

University of Louisville

From the Selected Works of Kurt X. Metzmeier

December, 2013

The Old Man of the Internet: Thomas.gov, Congress.gov and the Promise of Online Legislative Research Fulfilled

Kurt X. Metzmeier



Available at: https://works.bepress.com/kurt_metzmeier/27/

The Old Man of the Internet: *Thomas.gov* and the Promise of Online Legislative Research Fulfilled

Kurt X. Metzmeier

Newt Gingrich is most popularly known as a politician who thinks (and talks) about the future. As speaker of the U.S. House of Representatives in the Clinton era, he was known for his far-thinking pronouncements. During the 2012 Republican presidential primaries, he took some ribbing from fellow candidates for his promotion of space exploration and the establishment of a manned base on the moon. A Saturday Night Live sketch famously showed him presiding over a moon-colony that could have been modeled on the junior-spaceman TV shows of his youth. But Gingrich is a genuine visionary. By moving millions of pages of Congressional information onto the brand-new “World-Wide Web,” he showed a positive and practical purpose for the new medium—one which could bring transparency to the legislative process and broaden democracy. (The Internet’s real purpose—the delivery of cat pictures—came later).

In 1994, a year after the first web-browser, Mosaic, was created by programmer Marc Andressen, Speaker Gingrich was planning to launch “*Thomas.gov*,” an online source of Congressional information. In January 1995, the website—named for Thomas Jefferson whose book collection was the foundation of the Library of Congress—debuted to great fanfare and no small degree of puzzlement among the inhabitants of Washington, D.C., who were no doubt already confused by the lyrics of top-ten hit “The Sign” by Ace of Base. On November 1, 2013, the revamped website (renamed *Congress.gov*) contained terabytes of data encompassing two decades of Congress activity—every bill, resolution, report and moment of congressional debate since the 103rd Congress where Bill Clinton gave his first State of the Union address and Newt Gingrich plotted his first speakership.

What does this mean for lawyers? It means that for one huge area of law, federal statutory law, every document one needs is free, accessible and permanently available for a period dating back 20 years—a lifetime in the context of federal legislative history. Moreover, all the materials one needs to intelligently track legislation of interest to clients are as close as one’s smartphone. This might not mean much to lawyers for whom the first president they remember is Hillary’s husband, but for years that kind of legal information was found in bulky *United States Code Congressional and Administrative News* (U.S.C.C.A.N.) volumes and expensive CCH loose-leaf services.

Legislative History on Congress.gov

The legislative history of a law starts—as Bill from *Schoolhouse Rock* taught us—with the introduction of a bill in one house. Legislative history researchers then must follow its route through the committees to which it is assigned (noting any amendments and committee reports that are generated). They then follow it to floor debate (reviewing those arguments printed in the *Congressional Record*) and the vote in that house. As we know, the bill is then reported to the other house, where the process repeats. If there are any changes made in that body, the two versions of the bill are then sent to a joint conference committee, which reports out a combined bill (usually found in a conference report). That version has to be approved by both bodies. If it survives all that—and few bills do anymore—the bill finally goes to the president, who can sign or veto it. If the bill is signed (or a veto overridden) it becomes a law (and is assigned a public law number). The whole process creates documents that help explain the final legislation: bills, amendments, committee reports and debates.

There are two ways to research a statute’s legislative history on *Congress.gov*. A bill can be researched by (1) keyword or (2) its Public Law (P.L.) number (found in parentheses after the text of the statute in U.S. Code).

Doing a keyword or popular name search is not difficult, but since the website is aimed at citizens who are following current laws, it will take a few clicks to find older material. The “Google-like” search bar defaults to the current session. Use the drop-down menu to reset it to “All Legislation,” and then do a keyword search. For example, if you are looking for the Credit Card Act of 2009, you can search “credit card” and find all consumer debt laws that involve card use. Or, you can add “2009” to the search to make the 2009 legislation move to the top of the results list. To search by a known public law number, omit the prefix. For example, the search “112-139” will pull up Public Law No. 112-139.



Another way to search is to limit the search to a particular congressional session. To do so, click the “Legislation” link right under the Congress.Gov masthead. That will take you to a page where you can pick whatever congressional session you want to search. For example, if you fill in the box for the 105th Congress and search “Internet,” you’ll find the Next Generation Internet Research Act of 1998, an early law that funded improvements to the national electronic infrastructure.

Once the law you are looking for appears in the results list, click it to open its main page. A box at the top has the basic details: bill name, key sponsor, latest action, and the tracker bar. If what you are looking for is an enacted law, the tracker bar will read something like: “Introduced· Passed House· Passed Senate· To President· Became Law.” Under the summary box, there are tabs for “Summary,” “Text,” “Actions,” “Titles,” “Amendments,” “Cosponsors,” “Committees” and “Related Bills.” I strongly suggest you start by clicking “Actions,” which has a detailed chronological listing of every action on a bill from its introduction to its signing. There are links to each document

created in the process, including committee reports, amendments, debates in the *Congressional Record*, and, if applicable, any conference report. There should be links to important documents, but if you are just looking for committee reports, click the “Committees” tab to pull-up any existing reports.

Tracking Bills on Congress.gov

Of course, the real purpose of *Congress.gov* is to provide open access to the people’s legislature so that the public can follow the actions of Congress in real time. If you are following specific legislation or monitoring a practice area for new laws, the website has been redesigned for you. From the main search bar, users can search by topic, phrase, bill name, bill number and more. Post-search filters can be applied after a search to limit a search to a particular chamber, the type of legislation, the status of the bill, and even by the name of the congressperson sponsoring the bill or resolution. (This is done by checking and unchecking boxes on the left-hand bar of the results page). For example, a search of “sentencing guidelines” for the current session limited by “Sponsor” to “Rand Paul,” returns two bills sponsored by our junior senator on this topic. A search of “health law” can be post-filtered by checking “Taxation” under the “Subject of Legislation” filter to reduce the number of hits from 1,864 to 90. However, that same search can be further filtered by checking the box for “Committee or Floor Action” under “Status of Legislation” to reveal the single bill that has passed one house of Congress.

There are all kinds of useful features for legislative researchers. A glossary of legislative terms helps users to understand the legislative process and, if they have a little time, a series of short videos describe “How a Bill Becomes a Law,” although without colorful animated characters. There is a robust directory of legislators and committee rosters. Also valuable is the upgraded online *Congressional Record*. The home page is set to the current day’s issue, but the backfile goes to 1995. The *Congressional Record* database has fewer post-filters, but can be searched using simple Boolean operators. Therefore, if you want to find the recent filibuster against the Affordable Care Act by Sen. Ted Cruz (R-TX), it can be easily done by searching: seuss AND “green eggs” AND ham. Yes, it was that kind of filibuster.

The Future Is Now

With budget cuts at NASA and austerity measures in place across government, it may be a few years before the dedication of the Newt Gingrich Federal Office Building on the edge of the Sea of Tranquility. But the former speaker’s true legacy has already been established here on earth in *Congress.gov*. He might not have invented the Internet but he saw how to make it work.

Kurt X. Metzmeier is the associate director of the Law Library and professor of Legal Bibliography at the University of Louisville Brandeis School of Law. He and fellow UofL law librarians William A. Hilyerd and David J. Ensign are co-authors of the book, *Kentucky Legal Research* (Carolina Academic Press, 2012). ■

