moves to recommit the bill (H. R. 3240) to the Committee on Ways and Means with instructions to forthwith report back a bill extending the existing trade-agreements law for a period of 2 years.

The SPEAKER. The question is on the motion to recommit offered by the gentleman from Minnesota.

Mr. KNUTSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 181, nays 212, answered "present" 2, not voting 37, as follows:

[Roll No. 88]

YEAS—181

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Bradley of Michigan for, with Mr. Hook against.

Mr. Hoffman for, with Mr. Stigler against.

Mr. Leonard W. Hall for, with Mr. Johnson of Oklahoma against.

Mr. Fisher for, with Mr. Cooley against.

Mr. Cole of New York for, with Mr. Roe of New York against.

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Senate Floor Process: Filibusters

Here's where the process generally gets weird.

No feature comparable to the House Rules Committee. Lack of a simple-majoritarian method for ending debate makes the Senate extremely unique. So how does a bill get to the Senate floor? Leader will offer a motion to proceed. But ending debate on that is difficult.

Primarily two options:

1. Cloture. 60 votes and extremely time-consuming. May need cloture on the motion to proceed and then on the bill itself.

2. Unanimous Consent. Necessitates even more compromises then cloture.


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Senate Floor Process: Filibusters

Legend: Cloture motions filed · Cloture votes taken · Cloture invoked

Understanding the filibuster

The Senate "filibuster" is not a rule in the Senate (sorry, Mr. President). It owes its existence to the absence of a rule allowing a simple majority to end a debate.

Rule XXII, or cloture, established in 1917, provides for a supermajority to end debate.
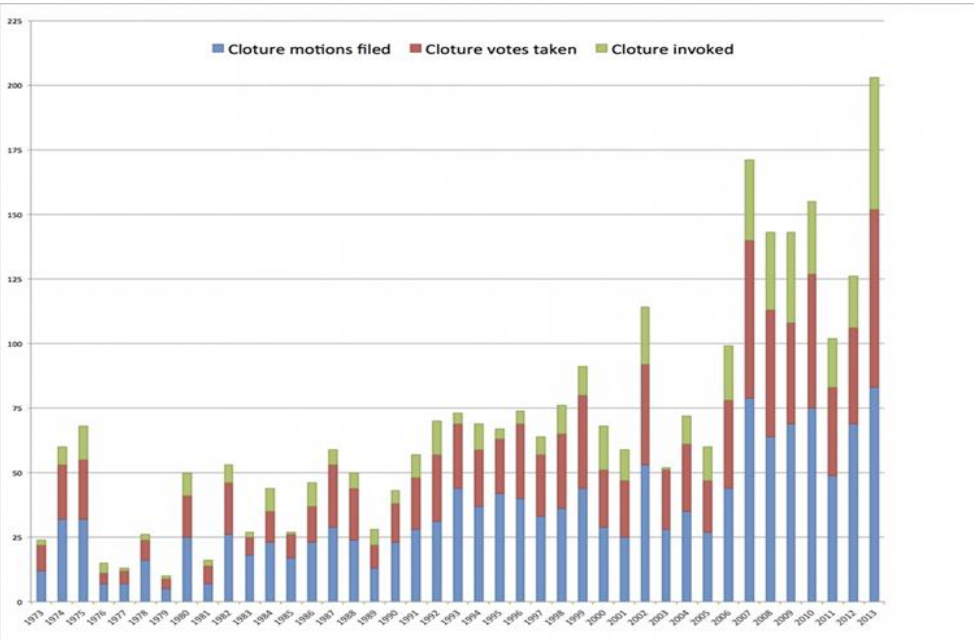
Historically, floor time is so valuable in the Senate that measures subject to filibusters are not brought to the floor and cloture votes are not taken.

Because of this, determining when a filibuster has taken place—or providing a count of filibusters—is almost completely arbitrary.

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Senate Floor Process: Filibusters

Understanding the filibuster

Often times, obstruction through long speeches on the Senate floor are for "show." See recent speeches by Senators Paul (R-KY), Cruz (R-TX) and Merkley (D-OR).

Even when cloture is not invoked, the Senate's debate rules have an effect on policy output. See Senator Tom Coburn (R-OK) and the Zadroga Health Compensation Act of 2010.

Because of workload and time demands, the modern U.S. Senate is largely run by unanimous consent.

Want a longer discussion? E-mail me…

Senate Floor Process: Amendments

The amending process on the Senate floor is crazy.

Individual members have a great deal of leverage, so we see a large number of amendments offered and voted on in the Senate.

Most are of the position-taking variety. Why do this?

Some will be bills offered "as amendments."

Can be offered as motions to strike, strike and insert, etc.…A major job for staffers and interns is summarizing amendments and writing vote recommendations for their members. Unlike bills, where members have a great deal of notice and information from committee mark-ups, introductory speeches, lobbyists and party leaders, amendments are often offered with no supplemental information and very little time to process.

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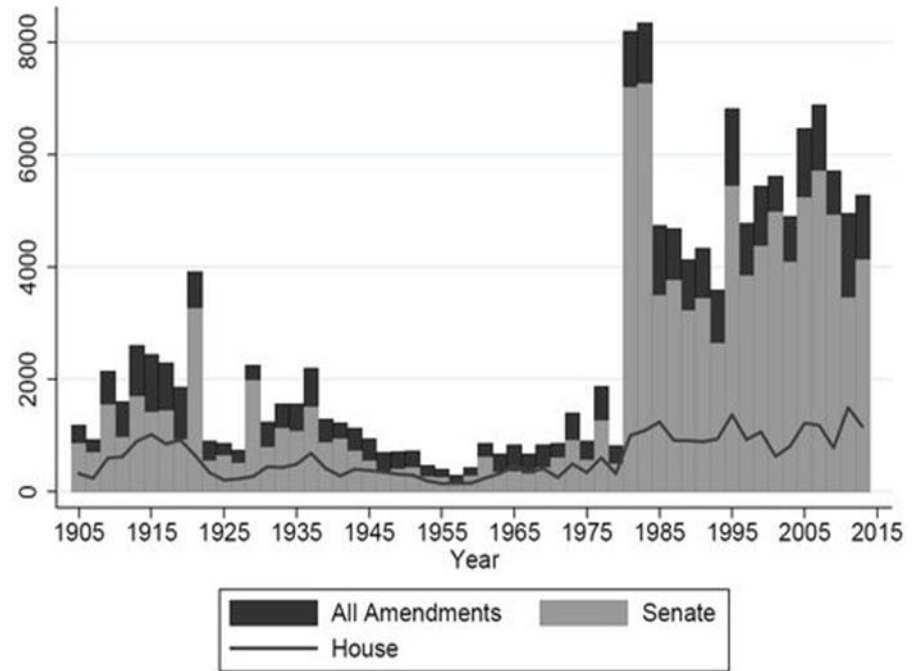
Amendment Tree

Depending on the kinds of amendments that members offer and the order in which they are recognized to offer their amendments, members can offer anywhere from three to 11 amendments before the Senate has to vote on any of them.

As a general rule, a measure being considered on the House or Senate floor is open to amendment in only two degrees.

Amendment trees are the graphic ways of depicting these possible situations.

One such tree is presented in the adjacent Figure.

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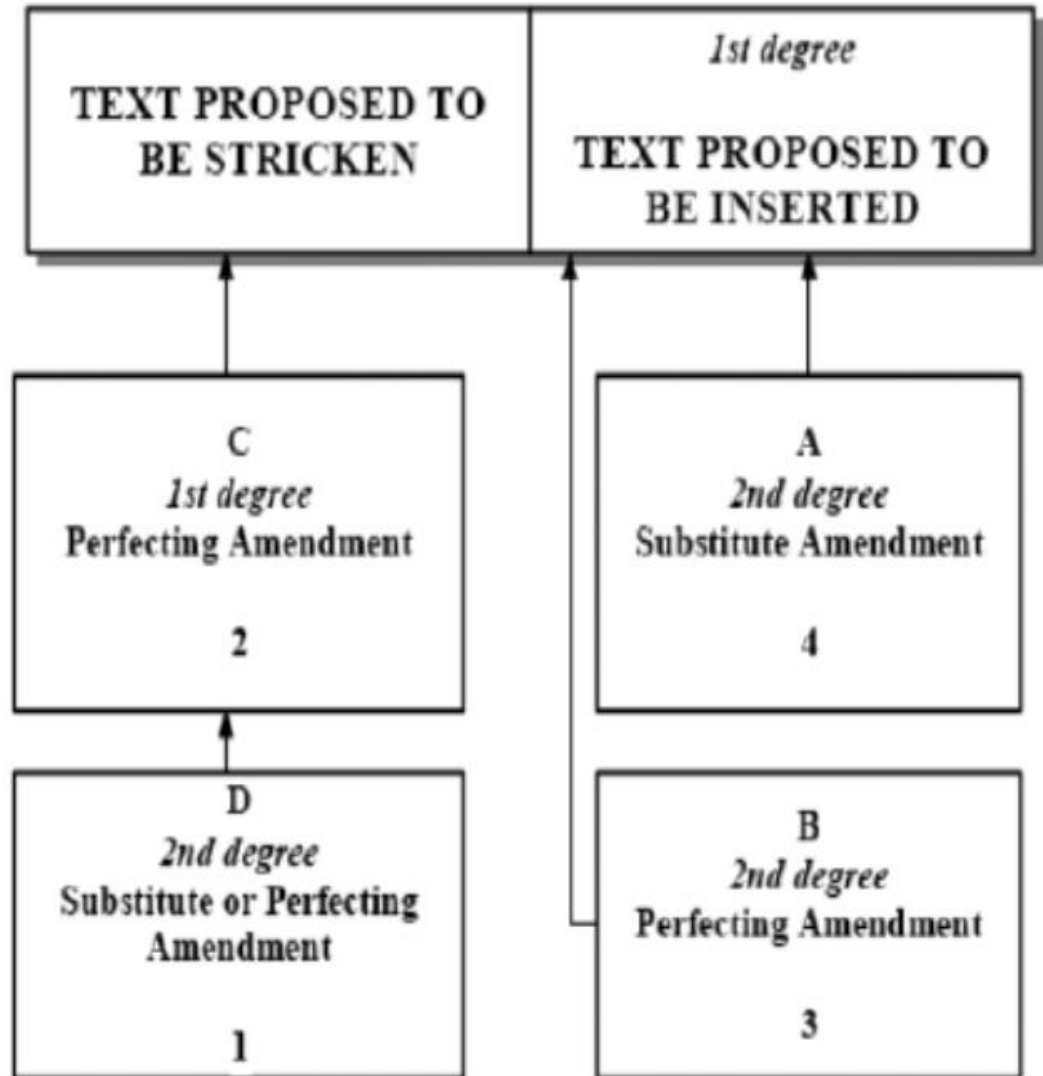
Questions, Concerns, Angry Rants?

Don't hesitate to e-mail me.