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BEYOND TRANSPARENCY:

EZPWD

NEW STANDARDS



FOR LEGISLATIVE

CERDP

INFORMATION SYSTEMS



ECPRD

Jeffrey C. GRIFFITH

EZPWD

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**BEYOND TRANSPARENCY:
NEW STANDARDS FOR
LEGISLATIVE INFORMATION SYSTEMS**

**Jeffrey C. Griffith
Fulbright Research Scholar
June 2006**

Preface

The research reported here was conducted from January through May 2006 at the European Parliament in Brussels, Belgium. It was supported by the European Union Affairs Research Program, a part of the Fulbright Scholar Program of the United States Department of State. The Fulbright Scholar Program is administered in the U.S. by the Council for International Exchange of Scholars and in Brussels by the Commission for Educational Exchange between the United States of America, Belgium and Luxembourg.

This document provides the results of that research in a detailed format that is intended to enable the reader to examine the data directly– in this case the copies of web pages with links to their full presentation – and reach his or her own conclusions as appropriate.

The report is published by the European Centre for Parliamentary Research and Documentation (ECPRD), which kindly served as the host organization for the research. The ECPRD is a cooperative body established in 1977 operating under the aegis of the European Parliament and the Parliamentary Assembly of the Council of Europe. It is an international network of research and documentation departments that brings together officials responsible for information gathering and dissemination and the preparation of legislation. Its aim is to facilitate contacts and exchanges between the officials of member parliaments that will be of benefit to all. This research was conducted in support of these objectives.

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EXECUTIVE SUMMARY

Since the mid-1990s many legislative bodies increasingly have used the Internet to make their activities and their documents accessible to their Members, their staff, and the general public. This use of the Internet is part of the larger evolution of e-government, which is intended, among other things, to facilitate communication between governments and citizens. There is evidence that citizens are satisfied with many of the basic e-government services, such as renewing driving licenses or applying for passports. Research has suggested that there also is a growing use of the web by citizens seeking information about political issues, about the policies of their representatives, and about the work of their legislature. What is not yet evident is the quality of e-government web sources that citizens encounter when seeking this type of information.

It is an underlying premise of this study that to achieve a meaningful level of transparency and to be effective in meeting the needs of citizens who want public policy information, it is no longer sufficient for legislatures simply to make their documents accessible through the Internet. The information and documents available on legislative websites must also meet the highest possible standards in five key areas: 1) accuracy 2) timeliness 3) completeness 4) clarity and 5) context.

The purposes of this study are to 1) examine how well the legislative systems developed or used by the U.S. Congress and European Parliament are meeting these criteria 2) review the goals these legislative bodies have set for their websites and the mechanisms they have established for assigning both authority and responsibility for achieving these goals and 3) identify best practices that appear useful or promising enough to share with others.

To accomplish these goals, the author undertook a review of the legislative information systems of the European Parliament (EP) and the U.S. Congress from January-May 2006. Additional brief visits to the House of Commons in London and the Tweede Kamer in The Hague provided further input to the analysis.

Part 1 of this report compares the information available in the legislative tracking systems used by the European Parliament and the U.S. Congress. These include L'Oeil, which is the Parliament's system and PreLex, which is the system of the European Commission. For Congress these include Thomas, which is the public system, and Congress' intranet system, the Legislative Information System (LIS).

In general, L'Oeil and PreLex are accurate and timely, but there are some differences that affect the authoritativeness of the information made available. The summaries of proposed measures in L'Oeil contribute significantly to clarity and context, although they take time to prepare. The user must consult both systems to get the most complete picture of pending legislation; however, neither of them yet links to key information available on committee and plenary sites. L'Oeil provides some information about the legislative process, but generally this is not displayed in context.

Thomas provides accurate and timely information and access to documents. It also integrates a great deal of information into a single page of direct links for the user. This includes many committee actions and all floor actions; most congressional documents, including all versions of the bill, committee reports, and cost estimates; links to votes and floor debate; floor amendments; and all cosponsors and titles. The summaries in Thomas cover all versions of the bill, but do not provide context or comparative information. A major problem for Thomas is tracking bills that are incorporated into other bills for further action. These linkages are not created automatically and depend upon human input. Thomas provides some explanatory material about the legislative process but this is not displayed in context.

Part 2 examines information about committee activities and plenary/floor actions that are not linked in the tracking systems. The information provided by EP committees is seen by users as accurate and generally timely. Drafts have to be available 10 days before consideration to ensure completeness of translation, although some users have noted an occasional lag in the languages used by smaller populations. EP committee documents are reasonably clear, and the side-by-side presentation used to show proposed changes is helpful. Context is often provided in meetings with the Commission and other experts, but the results of these discussions are not usually published unless they occur in a formal hearing.

U.S. Committees have become a rich source of legislative information, providing a great deal of background and contextual information that contributes to the discussion of specific measures. This includes hearing statements and transcripts, schedules, results of markup sessions, lists of legislation under consideration, and supplementary policy material. While much of this information is partisan in nature, both parties have the opportunity to publish material on the committee website. Variations among committee websites are an issue because users do not necessarily know what information to expect from different committees. A further problem may arise over maintenance of historical files when the chairman of a committee changes or when there is a change in the majority party.

Both Parliament and Congress provide accurate information about their floor proceedings. This information is timely, although in the U.S. the schedule is not published as far in advance as it is in the Parliament, where texts must be available in all languages 10 days before the session begins. Sessions are presented live on television (Congress) or the web (Congress and Parliament), and the documentation is complete with respect to actions taken, statements made, and votes recorded. Access to votes and to Members' statements by subject is difficult. Neither Congress nor the Parliament maintains a publicly searchable database on votes. Little explanatory information about the legislative process is available in either system in conjunction with floor or plenary activities themselves.

Part 3 examines sources that provide background, context, and explanatory information regarding proposed laws. There is a significant amount of information available that helps to provide clarity and context to legislative proposals. Some of this has been available for several years and is well integrated and accessible through the current systems of the Parliament and the Congress. In the U.S. these sources include the committee report, the Congressional Budget Office analysis, and the summaries prepared by the Congressional Research Service. In the Parliament, these include the explanatory sections that are part of draft proposals; the committee reports that are shorter than congressional committee reports, but which are clear and provide useful explanatory material; and L'Oeil summaries, which are particularly helpful in providing both clarity and context for actions and issues. The analyses by the staff of the House of Commons Library are similar in scope and value, and provide another good example of explanatory material.

The Parliament's press service warrants special note. It provides significant added value through its news stories, which contain summaries of most major Parliamentary actions. These articles are clear, provide context, and incorporate links to other relevant sources in Parliament, such as the L'Oeil dossiers. Many legislative bodies cannot provide a service of this size, but the success of the Parliament's operation shows the value of such efforts, especially when the focus is on the substance of the work and not on public relations activities.

Part 4 discusses the challenge of integration that has resulted from the growth of information sources over the last several years. A major barrier to providing comprehensive legislative information is that many valuable resources are not integrated or linked through a common system, making it difficult to find the most useful and relevant information in one place. Users would benefit significantly if there were reciprocal links between the information elements typically found in tracking systems with other relevant sources both inside and outside the legislature.

This would help them obtain a more complete understanding of the issue regardless of whether they started from the tracking system, the committee home page, the plenary speech, the press story, or the website of the EU Commission or a U.S. executive department. Technical solutions that can generate links automatically are the most desirable for meeting this challenge, but they also take the longest to implement. In the meantime, staff of legislative libraries may have the best skills and knowledge for creating links that require some analysis and evaluation. At a minimum, their experience in support of Members and staff gives them insight into what would be most valuable to integrate.

Part 5 looks at the goals that have been articulated for these sites and considers the issue of responsibility for achieving them. From the observations made during this research, it is clearly a challenge for legislative bodies to establish a broadly based, shared vision for their websites. It is equally challenging to create the appropriate mechanisms of authority and responsibility essential for implementing that vision. Legislative entities are composed of multiple and often competing organizations, each trying to meet the needs of its particular constituency. These can include Members, staff, the bureaucracy, and various public organizations. One result can be a legislative information system that is more reflective of the existence of these multiple organizations than of a vision of an integrated system that artfully meets the needs of different users equally well.

Several problems exacerbate this challenge. One is not having a vision and set of goals that encompasses the legitimate needs of the many different users of a legislative website. There can be various ways to address this problem, including separate inter- and intranet sites, or a single design that purposefully addresses the needs of diverse users.

A second problem is the absence of mechanisms for ensuring adequate authority and assigning appropriate responsibility. There are a number of ways to deal with this issue depending upon the political environment. They can include an explicitly documented and formal structure of goals, authority, and responsibility. Or they can be based on informal agreements among key players for ensuring that goals are established, competing priorities resolved, and tasks are completed.

The techniques of usability testing offer an important means for resolving conflicts and ensuring that web design meets the needs of a variety of users. It is challenging to implement usability testing in environments as large and diverse as those served by national legislative information systems used by the public. But there are ways to address some of these difficulties, and the return can be significant.

Part 6 summarizes best practices identified during this research, including:

1. **Summaries of proposals.** Three examples deserve mention. a) Articles prepared by the Parliament's press service are written in a clear, concise, and objective style oriented to the public without sacrificing quality of content and usually with links to related information sources. b) Summaries provided by the L'Œil staff provide context - both substantive and political - as well as clarity. In addition they summarize items that can be difficult to obtain or that require extensive effort to assemble and understand. c) Reports prepared by the staff of the House of Commons Library offer a clear summary and analysis that combines a substantive discussion of the issue with useful political commentary.

2. **Integration of sources.** The Thomas system integrates a large number of relevant sources into one HTML record for each bill. It offers the substantial benefit of "single click" access to many sources that relate to a specific proposal. However, the number of relevant sources has grown substantially in the recent years, especially among committees and the executive branch of the U.S., many of which are not currently linked.

3. **Management mechanisms.** The establishment of effective mechanisms for setting policies, sorting out priorities, and ensuring an integrated and collaborative approach remains a challenge. Both the Congress and the European Parliament continue to look for better solutions. The Dutch have implemented one approach for overall management within their parliament that holds considerable

promise. The success of their model will be tested as they complete a major new system development effort.

4. Usability testing. Best practices in this important area are being carried out by the Dutch Parliament and Congress' LIS team. The Dutch have made good use of these techniques in designing their intranet and are doing the same for their public site. The LIS team conducts usability tests before any major new release of the system.

The growth of the participatory web makes it is essential to improve the quality of legislative web sites. The increasing amount of interaction online holds enormous potential for helping to revitalize the engagement of citizens in the democratic process. To achieve this potential, however, there needs to be at least one unimpeachable source of legislative information that serves as the starting point - the touchstone - for discussions of public policy. It must be a source that presents the facts accurately, clearly, as timely and completely as possible, and in the broadest context possible. From that starting point, the debate can begin.

TERMINOLOGY

This section describes briefly how specific terms will be used in this report.

Administration: The executive branch in the U.S. system of government. Comparable to “the government” in a parliamentary system.

Congress: United States Congress, which consists of the House of Representatives and the Senate.

Commission: European Commission, the executive institution of the European Union, with the authority to initiate and enforce legislation and regulations governing the 25 member states of the European Union.

Council: European Council, the body of ministerial representatives of all 25 member states of the European Union.

EP: European Parliament, consisting of representatives or Members of the European Parliament (MEPs) from all 25 member states.

Government: When referring to a country with a parliamentary system, the ‘government’ is the prime minister and the ministries. When referring to the U.S., ‘government’ is all three branches - executive, legislative, and judiciary.

House: U.S. House of Representatives

Legislative body: Refers to legislative entities in the U.S. and Europe, including parliaments, legislative assemblies, components of bicameral legislatures, and the U.S. Congress.

MEP: Member of the European Parliament.

Parliament: (upper case ‘P’) European Parliament

parliament: (lower case ‘p’) Any parliament or reference to an aspect of a parliament as in “parliamentary procedures”

Senate: U.S. Senate

COPIES OF WEB PAGES

This report contains many figures that are copies of web pages from the various systems examined. They are included for several reasons.

1. They are the basis for the analysis and discussion in the text and illustrate some of the points more effectively than would be possible by providing a detailed text description.
2. Their inclusion enables the reader to confirm the author's assessment or reach his or her own conclusions.
3. They serve as a record of the state of the systems studied during this period of time and provide a basis for tracking changes at a later time.

The copies of web pages have sometimes been adjusted to allow the reader to see the maximum amount feasible that illustrates the matter under consideration. Arrows and boxes are sometimes used to highlight elements of the screen that are the focus of discussion.

As often as possible, a permanent URL is provided in a footnote to allow the reader to find the web page online if it is still available. It is important to note, however, that many of the pages included and cited in this report will have changed by the time a reader looks at them online.

INTRODUCTION

Legislative Bodies and the Web

Since the mid-1990s many legislative bodies increasingly have used the Internet to make their activities and their documents accessible to their Members, their staff, their constituents, and the general public. The European Parliament (EP) and each of the parliaments of the member states of the European Union (EU) have their own public websites. The legislative chambers of every state in the United States, as well as the U.S. Congress, also have one or more websites available to the public.¹

While these websites serve a variety of purposes, legislatures primarily use them to achieve three fundamental objectives. These are to:

- Track their own activities and distribute documents internally
- Communicate with citizens
- Achieve the goals of transparency

Members and staff of legislatures now routinely use their websites to access agendas, debates, and votes. These websites also are a major distribution mechanism for such documents as reports, draft legislation, and proposed amendments. Because these are essentially internal administrative activities, the importance of this function, which supports the daily efforts of Members and staff, can sometimes be overlooked. However, it has become an integral and often essential tool that facilitates the work of the Members, their committees, and their secretariats and contributes to the efficient operation of the entire body.

Second, legislative websites are used to communicate with citizens. Some websites provide general information about the activities of the legislature, with the goal of making the complex process of law making easier to understand. The European Parliament, for example, features news stories about the Parliament prepared by its own press office on its home page. Communication with citizens is also carried out by various components within the institution. Many committees, for instance, maintain websites that provide key documents and describe the work of the group in informal and understandable formats. At the individual level, Members may maintain their own sites to report on their actions, advocate political views on a variety of issues, and sometimes solicit the opinions of their constituents.

Third, at the broadest level of public policy, websites have become one means for legislative bodies to increase their transparency and accountability. This goal may be explicitly stated, as it often is with European parliamentary websites. While more implicit, it is nevertheless also evident in the United States. For example, over the past decade the amount of information available on the public websites of the U.S. Congress has grown significantly. While there are limits to how much can be made transparent and still allow legislative bodies to do their work, there is not likely to be a retreat from the levels of public access already achieved. The pressure from the press, from lobbying groups, and from citizens to maintain and increase the amount of information that is publicly available is likely to ensure the continued openness of legislative bodies through the web.

Citizens and E-Government

This use of the Internet is part of the larger evolution of e-government, a term which has come to refer to a range of services and interactions that take place among components of a government, between governments and other organizational entities, and between governments and citizens.

¹ Some also have internal websites that contain both public information and information that is deemed proprietary in some fashion.

A number of studies have documented the increasing frequency and success of interactions of citizens with their governments through the Internet. Larson and Rainie² found that the number of Americans who accessed government websites for a variety of basic services increased significantly between 2000 and 2002, from 40 million to 68 million. An EU study³ published in 2005 found that over 90% of citizens using e-services for such things as income taxes, job searching, and social security benefits found the online service beneficial. This study reported that the majority (62%) of citizens were very satisfied with the quality of public e-services.

While many of these interactions will undoubtedly increase efficiency and quality of services, some of the most significant effects are anticipated in the ways in which citizens view and relate to their governments. “The same technology that implements interactive transactions for e-licensing, e-procurement, and e-commerce can be used to promote government-citizen interactions on proposed regulations, policy changes, and laws.”⁴

Several studies indicate that citizens are increasingly using the Internet for locating information about politics and public policy issues. The Larson and Rainie study cited above found that many U.S. citizens used the Web to comment on policy choices (23 million Americans) or to gather information to help them determine how to vote (14 million). A follow-on Pew study reported a growing use of the Internet for political information:

*The internet became an essential part of American politics in 2004... Fully 75 million Americans – 37% of the adult population and 61% of online Americans – used the internet to get political news and information, discuss candidates and debate issues in emails, or participate directly in the political process by volunteering or giving contributions to candidates. The online political news consumer population grew dramatically from previous election years (up from 18% of the U.S. population in 2000 to 29% in 2004), and there was an increase of more than 50% between 2000 and 2004 in the number of registered voters who cited the internet as one of their primary sources of news about the presidential campaign.*⁵

Some observers think that this trend in using the web for news and policy related information will continue upward and be reinforced by the increasing use of the Internet in political campaigns. “*The transformation of American politics by the Internet is accelerating with the approach of the 2006 Congressional and 2008 White House elections, producing far-reaching changes in the way campaigns approach advertising, fund-raising, [and] the mobilizing of supporters....*”⁶

Even as the web becomes more central to civic society, it is clear that the development of e-government websites that are responsive to the interests of citizens who are seeking more than online services remains a challenge. A 2002 study by the Congressional Management Foundation (CMF) found, for example, that the information provided by congressional offices on the Web often did not match what constituents were seeking. Focus groups conducted by the CMF found

“... [an important] gap between what Web audiences want and what most [U.S. House of Representatives and U.S. Senate] offices are providing on their Websites. Constituents, special interest groups, and reporters are seeking basic legislative information such as position statements, rationales for key votes, status of pending legislation, and educational material about Congress.

2 E.Larsen, & L. Rainie. *The rise of the e-citizen: How people use government agencies' Web sites*. Washington, D.C. Pew Internet & American Life Project. 2002. http://www.pewinternet.org/pdfs/PIP_Govt_Website_Rpt.pdf

3 European Commission, *Information Society Benchmarking Report 2005*. <http://ec.europa.eu/idabc/en/document/5276/254>

4 G.D. Garson. *The Promise of Digital Government*, in A. Pavlichev and G.D. Garson, *Digital Government: Principles and Best Practices*, Hershey, PA. Idea Group Publishing. 2004

5 L. Rainie, J. Horrigan, M Cornfield. *The Internet and Campaign 2004*. Pew Internet and American Life Project. 3/6/2005. http://www.pewinternet.org/PPF/r/150/report_display.asp

6 A.Nagourney. *Internet Injects Sweeping Change Into U.S. Politics*. New York Times. Published: April 2, 2006

However, offices are using Websites primarily as promotional tools - posting press releases, descriptions of the Member's accomplishments, and photos of the Member at events.”⁷

More recently, however, it appears that many congressional offices are becoming more proficient at using the Web for providing the kind of legislative information that citizens want. In 2004, the CMF was able to report that “...the quality of sites [in the U.S. Congress] is rapidly improving.”⁸ Even as these improvements occur, however, the changes in the use of the web for political information will raise expectations about what should be available. These developments coupled with the projected growth in the interactive nature of the web,⁹ will create online public forums that raise the bar for e-government web sites and make it more challenging to build and maintain responsive legislative information systems.

Citizens increasingly expect not only to obtain information about political issues, but also to express their views and participate in debates with other citizens or with their elected representatives. As it becomes easier for anyone to engage in a discussion about an issue online, it will become critically important that there be an authoritative and understandable source of information upon which those discussions can be based. Policy makers and system designers will need to move beyond today's standard of transparency to establish new criteria that meet the needs of both legislators and citizens in the emerging and increasingly participatory version of the information society.

The Challenge of Current Legislative Information Systems

Making legislative information accessible and understandable presents special challenges. Using the web for a transaction between a citizen and the government, such as applying for a passport, is a defined task with a clear outcome. Systems are designed to walk the user through the necessary steps and normally will not proceed unless all the steps have been completed successfully. There is usually explanatory material for the user as well, along with aids such as drop down boxes to ensure that information is entered correctly. In many parts of the world, sites are presented in multiple languages.

Legislative systems by contrast are open ended in terms of their results, and only the user knows for certain what he or she is seeking. The need can be for something as straightforward as “What is my representative's email address” to something as complex as “What is the parliament doing to make sure we have a steady supply of natural gas?” The former request is relatively easy to satisfy. The latter is more complicated, and the criteria for satisfaction may vary with each user.

In addition, legislative systems are difficult to understand because they present information about procedures that can be obscure, even to those who use them. For example, many parliaments use the term “second reading”, even though a proposed measure is rarely “read”. In the U.S. Congress a procedure for limiting action is called “filling the amendment tree” and passing bills under “suspension of the rules” actually is a process with very specific rules. These procedures have evolved over many years to ensure efficiency and fairness in the legislative process, but they have had the consequence of sometimes making this process less transparent to the citizens.

7 Congress Online Project. *Congress Online: Assessing and Improving Capitol Hill Websites*. Washington, D.C.: George Washington University and the Congressional Management Foundation (CMF) (2002). <http://www.congressonlineproject.org/congressonline2002.pdf>

8 Congress Online Project. *Congress Online Newsletter, Issue 33 - June 28, 2004*. <http://www.congressonlineproject.org/062804.html>

9 *Among the audience. A survey of new media*. The Economist, April 22, 2006.

Clearly describing procedures can present a particular challenge when they involve votes. In political systems in which the votes of individual Members are recorded, it can be difficult to know what a particular votes means, and therefore what a Member intended by voting yes or no. For example, a Member who is opposed to the expansion of nuclear power may vote in favour of a government study of the options for nuclear energy because approving a study may be a method for delaying the building of more plants.

The actual text of legislative proposals can be difficult to understand because they often are written using complex legal terms or language that modifies existing laws. Therefore, they cannot be fully understood without also reading the text being amended. In these instances, the fact that the text of a proposal is available on a timely basis is of limited benefit if it is not accompanied by explanatory text that clarifies its meaning and provides some context for understanding its intent.

Adding to these challenges is the fact that policy making generally involves a large number of players, each of whom may provide information about a proposed measure in their own separate system. As an example, users who want to be able to evaluate proposals to improve energy supply in the U.S. must look at the actions (and therefore websites) of at least the President, the Congress, and the individual states to get a more complete picture of the policy landscape.

Finally, there is the fact that users of legislative information systems vary greatly in their own knowledge of legislative processes and their ability to understand the texts of the proposals. They may be Members, staff, party whips, academics, lobbyists, press, civic organizations, foreign governments, or simply citizens inquiring after their own interests. They may be long time students of public policy and the political process, or they may be complete novices. Building a legislative system that provides accurate, timely, complete, and understandable information and also enables such diverse users to find useful information quickly and with confidence is a formidable task.

Purpose, Scope, and Methodology of this Study

It is clear from the discussion above that legislative bodies will continue to rely on the Internet to meet a number of critical objectives, including managing their daily operations effectively, communicating with citizens, and achieving transparency and accountability. At the same time, the continued growth of high speed access to the Internet means that more and more citizens will increasingly rely on the web to find information about politics, public policies, and the actions of their elected representatives. And, if predictions about the participatory web come to fruition, they will want to engage actively in public policy debates.

It is an underlying assumption of this study that to be effective in this environment, legislative websites have to go beyond the concept of transparency that can be met simply by ensuring that documents are available to any who seek them. The emerging capacities of the web coupled with the growing appetite of civic society for information are raising the bar. Legislative and public policy web sites must meet the highest possible standards in at least five key areas:

- Accuracy
- Timeliness
- Completeness
- Clarity
- Context

No matter who the users may be – whether parliamentarian or staff or citizen – these systems will not achieve the fundamental objectives of the institutions which fund them; nor will they contribute to what is potentially their greatest good – supporting the democratic process -- unless they can meet these standards.

The purposes of this study are the following:

- Examine how well the legislative systems developed or used by the U.S. Congress and European Parliament are meeting these criteria
- Review the goals these legislative bodies have set for their websites and the mechanisms they have established for assigning both authority and responsibility for achieving these goals
- Identify best practices that appear useful or promising enough to share with others

To meet the objectives of this study, the author undertook a review of the legislative information systems of the European Parliament (EP) and the U.S. Congress over a five month period from January 2006 through May 2006. The author already had extensive knowledge of the U.S. legislative information system, having been involved with its creation, development, and management for the past 10 years. A research scholarship from the Fulbright Program supported the author's stay in Brussels, Belgium during which he studied the operations of the European Parliament.

Although this study is not a comparison of legislative procedures, to understand and evaluate the Parliament's website, Europarl, it was necessary for the author to become familiar with the legislative procedures of the European Parliament. To meet this criterion, the author spent significant time reading contemporary news stories, attending committee hearings and meetings, and following live plenary sessions on the EP website. These activities were done in concert with tracking and reading related documents and noting the recordation of activities as they appeared in the components of Europarl. The study also involved detailed analysis of the interplay of parliamentary documents and actions. For example, it was important to identify when and how a vote on an amendment was recorded, and then determine when and how the committee or plenary amendments first appeared in the text of a document available on the website. Although this study was not quantitative in nature, by tracking and analyzing parliamentary activities over a sufficiently long period the author was able to see several actions occur on the same measure, including those taken by committee, plenary, Commission, and Council. Achieving this level of qualitative understanding of the flow of the parliamentary process and its recordation in the web systems accessible to Parliament enabled comparisons with the U.S. system using the five criteria proposed above: accuracy, timeliness, completeness, clarity, and context.

This qualitative assessment is a necessary first step to establish a base line of what is available on legislative websites, and how well such sites appear to meet the criteria used in this study. However, a logical follow on to this qualitative study would be to develop quantitative measures that could enable managers, developers, scholars, and other interested parties to further refine the assessment of public policy websites.

In comparing the U.S. and EP systems the focus was on identifying practices that might serve as models in the development of other legislative systems. For both political and technical reasons the work of developing and managing legislative websites is an ongoing task. These sites have multiple, dynamic goals with priorities that can change over time. Furthermore, these sites are still relatively young and will require time to reach maturity. Finally, there are often special management challenges to operating in an inherently political, rather than commercial environment. For these reasons, highlighting best practices may be useful as parliamentary information systems continue to evolve.

It became apparent early in the study of the EP that there was more than one website that had to be consulted by people interested in the legislative information in the EU. These include both sub-sites within the Parliament's own Europarl website, and also sites maintained by the Commission, the Council, and the EU Publishing Office. This is also true of the U.S., where users have to consult different sites maintained by the Library of Congress, the House, the Senate, and the White House, as well as by the Executive Departments. This analysis therefore includes material on many of these

websites, as well as discussion of the interaction among them.

The original proposal for this study included analyzing the parliamentary information systems of several other countries, as well as the EU. However, the time required for the depth of analysis reported here, combined with the challenge of multiple languages, precluded extensive visits to other member states. The author was able to make brief visits to the United Kingdom's House of Commons in London and to the Dutch Tweede Kamer in The Hague to gather some comparative information that is presented at the appropriate points in this report.

While this study did not involve a detailed or quantitative assessment by users of the systems, the author did interview 15 users (as distinct from providers of information or managers of the system) including individuals who were staff of Members and committees, the secretariat of the EP, lobbyists, and representatives of National Parliaments. Despite their varied backgrounds and responsibilities, the views of the users tended to be quite consistent. In addition, some issues raised by single individuals are noted in the report when they appear to have general applicability.

PART 1: TRACKING SYSTEMS FOR PROPOSED MEASURES

As the starting point for assessing the information available on legislative proposals, this study uses the tracking systems that are maintained by the Parliament and the Commission in the EU and by the Congress in the U.S. These systems record the status of proposed measures and their associated documents from initial presentation through final disposition. They also provide links to these documents and in some cases summarize them. They offer an initial framework for analyzing and comparing legislative information using the criteria of accuracy, timeliness, completeness, clarity, and context.

Examples from the European Union

The tracking systems available in the EU are the Parliament's Legislative Observatory, or L'Oeil as it is also called, and the Commission's PreLex system. These systems link to each other and users need to consult both to obtain the most complete information.

L'Oeil tracks documents and activities associated with a variety of procedures in which the Parliament has a specific role.¹⁰ These include legislative procedures, such as co-decision and consultation; non-legislative procedures such as appointments and inter-institutional agreements; reports initiated by committees¹¹; budgetary procedures; and procedures dealing with documents received from the Commission for information. The FAQs for L'Oeil describe it as "... a series of procedural factfiles listing all the documents and key events relating to a given procedure and the players involved at each stage."¹² (L'Oeil also refers to these factfiles as "dossiers", the term that will be used in this report as well.) L'Oeil does not track all activities within the EU, in particular those in which Parliament does not have a role.

The Commission maintains a similar site called PreLex, which is somewhat broader in scope. The description of this site states that it is a "...database on inter-institutional procedures, [which] follows the major stages of the decision-making process between the Commission and the other institutions... PreLex follows all Commission proposals (legislative and budgetary dossiers, conclusions of international agreements) and communications from their transmission to the Council or the European Parliament. Links allow users to access directly the electronic texts available (COM documents, Official Journal, Bulletin of the European Union, documents of the European Parliament, press releases, etc").¹³

There is overlap in the objectives of these two systems, and, as this report will demonstrate, differences in the way they fulfill them. A complete understanding of the status of any particular legislative proposal requires users to locate information and documents in both systems, as well as on other websites.

10 While this report is not intended to be a comparison of legislative or parliamentary procedures, some minimal explanations will be offered as necessary to provide context to the discussion. Users who want more information about the role and authority of the European Parliament can consult *The European Parliament*, 6th edition, by Richard Corbett MEP, Francis Jacobs, and Michael Shackleton, 2005, John Harper Publishing, London.

11 "Own initiative" reports are documents on policy matters that committees initiate themselves rather than in response to a specific proposal from the Commission to which Parliament must respond.

12 <http://www.europarl.europa.eu/oeil/faq.jsp?id=502>

13 <http://ec.europa.eu/prelex/apcnet.cfm?CL=en#>

For purposes of illustration, this study will look at the information available for several directives proposed by the Commission to the Council and Parliament for consideration under the co-decision procedure. This is the most important procedure for the Parliament because under this process it is co-equal with the Council. A proposed directive under co-decision cannot become legally binding within the EU unless it is agreed to in exactly the same form by both the Council and the Parliament. Co-decision currently covers approximately 50% of the most important policy areas included in the EC treaties. The proposed constitution would expand this to 90%.

The discussion will focus primarily on the Services directive. This is the Commission proposal for an internal market for services that is considered by many in the EU community as a critical and also controversial¹⁴ initiative for the future economic development of the EU and its member states. Its general purpose is to eliminate barriers to the establishment of a variety of economic services, such as business and financial services, transportation, and hotels and restaurants, and to create a European-wide market similar to the one that already exists for many goods and products. It evoked considerable debate within the Parliament at both the committee and plenary levels. Of particular concern was the principle of “Country of Origin”, which dealt with whether and under what circumstances a service licensed in one country could be allowed to offer its services in another country, i.e., in a member state other than its country of origin. This issue was particularly contentious and subject to last minute amendments at the plenary session held in February 2006. The proposal was accepted by Parliament with amendments, and on 4 April 2006 the Commission issued a revised proposal, which it described as being built upon the work of Parliament and the discussions in Council.

To illustrate elements not found in the Services directive, two other examples are included. The Data Protection directive, a proposal by the Commission dealing with personal data protection rules and the availability of communication data for anti-terrorism purposes, shows information on the completion of the final stages necessary to become Community law, including publication in the Official Journal. The Battery Disposal directive, which covers regulations on the disposal of batteries, will be used to illustrate in more detail information about actions by the Council.

It is important to note that in the EU political system, the Commission has the sole authority to initiate legislation. Parliament can pass a resolution or initiate a report on its own by asking the Commission to propose legislation to deal with a specific issue, but the official starting point is always a proposal from the Commission. For this reason, the tracking of legislative procedures begins in L’Oeil when a proposal is received from the Commission and the decision is made regarding the committee that will be responsible for it.

14 From the EP Press story of 15-02-2006. “[Parliament debates the Services Directive ahead of important vote.](#) Almost two years after the Commission published its draft directive on the internal market in services, after months of controversy, and after no fewer than ten parliamentary committees had dealt with different aspects of the proposal, Tuesday 14 February was the day when the issue finally had its first reading debate in plenary. President Borrell said that a demonstration of around 30 000 people was taking place in Strasbourg at the same time as the debate.” [Full story at http://www.europarl.europa.eu/news/expert/infopress_page/056-5210-045-02-07-909-20060210IPR05172-14-02-2006-2006-false/default_en.htm]

L'Oeil: Legislative Information in the Parliament

Identification Section. The first segment (Figure 1) of the dossier for the proposed Services directive contains basic information under the heading “Identification”.

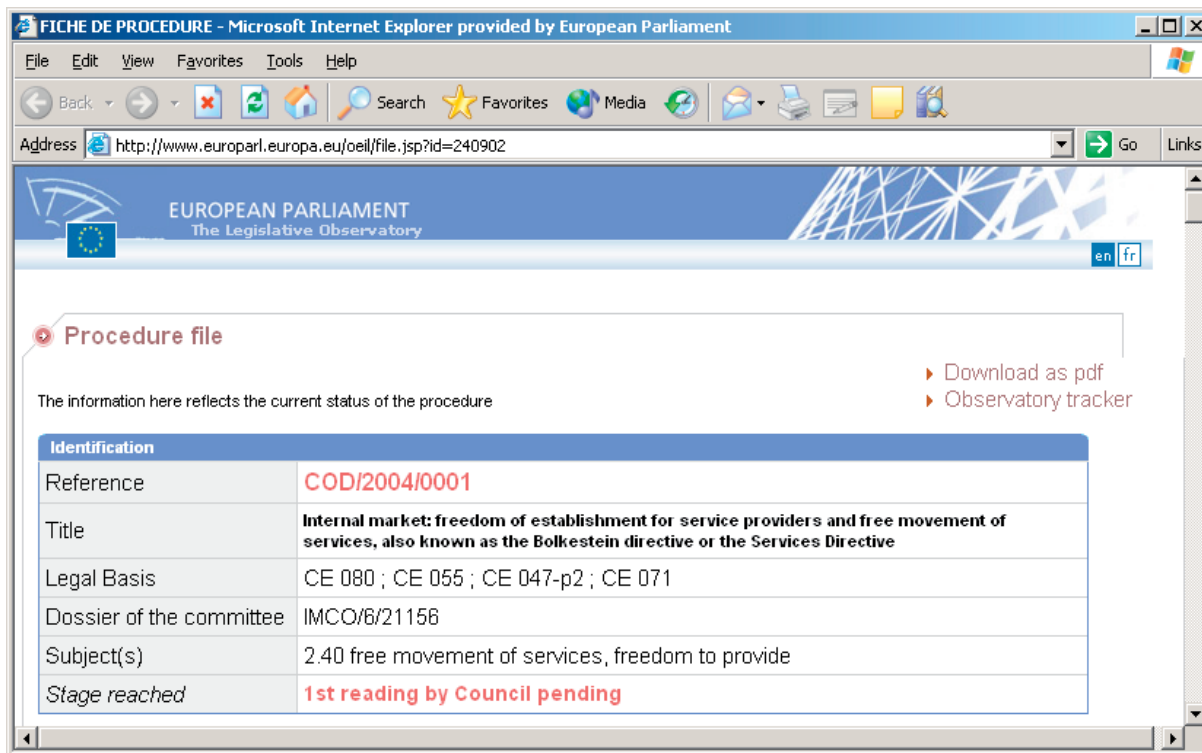


Figure 1: Identification Section - Services Directive - L'Oeil¹⁵

The information in this section includes:

1. Reference number, which is used by all EU institutions and which includes the type of procedure (COD refers to co-decision), followed by the year and a sequential number.
2. Title of initial proposal, which may be augmented in the L'Oeil dossier to include additional keywords useful for searching. In this case the actual official title of the original proposal is *Proposal for a Directive of the European Parliament and of the Council on services in the internal market*. See the link in the brief display of this record, Figure 2.
3. The legal basis of the proposal, i.e., the terms of the treaties that are taken to be the grounds upon which the Commission is authorized to propose the directive.
4. The abbreviated name of the committee to which the proposal is referred. (The brief display – Figure 2 - of this dossier shows the committee name in full.)
5. The stage reached, which in this case shows that the next action anticipated is by the Council. When the proposal is still within the Parliament, this information may be augmented by a field entitled 'Forecast' that follows the "Stages" section.
6. A display appearing in HTML. A PDF version without links is also available.
7. A link to a tracking system (Observatory tracker) for which a user can register to receive email messages when updates occur for specific procedures or in other areas, such as actions within a particular committee.

15 <http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=COD/2004/0001>

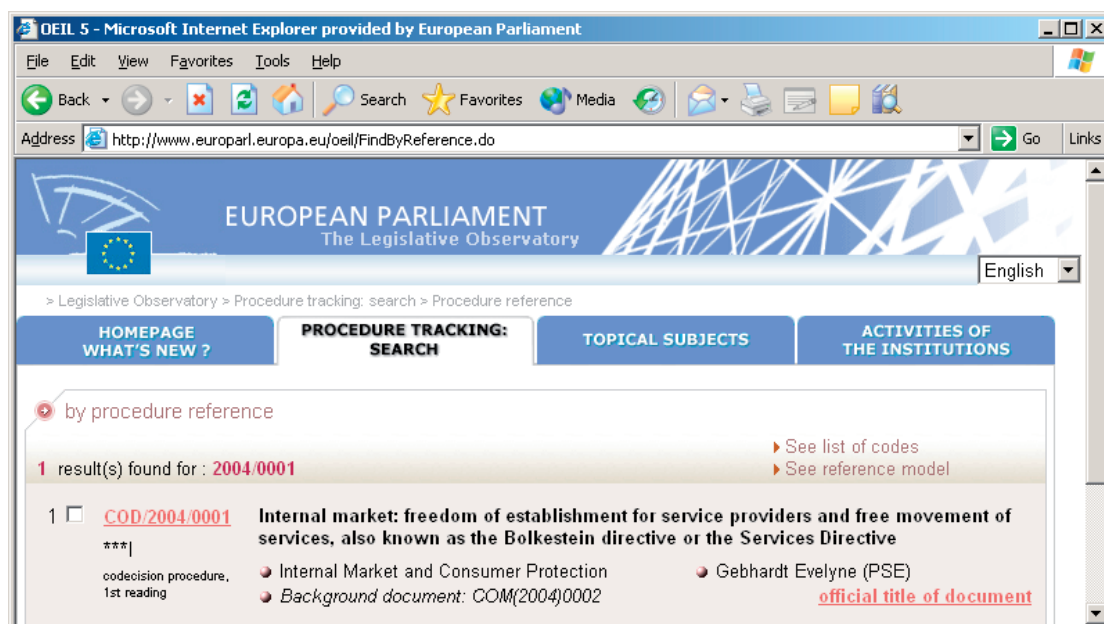


Figure 2: Brief Display - Services Directive - L'OEil¹⁶

Analysis of Identification Section

Timeliness

- The L'OEil FAQ states that “The procedural factfiles are created as soon as the matter has been formally referred to the committee responsible. In some cases - although only very rarely - certain procedural factfiles appear before the matter has been referred to the committee responsible.”¹⁷ Based on a review of dossiers created during the four month period of this study, this standard appeared to be met.

Completeness

- The basic identification information includes the legal basis and subject terms applied to this proposal, but does not include links to them. PreLex, the Commission's system, however, does provide a means for getting to these documents.

Clarity

- The augmented title can be useful both for searching and for understanding the general purpose and scope of the proposal. The official title of this document is “*Proposal for a Directive of the European Parliament and of the Council on services in the internal market*” The augmented title uses the phrase “*Services Directive*” and the phrase “*Bolkestein directive*”, both of which were often used when referring to this proposal.

¹⁶ <http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=COD/2004/0001>

¹⁷ L'OEil FAQs, <http://www.europarl.europa.eu/oeil/faq.jsp?id=502#top>

Stages. See Figure 3. This section lists the major status recorded by the Parliament for each proposal.

Stages	Documents: references		Dates	
	Source reference	Equivalent references	of document	of publication in Official Journal
Commission/Council: initial legislative document	EC COM(2004)0002	C5-0069/2004	13/01/2004	
Document annexed to the procedure	EC SEC(2004)0021		13/01/2004	
Committee of the Regions: opinion	CofR CDR0154/2004		30/09/2004	C 043 18.02.2005, p. 0018-0022
Economic and Social Committee: opinion, report	ESC CES0137/2005		10/02/2005	C 221 08.09.2005, p. 0113-0125
EP: draft report by the committee responsible	EP PE355.744		06/12/2005	
EP: tabled legislative report, 1st reading or single reading	EP A6-0409/2005		16/12/2005	
EP: legislative opinion, 1st reading or single reading	EP T6-0061/2006		16/02/2006	
Commission: modified legislative proposal	EC COM(2006)0160		04/04/2006	

Figure 3: Stages Section - Services Directive - L'Oeil¹⁸

In the Services example, note the following in *Stages*:

1. Initial legislative document. This is a link to the document on the Commission website that contains the proposed text of the directive. Transmission of this document to the Council and the Parliament initiates the legislative process.
2. Document annexed. This is the impact assessment of the proposal. Unfortunately, during the period of this study this link yielded no document, nor did the link to the same document on the Commission PreLex site.
3. Link to the opinion by the Committee on the Regions¹⁹
4. Link to the opinion by the Economic and Social Committee.²⁰
5. Reference to the draft report tabled by (i.e., agreed to) by the committee. This report was actually debated and agreed at the committee meeting in late November 2005
6. Link to the version of the committee report that was taken up at the plenary session in February 2006. This version of the report incorporates the amendments agreed to in committee.
7. Link to the preliminary version of the resolution of the Parliament on the proposed Services directive, with the amendments agreed to at the plenary session of 16 February 2006. This text becomes available as quickly after the vote as it can be verified and made available in the official languages. There is a later version referred to as the Consolidated Text that integrates the amendments and creates the text as amended by Parliament. This text does not appear to be linked anywhere in L'OEil dossiers, although it is available elsewhere on the Europarl site.
8. Link to the Commission proposal that has been revised based upon the amendments agreed to by Parliament.²¹ While this proposal had not become a final legislative act of the Council and the Parliament at the time of this report, the Data Protection directive, shown later, illustrates the information available at these final steps in the process.

19 “The Committee of the Regions (CoR) is the political assembly that provides local and regional authorities with a voice at the heart of the European Union.

The Treaties oblige the Commission and Council to consult the Committee of the Regions whenever new proposals are made in areas that have repercussions at regional or local level. The Maastricht Treaty set out 5 such areas - economic and social cohesion, trans-European infrastructure networks, health, education and culture. The Amsterdam Treaty added another five areas to the list - employment policy, social policy, the environment, vocational training and transport - which now covers much of the scope of the EU's activity.”
Source: http://eur-lex.europa.eu/en/droit_communaire/droit_communaire.htm#3.6

20 “The European Economic and Social Committee comprises representatives of the various social and economic aspects of society, in particular farmers, transporters, workers, businessmen and tradesmen, the professions, consumers and the public in general. The members of the Economic and Social Committee are proposed by the Member States and appointed by the Council, acting by a qualified majority, for a period of four years. They comprise three groups, representing employers, employees and various economic and social interests.

The Economic and Social Committee has a consultative role. It puts forward the views of its members and defends their interests in policy discussions with the Commission, the Council and the European Parliament. The Committee is an integral part of European decision-making: it must be consulted before any decision involving economic and social policy. It may also, on its own initiative, issue opinions on other topics which it considers important or at the request of the institutions.”

Source: http://eur-lex.europa.eu/en/droit_communaire/droit_communaire.htm#3.6

21 On 29 May 2006 the Council issued its Common Position on the proposal.

Figure 4 uses the Battery Disposal directive to show more details of the type of information available regarding Council actions. These links go to documents by the Council related to the adoption of its position.

Stages	Documents: references		Dates	
	Source reference	Equivalent references	of document	of publication in Official Journal
Commission/Council: initial legislative document	EC COM(2003)0723	C5-0563/2003	21/11/2003	
Document annexed to the procedure	EC SEC(2003)1343		24/11/2003	
EP: tabled legislative report, 1st reading or single reading	EP A5-0265/2004		06/04/2004	
EP: draft report by the committee responsible	EP PE340.787/DEF		07/04/2004	
EP: legislative opinion, 1st reading or single reading	EP T5-0304/2004		20/04/2004	C 104 30.04.2004, p. 0037-0354 E
Committee of the Regions: opinion	CofR CDR0012/2004		21/04/2004	C 121 30.04.2004, p. 0035-0044
Economic and Social Committee: opinion, report	ESC CES0655/2004		28/04/2004	C 117 30.04.2004, p. 0005-0009
Council: statement on common position	CSL 10844/2005		11/07/2005	
Council: common position	CSL 06694/5/2005	C6-0268/2005	18/07/2005	C 264 25.10.2005, p. 0001-0017 E
Commission: communication on the common position	EC COM(2005)0378		23/08/2005	
EP: draft report by the committee responsible	EP PE362.634		24/11/2005	
EP: tabled legislative report, 2nd reading	EP A6-0335/2005		24/11/2005	
EP: decision at 2nd reading	EP T6-0495/2005		13/12/2005	
Commission: opinion on the EP amendments to the common position	EC COM(2006)0017		17/01/2006	

Figure 4: Battery Disposal Directive - Council Actions - L'Oeil²²

Figure 5 shows the final steps to becoming law, using the Data Protection directive as the example.

²² <http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=COD/2003/0282>

Stages	Documents: references		Dates	
	Source reference	Equivalent references	of document	of publication in Official J
Commission/Council: initial legislative document	EC COM(2005)0438	C6-0293/2005	21/09/2005	
Document annexed to the procedure	EC SEC(2005)1131		21/09/2005	
EP: draft report by the committee responsible	EP PE364.679		28/11/2005	
EP: tabled legislative report, 1st reading or single reading	EP A6-0365/2005		28/11/2005	
EP: legislative opinion, 1st reading or single reading	EP T6-0512/2005		14/12/2005	
Economic and Social Committee: opinion, report	ESC CES0035/2006		19/01/2006	C 069 21.03.2006, p. 0016-1
Legislative final act	EU 32006L0024		15/03/2006	L 105 13.04.2006, p. 0054-1

Figure 5: Data Protection Directive - Final Stages - L'Oeil²³

Analysis of Stages Section

Accuracy

- The link to the initial proposal is to the document on EurLex, the online website of the EU Publications Office, the official publisher of the EU and similar to the U.S. Government Printing Office (GPO). See further discussion under PreLex.
- There is a Consolidated Text, which creates the document as amended by Parliament and is forwarded to Council for consideration of its position on the legislation, referred to as its Common Position. This version is not linked in L'Oeil or in the Commission's PreLex system. These are only available in Word and are presumably working texts rather than formally published documents.
- There have been occasional requests from Members that particular translations of a Parliamentary document be corrected. However, given the number of languages into which documents have to be translated, this problem did not seem to be noted often during committee or plenary sessions. See the discussion under Completeness below for more on this point.
- The content and links in L'Oeil are input by several offices, each of which has responsibility for accuracy and timeliness. In this respect it is like the U.S. Thomas system, which also a distributed system. While many offices are involved, this distribution of responsibility for information and documents mirrors the distribution of authority characteristic of most legislative bodies, and has been a successful model for ensuring accuracy and authenticity.
- A certain percentage of errors inevitably occur because the initial processes are always controlled by human beings. For examples, one L'Oeil dossier has a committee report being tabled before the date of the draft report, something that is procedurally not possible. But these kinds of errors were rare and no users mentioned accuracy in the *Stages* section of the dossiers as a problem.

23 <http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=COD/2005/0182>

Timeliness

- Links to the initial Commission proposal and to annexed documents do not always lead to the text of the document. Sometimes a bibliographic reference is provided along with a link that explains how to obtain a copy. Other times a link yields a search result of "nothing found". Sometimes the document can be found through other sources, such as the Commission's document register. In other instances a Commission document has been found on the Council's website when it could not be found on the Commission's site. And in other instances the document could not be found at all. Interviews with users who are responsible for the timely acquisition of Commission documents confirmed that this was an occasional problem.

Various technical and workflow explanations are possible for these problems, especially in distributed systems. More importantly, this demonstrates that quality control procedures for ensuring document availability through the Web are very important, especially because of the impact on user confidence in the system. In situations in which links are created automatically to another site without the possibility of confirming that the document is actually available, a message should alert the user that this can occur and include recommended options for obtaining the document. Other methods for finding broken links are available as well, although they can be labor intensive.

Completeness

- The first committee activity reported is the draft report tabled on 06 December 2006. However, there is a great deal of committee activity that is not reported or linked in this dossier, but which is in fact available, including agendas, draft texts, and draft amendments. See later discussion in Part 2 under Committee Information.
- Discussion with some users noted a problem of completeness of translation into languages that had smaller audiences. While the Parliament is committed to translation of its documents into the 20 official languages of the EU, the pace of events sometimes causes a delay in the availability of all versions. This is a resource issue that causes some users a significant concern.
- The report of plenary action is also a single entry indicating that the Parliament adopted the resolution on the proposed directive with amendments. As will be shown later, there is considerably more information available on debate and action in the plenary session. See discussion in Part 2 under Plenary Information. Although no link is currently provided to this information in this L'Oeil dossier, L'Oeil managers have indicated that this is a requirement for development.²⁴
- PreLex, as will be noted, tends to carry more information about Council activities. As will be seen in the discussion on Summaries, however, L'Oeil provides a summary of Council actions that can often be easier to find and to understand than following the links to Council documents.

Clarity

- The format of the committee report helps with readability by showing the text as submitted by the Commission in one column and the amending text in a parallel column to the right.
- The legislative stages, particularly related to co-decision, are explained elsewhere on the Europarl website in text and graphics.²⁵ However there is no link from this *Stages* portion of the dossier to the relevant explanatory text. Such a link could be useful to a new user without inconveniencing an experienced user.

Context

- There are no links to preliminary documents except through references in the proposal itself. However, as will be illustrated later, links to preliminary documents are provided for some measures by the Committee on its web page and by the Commission in its PreLex record.

²⁴ Interview with L'Oeil managers.

²⁵ (See <http://www.europarl.europa.eu/parliament/public/staticDisplay.do?id=46&pageRank=3&language=EN> and the following pages.

These documents can be an important resource for understanding the context of the issue and the rationale for the specific proposal.

- Commission reports themselves tend to be clearly written and contain a great deal of background and context information. The Data Protection directive is illustrative. It contains sections titled:
 - o Context, which includes:
 - § Grounds for and objectives of the proposal
 - § General context
 - § Existing provisions in the area of the proposal
 - § Consistency with the other policies and objectives of the Union
 - o Consultation of Interested Parties and Impact Assessment
 - o Legislative Elements of the Proposal, which includes
 - § Summary of the proposed action
 - § Legal basis
 - § Subsidiarity principle
 - § Proportionality principle
 - § Choice of instruments
 - o Budgetary Implication
 - o Additional Information, which includes
 - § Review, revision, and sunset clause
 - § Correlation table
- The Services directive was initiated with a 60 page Impact Assessment.²⁶ While there are pro and con arguments regarding the value of impact assessments in public policy analysis, at the very least, they provide additional context for understanding the issue. The draft Services proposal included 25 pages of introductory material that discussed the necessity, objective, background, main features, relation to other policies, legal aspects, along with answers to 10 specific questions. In this sense, information contained in Commission draft directives, in combination with the increasing use of impact assessments means that there is a considerable amount of context provided with draft legislation at the very beginning of the process. Because impact assessments are sometimes difficult to obtain, the inclusion of summaries by L’Oeil staff is especially useful.
- With most amendments adopted in committee a short justification is provided to help explain the need for the change.
- The links to the opinions of the Committee on the Regions and to the European Economic and Social Committee, while advisory only, do add another source for understanding the context and the implications of the proposed directives.

Agents. See Figure 6. This section lists the key people and institutional players from the Parliament’s perspective.

Information in the Agents section includes the following:

1. The rapporteur²⁷ for the committee responsible for the report and the rapporteur(s) for committees who provide opinions on the proposal, including proposed amendments. There is a link to previous rapporteurs from previous sessions of the Parliament.

²⁶ Impact Assessments are a new but growing component of major legislative proposals made by the Commission, part of an inter-institutional agreement among the Commission, Council, and Parliament aimed at better law making. The Parliament has begun to employ Impact Assessments on a limited basis for some of its proposed amendments.

²⁷ The European Parliament uses the rapporteur system, in which Members themselves assume responsibility for drafting reports for committees. While this is often done with the assistance of staff, the rapporteurs are sometimes experts themselves in the specific subject matter. The various political groups in a committee will each usually appoint their own “shadow rapporteurs” who work with and/or monitor the work of the primary rapporteur.

2. Link to the Commission's PreLex system, which takes the user directly to the Commission record for this proposal. Information on this site is discussed later.
3. Links to summaries of Council activities. The link here notes discussion by the Council as reported in a press release. However, as seen in Figure 4, had there been an official document from the Council, it would have been listed in the *Stages* section of the dossier along with a link to a summary of the document(s).

Analysis of Agents Section

Accuracy

- The information in the Agents section is dependent on a number of sources for its accuracy, but none of the users interviewed noted problems with this section.
- The summary of Council actions is prepared by an outside contractor for the L'Oeil office. The accuracy of the summaries that appear here and in the Stages section is subject to the normal challenges of preparing a summary of official activities. This issue will be discussed further in the Summaries section below.

Timeliness

- No problems observed or reported.

Completeness

- There are no links to committee homepages. As will be seen later, these are increasingly valuable sources of information.
- See discussion that follows re Council activities in PreLex.

Clarity

- No problems observed or reported.

Context

- No problems observed or reported.

FICHE DE PROCEDURE - Microsoft Internet Explorer provided by European Parliament

Address <http://www.europarl.europa.eu/oeil/file.jsp?id=240902>

Agents			
European Parliament			
Committee	Rapporteur / Co-rapporteurs Previous	Political group	Appointed
Internal Market and Consumer Protection (responsible, enhanced cooperation)	Gebhardt Evelyne	PSE	28/07/2004
<i>Budgetary Control (opinion)</i>	Heaton-Harris Christopher	PPE-DE	18/01/2005
<i>Economic and Monetary Affairs (opinion)</i>	Wagenknecht Sähra	GUE/NGL	13/09/2004
<i>Employment and Social Affairs (opinion, enhanced cooperation)</i>	Van Lancker Anne	PSE	28/07/2004
<i>Environment, Public Health and Food Safety (opinion)</i>	Liotard Kartika Tamara	GUE/NGL	01/09/2004
<i>Industry, Research and Energy (opinion)</i>	Chatzimakakis Jorgo	ADLE	31/08/2004
<i>Culture and Education (opinion)</i>	Descamps Marie-Hélène	PPE-DE	27/10/2004
<i>Legal Affairs (opinion)</i>	Lechner Kurt	PPE-DE	07/10/2004
<i>Women's Rights and Gender Equality (opinion)</i>	Romeva i Rueda Raül	Verts/ALE	25/01/2005
<i>Petitions (opinion)</i>	Libicki Marcin	UEN	17/03/2005
European Commission and Council of the Union		European Commission: PreLex	
European Commission DG	Internal Market and Services	Transmission date: 22/01/2004	
Council of the Union Previous Councils	Competitiveness (Internal Market, Industry and Research)	meeting: 2715	of: 13/03/2006

Figure 6: Agents Section - Services Directive - L'Oeil²⁸

Summaries. L'Oeil staff prepare summaries of Parliament's documents and activities and contract for summaries of documents and activities by the Council and Commission. Figures 7 and 8 below capture the portions of the summary of the Commission's revised proposal submitted on 4 April 2006 that cover the first four articles (Figure 7) and article 16 (Figure 8). The latter is included here because it was one of the focal points of debate in the plenary session. Figure 8 also shows the final page that contains a list of all summaries available for this proposal at the time of this report. Copies of web pages containing the entire summary are in Appendix 1.

The summary includes a discussion of all 48 proposed articles plus an updated financial statement that covers direct outlays, staffing costs, and administrative expenditures. There were seven other summaries available at the time of this report that covered the original proposal and the accompanying impact assessment, three Council meetings, the report of the EP committee, and the EP plenary session. A PDF version of the L'Oeil dossier will print out all available summaries.

Analysis

Accuracy

- Accuracy will always be an issue with a third party summary. Some within the Parliament's committee secretariat found that there were occasional errors in summaries of committee reports. However, there was no indication that there were widespread inaccuracies or frequent mistakes, and users who mentioned them had no significant criticisms on these criteria.

Timeliness

- This is a function of the backlog of work. Observations of many proposals indicated that it often takes a month or longer to produce a summary although high priority proposals are completed sooner.

Completeness

- The completeness of summaries will depend on resources and the judgment of the person creating the summary. Authors of reports will always be able to find opportunity for criticism, although as with the Accuracy criteria, there was no indication of a widespread problem. Phrases such as "the main amendments are as follows" and "some of the elements agreed are as follows" indicate that authors of these summaries have latitude in scope and are selective in their coverage. Given the normal availability of the full text of the document, this is an appropriate use of the summary. See later comparison with the U.S. summaries in Part 3.
- Summaries also aid in fulfilling the Completeness criteria when they describe documents that are difficult to obtain and/or not accessible via a web link. For example, the impact assessment for the Data Protection directive is not accessible via the links in the L'Oeil dossier (or via PreLex). However, the L'Oeil dossier has a summary of this statement which helps to resolve a portion of this information gap. See Figure 9.
- An additional example is the summaries of Council activities that are provided in the L'Oeil system by outside contractors. See an excerpt of two paragraphs shown in Figure 10.

Clarity

- Summaries are especially valuable, of course, for clarity. EU documents often are relatively understandable, especially compared to certain types of U.S. draft legislation that amend existing law by making additions and deletions to current statutes. Nevertheless, it can be helpful to have a brief summary of the highlights of a measure when the text of the proposal is lengthy or highly technical. The summaries result from a careful reading of the text by a third party whose task is to ensure a clear and accurate précis.
- Summaries are helpful when they provide an overview of committee or plenary amending actions. While this information can be recreated by reviewing the documents in detail, the summaries provide a clear understanding of what happened. However, these reports take time to prepare and users who need to know the results immediately will be forced to work through the original documents.

Context

- The summaries in L'Oeil dossiers often provide the context of a document or an action by referring the user to related documents that provide additional information for understanding a particular activity.
- Summaries can be even more informative, however, when they indicate the political context of an action. For example, note this excerpt: *The European Parliament adopted a resolution on data retention by 378 votes in favour, 197 against and 30 abstentions. The final text negotiated beforehand with the Council aims to facilitate judicial co-operation in criminal matters by approximating Member States' legislation on the retention of data processed by telecommunications companies. The amendments finally adopted were a compromise between the PES and EPP groups with the Council and differed in some key points to the draft directive adopted initially by the Civil Liberties Committee. (Please see the document dated 24/11/2005.) The GUE, Greens and UEN groups and some members from the ALDE group voted against the directive in the final vote. Alexander Nuno ALVARO (ALDE, DE) was unhappy with the result of the compromise adopted and withdrew his name as rapporteur.*²⁹
- As noted several times, they also add value when they summarize impact assessments succinctly because they provide the background for the initiative in a brief but informative way while providing the user with the means for finding the complete set of documents if needed.

²⁹ From the summary of Parliament's first reading of COD 2005/182.
<http://www.europarl.europa.eu/oeil/resume.jsp?id=5275032&eventId=922446&backToCaller=NO&language=en>

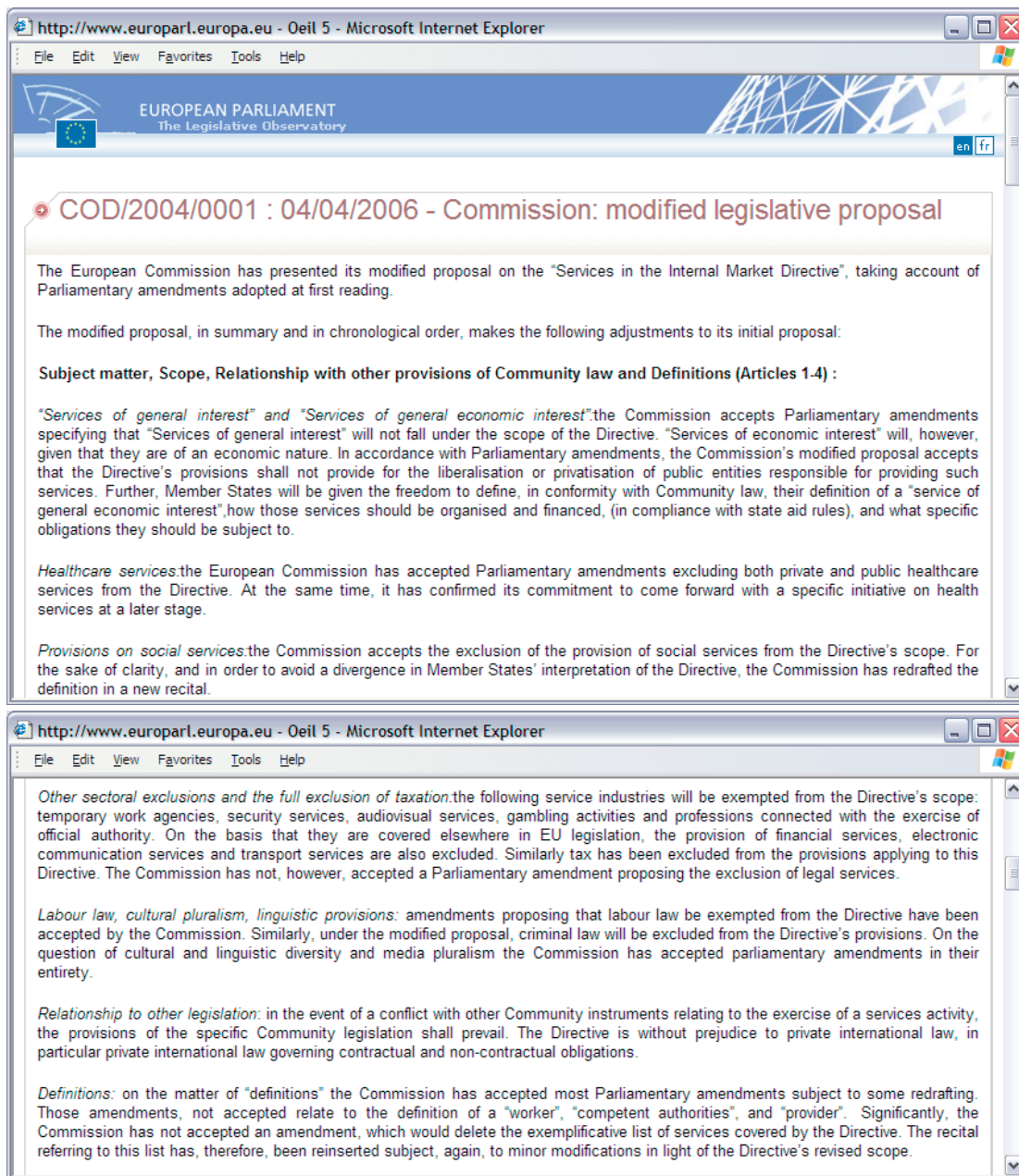


Figure 7: L'Oeil Summary 04/04/2006 - Services Directive, Art. 1-4³⁰

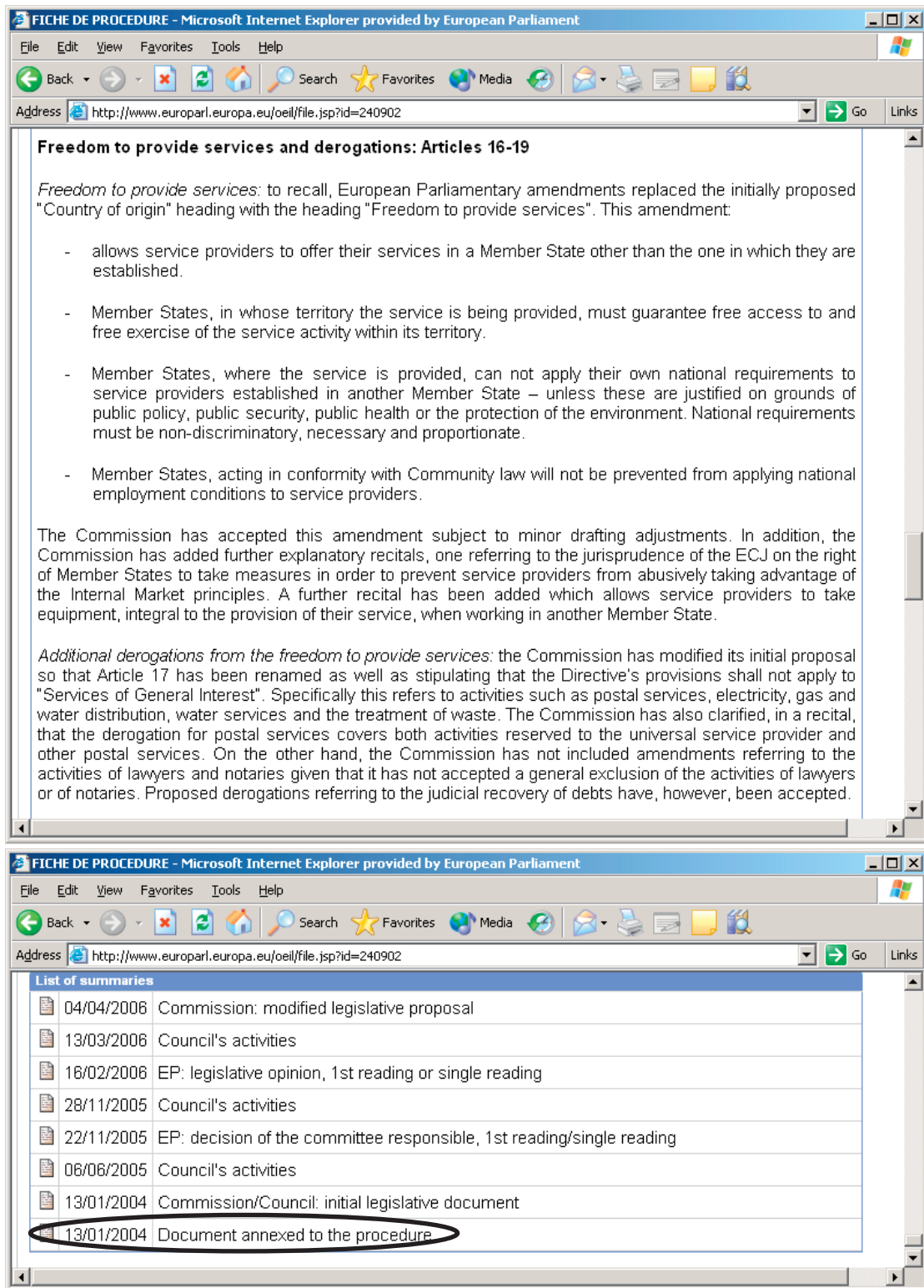


Figure 8: L'Oeil Summary 04/04/2006 - Services Directive (Art 16-19)³¹

Circled portion of Figure 8 shows link to summary of impact statement shown in Figure 9.

31 <http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=COD/2004/0001>

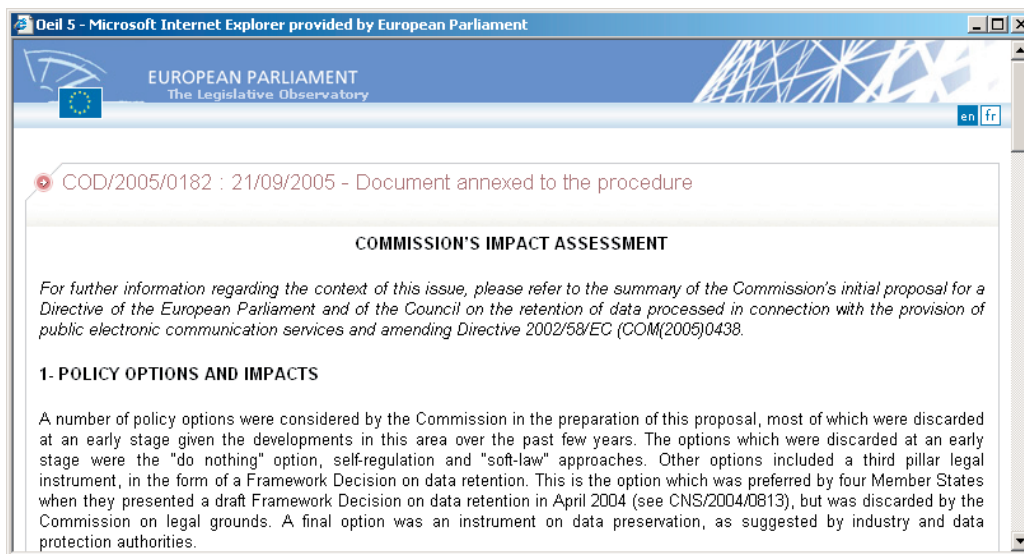


Figure 9: Excerpt from Summary of an Impact Assessment - L'Oeil³²

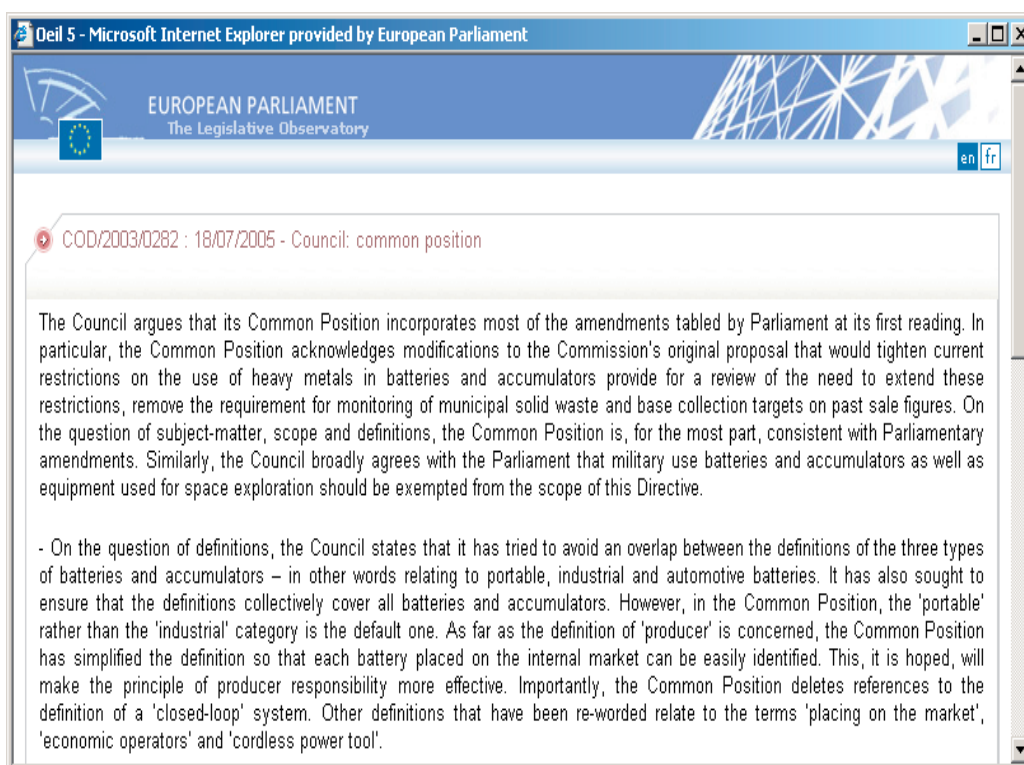


Figure 10: Excerpt from Summary of Council Common Position - L'Oeil³³

32 <http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=COD/2005/0182>

33 <http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=COD/2003/0282>

Prelex: Legislative Information in the Commission

This section considers the information available in the Commission system, PreLex, focusing on the examples of the Services directive, the Data Protection directive, and the Battery Disposal directive.

Header and Adoption by Commission. The first section of the PreLex record (see Figures 11 and 12) contains the following:

1. The number for the initial Commission document and the COD number.
2. Title of the proposed directive.
3. A graphic that shows the dates when actions were taken by particular entities.
4. In the case of the Data Protection directive a reference to the fact that this is now “in force” and a link to the final document.
5. Information about the legal basis, type of procedure, and type of file.
6. Information about the adoption in the Commission, including the offices responsible and links to the proposal and related documents. The documents include:
 - a. The final version of the proposal as adopted by the Commission.
 - b. The covering memo of the Council and the proposal distributed within the Council.
 - c. Link to the Bulletin of the EU.
 - d. Link to the proposal as published in the Official Journal (this normally can take several months.)
7. A link to the proposal on EUR-Lex, which is maintained by the EU Publications Office and which provides access to the officially published versions of the documents of the EU through the Celex system³⁴

³⁴ From the EUR-Lex website: “The European Union institutions offer a free and multilingual gateway to Community legislation online: EUR-Lex. EUR-Lex gives a comprehensive access to European law. It provides a convenient means for consulting the Official Journal of the European Union online, the Treaties, the legislation in force, the document series of the European Commission, the case-law of the Court of Justice and the Court of First Instance and the collection of consolidated legislation. It also provides links to other sources of information such as the registers of the institutions and other legislative sites of the EU and the Member States.

EUR-Lex offers harmonised search functions with the sophisticated search facilities of CELEX fully integrated to provide in-depth documentary and legal analysis. There is free access to all types of document (formats: HTML, PDF, WORD and TIF) and in all 20 languages where available.”
(http://publications.europa.eu/general/eulaw_en.html)

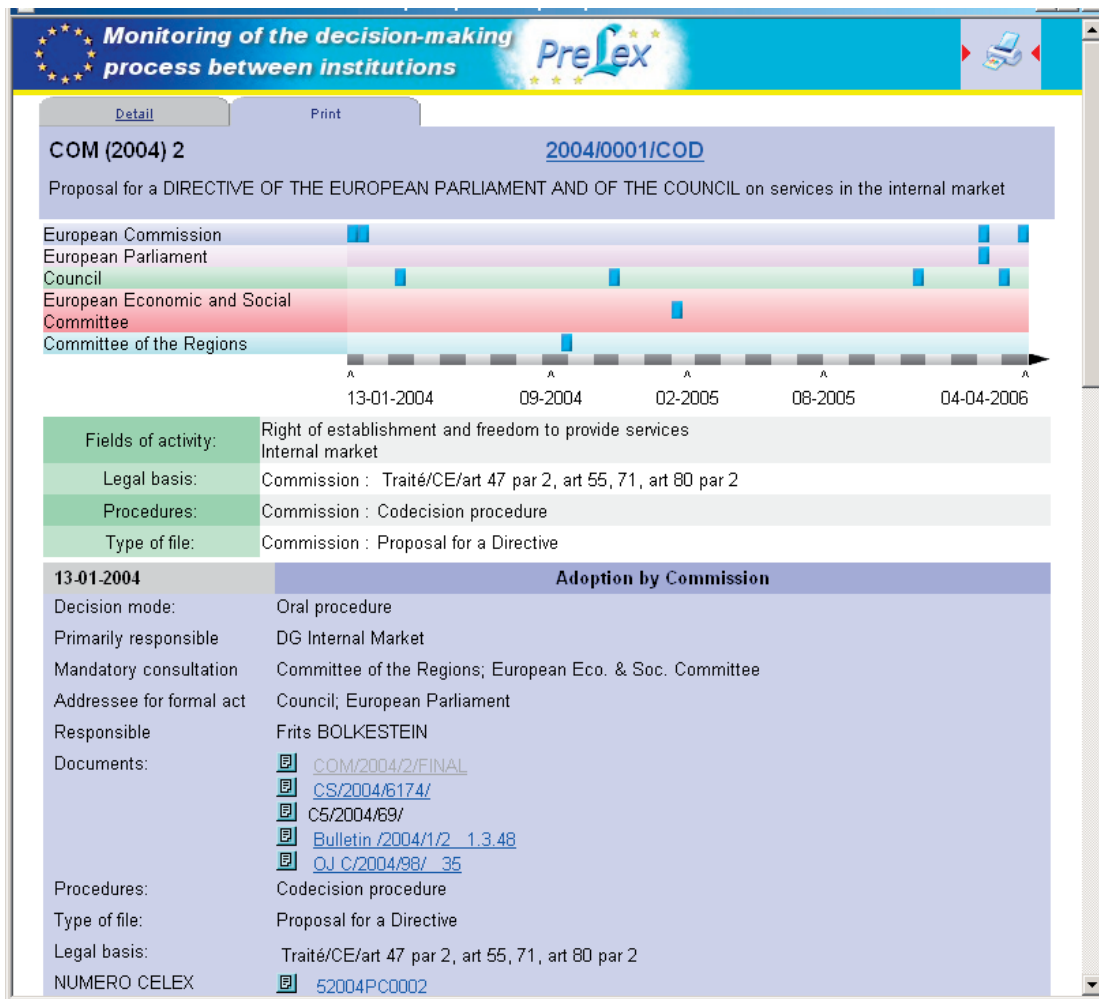


Figure 11: Services Directive - PreLex³⁵

PreLex - result of search - Microsoft Internet Explorer provided by European Parliament

Monitoring of the decision-making process between institutions PreLex

COM (2005) 438 [2005/0182/COD](#)

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the retention of data processed in connection with the provision of public electronic communication services and amending Directive 2002/58/EC

Community legislation in force [32006L0024](#)

European Commission
European Parliament
Council
European Economic and Social Committee

21-09-2005 11-2005 12-2005 01-2006 15-03-2006

Fields of activity:

Legal basis: Commission : [Traité/CE/art 95](#)

Procedures: Commission : [Codecision procedure](#)
Council : [Codecision procedure](#)

Type of file: Commission : [Proposal for a Directive](#)
Council : [Directive](#)

21-09-2005 Adoption by Commission

Decision mode: [Oral procedure](#)

Primarily responsible: [DG Information Society and Media](#)

Jointly responsible: [DG Justice, Freedom and Security policy](#)

Mandatory consultation: [European Eco. & Soc. Committee](#)

Optional consultation: [Committee of the Regions](#)

Addressee for formal act: [Council; European Parliament](#)

Responsible: [FRATTINI; Viviane REDING](#)

PreLex - result of search - Microsoft Internet Explorer provided by European Parliament

Documents: [COM/2005/438/FINAL](#)
[CS/2005/1267/1](#)
[Bulletin/2005/9/ 1.4.16](#)
[C6/2005/293/](#)
[OJ C/2006/49/ 37](#)

Procedures: [Codecision procedure](#)

Type of file: [Proposal for a Directive](#)

Legal basis: [Traité/CE/art 95](#)

NUMERO CELEX: [52005PC0438](#)

Figure 12: Data Protection Directive - PreLex³⁶

Analysis

Accuracy

- As with L'Oeil, this basic information comes from the source of the information with links to the online version of the documents in the official online publication site, EurLex.

Timeliness

- Because the Commission initiates legislation, this is the timeliest source for its documents.

Completeness

- PreLex links to a EUR-Lex record which, in turn, provides links to 1) the treaties that serve as the legal basis for the proposal 2) subject terms used to describe the proposal and that can be "clicked" to produce a set of other directives on the same subject 3) other legislation in force that would be amended by the proposed directive and 4) a reference to the Directory Code that lists legislation in force in this particular area. (This is not as integrated as the U.S. Code, but nevertheless is a useful collation.) L'Oeil does not link to this version of the EUR-Lex record unless the proposal has become law. Even then, however, it links to a version of the record that contains the text only and not the additional metadata found in the record to which PreLex links.

Clarity

- PreLex does not provide any summaries of documents as L'Oeil does.
- PreLex labelling of documents is as clear as that in L'Oeil.

Context

- It is not any easier to find background documents, such as impact assessments and green papers, in PreLex than in L'Oeil.
- As noted above in the discussion on Completeness, the EUR-Lex record provides useful links to a variety of documents and existing directives relevant to the proposal. However the Commission often does a significant amount of consultation prior to submitting a proposed directive, and it can be difficult to locate detailed information about these efforts through links on the basic records in L'Oeil or PreLex. The Commission usually summarizes the results of its consultation and other data gathering efforts in the introductory portion of the document containing the draft directive, but a direct link to this information often does not appear. In one recent instance a link that did appear in the introductory portion of the proposal was broken. (See COD/2006/006, COM /2006 / 0195).

It can be argued, of course, that this kind of preliminary material is not as important as that gathered once the actual proposal has been finalized and submitted, and the affected parties and players bring the most specific information to bear. However, this background information often has data and analysis not easily available elsewhere or readily recreated, and it serves as part of the corpus of information used to formulate the proposal. As such, it is part of the initial phases of the legislative process and arguably merits better availability. At a minimum it is usually collected as part of a public process and should, as a consequence, be more readily accessible. See later discussion in Part 4 under Integration.

Stages after Adoption by Commission. Figures 13-14 (Services), 15 (Data Protection) and 16-17 (Battery Disposal) show the PreLex information after adoption by the Commission. This can include the following:

1. Supplementary documents. Often this is a reference to the Impact Assessment. See Figure 13.
2. Dates of transmission of Commission documents to the Council and Parliament. See Figure 13.
3. Links to actions by the Parliament. See Figures 14, 15, and 17. Regrettably, this link is to the committee report rather than the text adopted at plenary.
4. Links to opinion documents for the Committee of Regions and the European Economic and Social Committee (EESC) as appropriate. These are linked to the versions maintained by these committees and also to the versions published in the Official Journal. See Figures 13 and 16.
5. Links to documents summarizing discussions at Council meetings. See Figures 13 and 14.
6. Links to Council Common Position documents, including the position itself, pres releases, and information in the Bulletin. See Figure 16.
7. Links to Commission opinions on Council and Parliamentary actions. See Figures 14 and 17.

13-01-2004	Supplement
Documents:	SEC/2004/21/
06-02-2004	Transmission to Council
06-02-2004	Transmission to EP
11-03-2004	Discussions at Council
Documents:	CS/2004/7255/ PRES/2004/62/
OJ CONSEIL	POINT "B" DJ COUNCIL
SESSION CONSEIL	2570
SUJET	COMPETITIVENESS
29-09-2004	Committee of Regions opinion
Rapporteur	SCHROTER
Documents:	Bulletin /2004/9/ 1.3.14 Opinion COR/2004/154/ OJ C/2005/43/ 18
25-11-2004	Discussions at Council
Documents:	PRES/2004/323/ CS/2004/15259/ 8
OJ CONSEIL	POINT "B" DJ COUNCIL
SESSION CONSEIL	2624
SUJET	COMPETITIVENESS
09-02-2005	EESC opinion
Decision mode:	Majority
Rapporteur	METZLER
Documents:	Bulletin /2005/1/2 1.3.6.1 EESC/2005/137/ OJ C/2005/221/ 113
29-11-2005	Discussions at Council
Documents:	PRES/2005/287/
OJ CONSEIL	POINT "B" DJ COUNCIL
SESSION CONSEIL	2694
SUJET	COMPETITIVENESS

Figure 13: Services Directive after Adoption by Commission - PreLex³⁷

³⁷ http://ec.europa.eu/prelex/detail_dossier_real.cfm?CL=en&DosID=188810







PreLex - result of search - Microsoft Internet Explorer provided by European Parliament	
16-02-2006	EP opinion 1. rdg
Decision :	Approval with amendments
Responsible	McCREEVY
Rapporteur	GEBHARDT
Taking over	McCREEVY
Documents:	 A6/2005/409/
16-02-2006	Commission position on EP amendments at 1st reading
Decision :	Partial agreement
13-03-2006	Discussions at Council
Documents:	 PRES/2006/65/  CS/2006/7286/
OJ CONSEIL	POINT "B" OJ COUNCIL
SESSION CONSEIL	2715
SUJET	COMPETITIVENESS
04-04-2006	Adoption amended proposal
Decision mode:	Oral procedure
Documents:	 COM/2006/160/Final  IP/2006/442/
NUMERO CELEX	 52006PC0160
06-04-2006	Trans. amend. prop. to Council
06-04-2006	Transm. amended prop. to EP

Figure 14: Services Directive after Adoption by Commission (2) - Prelex³⁸

(Circled reference is to the committee report rather than the text adopted in plenary.)

³⁸ http://ec.europa.eu/prelex/detail_dossier_real.cfm?CL=en&DosID=188810

PreLex - result of search - Microsoft Internet Explorer provided by European Parliament	
23-09-2005	Transmission to Council
23-09-2005	Transmission to EP
23-09-2005	Supplement
Documents:	SEC/2005/1131/
26-09-2005	N.C.
Documents:	OJ C/2005/298/ 1
14-12-2005	EP opinion 1. rdg
Decision :	Approval with amendments
Responsible	FRATTINI
Rapporteur	NUNO ALVARO
Taking over	FRATTINI
Documents:	A6/2005/365/
	Bulletin 7/2005/12/ 1.4.29
14-12-2005	Commission position on EP amendments at 1st reading
Decision :	Agreement
19-01-2006	EESC opinion
Rapporteur	Bernardo HERNANDEZ BATALLER
Documents:	EESC/2006/35/
	OJ C/2006/69/ 16
21-02-2006	Council approval 1. rdg
Documents:	CS/2006/6598/ADD 1
	PRES/2006/38/
Procedures:	Codecision procedure
Type of file:	Directive
OJ CONSEIL	POINT "B" OJ COUNCIL
SESSION CONSEIL	2709
SUJET	JUSTICE AND HOME AFFAIRS
15-03-2006	Signature by EP and Council
Documents:	OJ L/2006/105/ 54
	PE-CONS/2005/3677/
Procedures:	Codecision procedure
Type of file:	Directive
NUMERO CELEX	32006L0024

Figure 15: Data Protection Directive after Adoption by Commission - PreLex³⁹

(Circled reference is to the committee report rather than the text adopted in plenary.)

PreLex - result of search - Microsoft Internet Explorer provided by European Parliament	
24-11-2003	Transmission to Council
24-11-2003	Transmission to EP
24-11-2003	Supplement
Documents:	SEC/2003/1343/
20-04-2004	EP opinion 1. rdg
Decision :	Approval with amendments
Responsible	Margot WALLSTRÖM
Rapporteur	Johannes Hans BLOKLAND
Documents:	A5/2004/265/ Bulletin /2004/4/ 1.4.62
20-04-2004	Commission position on EP amendments at 1st reading
Decision :	Partial agreement
22-04-2004	Committee of Regions opinion
Decision mode:	Unanimity
Rapporteur	Ossi MARTIKAINEN
Documents:	Opinion COR/2004/12/ Bulletin /2004/4/ 1.4.62 OJ C/2004/121/ 35
28-04-2004	EESC opinion
Decision mode:	Unanimity
Rapporteur	Antonello PEZZINI
Documents:	EESC/2004/655/ Bulletin /2004/4/ 1.4.62 OJ C/2004/117/ 5
PreLex - result of search - Microsoft Internet Explorer provided by European Parliament	
20-12-2004	Pol. agreement common position
Documents:	IP/2004/1517/ PRES/2004/357/ CS/2004/16275/ Bulletin /2004/12/ 1.4.43
OJ CONSEIL	POINT "B" OJ COUNCIL
SESSION CONSEIL	2632
SUJET	ENVIRONMENT
18-07-2005	Adoption common position
Documents:	CS/2005/5694/ CS/2005/11175/ PRES/2005/179/ Bulletin /2005/7/8 1.4.28 C6/2005/268/
OJ CONSEIL	POINT "A" OJ COUNCIL
SESSION CONSEIL	2676
NUMERO CELEX	52005AG0030
SUJET	AGRICULTURE/FISHERIES
23-08-2005	Adopt. declaration comn posit.
Decision mode:	Written procedure
Documents:	CS/2005/11799/ COM/2005/378/FINAL
NUMERO CELEX	52005PC0378
23-08-2005	Trans. Council decl. cmn posn
23-08-2005	Trans. EP decl. cmn posn

Figure 16: Battery Disposal Direction after Adoption by Commission - PreLex⁴⁰

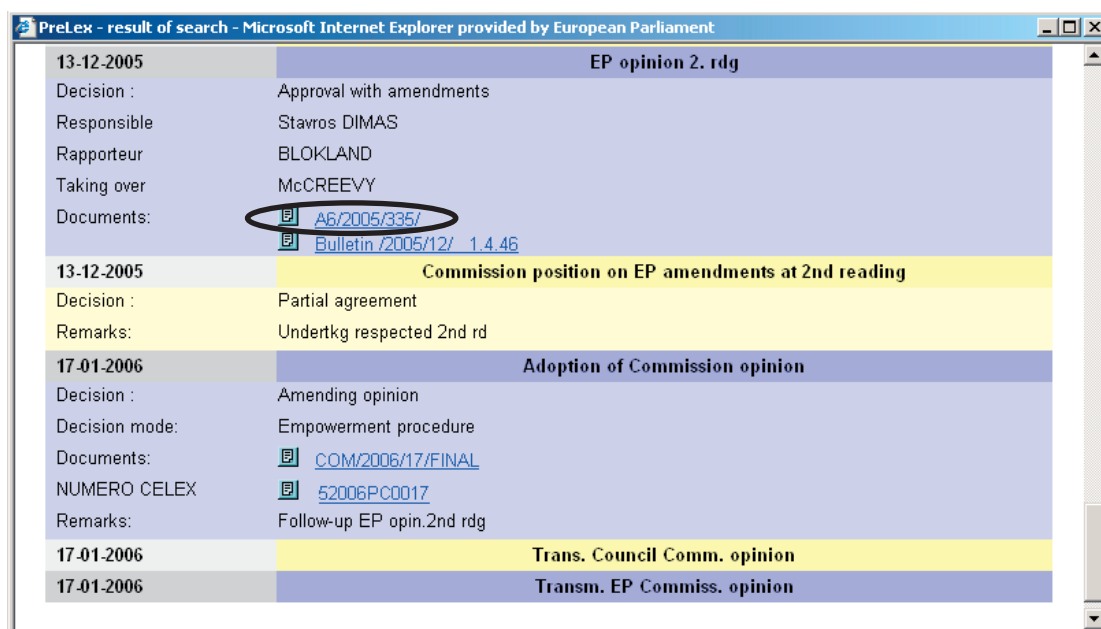


Figure 17: Battery Disposal Direction after Adoption by Commission - PreLex⁴¹
 (Circled reference is to the committee report rather than the text adopted in plenary.)

Analysis

Accuracy

- In general, the documents in these sections can be considered authoritative. The documents are linked to the versions stored on the registers of the institutions themselves or on EUR-Lex, the online system of the publication office, and also to the version in the Official Journal when it is published there.
- There are some concerns about accuracy, however. The link to the version of the document that purports to give Parliament's opinion is to the final committee version and not to the version adopted (and possibly amended) in plenary.

Timeliness

- It is difficult to make a comprehensive statement about timeliness of all the documents included in these sections of PreLex without conducting an extended longitudinal study and examining the potential causes, some of which, such as the time to translate, would be quite legitimate.
- Nevertheless there were comments from a number of users about the difficulty of obtaining documents from time to time. One meticulous user who is responsible for tracking Commission documents reported a total of 10 documents currently missing since the beginning of 2006 out of total of almost 600 issued during that period. Comparable figures for the Council were not available. While this does not seem to be a large percentage, a single missing public document can be a nuisance at best and troubling at worst. It is arguable that the standard for publicly announced documents should be the highest possible in the shortest possible time period.
- PreLex can sometimes be more timely than L'Oeil when tracking Council actions. Council reached a Common position on the Services directive 29 May, an event noted in Prelex (after this screen was copied), but not recorded in L'Oeil until sometime later.

Completeness

- PreLex has more information about earlier council meetings than L'Oeil.
- In addition to the actual document, PreLex provides multiple references to some actions, including press releases and notes from the Bulletin. This is helpful for allowing cross checking and confirmation.
- Links to Council documents usually go to the French version from a search results screen when they are downloaded from the Council register. However, it is possible to change the search

41 http://ec.europa.eu/prelex/detail_dossier_print.cfm?CL=en&DosID=187011

results and specify a different language, which yields the same documents in the specified language.

Clarity/Context

- Links to press releases can be helpful for improving clarity and context, even though they are subject to the normal issues of potential bias.

Summary

In general, L'Oeil and PreLex are accurate and timely, although there are differences that can affect the quality of the information made available. For Parliament's actions, Prelex links to the committee version of a report rather than the text adopted in plenary after the plenary session. This is clearly a problem. PreLex does have more information and is more timely on Commission and Council actions. L'Oeil focuses on Parliament's procedures, some of which do not extend to the other institutions. The summaries in L'Oeil are an excellent contribution to clarity and context, although they take time to prepare. The user must consult both systems to get the most complete picture of pending legislation, and even then neither link to key information available on committee and plenary sites. L'Oeil provides information about the legislative process, some of which employs both text and graphics, but generally this is not displayed in context.

Examples from the U.S. Congress

The system of the U.S. Congress comparable to L’Oeil and PreLex is Thomas, which has been available to the public since 1995. There is an intranet version of Thomas called the Legislative Information System (LIS), which is available only to the U.S. House and Senate and congressional agencies. This report will focus primarily on the public system with selected examples from the LIS to illustrate particular points.

The purpose of Thomas, as stated on its Website “...is to make federal legislative information freely available to the public.”⁴² THOMAS currently includes the text of bills and resolutions, congressional actions on those bills and resolutions, the text of the *Congressional Record*, schedules and calendars, Presidential nominations, treaties and information to assist teachers.

For this analysis, a single bill that was acted upon by both the House and the Senate⁴³ and that became public law will be followed. It illustrates all of the major stages of a bill and, like co-decision in the EU system, requires the agreement of two different bodies. Differences between the two chambers must be resolved in what is called a conference in the U.S. system, similar in purpose to conciliation in the EU system. In addition, in the U.S. system the president must also agree to the measure, but has the authority to veto it. A veto can, in turn, be overridden by a 2/3 majority vote in both the House and Senate.

The example used here is a bill introduced in Congress in 2002 to address the problems resulting from the bankruptcy of Enron, a very large energy trading company in the U.S. The demise of this company had significant consequences for many businesses, investors, auditing firms, and employees, many of whom suffered significant losses in their pensions. The title of the bill states that its purpose is “...to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws.”

In examining the information available about proposed legislation in Thomas, it is important to note that in the U.S. system, bills are initiated by Congress. It is, of course, common for the administration⁴⁴ to propose measures, but these must always be introduced in Congress by a Member of the House or the Senate in their respective chamber. A number of bills were introduced by various Members to deal with the problems raised by the Enron collapse. Among those receiving the most attention were bills introduced by Senator Sarbanes (S.2673) and by Representative Oxley (H.R. 3763). These bills were eventually combined into a single bill under the original House number, which then was agreed to in both chambers and signed by the president, thereby becoming Public Law 107-204. In this report this measure will be referred to as the “Enron” bill.

Basic Information. Figure 18 shows the base record in Thomas for House bill number H.R. 3763, which was the Enron proposal in the House.

42 http://thomas.loc.gov/home/abt_thom.html

43 This report will generally use the shortened form of the name of the chambers of the Congress. The U.S. House of Representatives will be referred to as “the House” and the U.S. Senate will be referred to as “the Senate.”

44 In the U.S. the executive branch of the government is referred to as “the administration”. This term, along with “the executive branch” will be used in this report to refer to what is normally called in parliamentary systems “the government”.

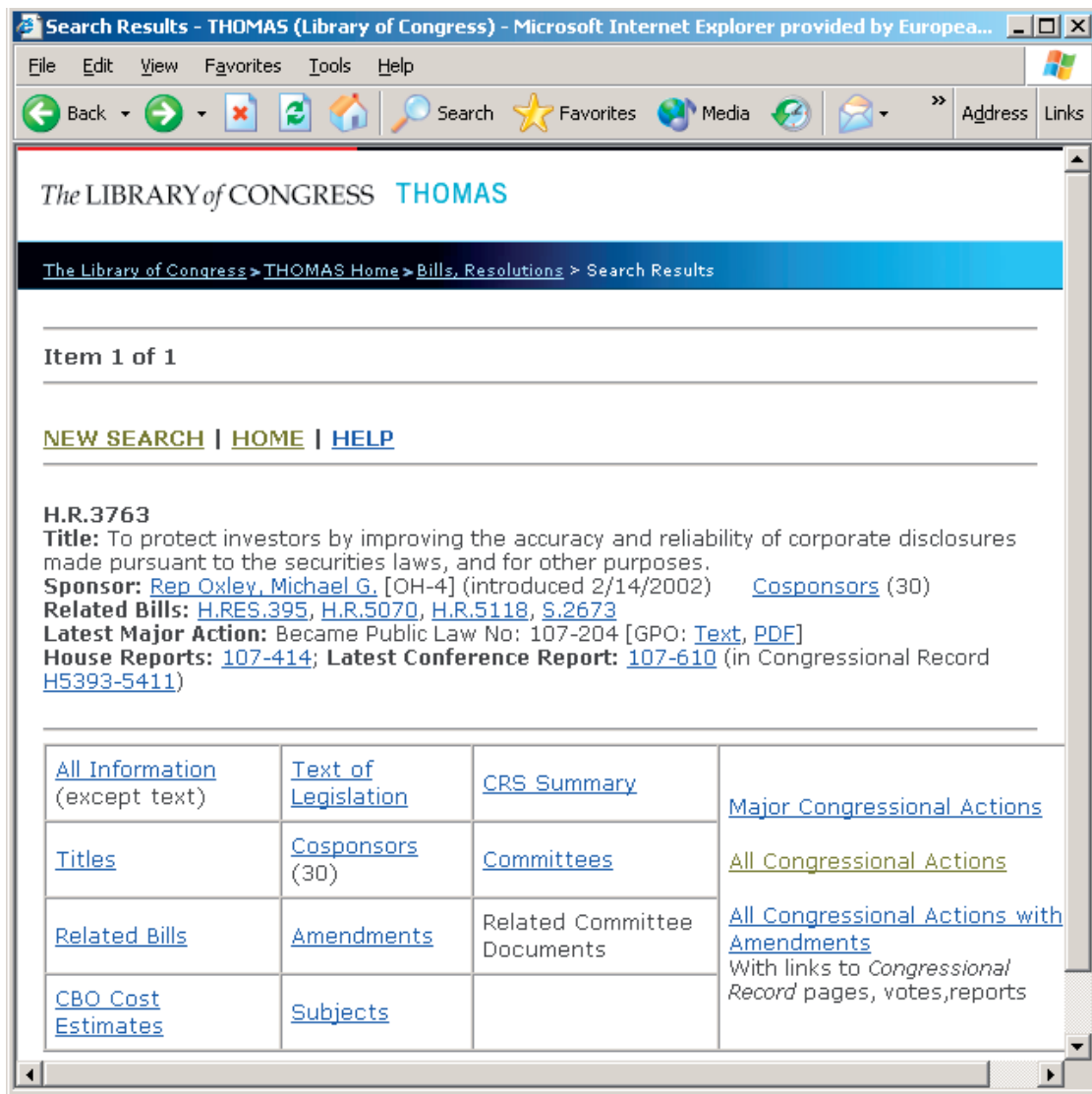


Figure 18: Thomas Base Record for Enron Bill – HR3763⁴⁵

The information shown in the base record includes the following:

1. Title of the measure.
2. Sponsor, date of introduction and a link to the list of 30 cosponsors.
3. Links to related bills that can include similar bills introduced in both the House and Senate.
4. Latest major action with links to documents as appropriate. In this case there is a link to the text of the public law.
5. Links to committee reports on this bill and to the conference report that reconciled the differences between the House and Senate versions of the bill.
6. Links to a variety of other information, including (reading left to right across the cells):
 - a. All information about the bill in one display.
 - b. Text of the measure (including all versions).
 - c. CRS⁴⁶ (Congressional Research Service) summary of the bill.
 - d. Three different displays of all congressional actions on the bill, from least to most detailed.
 - e. All titles within the bill and titles by which the bill may be known popularly.
 - f. Full list of cosponsors with dates they became cosponsors.

⁴⁵ <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03763:/bss/107search.html>

⁴⁶ CRS is the Congressional Research Service, an agency within the Library of Congress which provides objective, non-partisan research and analysis to the House and Senate.

- g. All committees and subcommittees involved with the bill and the basis of their involvement.
- h. Related bills along with the basis of their relationship.
- i. All amendments proposed on the floor (but not committee actions).
- j. Documents that the committee may wish to have associated with the bill.
- k. Cost estimate of the bill prepared by the independent Congressional Budget Office (CBO).
- l. List of subjects that the bill covers.

Analysis

Accuracy

- As with L'Oeil, information and texts are provided by the offices responsible for their creation and can be considered authoritative. Thomas is based on a similar system of distributed responsibility for information and document management.
- Procedures have been established by all responsible offices for identifying and making corrections to errors in actions and in texts.

Timeliness

- Basic records are created the day following introduction.
- The text of the bill normally becomes available 2-4 days after introduction, but long bills or bills that require substantial re-keying may take much more time.
- Some information, such as Related Committee Documents, is optional and appears if and when the authoring office decides to add it.
- It should be noted that Thomas does not offer an email alerting service as L'Oeil does, although Congress' intranet system (the LIS) does.

Completeness

- As will be illustrated later, some but not all committee activities are reported in the Actions links.
- All floor activities are reported.
- There is no consistent way to locate background materials or information developed preceding the introduction of the bill. Some of this information may be found on committee websites, but this varies by committee. Normally there are not links to administration documents prior to the introduction of a bill, except possibly by committees. Members sometimes make statements on the introduction of a bill, but these are optional and are not necessarily detailed.
- The intranet LIS does link to Statements of Administration Policy that provide the position of the President on specific bills.

Clarity/Context

- The primary sources available to the public that provide some clarity and context to the proposed measure are the CRS Summary, the Committee and Conference Reports, and the CBO Cost Estimates. See later discussion of these components.
- CRS writes reports (separate from its summaries) that analyze the issues involved in legislation, but these reports are not available to the public.
- There are no links embedded in the basic record or its components that attempt to explain or clarify the legislative process or give the context of the current status of this particular measure. This information does exist, however, on the Thomas Home Page. For example, in Figure 19 see the link on the right side of the Home Page that takes the user to an explanation of the legislative process and the link on the left side that goes to material for teachers to use in classroom.

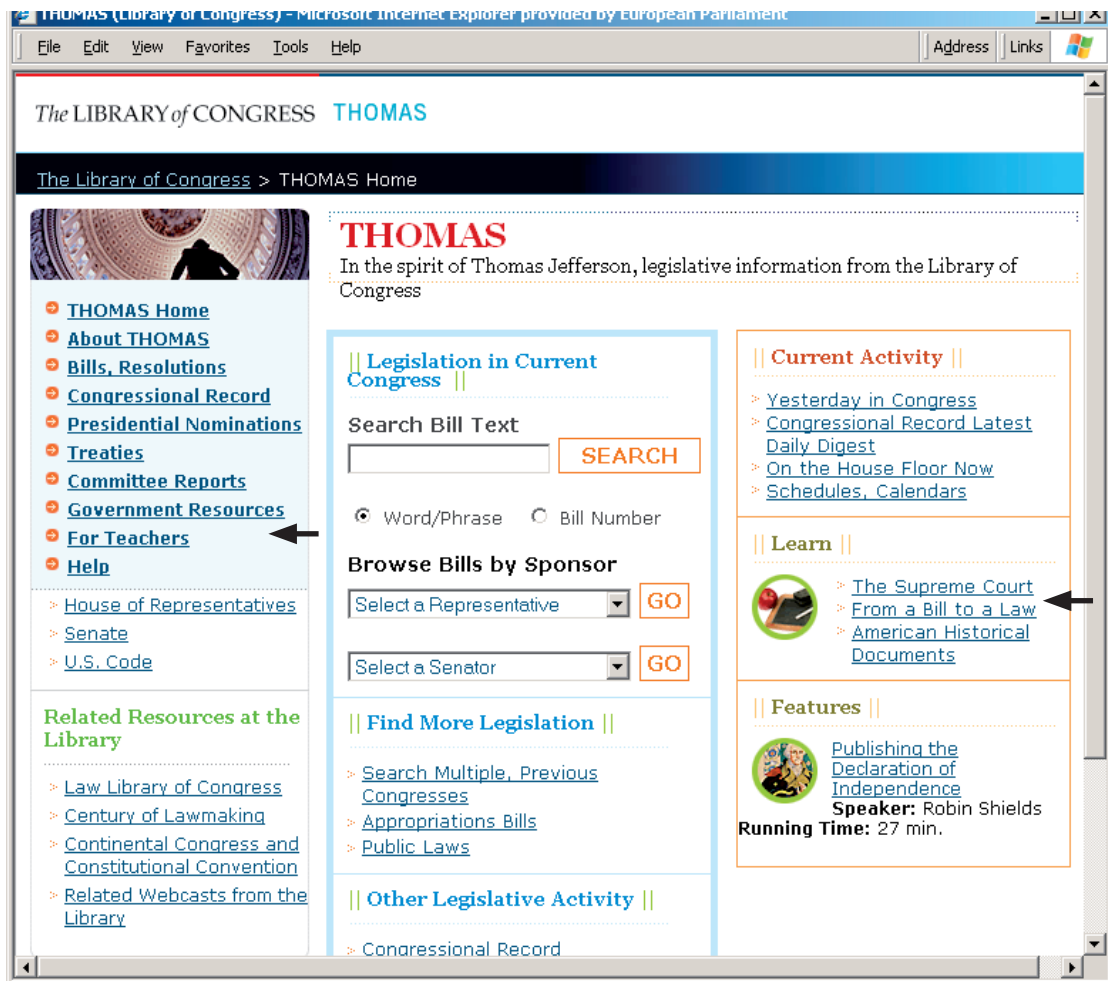


Figure 19: Thomas Links to Material Explaining Legislative Process⁴⁷

Congressional Actions. Three links take the user to descriptions of Congressional actions on this bill. *Major Congressional Actions* (see Figure 20) lists the primary actions of the House and Senate; *All Congressional Actions* (Figures 21 and 22) contains more details on committee and floor actions, but omits floor amendments; and *All Congressional Actions with Amendments* (see Figure 23) adds floor amendments to the *All Actions* display. The information in these figures will be considered together.

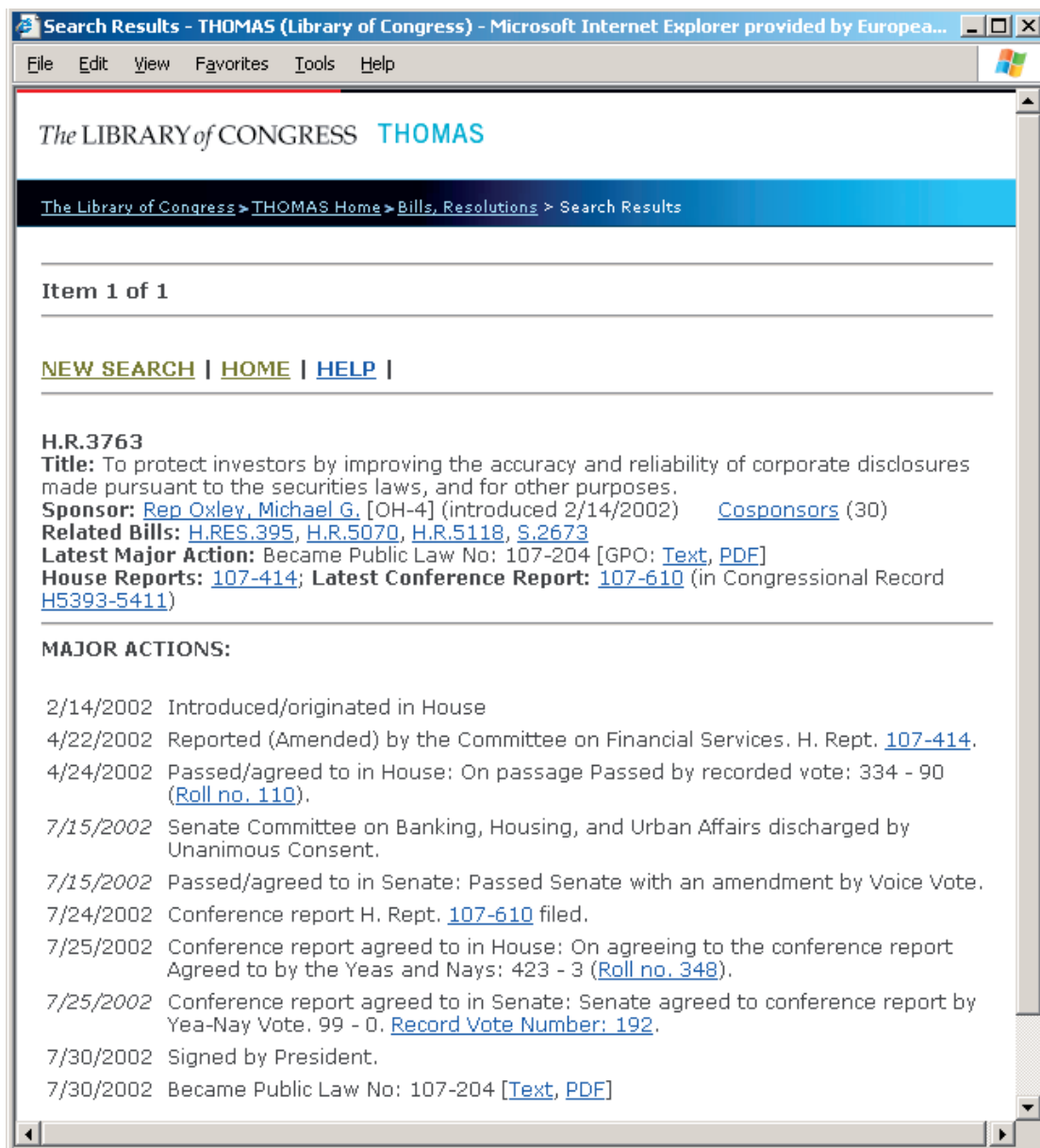


Figure 20: Enron Bill - Major Actions - Thomas⁴⁸

Major Actions (Figure 20) identifies the final action at each stage (committee action, floor consideration, conference action, and presidential action) and provides links to the authoritative documents.

48 <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03763:@@R|/bss/107search.html>

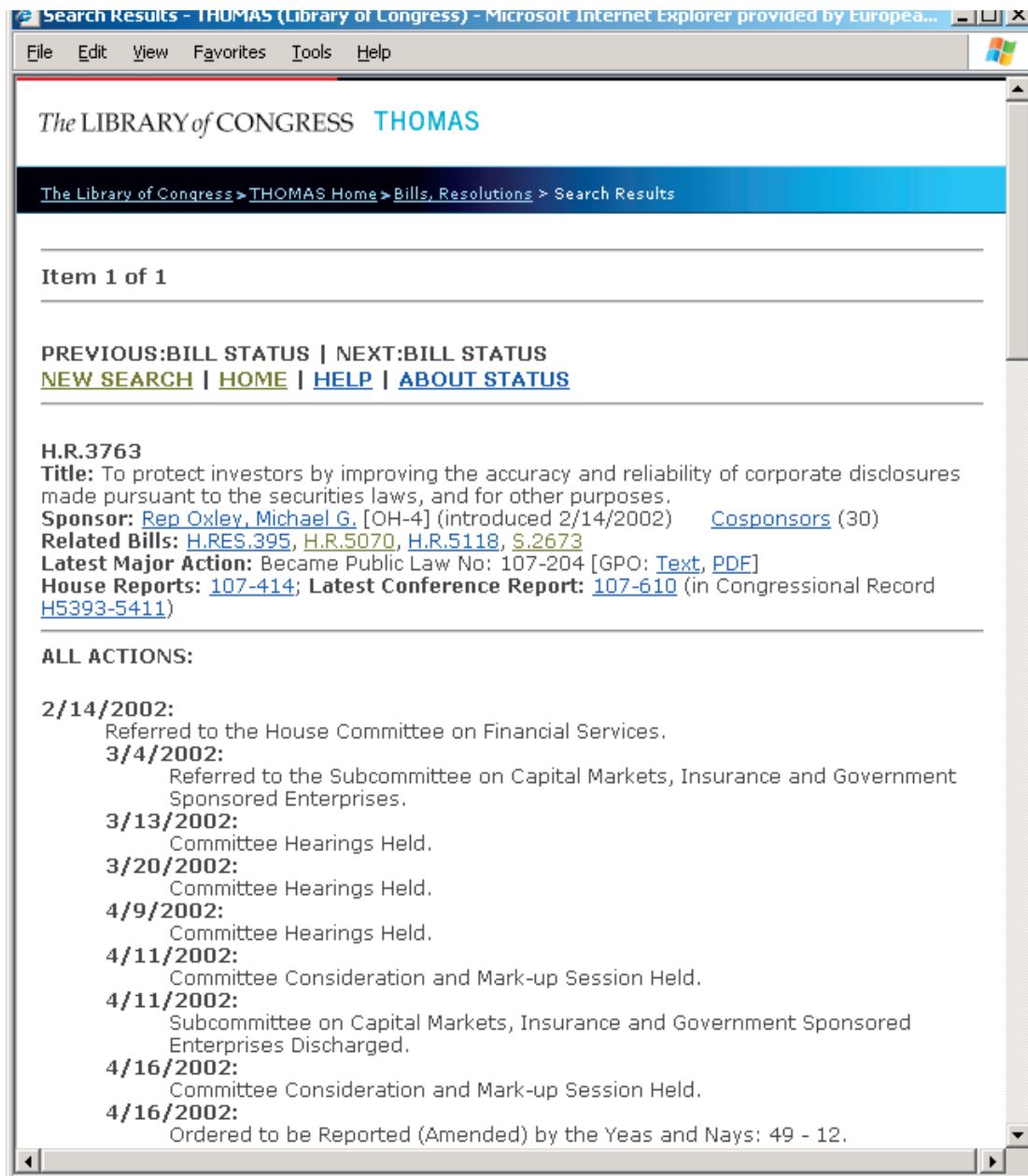


Figure 21: Enron Bill - All Actions (1st page) - Thomas⁴⁹

All Congressional Actions (Figures 21, 22) provides more detail at the committee level showing the dates of specific committee actions, such as hearings and markup sessions where amendments to a bill are voted by the committee. Even more detail is available in the intranet LIS on committee markup sessions, including a summary of the debate, a list of the amendments taken up, and their final disposition. This information is provided via a link to private vendor databases to which the Congress subscribes, and is available to anyone in the public who chooses to purchase it directly from the vendor.

49 <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03763:@@X|/bss/107search.html>

All Congressional Actions also provides more detailed information on floor actions, including dates of debate and links to the verbatim report of those debates in the *Congressional Record*, links to the special procedures that control debate on the floor, and links to the final vote on the measure with each Member's vote recorded.

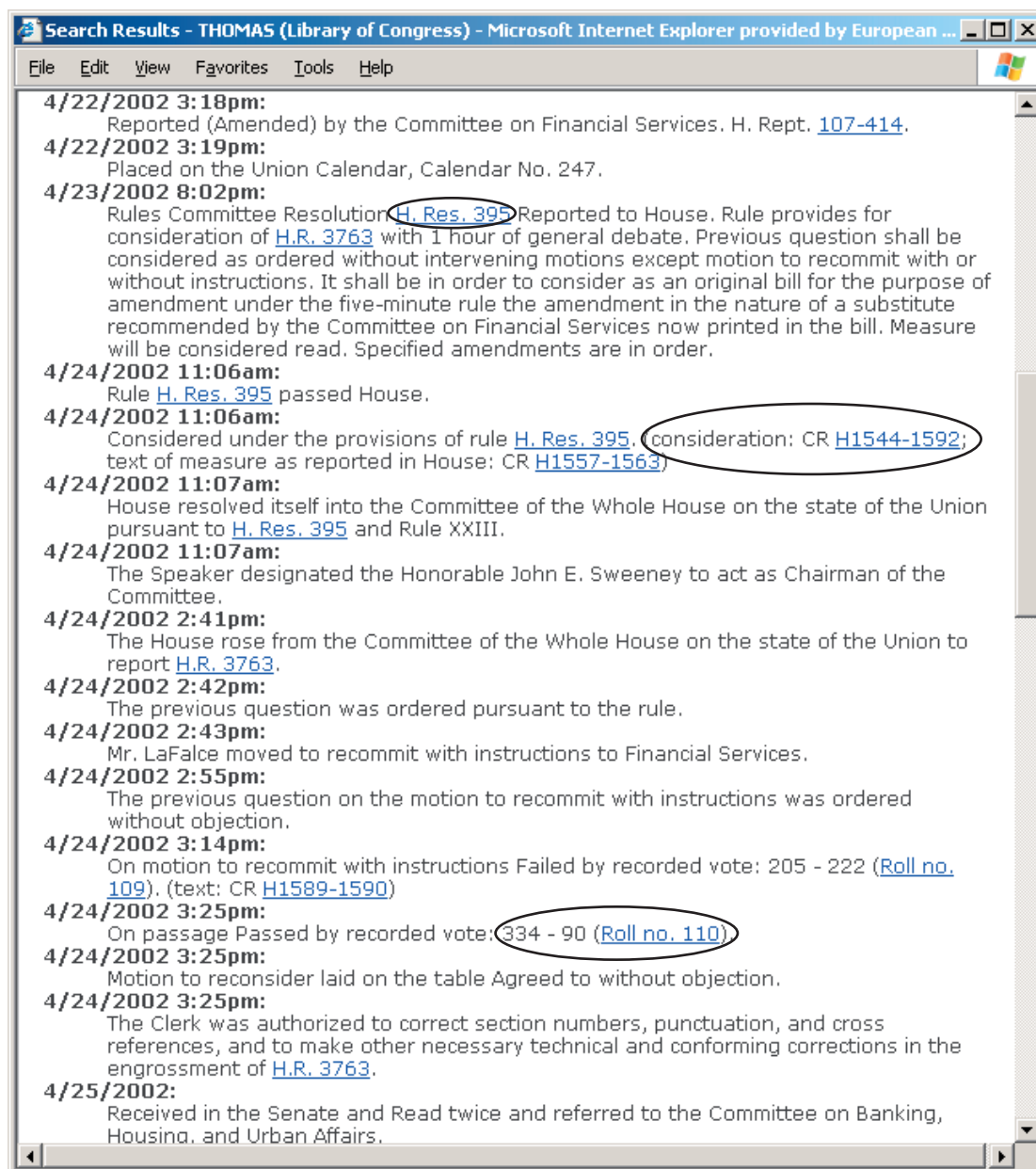


Figure 22: Enron Bill - All Actions Display (cont'd) - Thomas⁵⁰

Note links to rule governing debate, verbatim debate, and recorded votes.

The most detailed view, *All Congressional Actions with Amendments* (Figure 23), provides a short statement about each amendment offered on the floor, the name of the sponsor with a link to the text of the amendment, and the disposition with a link to the vote if recorded.

⁵⁰ <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03763:@@X|/bss/107search.html>

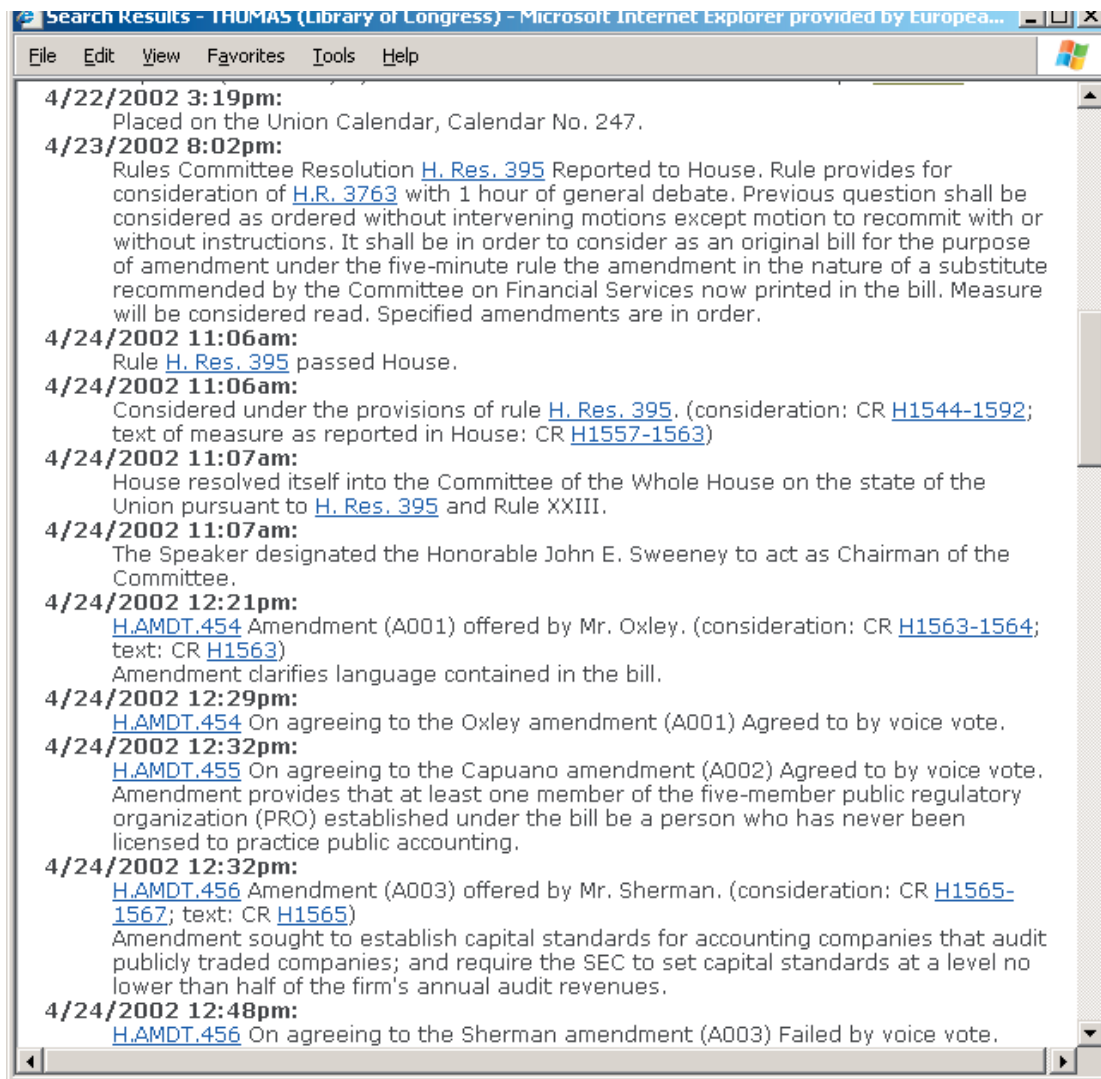


Figure 23: Enron Bill Segment of All Congressional Actions with Amendments⁵¹

Analysis

Accuracy

- Actions are recorded by the authoritative sources, the Clerk of the House and the Secretary of the Senate. Detailed procedures are in place to ensure accuracy and to correct errors.

Timeliness

- All actions are reported by the day following their occurrence. In both the U.S. Congress and the European Parliament, there are systems available for following plenary/floor activities in real time. These will be discussed in Part 2 of this report.
- As noted, the intranet LIS contains links to committee markup sessions the day following the markup. Committee markup is an important stage in the legislative process; it is at this moment that the next version of the proposed measure is created. This information does become available to the public in the committee reports that accompany proposed legislation when it is reported to the floor. As will be shown in the later discussion in Part 2 on Committee Information, House and Senate committees have improved the timeliness and completeness of information that they present on their activities over the last several years, and the value of the commercially prepared summaries is now primarily in the fact that they are accessible the next day to those who subscribe to them. While this level of timeliness is important to congressional staff and lobbyists, it may be less important to the public except in cases where legislation is proceeding at a much faster pace than is the norm.

51 <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03763:@@S|/bss/107search.html>

- Links to votes and to documents other than the *Congressional Record* are generated automatically based on the language of the status step.
- Links to the text of the *Congressional Record* for verbatim debate, the text of amendments, and the text of conference reports (which always appear in the *Congressional Record* even before they are printed as separate documents) are created by staff within 1-2 days.

Completeness

- As noted above, next-day summaries of committee action during markup are not available on the public site. The availability and completeness of the committee report, however, compensate somewhat for this lapse, and, in fact, provides a rich amount of material. See Clarity and Context below.
- All the actions by all the bodies required to pass a law - the House, Senate, and the President - are included in these status displays. However, sometimes major actions by one of the chambers takes place on a different version of the bill and users must go to that version to see the actions. For example, there was a different version of the Enron bill introduced in the Senate which contains the reference and a link to the Senate report on the bill. This link is missing in the House record for the bill, although the Senate bill itself is linked, and users can find the Senate report by following the link to the Senate bill.

This is an example of a more general problem that confronts users of Thomas. In the U.S. Congress bills may be incorporated into other bills that receive further action. These incorporations are not always noted, which means that a user looking at a bill might not know that it had been added to another measure that eventually became law. This type of provision tracking represents a serious problem. Its resolution requires tracking by people who often have competing priorities.

Clarity and Context

- There is no link to any explanatory information on any of the status steps.
- The committee report, linked from the status steps is an important document. The Parliamentarian of the House states that "*Committee reports are perhaps the most valuable single element of the legislative history of a law. They are used by the courts, executive departments, and the public as a source of information regarding the purpose and meaning of the law.*"⁵²
- The House has a number of requirements for committee reports. These include 1) the committee's oversight findings and recommendations 2) a statement if the bill provides new budget authority or an increase or decrease in revenues or tax expenditures 3) a cost estimate prepared the Congressional Budget Office 4) a statement of general performance goals and objectives, including outcome-related goals and objectives 5) the manner in which the bill applies to the legislative branch 6) the recorded votes for the measure and any amendments thereto 7) and specific powers in the Constitution that authorize Congress to pass the proposed bill. House reports often have a section-by-section analysis of the bill.
- Senate reports have fewer specific requirements but they generally have sections that provide the purpose, background, legislative history, section-by-section summary and analysis, cost and budgetary implications, communications from the administration, and the regulatory and paperwork impact.
- Both the House and Senate reports must show the changes in existing law.
- House and Committee reports, therefore, provide substantial explanatory information similar in nature to the information provided by the Commission in its reports that initiate proposals.

⁵² *How Our Laws Are Made*. Revised and Updated by Charles W. Johnson Parliamentarian, United States House of Representatives, June 30, 2003.
<http://thomas.loc.gov/home/lawsmade.bysec/reported.bills.html>

CRS Summary. CRS prepares summaries of legislation that are available normally within the same time period as the summaries available in L’Oeil, i.e., a few days for high priority measures, but more generally within 4-6 weeks. (See Figure 24 for a portion showing the first few paragraphs of the summary for the final version of this bill. Appendix 2 contains a few more screens for purposes of illustration.) These summaries are prepared for each major version of a bill when it differs significantly from the previous version, e.g., as introduced, reported to the floor, amended on the floor, and as reported by a conference committee.

Analysis. The same issues of accuracy, timeliness, completeness, clarity, and context apply to the CRS summaries as were noted for the L’Oeil summaries: they are subject to errors of interpretation, take time to prepare, are usually not very timely, and are subject to the judgment of the person preparing the summary regarding what to include. That said, they offer the same advantages: they summarize lengthy and, in the case of the U.S., sometimes very cryptic texts. Even when the text may be clear, the staff preparing the summaries often have experience in the subject matter and can provide a reading that is likely to be more accurate than one prepared by a person new to the subject.

There is one particularly important difference between summaries prepared for L’Oeil and summaries prepared for Thomas. As noted above, L’Oeil summaries often provide context and note how the current version of the proposed legislation may differ from the previous version. The U.S. system does not do this, with the result that while the summary provides an explanation of the specific version of the bill, it is less informative than the Parliament’s L’Oeil summary because it makes no comparison with the previous version. The user is left to determine for him or herself how the measure has changed, and what the areas of disagreement may be. While this is a “safer” approach, and less subject to controversy or objection, it is arguably not as helpful to the user.

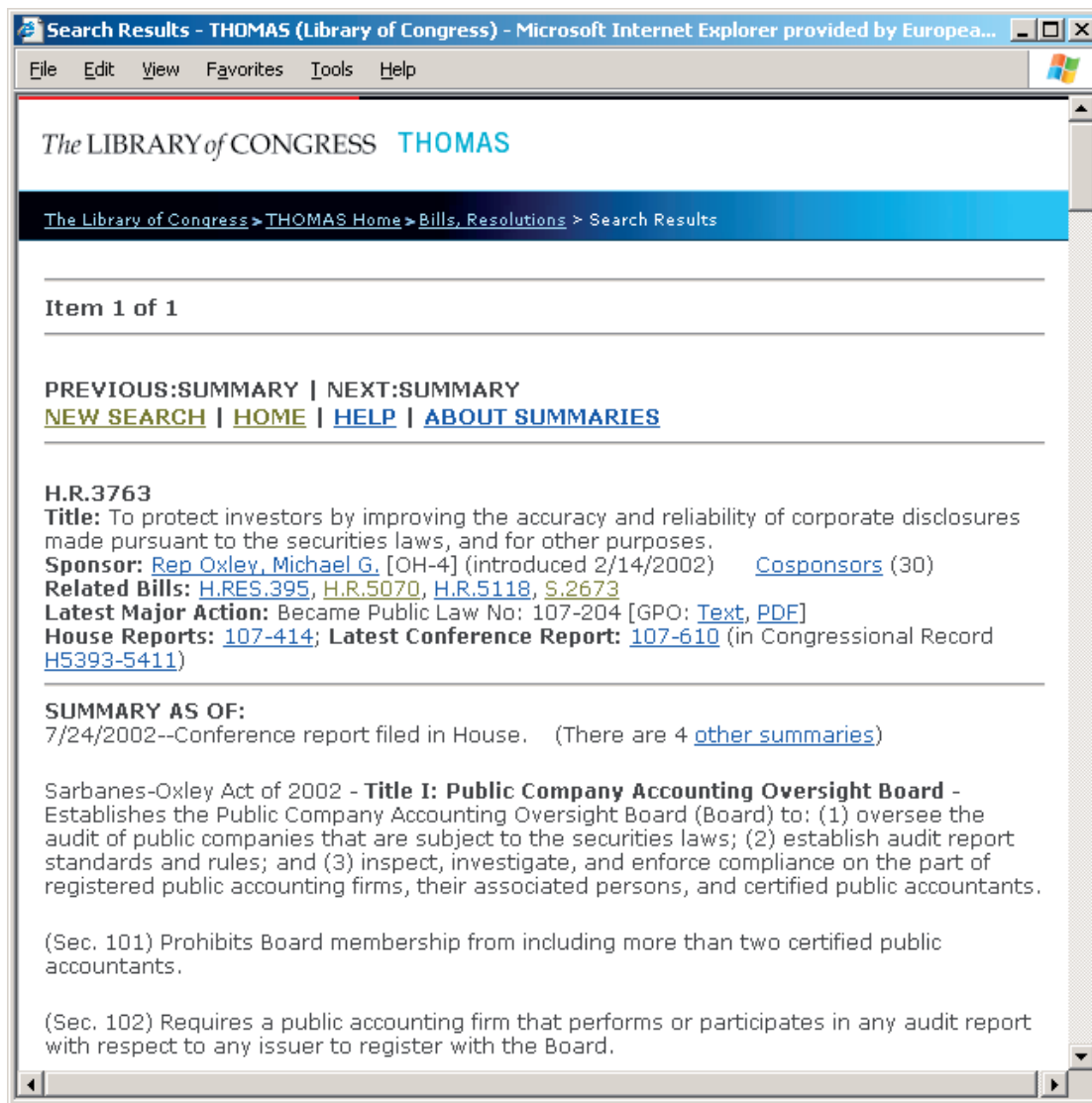


Figure 24: Enron - Portion of Summary - Thomas⁵³

CBO Cost Estimate. The Congressional Budget Office (CBO) cost estimate is required for all measures reported to the floor of the House or Senate. These are usually 1-2 page briefs that provide an independent assessment of the cost of a proposed measure. It is illustrative of the challenge of predicting the impact of legislation that the CBO stated it did not have sufficient information at the time to estimate the cost to the private sector of this bill. Four years later experience with the measure has led to a growing body of criticism of its costs.⁵⁴ This situation is not unique to this particular measure.

53 <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03763:@@D&summ2=m&/bss/107search.html>

54 “The trial of Sarbanes-Oxley”, in *The Economist*, April 22nd 2006, pp 59-60.

Summary

Thomas provides accurate and timely information and access to documents. It also integrates a great deal of information into a single page of direct links for the user. This includes many committee actions and all floor actions; most congressional documents, including all versions of the bill, committee reports, and cost estimates; links to votes and floor debate; floor amendments; and all cosponsors and titles. The summaries in Thomas cover all versions of the bill but do not provide context or comparative information. A major problem for Thomas is tracking bills that are incorporated into other bills for further action. These linkages are not created automatically and depend upon human input. Thomas provides some explanatory material about the legislative process but this is not displayed in context.

PART 2: KEY POINTS IN THE PROCESS

Introduction

Part 1 examined the information available on proposed legislation in the tracking systems of the European Parliament, European Commission, and U.S. Congress. These systems are chronological in nature, providing essentially a time line view of measures, with descriptions of actions as they occur and links to the documents as they become available. That analysis showed that the tracking systems generally identified the final activities or versions of documents, but often did not link to the more detailed information available elsewhere.

Part 2 examines some of the most important legislative information by category rather than by sequence. It focuses in particular on committee actions and plenary actions (as they are called in Europe) or floor actions (as they are called in the U.S.). There will also be a brief discussion of the phases of conference committees (U.S.) and conciliation committees (Europe).

Committee Actions

Committees are arguably the “policy workshops” where legislation is discussed, analyzed, debated, revised, sometimes buried, and sometimes put forward to the full body. The workload of many modern legislative bodies is so great that much of the work must be done in these smaller representative groups that can operate more flexibly than the entire chamber.

In addition to the views of their own Members, committees have the means, if they wish, to call upon others with knowledge of the subject or issue, stakeholders who may be affected by the resulting law, and administrators who will be called upon to implement it. Committees can solicit the views of citizens, or, as happens often in today’s complex and structured civic society, seek the views of lobbying groups and other associations who represent the interests of many individuals. It is here in the committee stage that those who care about the outcome of the legislation may try to influence its emerging shape. While there are opportunities at later phases of this process, it can be more effective to influence, if possible, the initial form than to try to change it later. This is one of the reasons that information about committee activities is so important and so actively sought.

Committees have several methods and instruments for carrying out their responsibilities. These include:

- Gathering information in a variety of ways, including formal hearings, informal discussions, obtaining written expert views and analyses, and even, recently, using the Internet for narrow or broad based surveys.
- Amending the proposal in formal sessions that include internal debate and voting.
- Reporting the results of the work of the committee in a formal report to the full house. In the case of the U.S. Congress and European Parliament (but not necessarily all parliaments) this often includes amendments to the proposed measure along with accompanying explanatory material as required or deemed useful.

Knowing what a committee has done and why is essential for understanding the resulting proposal. Knowing when the committee is planning to take specific actions is very important to those who want to affect the outcome, and knowing what those actions might be (for example, the content of the proposed amendments) can be critical.

Committees of the European Parliament

*“The bulk of committee business is concerned with the consideration and adoption of draft reports and opinions, in fulfilment of Parliament’s legislative, budgetary and agenda-setting roles. These are normally to consider draft legislative or other texts from the Council or Commission but can also be at a committee’s own initiative.”*⁵⁵

Once a proposed directive has been received from the Commission, it is assigned to a committee with the appropriate jurisdiction. This committee will be responsible for producing a report for consideration by the Parliament in plenary session. Other committees may be invited to submit opinions on the proposal, including proposed amendments. The committee with primary responsibility will usually begin its work with an open discussion of the proposal among its Members. The rapporteur⁵⁶ chosen to draft the report on the proposal will lead these initial discussions at committee meetings during which Members have the opportunity to raise questions and express their views. One or more representatives of the Commission will normally be present and take part in the discussion. Representatives of the Council will also be present, although they may be less likely to speak. Based on these discussions and his or her own knowledge and views, the rapporteur will begin work on a draft.

In preparing the draft, the rapporteur works with the shadow rapporteurs appointed by the other political groups in the committee. These shadow rapporteurs monitor progress on the report and represent the views of their groups.

The rapporteur decides what other assistance to seek. This can include internal resources such as the staff of political groups, the Member’s party at home, policy specialists within the Parliament’s own secretariats, and a variety of outside entities, including organizations with expertise in the area, national governments, employers, trade groups, public interest groups and lobbyists, and the Commission itself.

Committees of the European Parliamentary tend to hold fewer hearings than do their counterparts in the U.S., in part because of the costs associated with these events, especially for interpretation and translation. Nevertheless, committees have other means for gathering information, including inviting outsiders to their meetings. Parliament recently has also increased its budget for both internal and external expertise to support the work of committees.

Once a report has been drafted, ten days are required for translation into all the languages of the members of the committee before it can be taken up at a meeting. Discussion of the draft report then occurs and a deadline is set for amendments by other members of the committee as well as opinions from other committees. On the specified day, voting takes place on these amendments and on the report itself. Last minute amendments at the meeting are permitted if there is no objection. Minutes of these meetings are usually produced and approved several meetings later, which can sometimes take 1-2 months. For this reason, those who want to know the outcome on particular amendments or the report itself must attend the meeting or use other contacts. Some users noted that earlier versions of L’Oeil carried the name of the staff person in the committee secretariat who could presumably serve as an authoritative source for questions about the committee’s actions. This information can still be obtained through other means, but it is more cumbersome and less timely. Approved committee reports are prepared for plenary, and must be available two weeks before the start of the session.

55 Corbett, op.cit. p129.

56 The European Parliament rapporteur is a member of the committee responsible for drafting the committee report. The rapporteur is chosen by the political groups through a complex system of bidding. See Corbett, op. cit., pp 133-135.

With their legislative focus on preparing reports and opinions on proposals from the Commission, the most important committee documents become the committee agendas listing when they will consider particular proposals and their draft reports with associated amendments. The Parliament's website provides access to these documents from several paths. The most direct is via an icon link on the right side of the Parliament's home page (see Figure 25) to the Committees page, Figure 26.

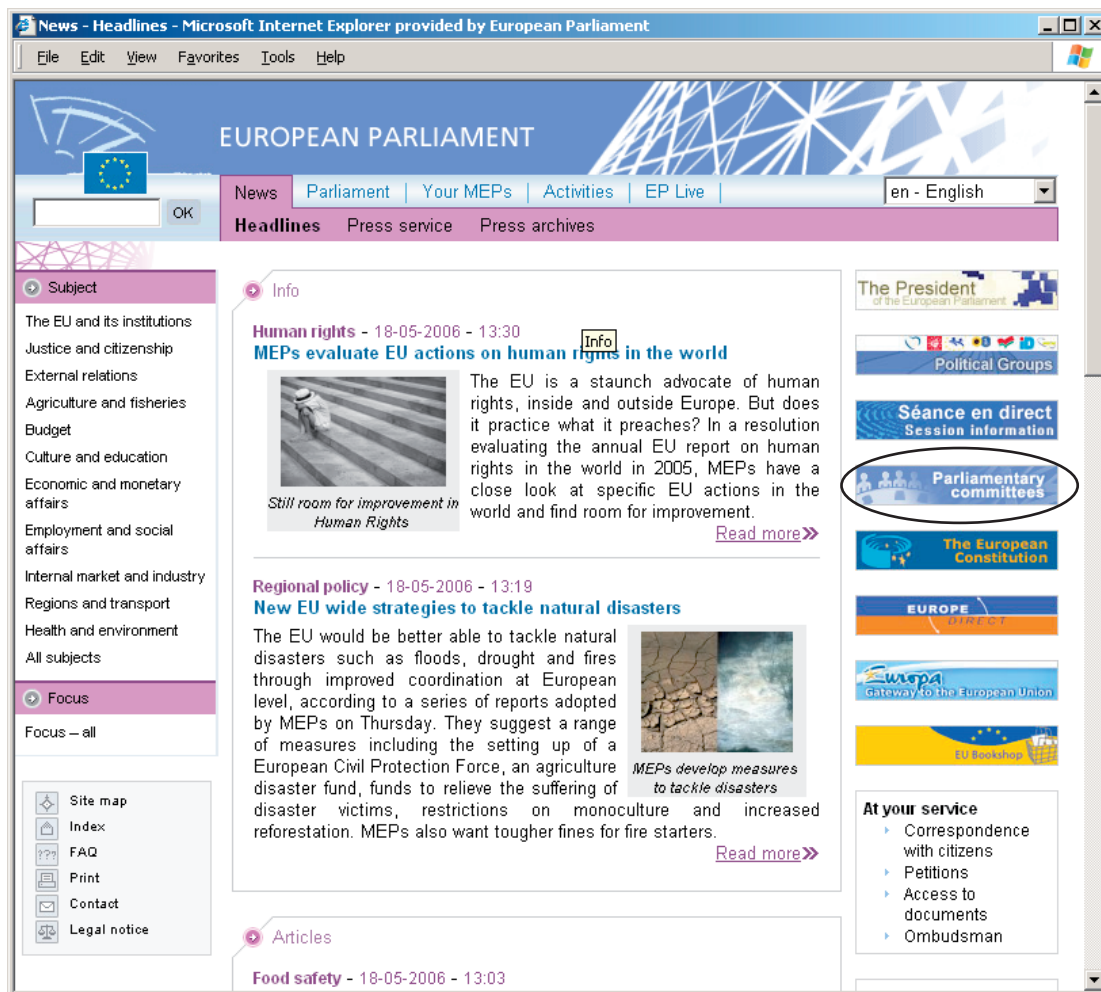


Figure 25: European Parliament Home Page⁵⁷

In January 2006 this direct link from the home page to the committee activities page was not present. This researcher heard frequent complaints about navigation problems when trying to find this page. During the course of this study this icon and link appeared on the Parliament's home page, making it much easier and faster to find this important source of information about committee activities.

⁵⁷ http://www.europarl.europa.eu/news/public/default_en.htm?language=EN

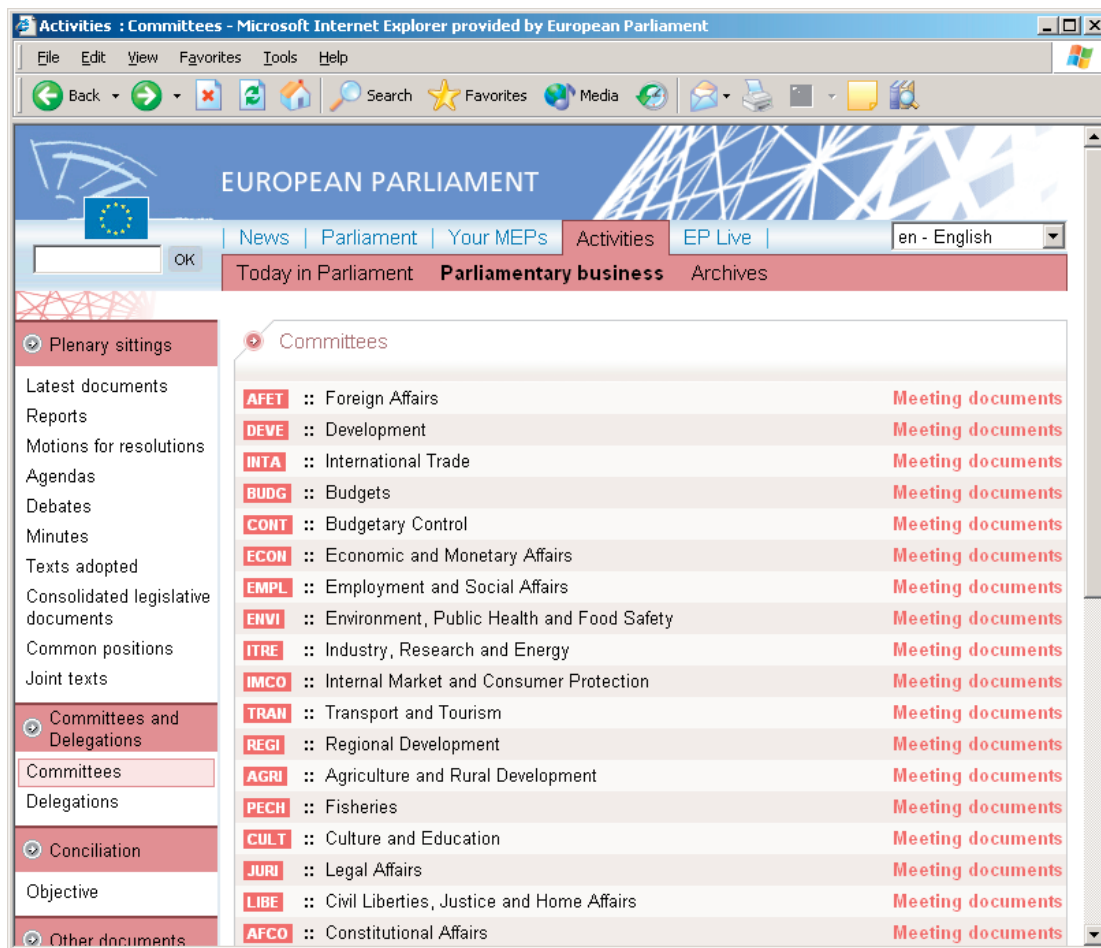


Figure 26: Committees Page⁵⁸

The Committees page lists all committees with links to their home pages and a list of their meeting dates (for the past three years), which are linked in turn to the agenda and documents for each of these meetings. Figure 27 shows a typical list of meeting dates for the Committee on Internal Market and Consumer Protection. Figure 28 then shows a portion of the list of documents for the meeting on 2 May 2006, beginning with the draft agenda. Figure 29 shows the first page of the draft agenda for this week. The agendas typically cover several days in the week.

Although these documents are available at the meeting, their presence on the web allows Members and others to review the documents in advance.



Figure 27: Committee Meeting Dates with Links to Documents⁵⁹

http://www.europarl.europa.eu/meetdocs/2004_2009/organes/imco/imco_20060502_...

File Edit View Favorites Tools Help

PARLEMENT EUROPÉEN

es cs da de et el en fr it lv lt hu mt nl pl pt sk sl fi sv

Last update / Dernière mise à jour: 10/05/2006 - 10:39

Committee on Internal Market and Consumer Protection
Commission du marché intérieur et de protection de consommateurs

Meeting / Réunion
02/05/2006 - 15:00 h.
Bruxelles - ASP 1G3

Agenda No OJ	Ref.	Type	Title Titre	Languages Langues
2	imco(2006) 0502_1 v02-00	OJ	IMCO-Draft agenda of 02/03/04.05.2006	cs da de el en es fi fr hu it lt lv nl pl pt sk sv
5	PE371.984v01-00	PR	IMCO-Draft report on the proposal for a directive on the placing on the market of pyrotechnic articles	cs da de el en es et fi fr hu it lt lv nl pl pt sk sl sv
5	COM(2005) 0457	COM	Commission's proposal for a directive on the placing on the market of pyrotechnic articles	cs da de el en es et fi fr hu it lt lv mt nl pl pt sk sl sv

Figure 28: Committee Meeting- List of Documents⁶⁰

Partial list of committee meeting documents.

⁶⁰ http://www.europarl.europa.eu/meetdocs/2004_2009/organes/imco/imco_20060502_1500.htm

EUROPEAN PARLIAMENT

IMCO(2006)0502_1

COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

Meeting

Tuesday, 2 May 2006 from 15:00 to 18:30, Brussels - ASP 1G3
Wednesday, 3 May 2006 from 9:00 to 10:30, Brussels - ASP 3G3
Wednesday, 3 May 2006 from 10:45 to 12:30, Brussels - HEMICYCLE
Thursday, 4 May 2006 from 11:00 to 12:30, Brussels - ASP 1G3

PUBLISHED DRAFT AGENDA

Tuesday, 2 May 2006, from 15:00 to 16:00 Brussels - ASP 1G3

1. Coordinators' meeting
[in camera]

from 16:00

2. Adoption of draft agenda
3. Chairperson's announcements

In the presence of the Council and the European Commission

4. Exchange of views with with Commissioner KROES
.. -----

from 17:15

5. The placing on the market of pyrotechnic articles
IMCO/6/30959

PR - PE371.984v01-00

Rapporteur: Joel Hasse Ferreira (PSE)

- Consideration of a draft report

***I 2005/0194(COD) COM(2005)0457 - C6-0312/2005

Responsible: IMCO F - Joel Hasse Ferreira (PSE)

PE371.984 v01-00

Opinion: ITRE A - Josu Ortuondo Larrea (ALDE)

PE370.230 v01-00

PE372.166 v01-00

6. Commission White Paper on services of general interest

- 1 -

IMCO_OJ(2006)0502_1 v02-00

EN

EN

Figure 29: Committee Meeting - Draft Agenda⁶¹

(Excerpt from agenda for the committee meetings beginning May 2 and proceeding over several days.)

61 http://www.europarl.europa.eu/meetdocs/2004_2009/documents/oj/612/612965/612965en.pdf

Figure 30 shows the result of following the link on the left side of the committee page. This is a standardized committee home page which lists the committee jurisdiction and contains links to the committee meetings, approved texts, and a list of Members.



Figure 30: Standard Committee Home Page⁶²

Figures 31-33 show examples of home pages managed by committees themselves. Most list the same basic information - information about the committee, its meetings, and activities. Some committees augment this with additional information. The Committee on the Internal Market and Consumer Protection (IMCO), for example, includes supplementary information about the Services directive. Both IMCO and the Committee on Agriculture and Rural Development (AGRI) also have news type information.

⁶² <http://www.europarl.europa.eu/activities/expert/committees/presentation.do;jsessionid=B9DD689C41D7F1F871258FC57821358D.node2?committee=1239&language=EN>

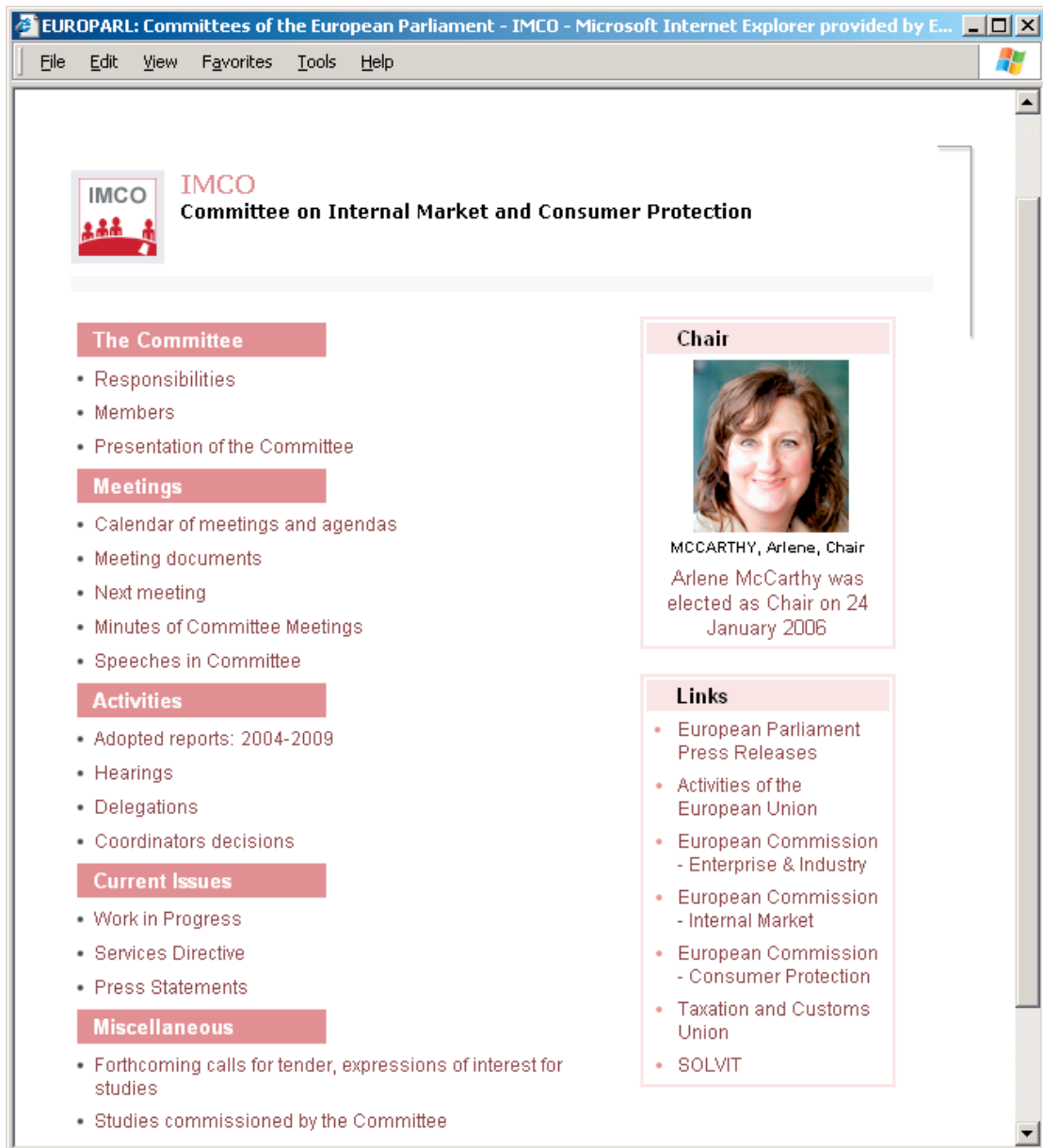


Figure 31: Home Page Managed by Committee - IMCO⁶³

Note information on Services directive and press statements.

63 http://www.europarl.europa.eu/committees/imco_home_en.htm

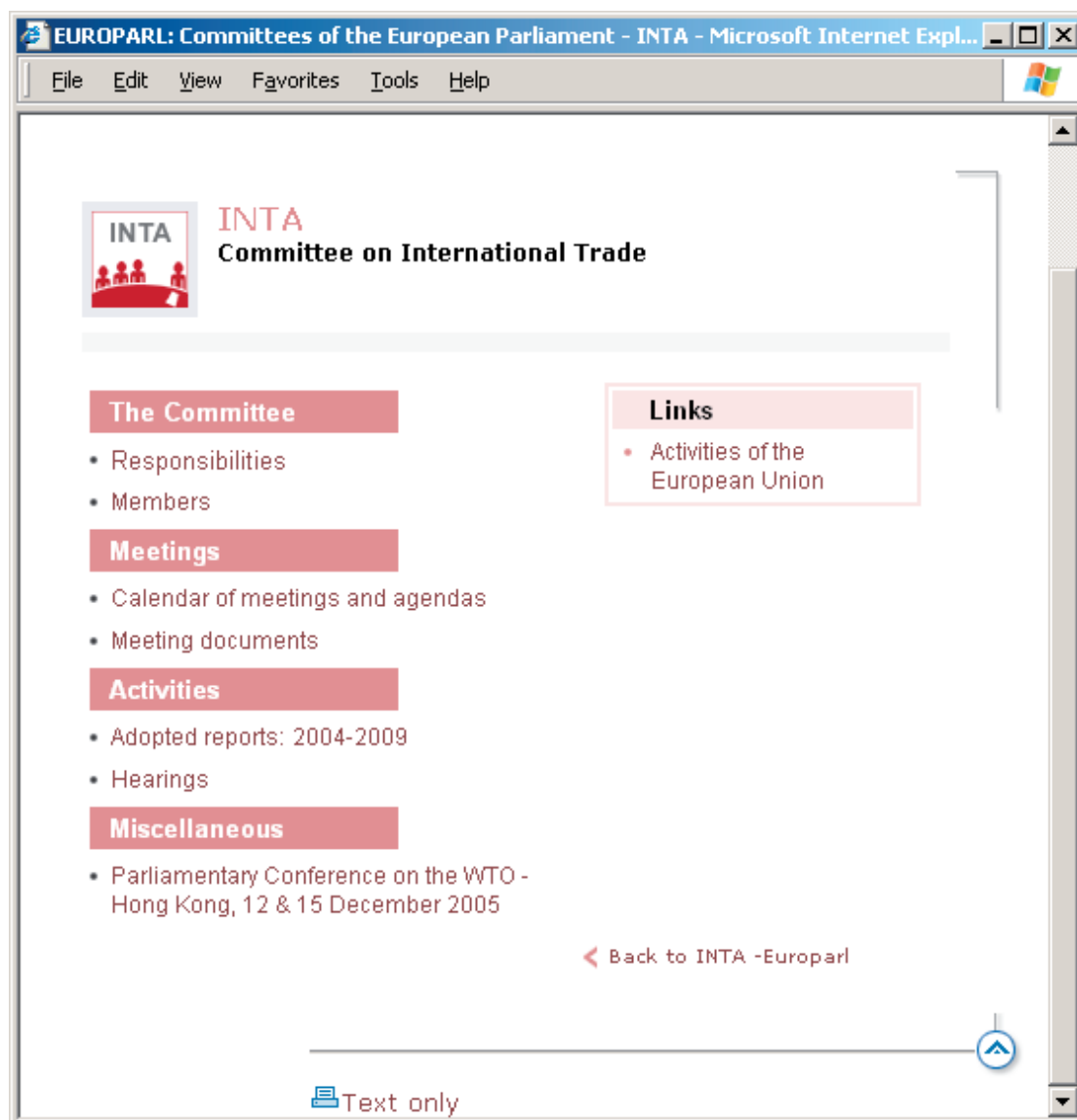


Figure 32: Home Page Managed by Committee - INTA⁶⁴

64 http://www.europarl.europa.eu/committees/inta_home_en.htm

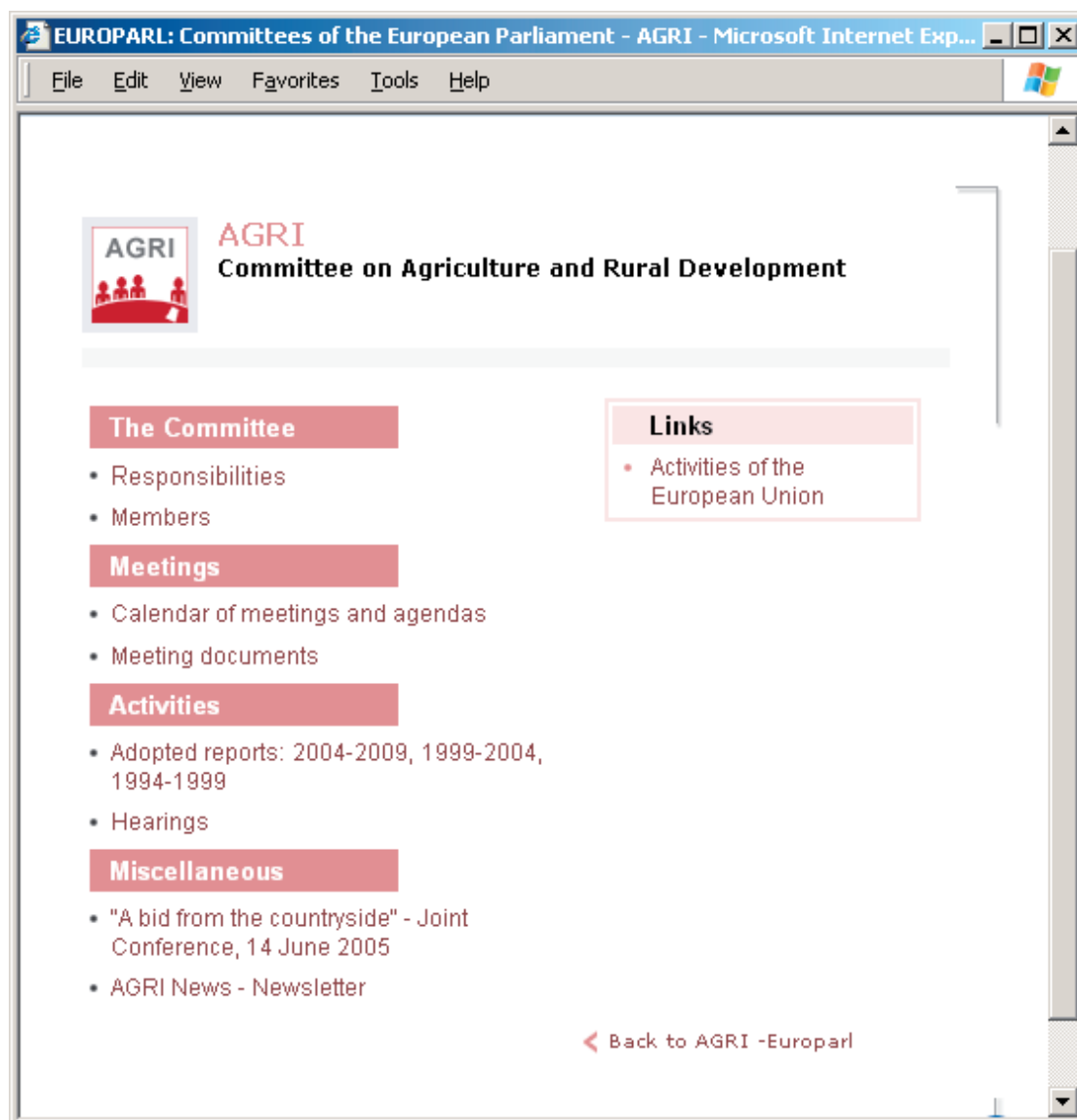


Figure 33: Home Page Managed by Committee - AGRI⁶⁵

65 http://www.europarl.europa.eu/committees/agri_home_en.htm

Analysis: Committee Actions - European Parliament

The means for providing access to information about committee activities can always be improved. A few users noted that documents and agendas could sometimes appear quite late. This researcher also observed on a few occasions documents being distributed and discussed at committee meetings that were not on the agenda. While this was relatively rare, it reflects the reality that committees always work up to the deadline, that compromise is most often a last minute event, and that there are natural limits to how early documents can be made available to the public.

Nevertheless the most frequently expressed assessment of users was that they were satisfied with the timeliness and availability of committee documents. This is a testament to the obligation and the commitment of the Parliament to transparency with respect to its documents. While some lobbyists understandably want earlier access to the “drafts of the drafts”, the current level of openness appears to be very high. The reality is that there are necessary limits to transparency that must be respected so that the process of formulating ideas and negotiating outcomes can proceed effectively. This important tension between the need for transparency and the need to provide an environment in which political compromise can take place will be discussed later in this report.

Summary

The information provided by EP committees is reasonably timely and accurate. Drafts have to be available for translation 10 days before consideration. This ensures completeness in terms of translation, although some noted a lag from time to time in the languages used by smaller populations. The documents are reasonably clear, and the side-by-side presentation of proposed changes is helpful. Context is often provided in meetings with the Commission and other experts, but there are limits on the amount that is published.

Committees of the U.S. Congress

Legislative information available from committees in the U.S. Congress has grown substantially in concert with the increasing importance of the Internet in politics. In the late 1990s the House adopted a rule encouraging committees to publish information about their activities on the Internet to the maximum extent feasible.⁶⁶ After a tentative beginning, both House and Senate committees now make available a rich diversity of information in addition to their reports which were described in Part 1. Content and formats vary, reflecting the individual character of the committees and their Chairs, as the examples in Figures 35-52 illustrate. They are presented in succession beginning on following pages with annotations that note the nature of the offering that each portrays.

In the U.S., committee chairs exercise a comparatively strong political influence over the operation of their committees and are responsible for calling meetings, establishing the agenda, organizing and presiding over hearings and mark-up sessions, controlling staff and budget, and managing most legislation that the committee reports to the full chamber. The “ranking minority Member” performs these leadership functions for the minority party members of the committee. While party leadership may have greater or less influence on committee actions depending on the circumstances, each committee functions under its own set of rules voted on by its members and tends to reflect the style and priorities of the Chairman. Thus, it is not surprising to find that there is no standard model for U.S. congressional committee websites, but rather that each committee website is unique. Similarly, each committee website reflects the political reality of the U.S. two-party system. While the Committee’s homepage is developed by the majority, each site has a link to the minority

66 Rule XI 2.(e)(4)

website that contains material reflecting its views.

In the era before the advent of TV coverage and online access to information, it was generally difficult and cumbersome to access committee information. Limited numbers of paper copies of Member statements and witness testimony were made available at hearings, and people often stood in long lines to get them. Transcripts of the hearings could be looked at in the committee offices and were only available in printed form many months after the hearing. There has clearly been a dramatic change in access to information about committee proceedings that has occurred over the last several years as a combined result of televised (and now webcast) hearings and mark-up sessions, along with the development of committee websites shown in the figures below.

The websites provide a much broader array of material than committees have historically distributed. While there may be variations among them for the reasons indicated above, most committee websites reflect an understanding of how important the Internet has become for influencing public opinion and garnering support for particular measures. All provide certain basic information about their respective committee, its membership and subcommittees. They offer press releases, schedules of activities, hearings information, and publications. However, an increasing number are exploiting the technology's potential for conveying important messages by offering audio and video of press events and hearings; maintaining archives of legislation, publications, and hearing materials; and developing summaries and analyses of major issues and legislation. One trend that is particularly interesting is the increase in material that explains legislative proposals and actions taken by Congress in terms that the public can understand.

This range of information is also illustrated very succinctly by a table that is presented on the House web page that lists all committees. At the bottom of this page is a list of types of information or activities that users can select for each committee. See Figure 34. These include schedules, hearings, and hot topics as well as links to the membership and subcommittees.

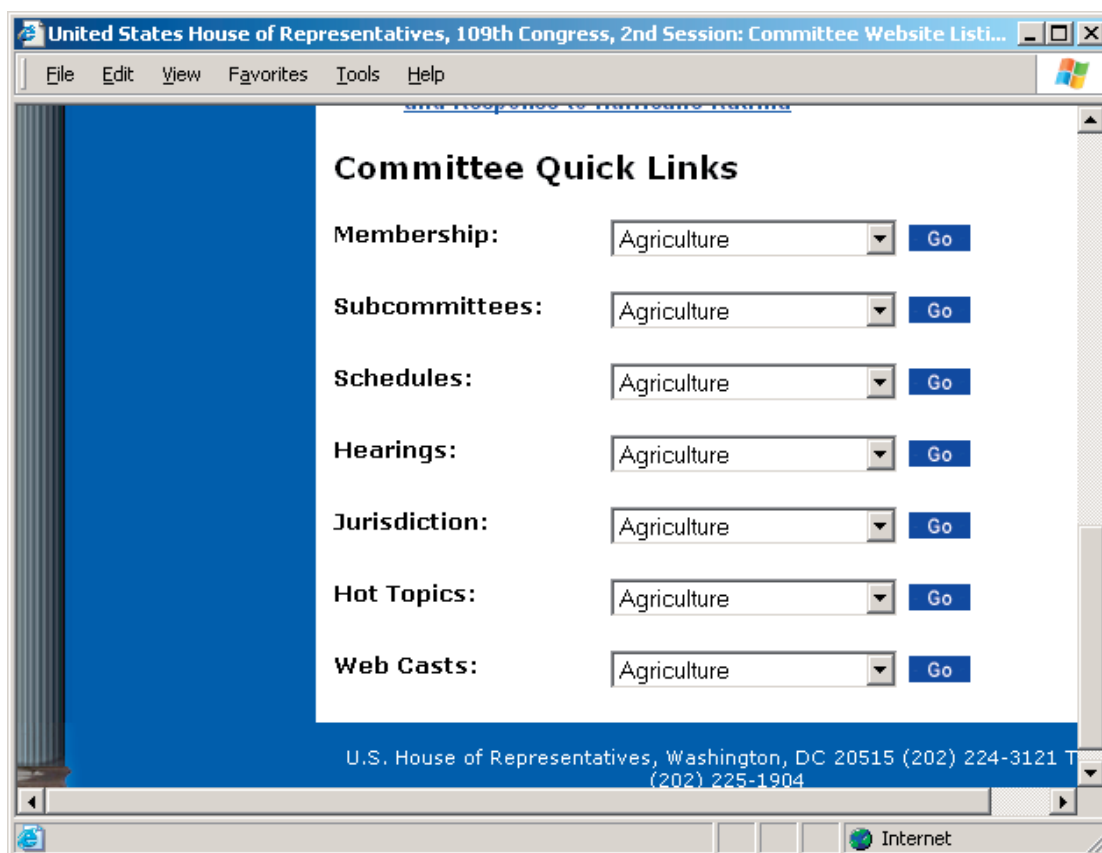


Figure 34: Committee Activities - House Quick Links⁶⁷

Analysis: Committee Actions – U.S. Congress

Despite all this richness, it can still be much more difficult to obtain key documents in advance of committee meetings compared to the European Parliament. Because committee consideration of a bill is where much of the political give and take occurs, copies of draft bills and proposed amendments still may be closely held and the results of a mark-up session might not be fully known until either the printed committee report is made public or the chairman decides to make such information available on the website.

The imperative of translation and the commitment to transparency of the European Parliament often results in comparatively easier access and greater availability of the key legislative documents. In this sense, the U.S. committees may offer more, but not necessarily all the important documents in the most timely way. A combined “best practices” approach would lead to rich committee websites that also provided the most timely and authoritative versions of their most important legislative documents. The political realities, however, may weigh against such a goal.

An additional concern is that much of this information is not linked directly from the Thomas base record for a bill, which means that it is more complicated for the user to obtain complete information. There are technical constraints in doing this that could be addressed with the appropriate policy and management decisions, but the independence of each committee makes this objective more difficult to achieve.

Finally, it is important to note that there is little experience to date that suggests how committee information will fare historically as chairmen change, and particularly as the majority party changes. In the past, some committee information has been lost as a new website of the incoming chairman has replaced that of the previous chairman. The increased amount of relevant information now on U.S. committee websites makes this a matter of concern.

67 <http://www.house.gov/house/CommitteeWWW.shtml>

Summary

U.S. Committees have become a rich source of legislative information, providing useful background and contextual information that informs the discussion of specific measures. In addition to their reports that accompany legislation reported to the floor of the House or Senate, this information can include (depending on the committee): hearing statements and transcripts, schedules, results of markup sessions, lists of legislation being handled, and supplementary policy material. While much of this information is partisan in nature, both parties have the opportunity to contribute material to the discussion. The variety can become an issue because users do not necessarily know what to expect from one committee to the next. A further problem may arise over maintenance of historical files when committees change chairs and the majority party changes. A final concern is that with the exception of committee reports, much of this useful information is not linked to the Thomas tracking system.

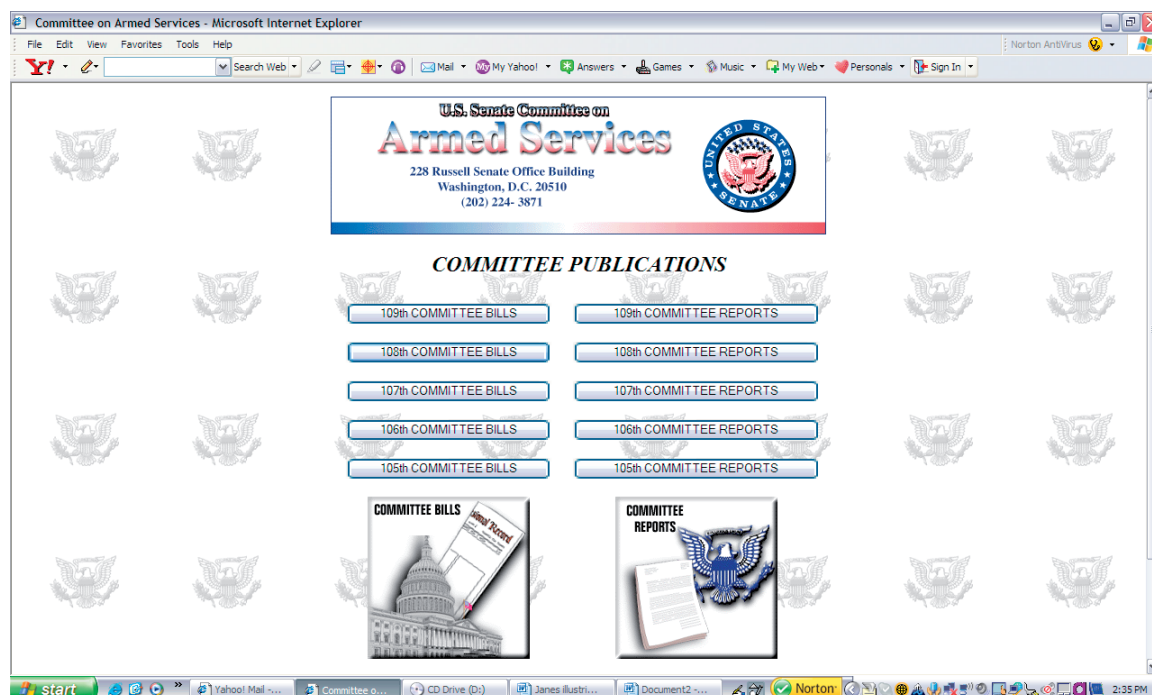


Figure 35: Senate Committee on Armed Services⁶⁸
Archive of Committee Publications

HELP COMMITTEE LEGISLATIVE ACCOMPLISHMENTS DURING 109th CONGRESS

109TH CONGRESS
FIRST SESSION (2005)

BILL NO.	ORDERED RPTED.	DATE RPTED.	WRITTEN RPT.	CAL. NO.	STATUS
1. S. 265 (Reau. Trauma Care)	Feb. 9				
2. S. 285 (CHILD. HOSP)	Feb. 9	May 11	109-66	98	Passed Senate July 26
3. S. 288 (High Risk Pools)	Feb. 9	Feb. 10	NO	2	Passed Senate Oct. 19 (amdt to H.R. 3204)
4. S. 302 (NIH)	Feb. 9	May 26	109-75	117	Passed Senate July 27
5. S. 306 (Genetic Info...)	Feb. 9	Feb. 10	NO	3	Passed Senate Feb. 17
6. S. 172 (Amend FDA-re:	Mar. 9	July 27	109-110	177	P.L. 109-96

Figure 36: Senate Committee on Health, Education, Labor and Pensions⁶⁹
Listing of Legislative Accomplishments for 2005

68 <http://armed-services.senate.gov/pubs.htm>

69 http://help.senate.gov/Bill_Progress.pdf



United States Senate
Committee on Homeland Security and Governmental Affairs
Senator Susan M. Collins, Chairman
Senator Joseph I. Lieberman, Ranking Member

**Summary of Collins-Lieberman Homeland Security Grant Enhancement Act of 2005
(S. 21 Substitute)**

Bringing the current State Homeland Security Grant Program, Law Enforcement Terrorism Prevention Program and the Urban Area Security Initiative together into a single program, S. 21, the Homeland Security Grant Enhancement Act of 2005, would help streamline and rationalize the state homeland security grant process. It includes a funding formula that would significantly increase the amount of money distributed based on terrorist threat, while preserving a minimum level of funding for each state. It also adopts new accountability measures to ensure that homeland security grants are spent effectively and appropriately.

Funding Formula

Increased Threat-Based Funding. All funds beyond that necessary to cover the baseline allocations is distributed based on the relative threat, vulnerability, and consequences faced by an area from a terrorist attack. In dollar amounts, this means that S. 21 would distribute twice the money based on risk as was the case in FY05. From this funding pool, the Secretary can make threat-based grants to both states and to metropolitan regions. Grants to regions can comprise up to 50% of the total threat-based grant funding.

Sliding-Scale State Baseline. The bill provides a sliding-scale baseline amount to each state, to promote a national level of preparedness and to ensure some predictability for state planning purposes. Each state receives a minimum baseline amount of 0.55% of the total funds appropriated under the bill. States that are larger and/or more densely populated receive a higher baseline amount, based on a formula that combines population and population density.

Figure 37: Senate Committee on Homeland Security and Governmental Affairs⁷⁰

Excerpt from Summary of Major Legislation



Figure 38: Senate Committee on Homeland Security and Governmental Affairs⁷¹

Highlight of Major Issue (Hurricane Katrina) with Links to Related Material

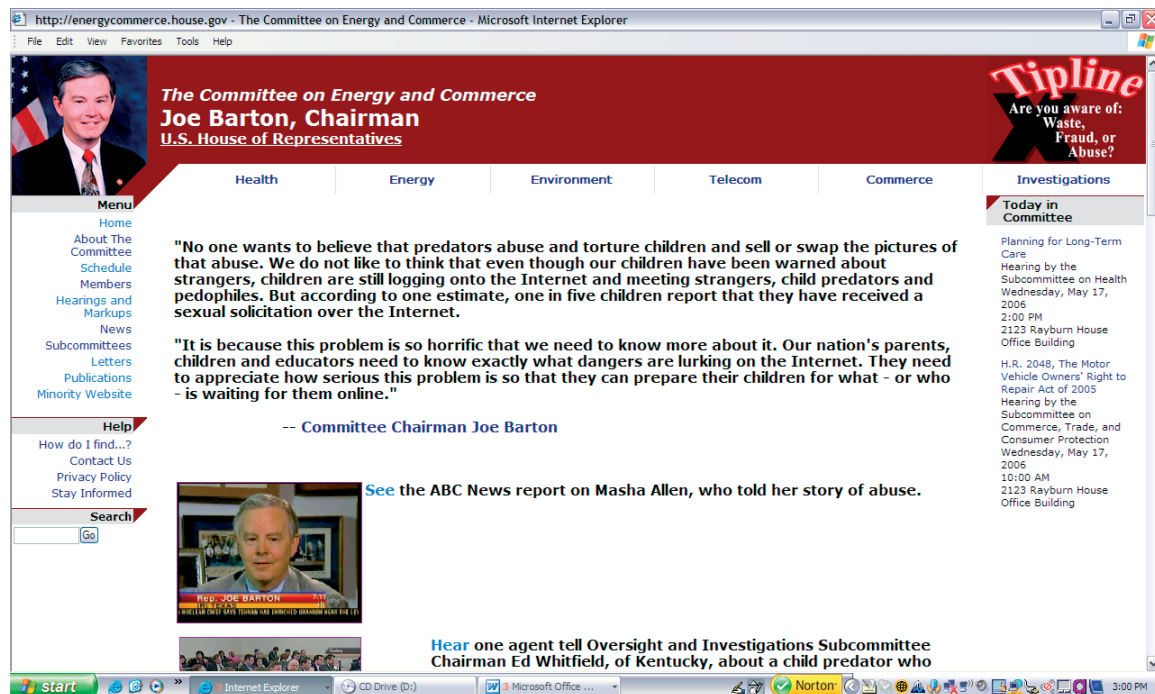


Figure 39: House Committee on Energy and Commerce⁷²

Video Segment of News Coverage of Hearing



Figure 40: House Committee on Energy and Commerce⁷³

Committee Schedule Information with Links

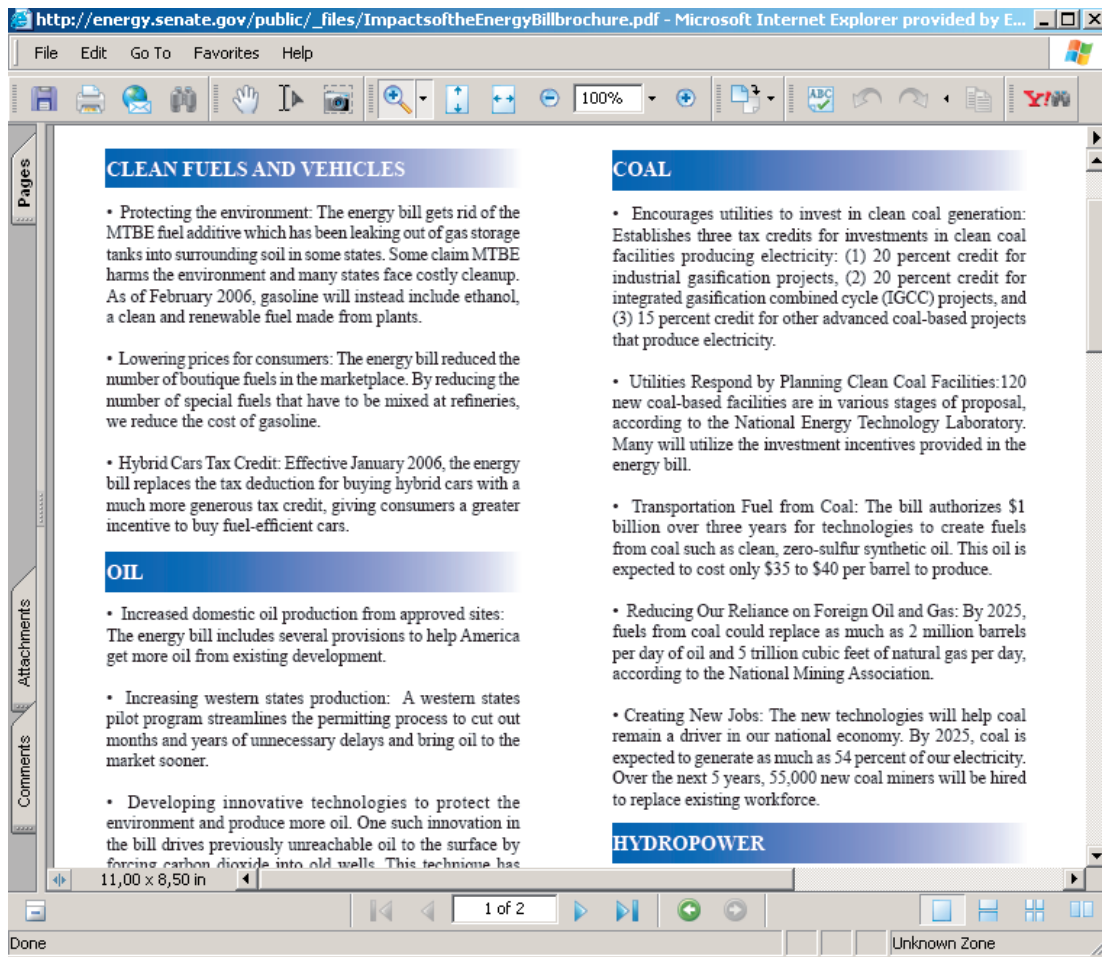


Figure 41: Senate Committee on Energy and Natural Resources⁷⁴

Brochure on Impacts of the Energy Policy Act of 2005

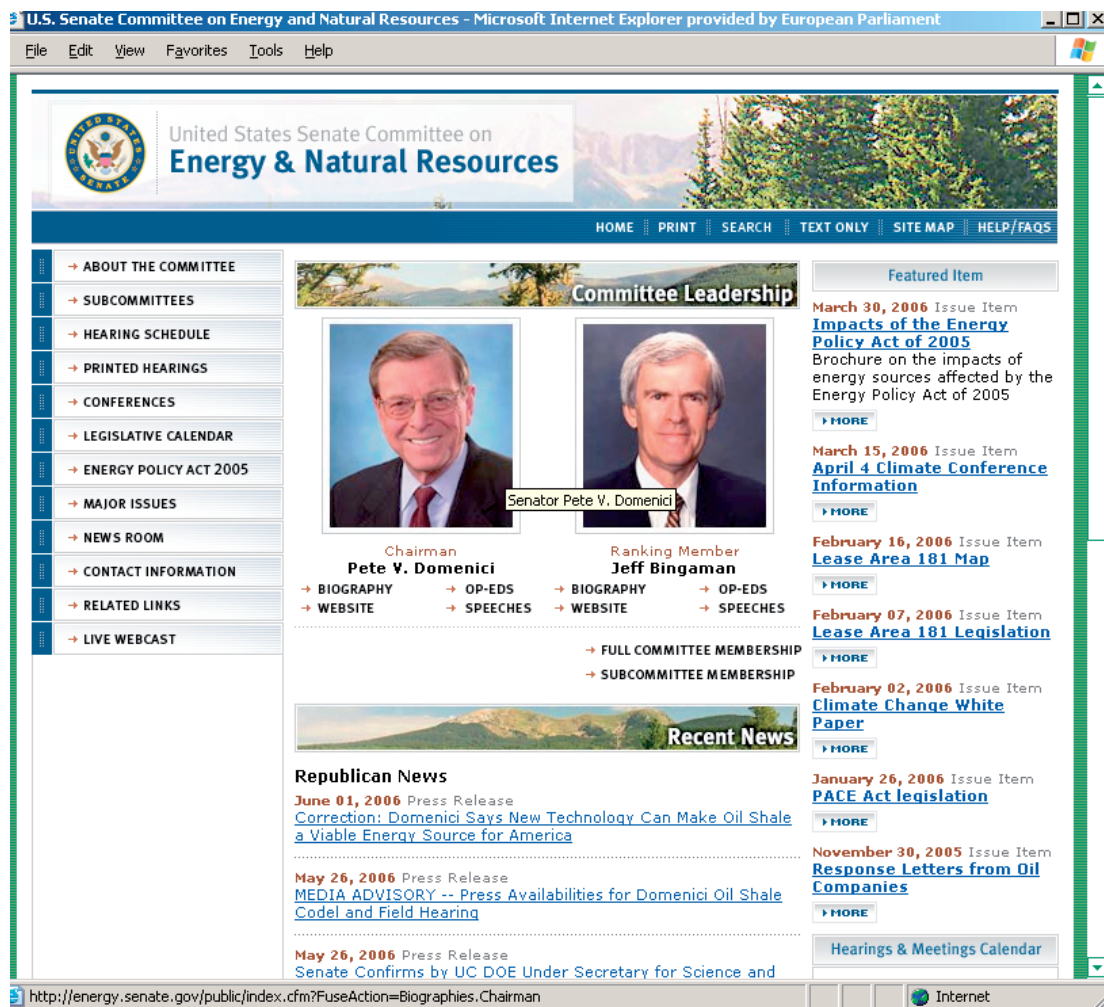


Figure 42: Senate Committee on Energy and Natural Resources⁷⁵

Listing of Featured Issues with Links

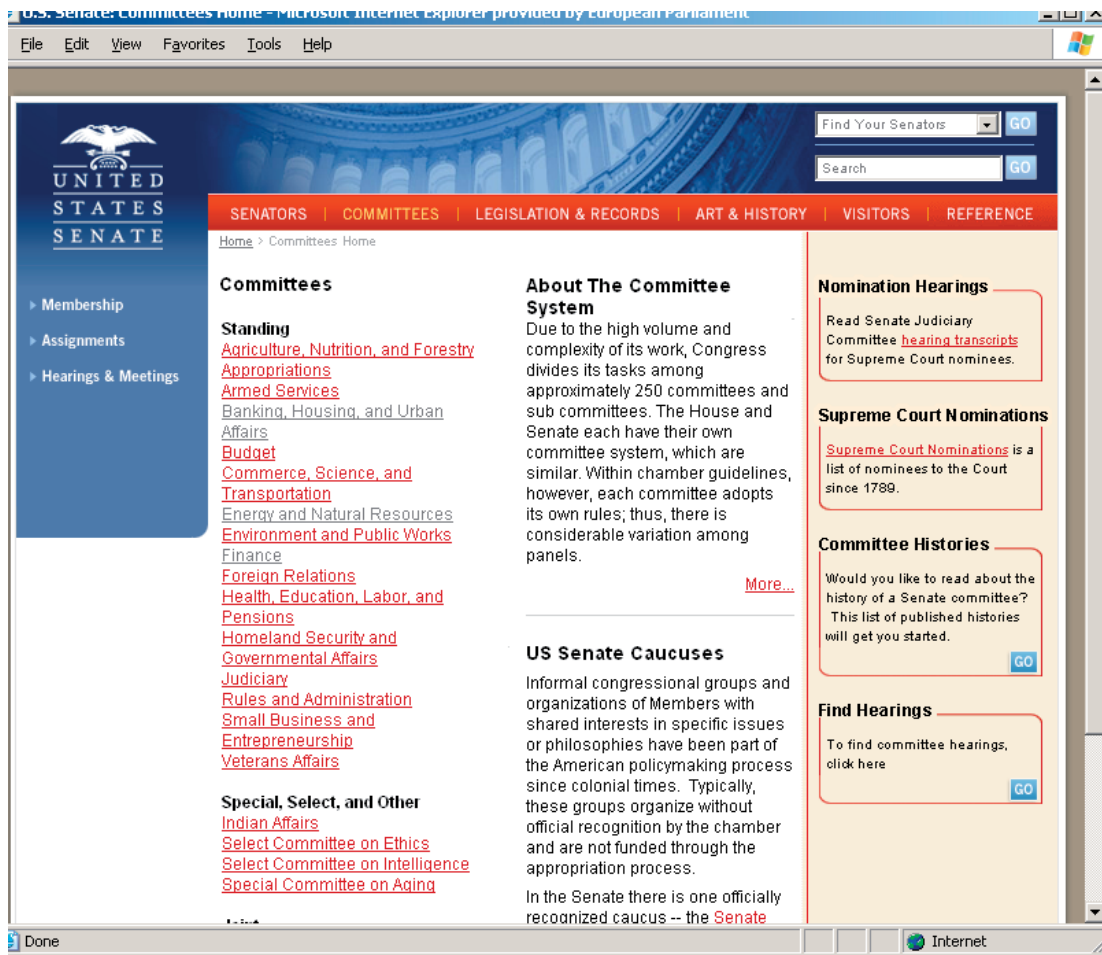


Figure 43: U.S. Senate - Committees⁷⁶

Listing of All Senate Committees and Related Information

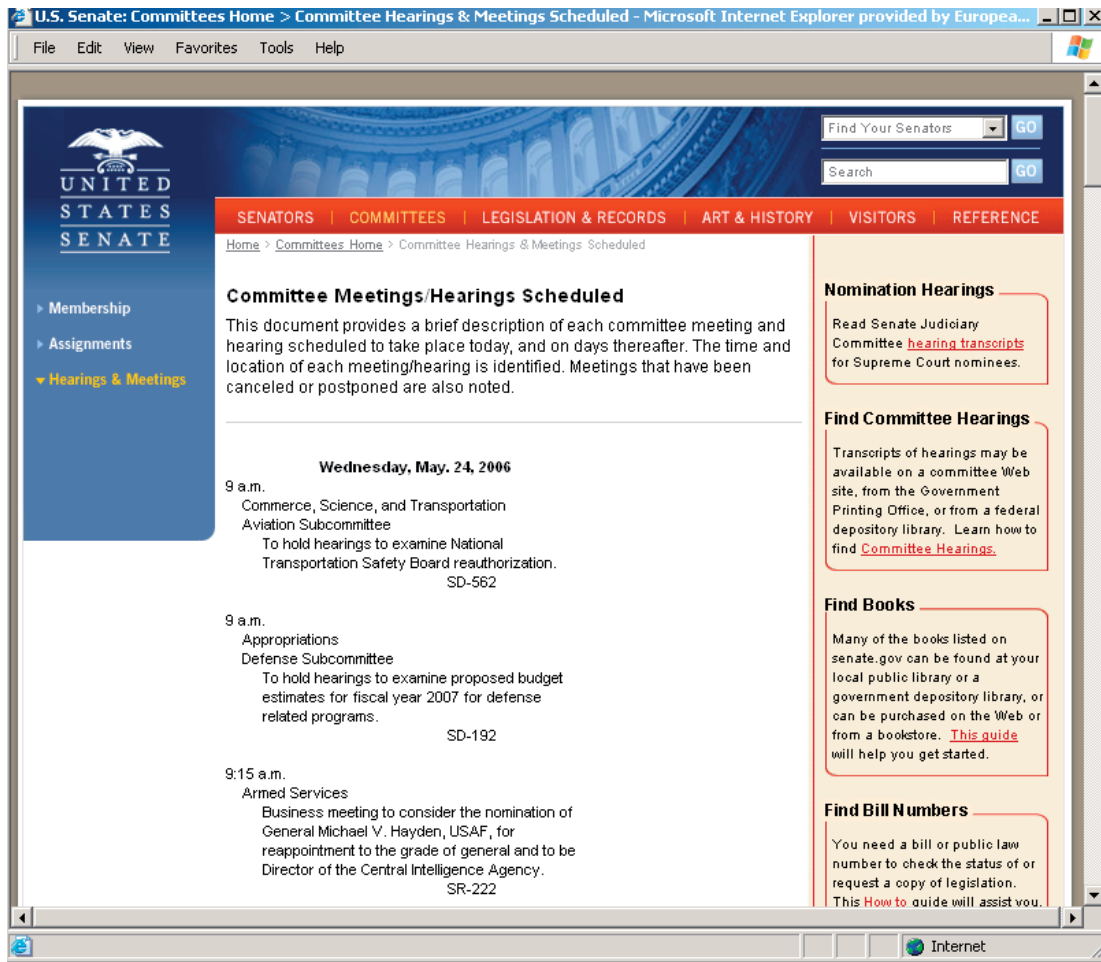


Figure 44: U.S. Senate – Hearing Schedule⁷⁷

Schedule of All Committee Hearings



Figure 45: Senate Committee on Health, Education, Labor and Pensions⁷⁸

News from Majority and Minority Parties

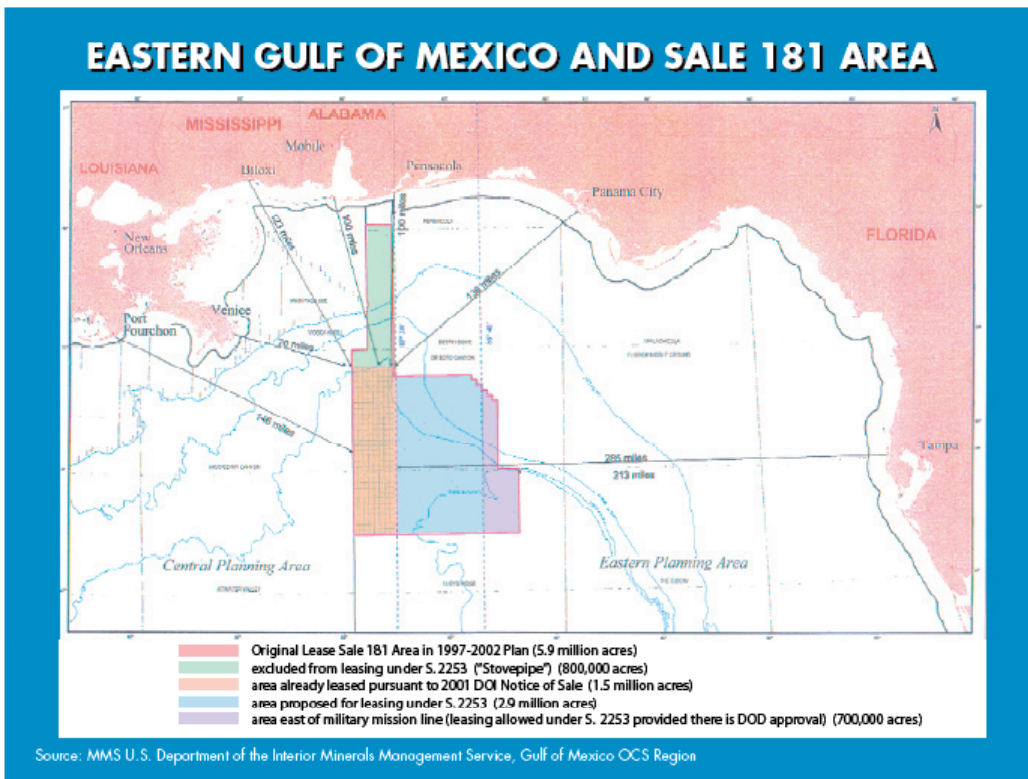


Figure 46: Senate Committee on Energy and Natural Resources⁷⁹

Map of Proposed Oil and Gas Lease Area

79 <http://energy.senate.gov/public/files/181Map.pdf>



Figure 47: House Committee on Homeland Security⁸⁰

Link to Minority Party Website

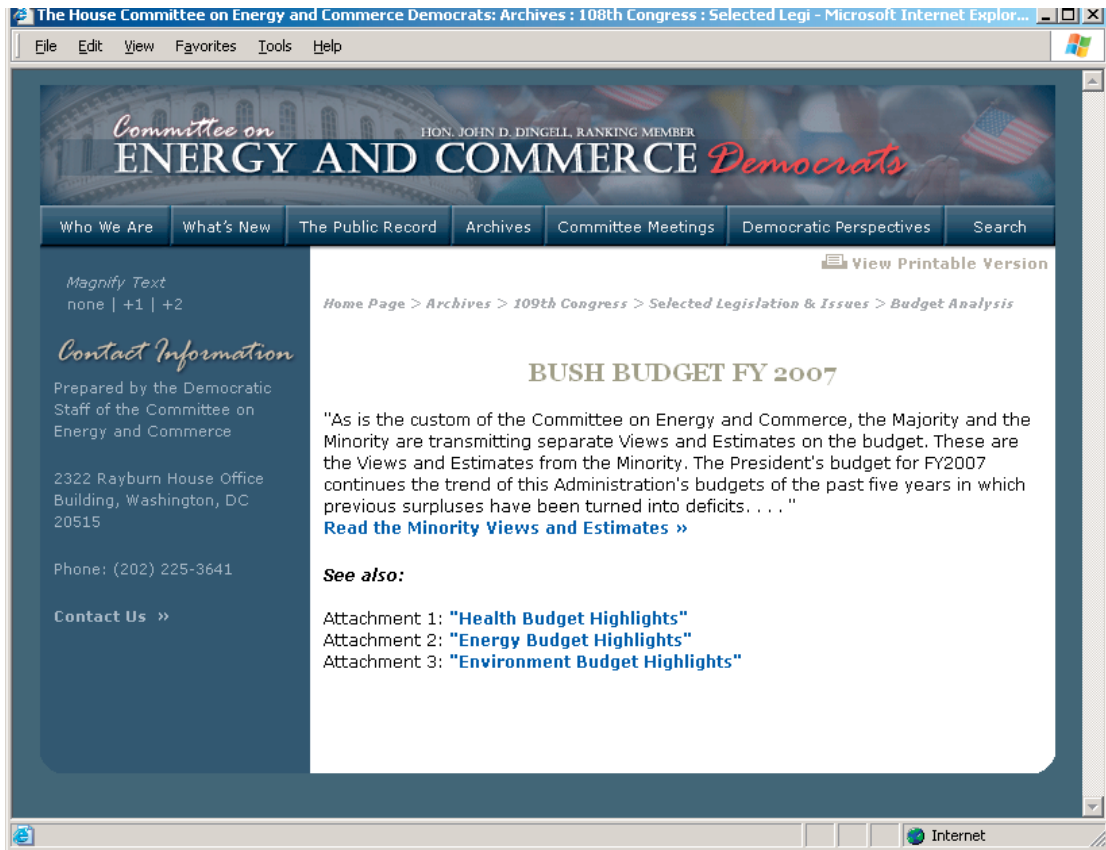


Figure 48: House Committee on Energy and Commerce⁸¹

Website of Minority Party

81 http://www.house.gov/commerce_democrats/budget/index_fy07.shtml



Figure 49: House Committee on Ways and Means⁸²

Summaries and Revenue Estimates of Conference Report

82 <http://waysandmeans.house.gov/ResourceKits.asp?section=2333>

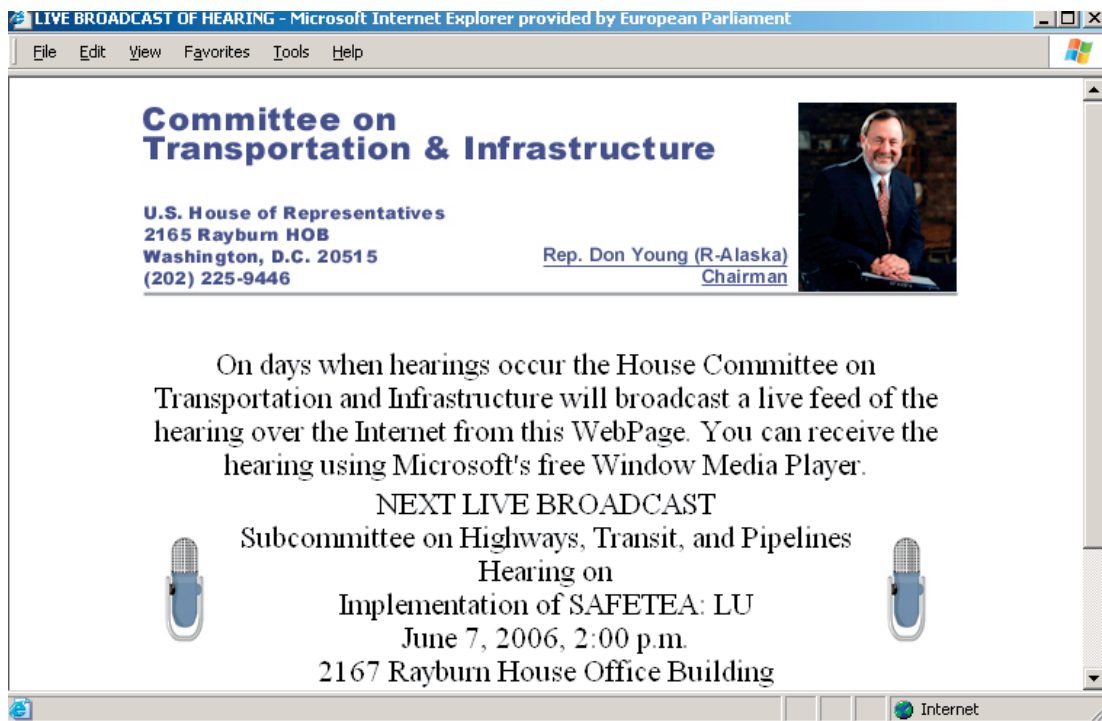


Figure 50: House Committee on Transportation and Infrastructure⁸³

Webcast Schedule of Committee Hearings

83 <http://www.house.gov/transportation/audio/index.html>

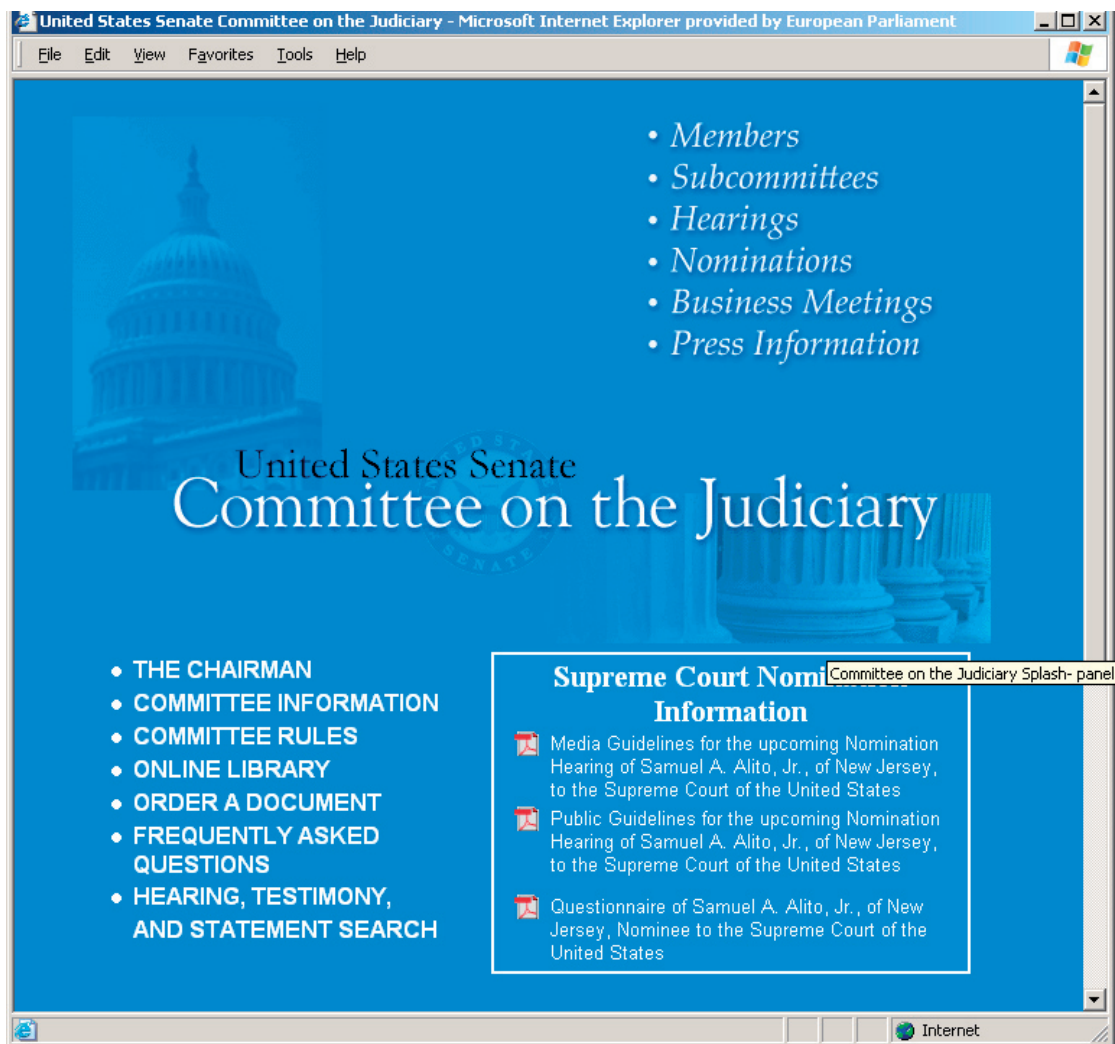


Figure 51: Senate Committee on the Judiciary⁸⁴

Supreme Court Nomination Information

84 <http://judiciary.senate.gov/>

The screenshot shows a Microsoft Internet Explorer browser window displaying the website for the U.S. Senate Committee on Banking, Housing, and Urban Affairs. The page features a header with the committee's name and a search bar. Below the header are portraits of Richard C. Shelby (R-AL), Chairman, and Paul S. Sarbanes (D-MD), Ranking Member. The main content area is titled "Legislation" and contains a paragraph stating that the following legislation has been referred to the committee. Below this is a table listing various bills with their numbers and titles. A left sidebar contains navigation links such as "Hearing Schedule", "Newsroom", and "Committee Information", along with an "Email Signup" form and contact information for the committee's office.

Bill Number	Title
H.R. 280	Brownfields Redevelopment Enhancement Act
S. 31	"International Remittance Consumer Protection Act of 2005"
S. 98	"Community Choice in Real Estate Act"
H.R. 54	An act to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes.
S. 190	Federal Housing Enterprise Regulatory Reform Act of 2005"
S. 255	A bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to provide assistance for residential properties designated as Superfund sites.
H.R. 436	"Increased Capital Access for Growing Business Act"
H.R. 458	Military Personnel Financial Services Protection Act
S. 299	Investor in Iran Accountability Act of 2005"
H.R. 749	Expanded Access to Financial Services Act of 2005
S. 341	Abraham Lincoln Bicentennial 1-Cent Coin Redesign Act
S. 392	A bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

Figure 52: Senate Committee on Banking, Housing and Urban Affairs⁸⁵

Listing of All Bills in Committee

85 <http://banking.senate.gov/index.cfm?FuseAction=Legislation.Home>

Plenary/Floor Action

Plenary/Floor action is the phase in which the legislative proposal is shaped by the entire body. In both the European Parliament and the Congress amendments approved by the committee are considered along with additional amendments proposed during the session. Timely access to the content of these amendments is important to those who want to influence the process. Timely and accurate reporting of the outcome is important to anyone who needs know the result.

While every legislative body has its own plenary or floor procedures that can sometimes seem arcane or obscure to the outsider, these rules have developed over many years to address particular objectives and concerns. They are the focal point of much discussion, analysis, and recordation to establish the precedents of the chamber. Those who want to achieve a specific legislative outcome often have to be well versed, or at least well advised, on the procedures that pertain to the measure at hand. As important as these matters are, however, for the purposes of this study the central questions are these: What was proposed, what did Members say about it, how did they vote on it, and what information do the systems provide about these actions?

Examples from the European Parliament

An icon link on the Parliament's home page (Figure 53) provides access to *Seance en direct*, the primary source for plenary information (Figure 54). *Seance en direct* has links to the official and latest versions of the agenda. These links go to an HTML presentation of the agenda for each day that lists the agenda items with additional links to documents, which have to be available 10 days before the session begins (see Figure 55 for the agenda for Monday, May 15). The focus for this illustration will be a report on food labelling. See reference to agenda item 4 in Figure 55, "*Recommendation for second reading: Adriana Poli Bortone (A6-0122/2006) - Nutrition and health claims made on food*". This proposal was taken up together with a related item that followed it on the agenda regarding the addition of vitamins, minerals, and other substances to food.



Figure 53: Europarl Home Page - Link to Seance en direct⁸⁶

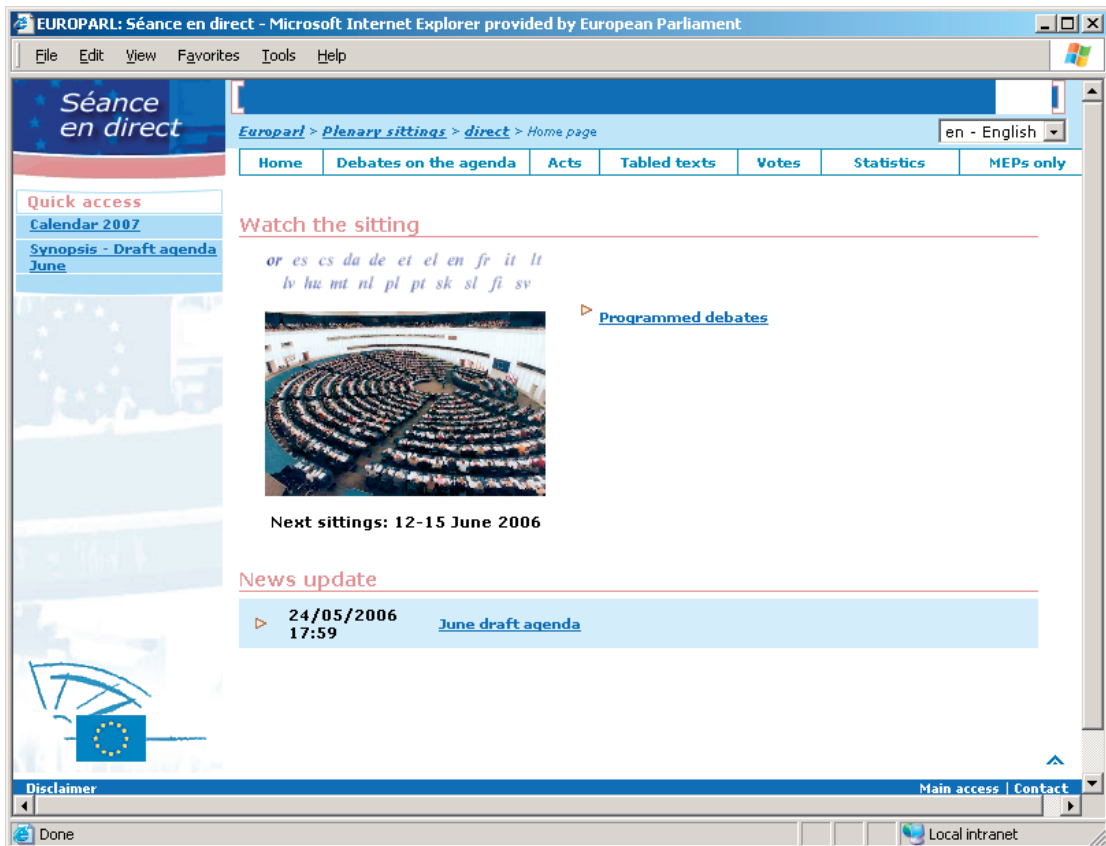


Figure 54: Plenary - Seance en direct Home Page⁸⁷

86 http://www.europarl.europa.eu/news/public/default_en.htm

87 http://www.europarl.europa.eu/sce/server/internet/home_page/sce_home_page_01.jsp

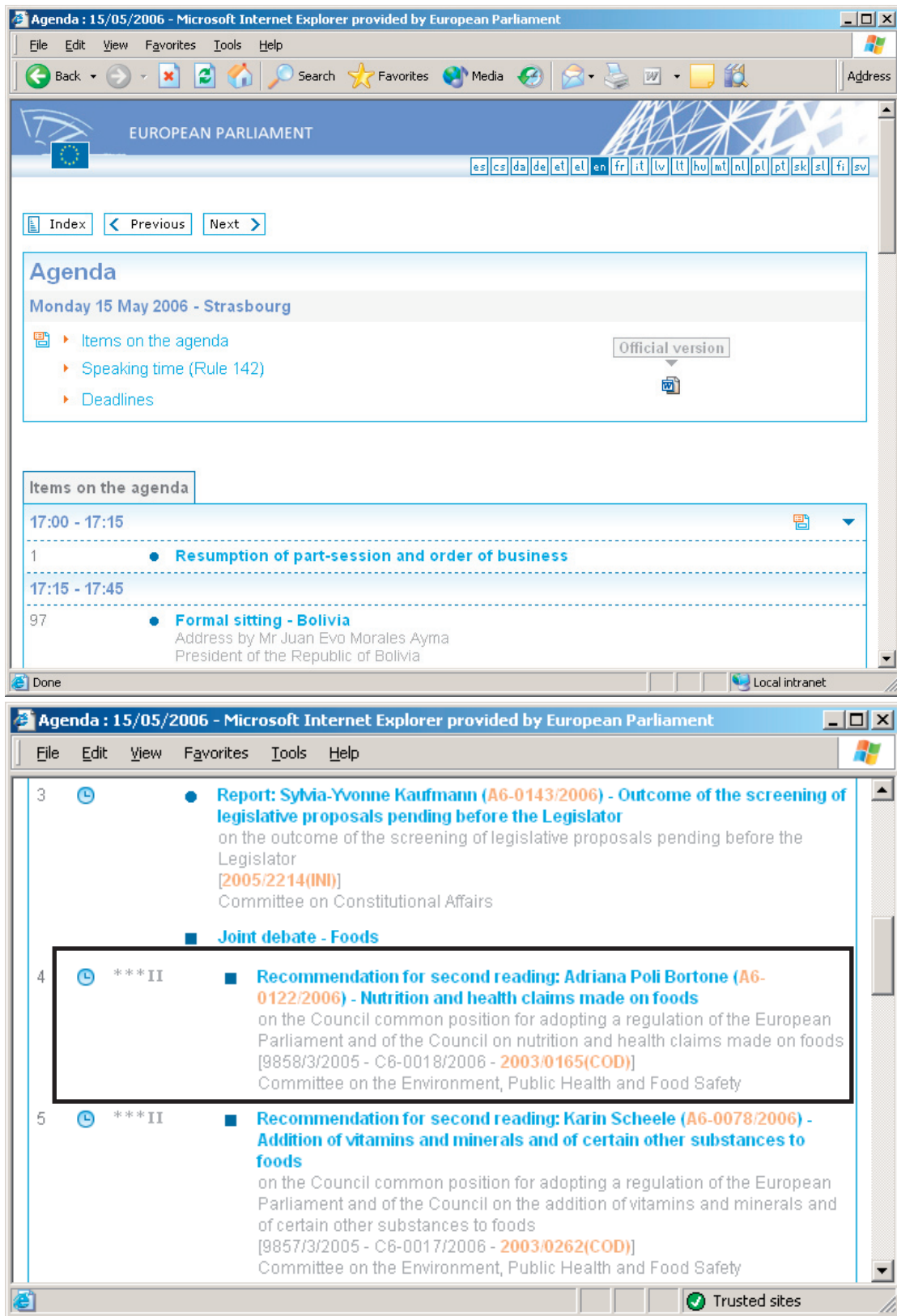


Figure 55: Plenary Agenda for 15 May 2006 (partial display)⁸⁸

⁸⁸ <http://www.europarl.europa.eu/omk/sipade3?PUBREF=-//EP//TEXT+AGENDA+20060515+SIT+DOC+XML+V0//EN&LEVEL=0&NAV=X&LSTDOC=N&L=EN>

The verbatim debate on a measure can be found under the *Acts* button on the top of the *Séance en direct* page (Figure 54). The drop down menu for this button provides a link to the *Verbatim report*, which presents the debate *in the original language* for the various items considered that day, including the food labelling and vitamins measures. (See example in Figure 56.) It takes 3-4 months for these debates to be translated into multiple languages. Another button under *Acts* on the *Séance* home page (*Speeches in plenary*) takes the user to the statements by Members sorted by day or by speakers name. These speeches contain both the text AND the audio of the speech, again in the original language. These sources derive from a concerted effort by the Parliament to present the session live via webcast with simultaneous interpretation. The debate on each item is presented in conjunction with a list of speakers, their estimated time of speaking and their allotted number of minutes. The parliament is beta testing a system that will permit on-demand play back of specific debates.

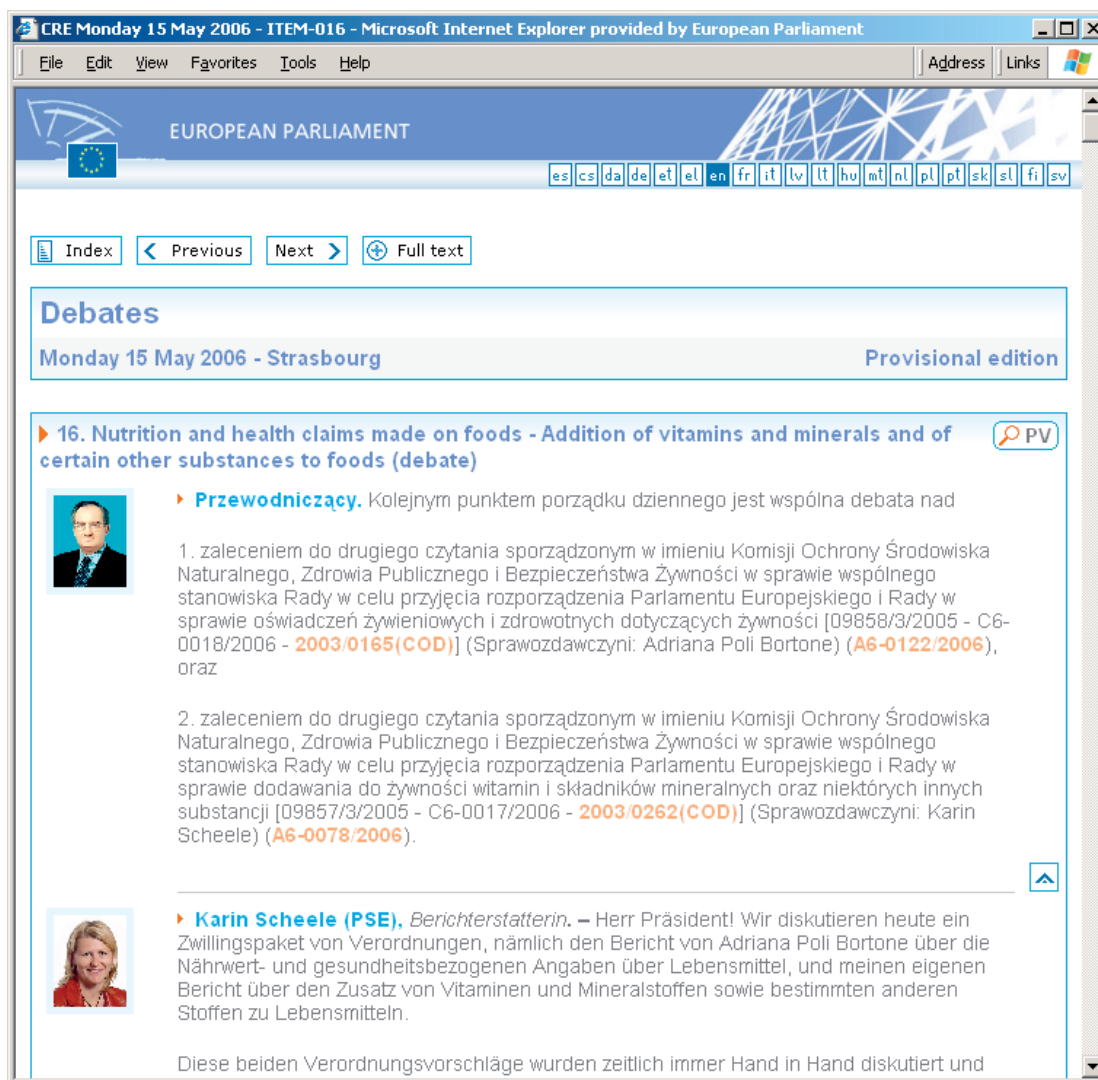


Figure 56: Plenary Debate in Original Language⁸⁹

89 <http://www.europarl.europa.eu/omk/sipade3?PUBREF=-//EP//TEXT+CRE+20060515+ITEM-016+DOC+XML+V0//EN&LEVEL=3&NAV=X&L=EN>

In plenary sessions measures are normally debated on one date and voted on a subsequent day. A link under *Tabled texts* (*Seance en direct*, top row of buttons, Figure 54) goes to a list of all reports to be considered in the session with a further link to the report itself and a link to the list of amendments by language. For illustration of the text of an amendment that can be obtained by following these links, see Appendix 3, which shows the text of amendment 50 in English.

The *Votes* button on the top of *Seance en direct* provides a link to roll call votes (recorded votes of each Member) and the results of all votes (by hand or recorded). The results of the votes on the food labelling measure and its associated measure can be seen in Appendix 4. Votes begin to be available the day after they were taken and after they are confirmed.

The amended texts become available within a day or two of their adoption. Access is via the *Acts* button on *Seance en direct* using the drop down option: *Texts adopted by parliament*. The first few lines of the preliminary version of the food labelling text as voted by Parliament can be seen in Figure 57, with the original text on the left and the amended text on the right.

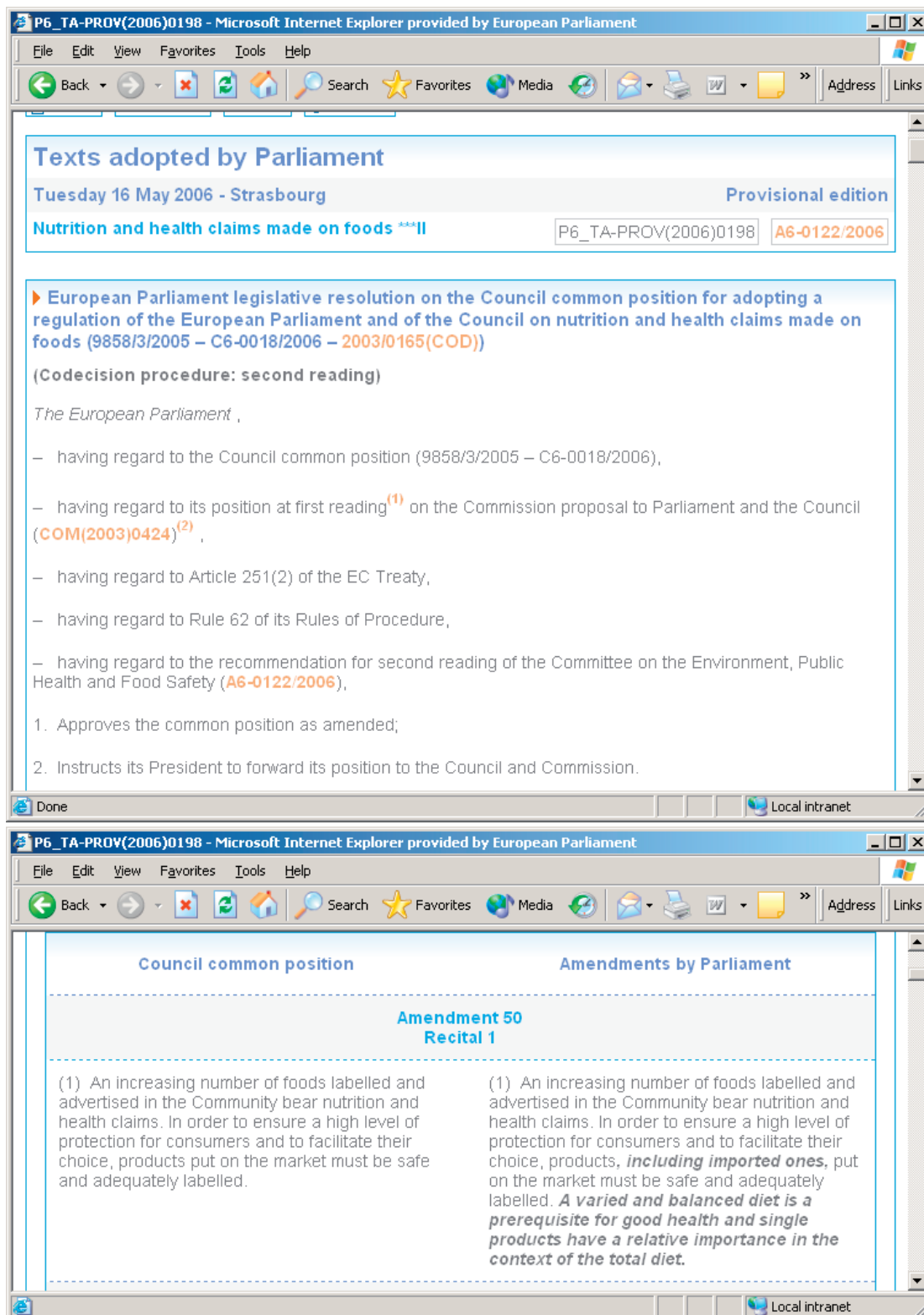


Figure 57: Adopted Text - Example with Amendment⁹⁰

⁹⁰ <http://www.europarl.europa.eu/omk/sipade3?PUBREF=-//EP//TEXT+TA+P6-TA-2006-0198+0+DOC+XML+V0//EN&LEVEL=3&NAV=X&L=EN>

Finally, the L’Oeil dossier is updated within a day or two of the vote as soon as it can be confirmed. See Figure 58.

Stages	Documents: references		Dates	
	Source reference	Equivalent references	of document	of publication in Official Journal
Commission/Council: initial legislative document	EC COM(2003)0424	C5-0329/2003	16/07/2003	
Economic and Social Committee: opinion, report	ESC CES0308/2004		25/02/2004	C 110 30.04.2004, p. 0018-0021
EP: draft report by the committee responsible	EP PE353.302		02/05/2005	
EP: tabled legislative report, 1st reading or single reading	EP A6-0128/2005		12/05/2005	
EP: legislative opinion, 1st reading or single reading	EP T6-0201/2005		26/05/2005	
Council: statement on common position	CSL 14795/2005		23/11/2005	
Council: common position	CSL 09858/3/2005	C6-0018/2006	08/12/2005	C 080 04.04.2006, p. 0043-0066 E
Commission: communication on the common position	EC COM(2006)0002		13/01/2006	
EP: draft report by the committee responsible	EP PE367.861		29/03/2006	
EP: tabled legislative report, 2nd reading	EP A6-0122/2006		29/03/2006	
EP: decision at 2nd reading	EP T6-0198/2006		16/05/2006	

Figure 58: L’Oeil Record - Updated After Plenary⁹¹

Analysis: Floor Actions - European Parliament

In general, the information about Parliament’s plenary session is accurate and timely with the necessary constraints imposed by the need to translate and ensure accuracy. It is challenging to follow a vote live because of the complexity of the process and the speed with which it occurs (Parliament stacks its votes and runs through them rapidly on the day of the vote; the debate has occurred on a previous day.) The staff who manage the plenary actions get complete records of speeches, debates, minutes, and votes up relatively quickly and completely.

However, there is no search system in place for this information. To find a particular Member’s statements on a topic, users have to know how to find a specific measure, report, or agenda item and navigate through the system. Alternatively, users can go to a Member’s individual home page, which contains links to his or her statements and questions.

As some users noted, it is also difficult to look for votes on a topic, and equally difficult to find how a specific Member voted on a specific issue, either on an amendment or a full measure. (This is true for Thomas as well.) There are pros and cons regarding voting databases. Votes can be difficult to categorize and it can be argued that only a Member knows what he or she intended by their vote. On the other hand, it can be argued that votes do relate to a primary issue area (energy, agriculture, etc.) and that it can be useful to enable users to locate votes by these broad categories. Anything more

91 <http://www.europarl.europa.eu/oeil/file.jsp?id=235102>

specific (for example, trying to categorize a vote as for or against nuclear energy) can be problematic, and it is at this point that the views and intentions of the Member should be sought directly.

The absence of a voting database also makes it difficult in the EP system to locate the text of amendments that failed. This can be important to those who seek the history of an issue.

Through *Séance en direct* the EP presents a significant amount of timely plenary information. *Séance* also links users to the L'Oeil record when it lists the documents to be debated and voted. Unfortunately, the structure of the *Séance* system makes it difficult, at this time, to link from L'Oeil to this source of more detailed plenary activity. As will be seen, the structure of the Thomas system does allow this linkage to occur.

Examples from the U.S. Congress

The U.S. Congress also provides a great deal of information about its floor activities, including broadcast on public cable TV of both House and Senate proceedings, a near real time text synopsis of House⁹² actions that runs 10-15 minutes after the actual event, and a next-day summary of the actions of both chambers in the *Daily Digest* section of the *Congressional Record* along with the verbatim text of debate in the *House* and *Senate* sections.

Schedules

One of the challenges in following floor activities in the U.S. Congress, however, is finding out what is planned for the floor in the near term. The House leadership often discusses the schedule for the coming week on the floor on the preceding Thursday. The official notice is posted by the majority and minority whip organizations for their respective parties and constituencies on Friday for the coming week. See Figure 59. Changes to this schedule are posted by the Whip offices on different sites that are designed for easier updating. Users can subscribe to an email alerting service from either or both parties to receive these notices and updates via the Internet.

92 The Senate has an intranet site that provides the closed captioning from the cable TV broadcast of Senate floor proceedings, but this is not made available to the public.

m a j o r i t y w h i p : : R O Y B L U N T - Microsoft Internet Explorer provided by European Parliament

File Edit View Favorites Tools Help

home | news | house floor | house calendar | whip resources | about Roy | email updates | contact search this site Keyword(s) go

whipping post

Wednesday, May 17, 2006

ANTICIPATED FLOOR SCHEDULE
On Wednesday, the House will meet at 10:00 a.m. for legislative business. Last votes expected: Evening.

One Minutes

H.R. 4200 - Forest Emergency Recovery and Research Act (Structured Rule) (Sponsored by Rep. Walden / Resources Committee)

The rule provides for one hour of general debate and makes in order the following amendments:

Rahall Amendment (10 minutes of debate)
DeFazio Amendment (10 minutes of debate)
Inslee Amendment (10 minutes of debate)
Udall (NM) Amendment (10 minutes of debate)

H.Res. 815 - Rule providing for same day consideration of H.Con.Res. 376 - Concurrent Resolution on the Budget for FY 2007 (Sponsored by Rep. Putnam / Rules Committee)

m a j o r i t y w h i p : : R O Y B L U N T - Microsoft Internet Explorer provided by European Parliament

File Edit View Favorites Tools Help

H.Con.Res. 376 - Concurrent Resolution on the Budget for FY 2007 (Subject to a Rule) (Sponsored by Rep. Nussle / Budget Committee)

Rolled Suspension Votes (2 Votes):

1) H.Res. 740 - Calling on the Government of the United Kingdom to immediately establish a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Weston Park agreement and a way forward for the Northern Ireland Peace Process (Sponsored by Rep. Smith (NJ) / International Relations Committee)

2) H.Res. 795 - Condemning in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006 (Sponsored by Rep. Tom Davis / International Relations Committee)

Special Orders

THURSDAY'S FORECAST
On Thursday, the House will meet at 10:00 a.m. for legislative business.

H.R. 5384 - Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2007 (Subject to a Rule) (Sponsored by Rep. Bonilla / Appropriations Committee)

Figure 59: House Majority Whip Schedule⁹³

While these notification systems represent an effort to keep Members, staff, and the public informed about floor schedules, they come relatively close to the event, leaving little time for those who want to make their views known to their representatives. While it can be argued that the general content of measures has been known for a sometime, it is often the last minute changes and amendments that concern people the most.

Obtaining the schedule in the Senate is an even greater challenge. This is largely a reflection of the difference in the way the Senate approaches its work compared to the House. The House is much larger and must design its rules for efficiency and greater predictability. It places significant limits on the time available for debate, and it controls the amending process on the floor through its Rules Committee. The Senate proceeds on all measures by the unanimous consent of its members. Limiting debate is difficult, and therefore predicting when the next measure will be taken up is also difficult.

The Senate calendar⁹⁴ lists all bills that are currently pending before the Senate, or that are unfinished business. It is reasonable to assume that the Senate will be considering one of these items when it convenes each day. It also lists unanimous consent agreements that may specify when certain measures are to be taken up. But more predictive information is simply not available or too speculative to be useful. The majority and minority websites, therefore, do little more than note what is occurring today or tomorrow.

A second challenge is finding a single site that offers comprehensive access to all of the sources for tracking floor activity. The Thomas system (Figure 60) should come closest because it lists both the House and the Senate, but it does not link to House majority and minority whip schedules for the floor. The House (Figure 61) does not link to the Senate, and, despite listing several sites under the heading of *Schedule Information*, its home page does not have a clear link to the floor schedule provided by either whip organization. The Senate's home page (Figure 62) does have a concise display of its schedule for today with quick links to yesterday's activities and votes, plus the calendar with pending and unfinished business and unanimous consent agreements. It also has a link to the House calendar two levels down from its home page, but this is to the House printed calendar and not to the more dynamic sites noted above.

The intranet LIS has the most comprehensive listing for each chamber and its committees, but these pages are not available to the public.

94 Senate calendar: <http://www.gpoaccess.gov/calendars/senate/browse.html>

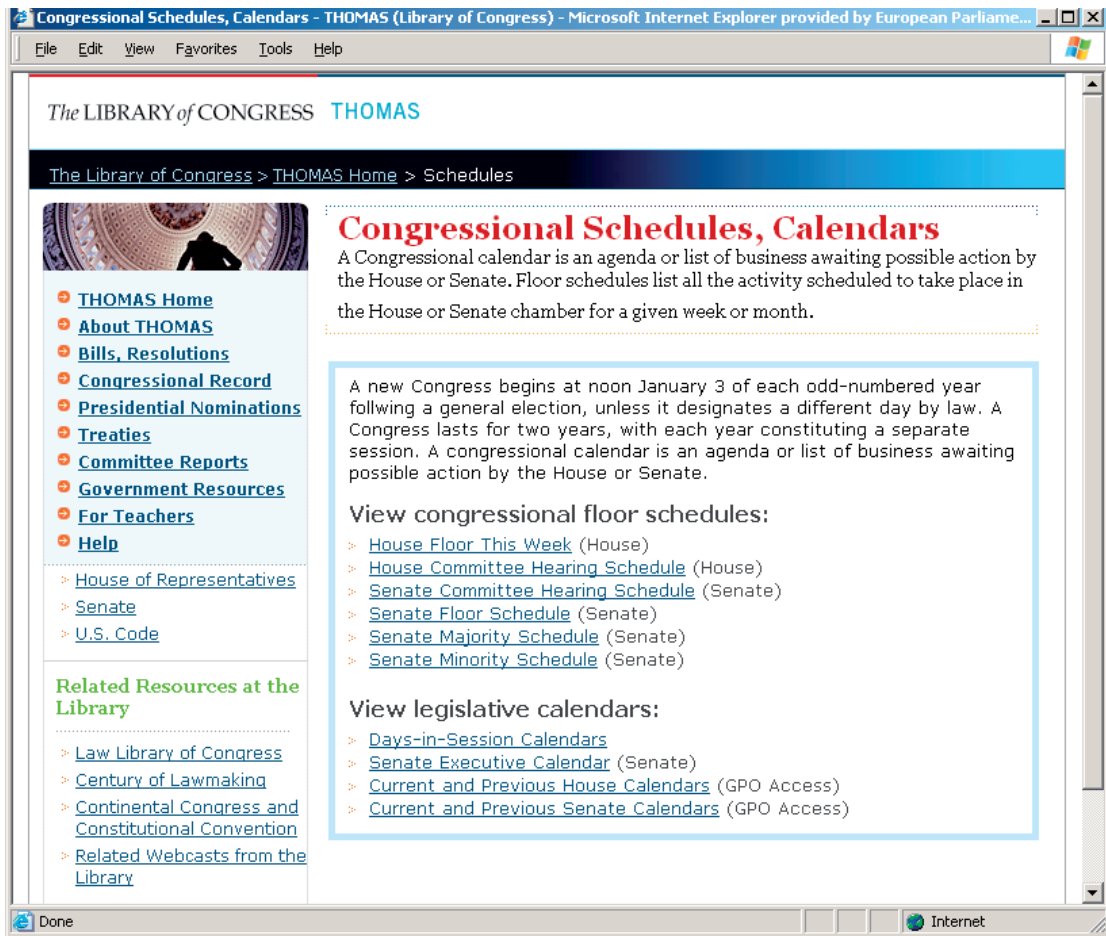


Figure 60: Floor Schedules on Thomas⁹⁵

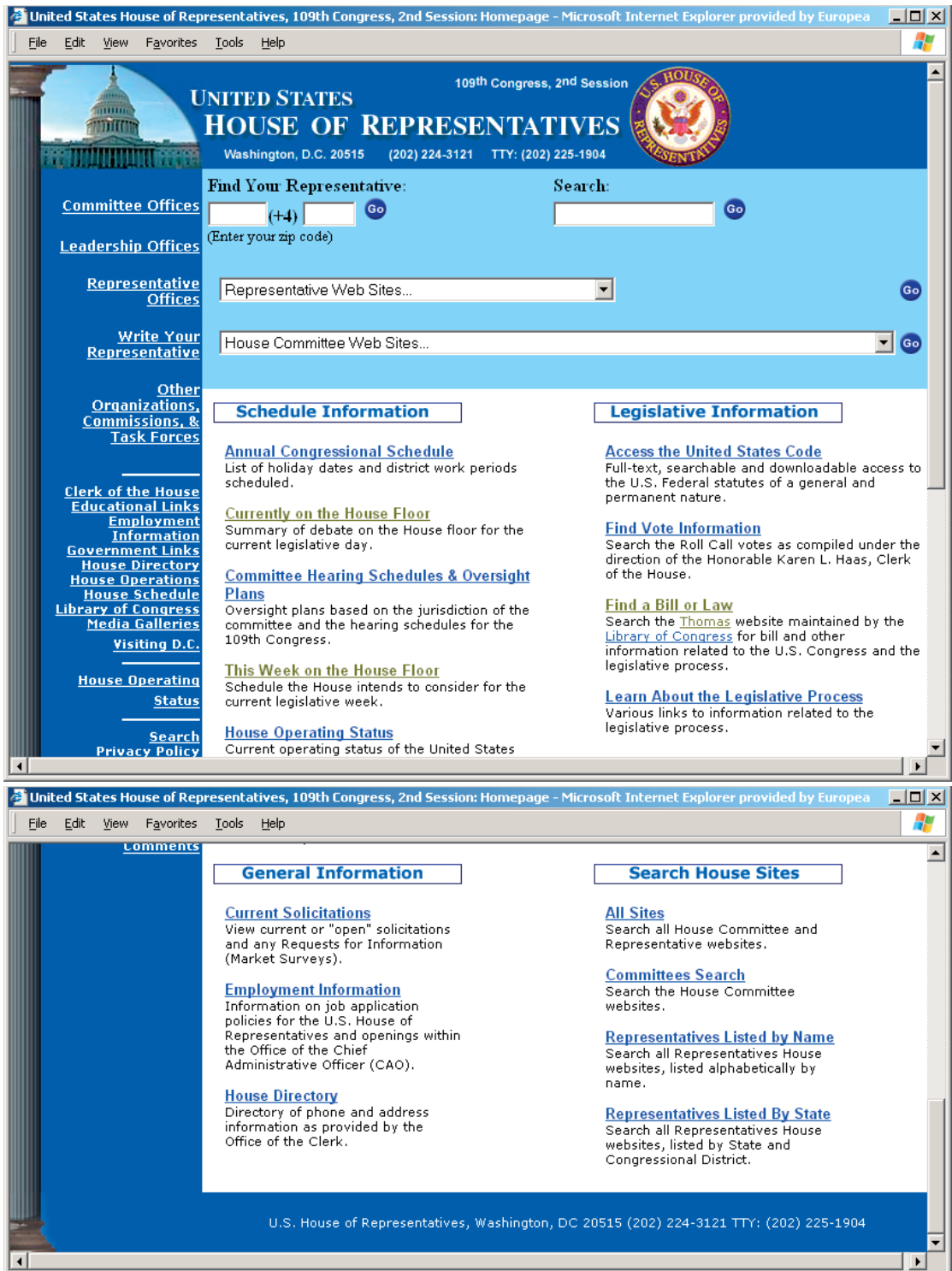


Figure 61: House Home Page – Schedule Information⁹⁶



Figure 62: Senate Home Page with Floor Schedule Information⁹⁷

Tracking Floor Actions in the House

The Whip notices for the week 15 May 2006 (see Figure 59 above) indicated that the House would take up H.R. 4200, the Forest Emergency Recovery and Research Act on 17 May on the basis of a “Structured Rule”. (See first bill on the schedule.) For its most important and controversial bills, the House uses a legislative device called a “special rule” that establishes the time and conditions for debate, the amendments allowed, and any other legislative procedures that will be in effect. Special rules are prepared by the House Rules Committee and reported to the entire House for a vote prior to taking up the measure that is the subject of the rule. See Figure 63.

Special Rules are also important because they specify what amendments are in order and where they may be found - in the report accompanying the bill, printed in the *Congressional Record*, or available from the Member proposing it. Special Rules are linked from the bill itself in Thomas, and they are often found on the Rules Committee home page, so users can find them relatively easily.

The amendments allowed for the Forest Emergency Recovery bill are listed in the Committee Report accompanying this Special Rule, which again illustrates the value of committee reports for providing additional clarity and context. Figure 64 shows a summary of the amendment and then the text itself, which is more technical and made clearer by the summary.

However, the special rule also states that there is an amendment in the nature of a substitute printed in the *Congressional Record*, and that this is to be considered an original bill for the purpose of amendment. Unfortunately, the rule does not provide a link to this text, although it is available on the Rules Committee web page.

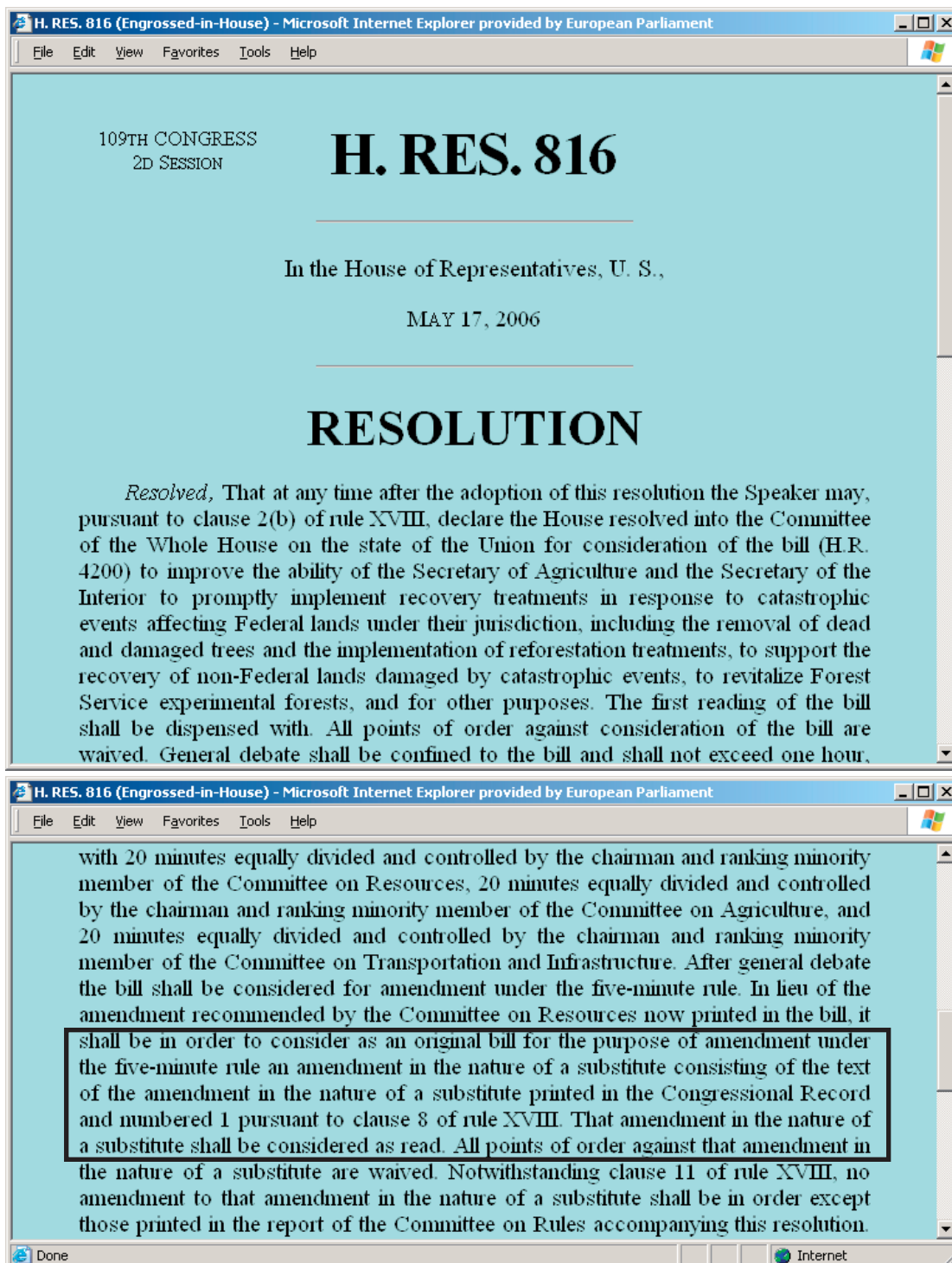


Figure 63: House - Example of Special Rule⁹⁸

98 http://thomas.loc.gov/home/gpoxmlc109/hr816_eh.xml

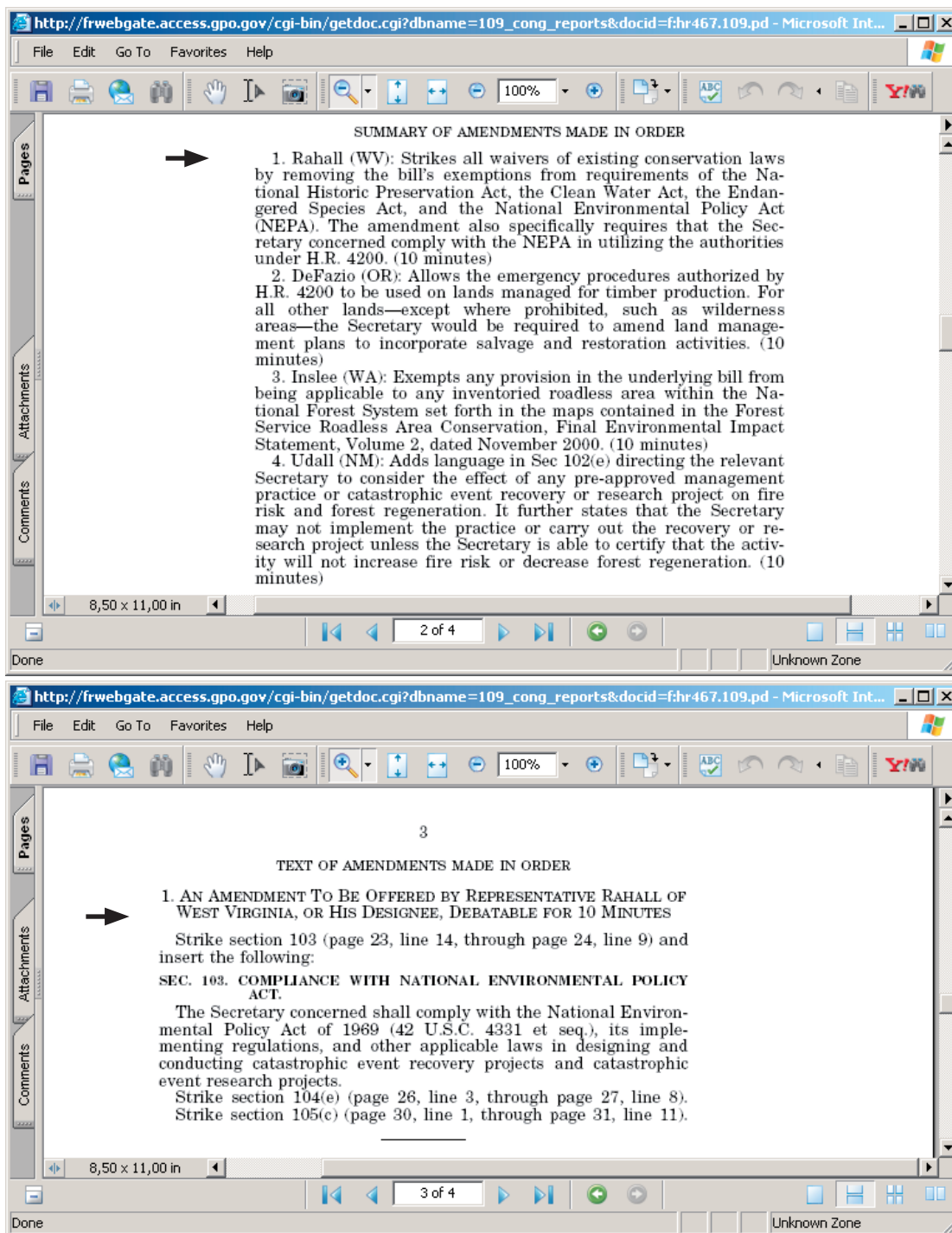


Figure 64: Report Accompanying Special Rule - Amendments Allowed⁹⁹

Users who want to follow the debate live or nearly live can watch the cable TV broadcast, or they can follow the text synopsis of floor actions provided by the Clerk of the House (see Figures 65-66). These screens are difficult to present on a printed page because they are updated live from the top of the page. (Reading them top down presents a reverse chronological sequence.) They contain the minutes of the proceedings and show that the bill was taken up, the amendments printed in the report were defeated, and then the amended version of the bill (the version cited in the Rule) was passed.

99 http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_reports&docid=f:hr467.109.pdf

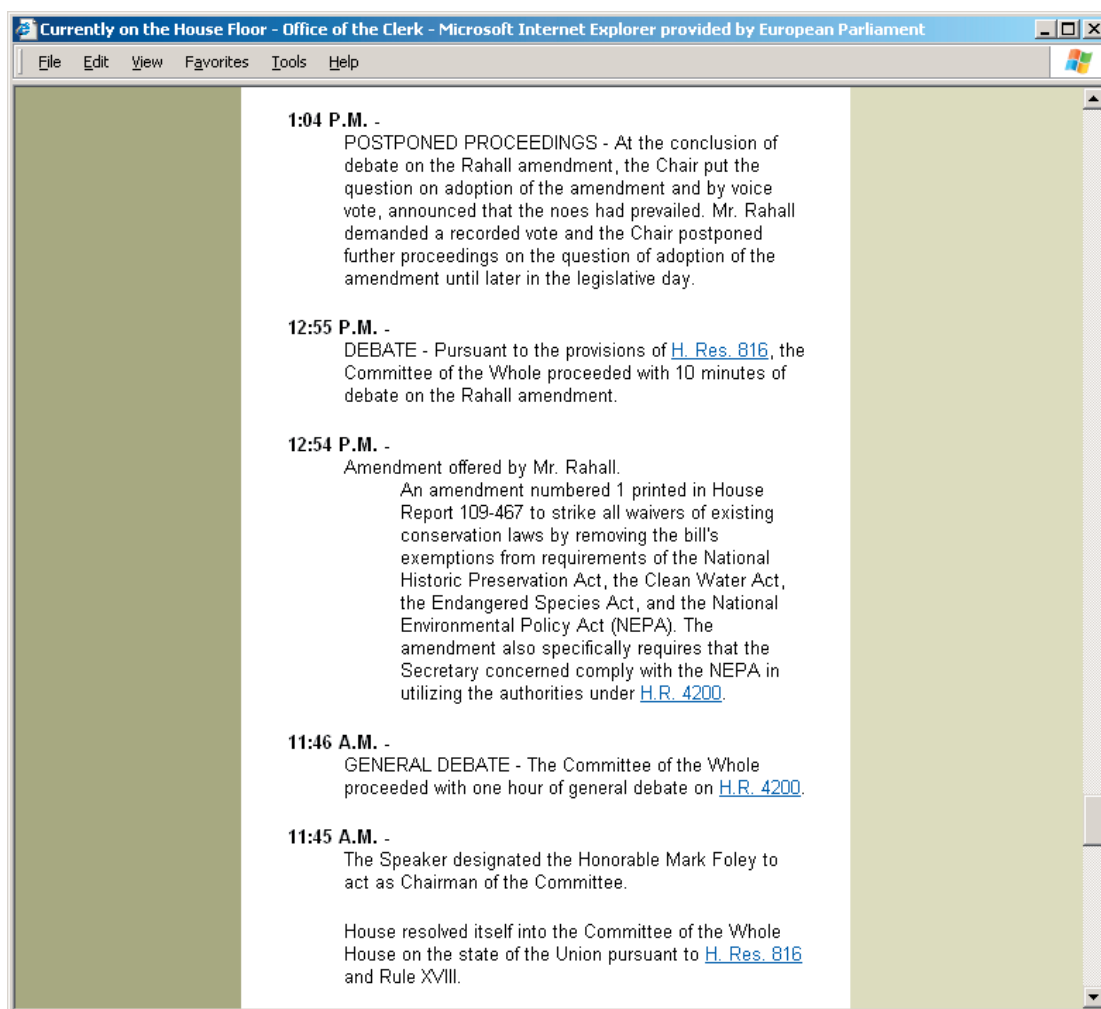


Figure 65: House Clerk Floor Action Record¹⁰⁰

(Continued in Figure 66 beginning at 2:47 pm – see bottom of figure)

These actions shown in Figures 65-66 and are reflected the next day in the status information available on this bill in the Thomas system. This information includes status steps with the votes on the amendments, links from these status steps to a basic amendment record¹⁰¹ with descriptive and status information, links to the text of the *Congressional Record* where these actions are recorded, links to the debate in the *Record*, and links to the recorded votes with the results and the names of the Members voting for and against. Because that information has already been discussed in Part 1 it will not be repeated here. Examples for this bill are included in Appendix 5 for readers who wish to see it in detail.

¹⁰⁰ <http://clerk.house.gov/floorsummary/floor.html>

¹⁰¹ Amendment records are prepared for every amendment taken up on the floor. They contain, sponsor, description (prepared by the Clerk's Office), purpose (prepared by the Member), and the actions on the amendment, with links to the text of the *Congressional Record* where these actions are recorded.

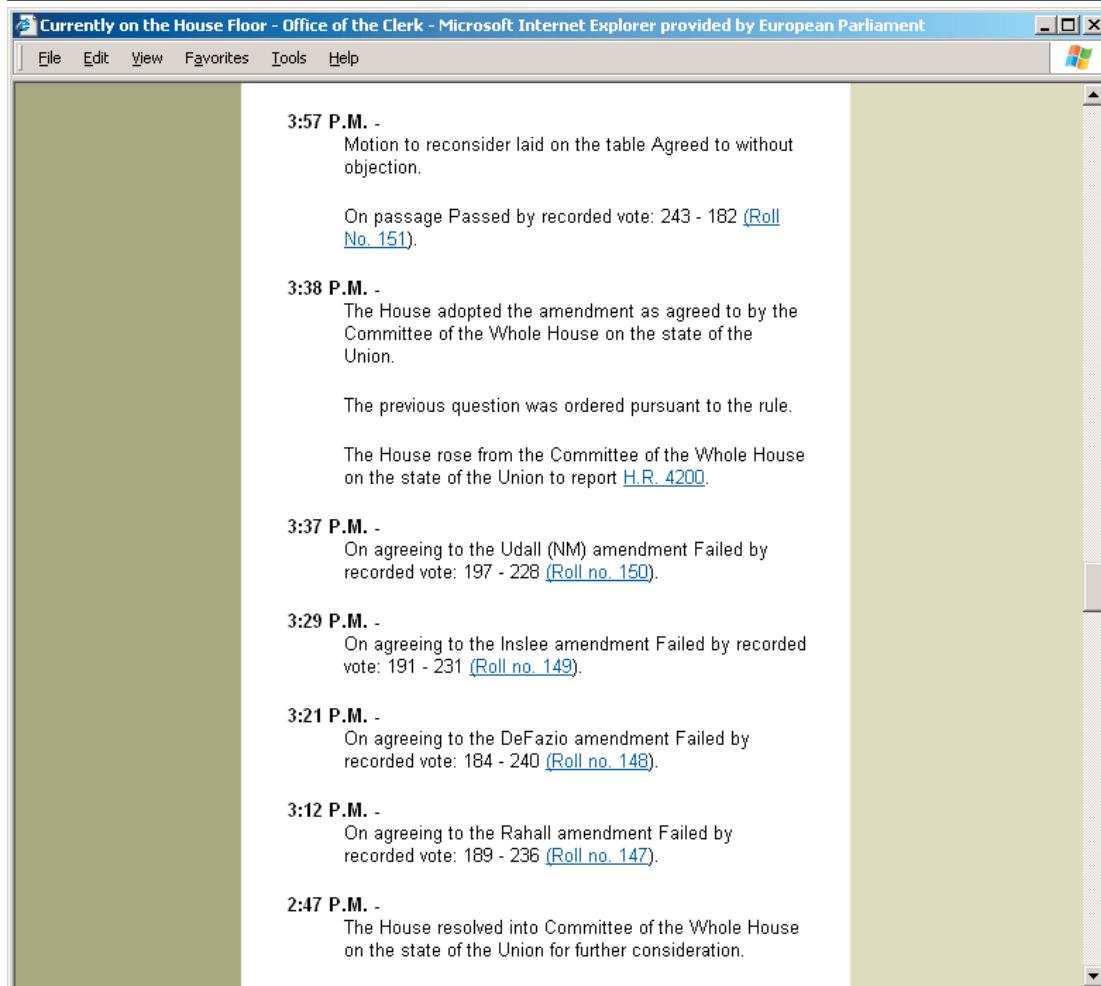
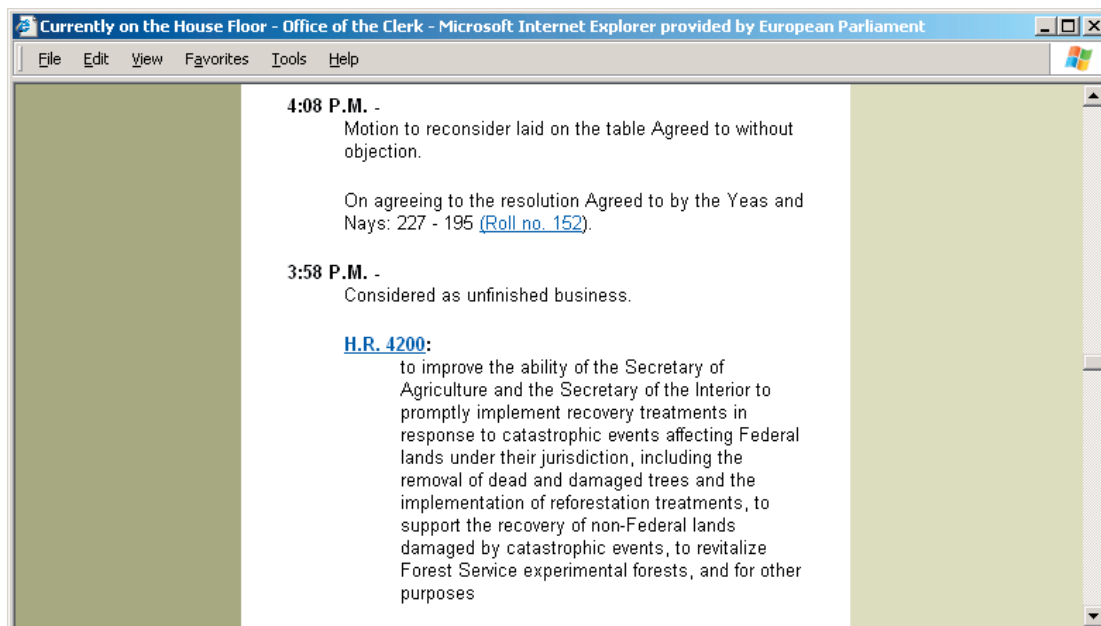


Figure 66: House Clerk Floor Action Record (continued)

(Continuation of Figure 65 which ended at 1:04 pm)

Tracking Floor Actions in the Senate

Senate floor actions are less structured than those of the House. While unanimous consent agreements may specify that particular amendments may be taken up at a particular time and amendments are often printed in the *Congressional Record* in advance of their consideration on the floor, amendments may also be offered on the floor without prior notice. In the late 1990s the Senate implemented a system that enabled the staff of the Secretary of the Senate to scan amendments that were offered in this fashion and distribute them to the Senators' offices via the web. This replaced a more cumbersome and slower fax service and was well received by Senators and staff. While this system is not available to the public, the texts of all amendments taken up on the floor of the Senate are printed the next day in the *Congressional Record*.

S. 2611, a bill to provide reform of the immigration laws of the United States is used for purposes of illustration. A unanimous consent agreement contained in the Senate calendar for 16 May 2006 stated that the Senate would resume consideration of this bill on that day. The Thomas record for the bill that day (see Figure 67) shows that the Senate considered several amendments, including Senate Amendment 3961 (S.AMDT. 3961) proposed by Senator Cornyn for Senator Isakson. As with House floor actions, there are links in Thomas to the text of the amendment and to the debate in the *Congressional Record*. There is also a link to the recorded vote with the result and the names of those voting yes and no. See Figure 68.

These actions are also recorded in the *Daily Digest* section of the *Congressional Record* published the next day. See Figure 69. Finally, it is worth noting that a link on the Senate home page takes the user to Figure 70, which contains links to all Senate recorded votes in chronological order.

When a bill is finally passed, most final versions appear within one or two days. However, it can take as long as a week or two to prepare the bill in its final form when there are a large number of amendments approved.



Figure 67: Thomas Record for Senate Floor Action¹⁰²

U.S. Senate: Legislation & Records Home > Votes > Roll Call Vote - Microsoft Internet Explorer provided by European Par...

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Home > Legislation & Records Home > Votes > Roll Call Vote

U.S. Senate Roll Call Votes 109th Congress - 2nd Session
as compiled through Senate LIS by the Senate Bill Clerk under the direction of the Secretary of the Senate

Vote Summary
Question: On the Amendment (Isakson Amdt. No. 3961)
Vote Number: 121 **Vote Date:** May 16, 2006, 12:11 PM
Required For Majority: 1/2 **Vote Result:** Amendment Rejected
Amendment Number: [S.Amdt. 3961](#) to [S. 2611](#) (Comprehensive Immigration Reform Act of 2006)
Statement of Purpose: To prohibit the granting of legal status, or adjustment of current status, to any individual who enters or entered the United States in violation of Federal law unless the border security measures authorized under Title I and section 233 are fully completed and fully operational.

Vote Counts:

YEAs	40
NAYs	55
Not Voting	5

[Vote Summary](#) [By Senator Name](#) [By Vote Position](#) [By Home State](#)

Alphabetical by Senator Name

Akaka (D-HI), Nay	Domenici (R-NM), Yea	McConnell (R-KY), Yea
Alexander (R-TN), Yea	Dorgan (D-ND), Yea	Menendez (D-NJ), Nay
Allard (R-CO), Yea	Durbin (D-IL), Nay	Mikulski (D-MD), Nay
Allen (R-VA), Yea	Ensign (R-NV), Yea	Murkowski (R-AK), Nay
Baucus (D-MT), Nay	Enzi (R-WY), Yea	Murray (D-WA), Nay
Bayh (D-IN), Nay	Feingold (D-WI), Nay	Nelson (D-FL), Nay

Find Votes
Find out about congressional voting with this [How to](#) guide.

Find Bills
Use this guide to help you find the full text of recent bills and resolutions on the Web, or order them from the Senate or House [Document Rooms](#), or you can find them in a library.

Find Bills in THOMAS
You can access legislative information, by bill number or key words, from the THOMAS Web site. Information from the present back to the 93rd Congress (1973) is available on THOMAS.

Virtual Reference Desk
The [Votes](#) page of the [Virtual Reference Desk](#) provides voting procedure information, research guides, and essays about historic votes.

Internet

Figure 68: Senate Vote on Amendment 3961 to Senate bill S2611¹⁰³

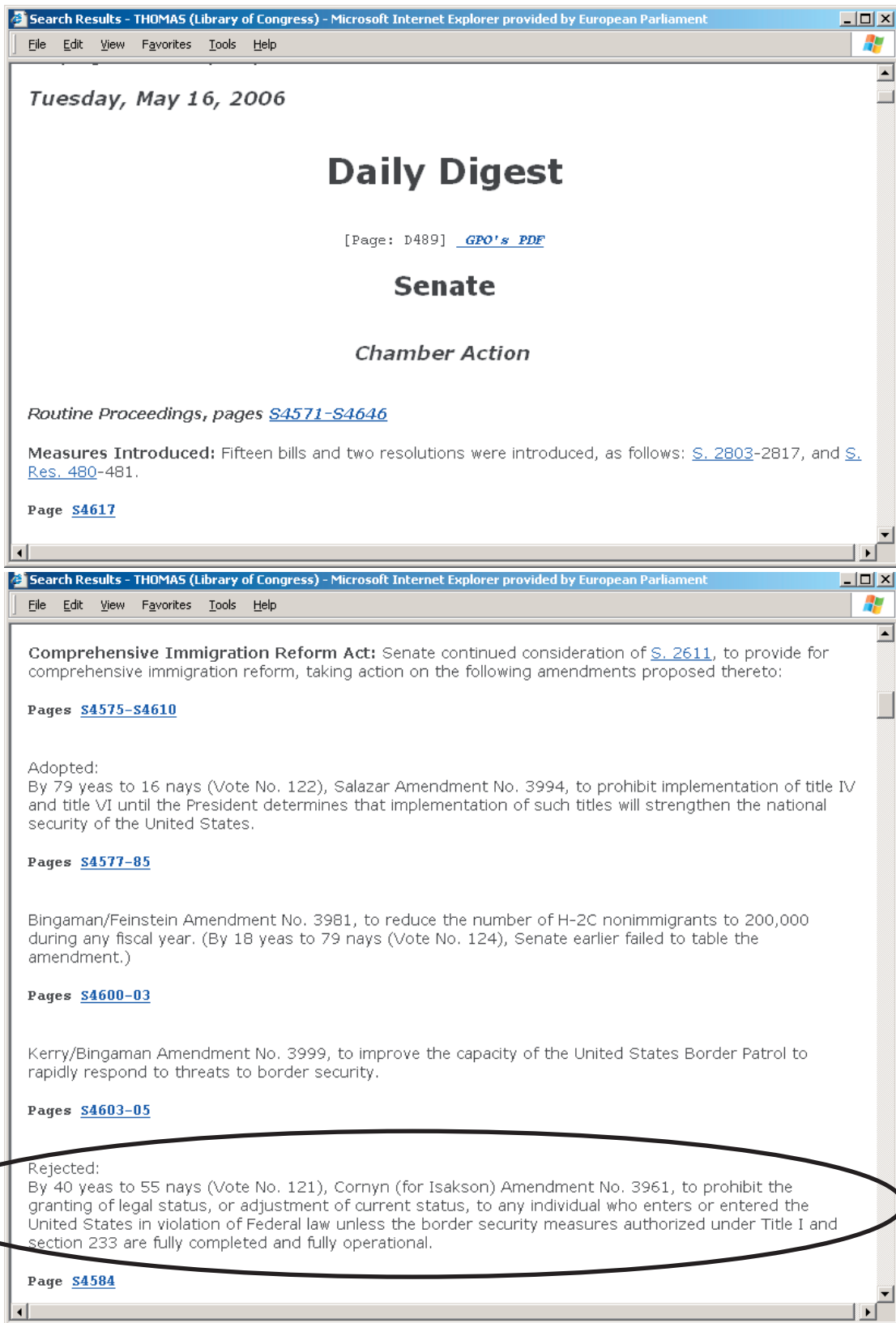


Figure 69: Congressional Record Actions on S2611¹⁰⁴

U.S. Senate: Legislation & Records Home > Votes > Roll Call Vote Summary - 109th Congress, 2nd - Microsoft Internet Explorer p

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Home > Legislation & Records Home > Votes > Roll Call Vote Summary - 109th Congress, 2nd Session

U.S. Senate Roll Call Votes 109th Congress - 2nd Session (2006)

Vote	Date	Issue	Question	Result	Description
00135	18-May	S. 2611	On the Motion to Table S.Amdt. 3969	Agreed to	Motion to Table Kyl Amdt. No. 3969; To prohibit H-2C nonimmigrants from adjusting to lawful permanent resident status.
00134	18-May	S. 2611	On the Amendment S.Amdt. 4038	Agreed to	Cornyn Amdt. No. 4038; To require aliens seeking adjustment of status under section 245B of the Immigration and Nationality Act or Deferred Mandatory Departure status under section 245C of such Act to pay a supplemental application fee, which shall be used to provide financial assistance to States for health and educational services for noncitizens.
00133	18-May	S. 2611	On the Amendment S.Amdt. 4072	Rejected	Clinton Amdt. No. 4072; To establish a grant program to provide financial assistance to States and local governments for the costs of providing health care and educational services to noncitizens, and to provide additional funding for the State Criminal Alien Assistance Program.
00132	18-May	S. 2611	On the Amendment S.Amdt. 4073	Agreed to	Salazar Amdt. No. 4073 As Modified; To declare that English is the common and unifying language of the United States, and to preserve and enhance the role of the English language.
00131	18-May	S. 2611	On the Amendment S.Amdt. 4064	Agreed to	Inhofe Amdt. No. 4064; To amend title 4 United States Code, to declare English as the national language of the United States and to promote the patriotic integration of prospective US citizens.
00124	16-May	S. 2611	On the Motion to Table S.Amdt. 3981	Rejected	Motion to Table Bingaman Amdt. No. 3981; To reduce the number of H-2C nonimmigrants to 200,000 during any fiscal year.
00123	16-May	S. 2611	On the Motion to Table S.Amdt. 4017	Agreed to	Motion to Table Dorgan Amdt. No. 4017; To prohibit aliens who are currently outside the United States from participating in the H-2C guestworker visa program.
00122	16-May	S. 2611	On the Amendment S.Amdt. 3994	Agreed to	Salazar Amdt. No. 3994; To prohibit implementation of title IV and title VI until the President determines that implementation of such titles will strengthen the national security of the United States.
00121	16-May	S. 2611	On the Amendment S.Amdt. 3961	Rejected	Isakson Amdt. No. 3961; To prohibit the granting of legal status, or adjustment of current status, to any individual who enters or entered the United States in violation of Federal law unless the border security measures authorized under Title I and section 233 are fully completed and fully operational.
00120	16-May	PN1327	On the Nomination	Confirmed	Confirmation Milan D. Smith, Jr., of California, to be U.S. Circuit Judge

U.S. Senate: Legislation & Records Home > Votes > Roll Call Vote Summary - 109th Congress, 2nd - Microsoft Internet Explorer p

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Figure 70: Senate Recorded Votes¹⁰⁵

Analysis: Floor Actions - U.S. Congress

As with the Parliament's plenary sessions, information about floor actions in the Congress is timely and complete, with the important exception of the advanced schedule. Floor sessions can be observed on television and are also webcast by C-SPAN, a private, non-profit company authorized by Congress to televise its floor proceedings. They are accurately recorded and published the next day in print and online, although Congress has not yet taken advantage of digital technology to permit a corrected online version. Errors are not frequent, but they do occur. Corrections are printed as they are identified.

As with the Parliament, there is not a searchable database of votes. Access to votes is by vote number. Subject access is primarily through the text of the status information in Thomas which contains descriptions of the full measure and the proposed amendments. The same pro and con arguments apply to Thomas as they do the EP system.

Searching for statements by a Member on a specific subject is also a challenge, although it can be done with some knowledge of the structure of the *Congressional Record* and the database containing the full text of this document. This is not, however, a particularly easy task for new or occasional users.

No explanatory information about the legislative process is provided in context. There are separate sources that explain the procedures of the House and Senate, but these are not linked from the activities recorded in the *Congressional Record* or from the actions recorded for bills in Thomas.

Conciliation/Conference

The Parliament's Conciliation procedures and the Congress' Conference procedures resolve (or attempt to resolve) differences in the version of the proposals passed by each legislative body separately. In the European Union, this is the European Council and the European Parliament. In the U.S., this is the House and the Senate. In the U.S. there is a final stage that involves the President, who must decide whether to sign or veto a bill. There is no counterpart in the EU system, and therefore it will not be considered further in this report.

The Parliament has an entire site devoted to conciliation. (See Figure 71) It is intended explicitly to enable the public to follow the progress of legislative work during Conciliation. The site includes a description of conciliation and co-decision (which links to a detailed guide to the procedures), a calendar of meetings, a list of proposals currently undergoing conciliation, key documents in these procedures, and general information, including a link to contact information for the conciliation secretariat.

Conciliation texts must be approved in plenary and must be available in all languages two weeks before the plenary session.

In the Congress, there is relatively little information available about conference activities. Status steps include the appointing of conferees, references to meetings held (although much conference work is done in informal meetings and by staff), motions to instruct conferees, and reports filed. If conference committees conclude their work near the end of a session, there is often a waiver of the rule in the House that requires that reports be available to Members for at least three days before vote. Conference reports cannot be amended.

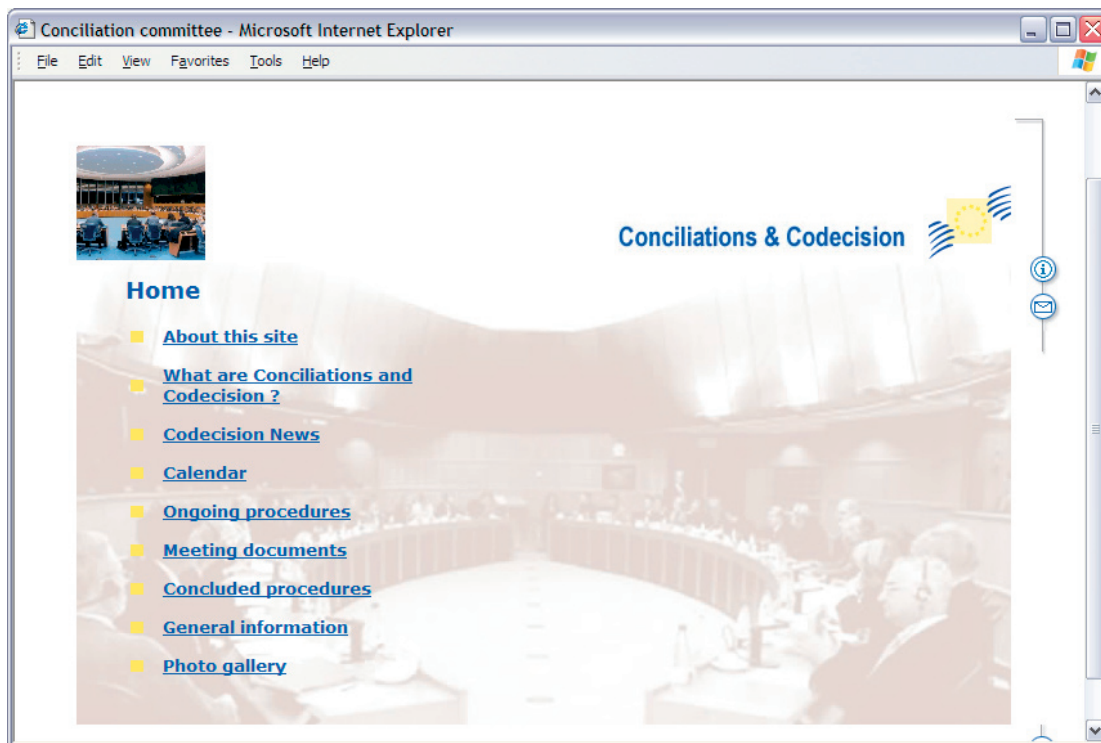


Figure 71: Europarl Conciliation Website¹⁰⁶

Summary

Both Parliament and the Congress provide accurate information about their floor proceedings. This information is generally timely, although in the U.S. the schedule is not published as far in advance as it is in the Parliament. Sessions are presented live and the recorded information is complete with respect to what transpired, what was said, and how Members voted on recorded votes. Access to votes and to Members' statements by subject is difficult. Neither Congress nor the Parliament maintains a publicly searchable database of votes. In the U.S. Members' statements are stored in a database of the *Congressional Record* that is accessible by subject and Member's name, although searching the *Record* can be a challenge for new or occasional users. Relatively little explanatory information about process is presented in either system with a few notable exceptions such as the Parliament's Conciliation website.

106 http://www.europarl.europa.eu/code/default_en.htm

PART 3: FROM INFORMATION TO UNDERSTANDING

The analysis in Parts 1 and 2 identified and described a number of sources available in the online systems of the Parliament and the Congress that provide background, context, and explanatory information regarding proposed laws. Part 3 of this report will consider some additional sources and will make a general assessment of the status of efforts to make draft legislation clearer and more understandable. First, however, it is useful to summarize the sources discussed in Parts 1 and 2.

European Parliament and Commission Sources

1. **Summaries** prepared by the L’Oeil staff of draft proposals; supplementary material from the Commission, such as impact assessments and other working papers; Council actions and Common Positions; committee reports; plenary approved texts; and conciliation texts. The context provided by these summaries is particularly helpful because they often describe an action or document in relation to previous and/or future events.
2. **Commission proposals**, which usually have explanatory material accompanying the proposed text. Even though this information is presented from the perspective of the executive within the EU, it does represent a blending of technical and political considerations, and is usually written clearly.
3. **Committee reports** prepared for first and second reading at plenary sessions. These present the proposed text and the proposed amendments in a side by side comparison usually with a short explanatory sentence or two following each change. Committee reports also contain a somewhat fuller explanatory section at the end, although the costs of translation have limited these to six pages (explanatory texts accompanying opinions from committees other than the committee with primary responsibility for the report are limited to three pages.)
4. **Committee home pages**, which sometimes have additional material about issues or specific proposals.

U.S. Congress Sources

1. **Summaries** of draft proposals. These are prepared for every version with the summary for the introduced version being somewhat shorter than those for the versions of bills receiving action. These summaries describe the version of the bill “as is” and do not provide any context or comparisons with previous versions or actions.
2. **Committee reports** that accompany legislation. These offer a significant amount of information, including summaries of hearings and other fact findings activities, votes on amendments, section-by-section analysis, statements about the need for and purpose of the legislation, changes to existing law, budget impact, performance measures, regulatory impact, and dissenting views. It can be argued that committee reports of the Congress are similar in purpose and scope to the explanatory material that accompanies draft proposals submitted by the Commission to the Parliament. One obvious difference is that within the EU, this information comes with the proposal, whereas in the U.S. system, it comes after the bill has been considered by the committee. However, in many cases this difference may be more apparent than real as committees often hold hearing and markups on a draft, and then introduce the draft as a proposed bill.
3. **Committee Home Pages**. These pages are often a rich source of explanatory material about a bill although there is great variation among committees in what is provided on a consistent basis.

4. **CBO reports.** These provide the assessment of the financial impact of the bill by an independent congressional agency. They cover the impact on the federal budget as well as on States and the public.
5. **CRS reports (not available to the public).** These reports focus on the issues and policy matters currently before the Congress. Many of them discuss bills in some detail, but this is usually in the context of an analysis of the issues the bill purports to address.
6. **News articles through subscription services.** (Available to Congress on its intranet site, but not available to the public on Thomas. The articles come from news organizations that sell subscriptions to the public.) These articles often give the political context of an issue - who is against it and why, who is for it and why - but they do not usually attempt an objective summary of the issue.

In addition to the material described above, there are other sources that provide explanation and context. These are discussed below by type of source and will include European and U.S. sources together when they both exist.

EP Press Service

The European Parliament has a very extensive press service whose articles appear center stage on the Parliament's home page. This was a purposeful decision implemented in the fall of 2005 to enable the home page to be more citizen oriented and more understandable. The press service is currently expanding further so that articles can be available in more languages. These articles have several styles, including headline articles on key issues and events, focus articles that discuss a topic in depth, and a variety of articles that summarize the actions of the Parliament.

The screenshot shows the European Parliament website in Microsoft Internet Explorer. The page features a navigation menu with 'News', 'Parliament', 'Your MEPs', 'Activities', and 'EP Live'. The main content area displays a news article titled 'Food safety: MEPs vote on health claims and additions to food' dated 16-05-2006 at 11:53. The article text states: 'MEPs approved tougher rules for foods claiming to provide nutritional and health benefits. They want clear definitions for claims that foods are "low energy", "low fat", "high fibre" or even "reduce cholesterol". The European Parliament also looked at harmonising national rules on the addition of vitamins and minerals to foods in order to improve consumer protection and the free circulation of goods within the EU.' A photograph of a man reading a food label is included with the caption 'MEPs get tough on food (Man reading canned food label)'. The left sidebar contains a 'Subject' menu with categories like 'The EU and its institutions', 'Justice and citizenship', 'External relations', 'Agriculture and fisheries', 'Budget', 'Culture and education', 'Economic and monetary affairs', 'Employment and social affairs', 'Internal market and industry', 'Regions and transport', 'Health and environment', and 'All subjects'. A 'Press room' section is also visible.

Figure 72: Europarl - Press Coverage of Food Labelling Measure¹⁰⁷

The article shown in Figure 72, for example, describes the outcome of the plenary vote on the food labelling proposal discussed earlier. This article appeared before the L'OEil summary could be prepared, and gave the reader timely (next day) information about this issue. The article included a link to the L'OEil dossier where the user could obtain more detailed information about previous actions and the approved text adopted once it was available. L'OEil, however, does not currently link back to articles. See Appendix 6 for the entire article.

107 http://www.europarl.europa.eu/news/expert/infopress_page/067-8214-136-05-20-911-20060512IPR08047-16-05-2006-2006-true/default_en.htm



Figure 73: Press Article on Multi-Year Budget¹⁰⁸

Figure 73 illustrates a background article on the EU's multi-annual budget for 2007-2013 referred to as the Financial Perspective. This article is relatively long - five separate screens - and gives a readable introduction to this important topic.

108 http://www.europarl.europa.eu/news/public/focus_page/034-991-255-09-37-905-20050819FCS00990-12-09-2005-2005/default_en.htm

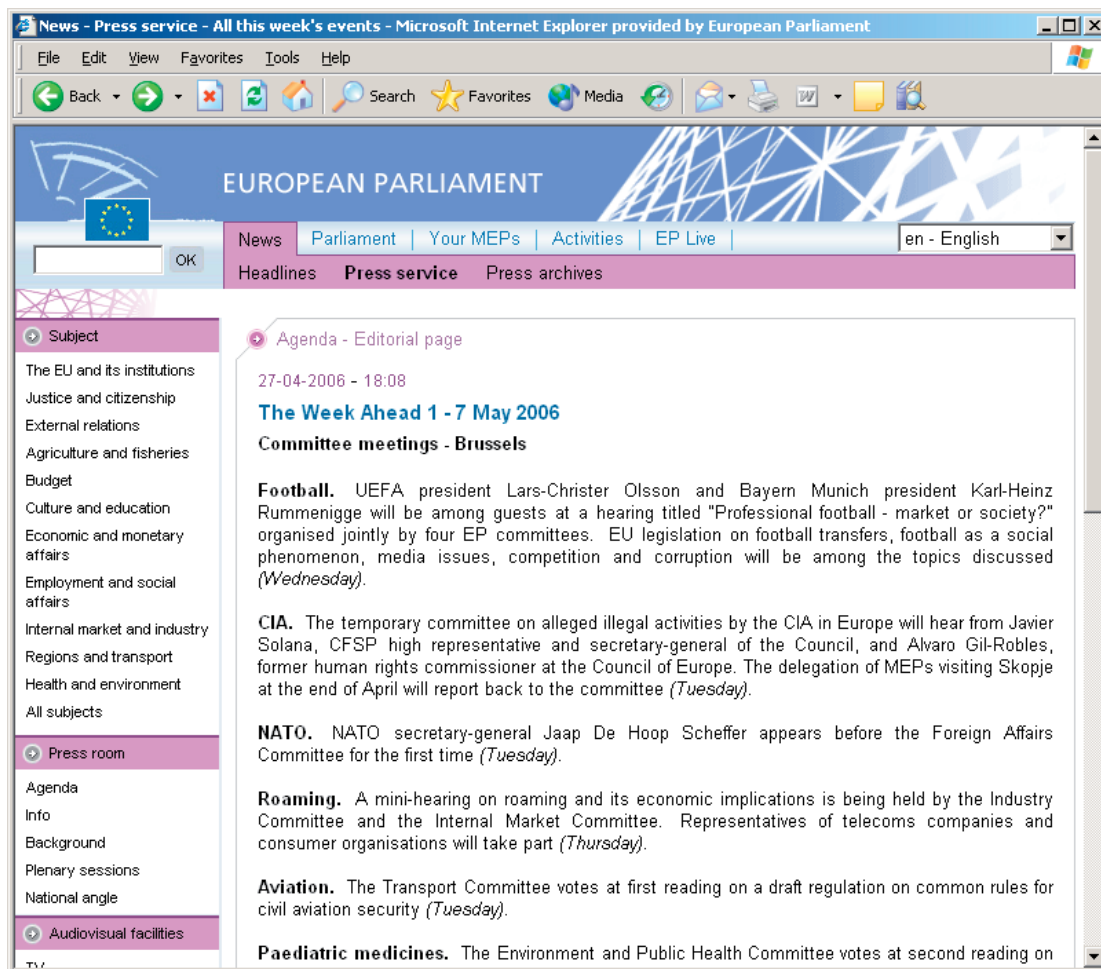


Figure 74: Press Article on Schedule¹⁰⁹

Figure 74 illustrates one of several types of articles that lay out the Parliament's agenda for the coming week. Other versions of articles dealing with the agenda present an increasing amount of detail.

Press coverage appears extensive for issues that reach the plenary. Over several months this researcher was able to find stories on nearly every major issue taken up during five months of plenary sessions. The major challenge in finding these stories is that the search engine available on the Parliament's home page has limited functionality. For example it offers no option for sorting by date, which is something that would be of interest when looking for the most recent press articles.

As it acknowledges¹¹⁰, the size and coverage of the EP press service is unusual among parliamentary bodies. Most legislative entities, including the European Parliament, have many individual press officers and services which represent the various offices, committees, political groups and Members. The existence of one service that occupies the middle of the Parliament's website is unique, but understandable given the decision of the Parliament to make itself more accessible to EU citizens. (See later discussion of the goals of parliamentary websites in Part 5.)

A press service that is given primacy of place can become a target of many different political factions, and it is testimony to the management of this service that it appears not only to have survived but to be prospering and adding value. It does this in part by publishing stories that strive for objectivity, and that present a variety of political viewpoints that are grounded in the official words or publications of the Parliament's political parties.

109 http://www.europarl.europa.eu/news/expert/event_by_week/18-2006/default_en.htm

110 Interview with the head of the service.

The service's use statistics are growing, indicating that its approach is successful and clearly adding value by making the actions of parliament more comprehensible. If this trend continues, it may be subject to greater pressures to post particular stories and ensure that particular viewpoints are represented.

Political Parties and Members

In addition to the Parliament's press service there are many other press sites, including the web pages of the political groups, each of which publishes its own position papers and press articles, and maintains a press archive. The Parliament's press service links to all of these. Similarly, the Congress has numerous sources of press articles and position papers, including the leadership, committees, political groups and individual Members.

While each of these entities often seeks to explain and make clear the purpose and potential impact of specific proposals, and therefore could be a rich source of information, they all do this from a particular viewpoint. Some would argue that it is not acceptable to link to this type of partisan information directly from the L'Oeil dossier or the Thomas record; others would say that such links would make it easier for users to find the position of the various parties on a specific proposal. It is arguable that as long as this information represents the official position of the party group, it should be made easily accessible. The specific solution may differ between Parliament, where party discipline is stronger, and the Congress, where it is comparatively less forceful.

If such information were to be linked, however, there would be certain technical and data management issues that would have to be addressed. For best results, the information from parties would have to be tagged by the reference number of the measure being considered. This can be a challenge for the authors who are often focussed on the policy and political issues, but not necessarily the specific legislative vehicle.

Internal Analytic Sources

Both Parliament and the Congress have internal sources of information that help Members understand proposed legislation. In the Parliament, these include studies carried out under the direction of their Policy Groups. In the Congress they include reports by its Congressional Research Service.

Although they are currently much smaller than the CRS, the Policy Groups have a mission that is similar and the Parliament has committed to expanding their resources. Their tasks are:

- To provide timely specialised advice to committees and inter-parliamentary delegations
- To assist in carrying out research addressing the needs of parliamentary bodies
- To manage the allocated budgets for external expertise according to the decisions taken by committees, under the supervision of the competent Originator.¹¹¹

Recent titles of studies and briefing notes demonstrate how they accomplish their objectives. These include reports such as *Impact Assessment Study on EP's Amendments to a Commission Proposal on Nominal Quantities for Pre-Packed Products* and *Public and Private Partnerships: National Experiences in the European Union*.

The objectives of the Policy Groups are similar to those of the Congressional Research Service

111 Source: Internal website

in their emphasis on the work of committees. CRS must also support individual Members, although committees are their first priority. CRS does use external contracts for some work although it places greater emphasis on building an internal staff of experts that can address a wide range of policy issues. CRS research reports present the pros and cons of various policy options, but never make specific recommendations.

Both Congress' CRS and the EP's Policy Groups are currently viewed as internal resources, and their reports are not generally available to the public. Neither Thomas nor the Parliament's public site lists or links to these reports.

It is also worth noting here the British experience in providing analysis of legislative proposals. Staff of the Library of the House of Commons prepare research papers soon after a measure is introduced. While resources do not permit regular updates of these papers as the bill progresses through the legislative process, they are good examples of analysis that provides both clarity and context (including political context) in an objective and useful manner. See, for example, the research paper on *The Education and Inspections Bill*¹¹². Unlike the Parliament's Policy Groups and CRS, these reports are available to the public.

Policy Background Sources

There is a considerable amount of information generated by the Commission in the EU and the administration in the U.S. related to proposed legislation and to the underlying policy issues. In the U.S., for example, websites with relevant information exist for the White House and every department of the executive branch. For the EU, the Europa Website, the gateway to the EU, lists web pages for all major policy areas. Each of the Commission's Directorates General (comparable to U.S. Departments) has web pages with legislative and policy information, and there are other official EU sites devoted to background coverage of specific issues.

Figure 75, for example, shows the Europa issue page for the internal market, which covers the Services directive discussed in Part 1. Even more specific information can be found on the website of the Directorate General for the Internal Market, which has an entire site devoted to the Services directive, with links to the Commission proposal, economic studies, and policy background articles. See Figure 76.

The U.S. White House has a page devoted to legislative activities, including hearing testimony, reports to Congress, and official Statements of Administration Policy listed by bill number. See Figure 77. Department web pages include letters sent to Congress on specific issues and legislation as well as copies of testimony submitted to committees.

While most of these resources will reflect the bias of the executive, the facts are that, as with committee information: 1) the amount and variety of material have grown significantly in the last five years 2) most of it is currently unlinked to proposals in the legislative information systems discussed in this report and 3) this material is potentially important in terms of the criteria of Clarity and Context. The challenges and the opportunities this situation presents for improving legislative websites will be discussed in Part 4 on Integration.

112 <http://www.parliament.uk/commons/lib/research/rp2006/rp06-015.pdf>.



Figure 75: Europa Website on the Internal Market¹¹³

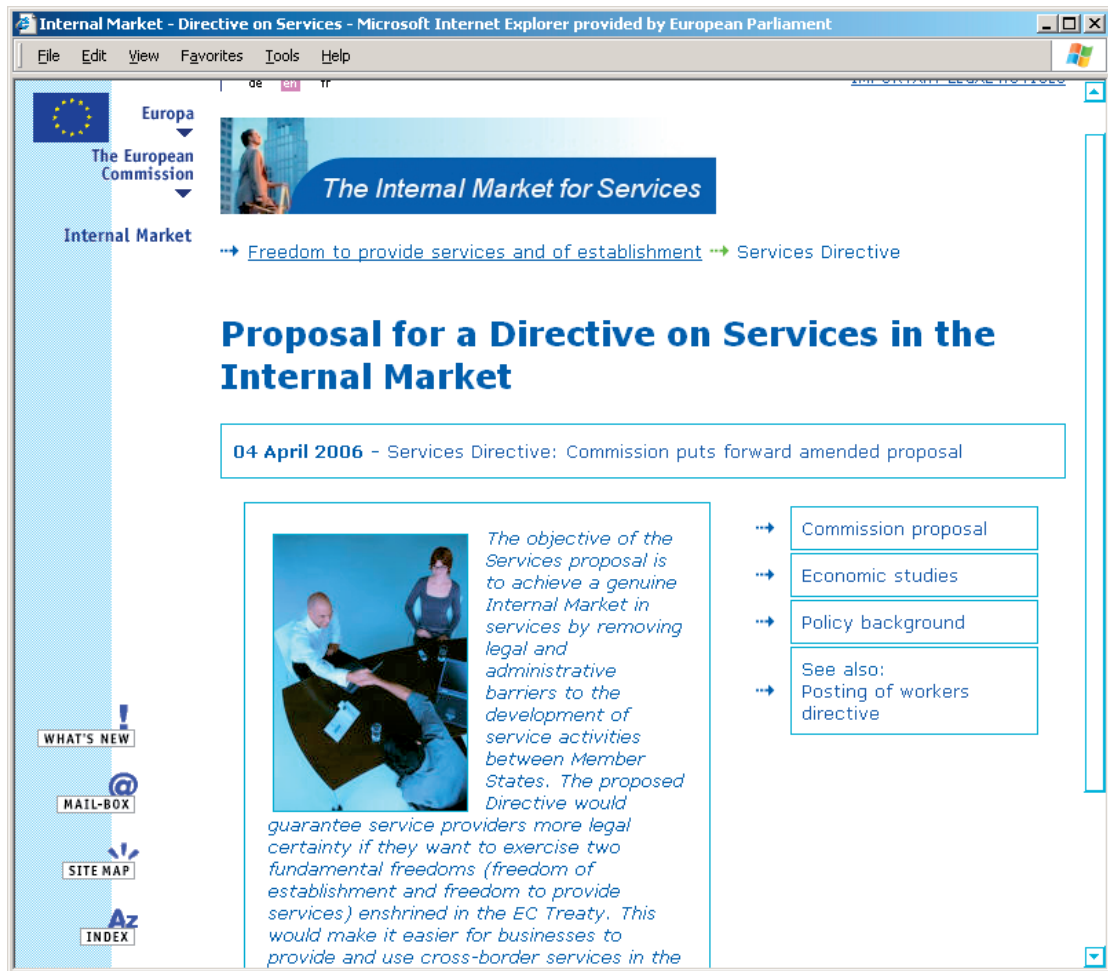


Figure 76: Commission on the Internal Market - Website¹¹⁴

Search: GO

109th Congress Second Session (By Date)

Click icon for PDF assistance

Bill No.	Title	Date Sent	To Whom
HR 5441	Department of Homeland Security Appropriations Bill, FY 2007 (39k)	05/25/2006	House
HR 5429	American-Made Energy and Good Jobs Act (23k)	05/25/2006	House
HR 5427	Energy and Water Development Appropriations Bill, FY 2007 (40k)	05/24/2006	House
HR 5384	Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 2007 (38k)	05/23/2006	House
HR 5385	Military Construction, Military Quality of Life and Veterans Affairs Appropriations Bill, FY 2007 (34k)	05/19/2006	House
HR 5386	Department of the Interior, Environment, and Related Agencies Appropriations Act,	05/18/2006	House

Legislative Information

- Statements of Admin. Policy
- Testimony
- Reports to Congress

Agency Information

- Circulars
- Memoranda
- Bulletins
- Privacy Guidance
- Grants Management
- Reports

Figure 77: White House Website with Administration Policy Statements¹¹⁵

Explaining the Legislative Process

In addition to the challenge of making the content of legislative proposals clearer, there is the challenge of explaining the legislative process itself. The procedures of modern legislatures are quite complicated, and they are difficult to explain in a simple way. However, to suggest that “the people can’t understand” is anti-democratic at its core, and ignores some positive steps that have been taken to make the process itself more transparent.

Two kinds of progress have been made in this area. First, some legislatures now provide specifically prepared information for teachers and students that can be incorporated into the classroom. The Library of Congress has a strong commitment to education, and the Thomas system has a number of resources available on its pages that provide interesting material. See Figure 78. The Clerk of the House has also developed a site called *Kids in the House*¹¹⁶ that has explanatory material and lesson plans for teachers that integrates the Thomas website into classroom activities.

The Dutch have successfully developed a six hour course for 10-12 year olds that includes role playing and other activities and assignments designed to engage the students in the legislative process. The course is offered during September when political activity in the Netherlands is much in the news. The course includes a website that students use for additional information. Use of the site is highest when the course is being given. Evaluation results were positive, and the course has been requested by over 1,000 schools in its first year. While more assessment is needed to affirm long term results, the initial impression is that proactive educational efforts can be highly effective.

The second type of effort involves providing explanatory information for the public about the legislative process on the website. Both Thomas and Europarl have this kind of information, but it is seldom presented in context. Thomas provides access to detailed documents prepared by the parliamentarians of the House and Senate that explain the legislative procedures of each chamber. The House Rules Committee provides access to succinct fact sheets prepared by the Congressional Research Service on all aspects of the legislative process. These documents are clear and comprehensive, but are intended for a more knowledgeable reader.

Europarl also offers explanatory material that includes both text and graphical presentations (see Figure 79.) The Parliament’s site includes some explanations in the context of the information presented on specific pages. For example, on the page that identifies measures undergoing conciliation, there is an explanation of this process along with a discussion of co-decision.

Finally, it is worth noting the British efforts in this area. They have developed a large number of fact sheets designed to explain the workings of the House of Commons and the House of Lords, and made them readily accessible directly from the home page. See Figure 80.

116 Kids in the House, <http://clerkkids.house.gov/>



Figure 78: Educational Resources on Thomas¹¹⁷



Figure 79: Europarl - Web Page on Legislative Process¹¹⁸



Figure 80: UK Website with Links to Explanatory Materials¹¹⁹

With a wide range of materials already available, one option for expanding their utility would be to create links from legislative status information to explanations of that particular stage in the process on a “user’s choice” basis. For example, *markup* is a term in the U.S. system that has specific legislative meaning. This term is explained in various texts which could be linked from the status step in the bill record in an unobtrusive manner for those users who wished to see it. The same could be done by the Parliament for terms such as *co-decision* or *first reading*, for which explanatory text already exists.

Some would argue that this information will “get in the way” of knowledgeable users. But the tools already exist that allow the user to specify the type of display he or she wishes to see. And as globalization of politics necessitates knowing more about legislative proposals in other countries, the potential value of this effort increases.

Summary

There is a significant amount of information available that helps to provide clarity and context to legislative proposals. Some of this has been available for some time and is well integrated and accessible through the current systems of the Parliament and the Congress. In the U.S. these sources include the committee report, the Congressional Budget Office analysis, and the CRS summaries. In the Parliament, these include the draft proposals themselves, which include explanatory material; the committee reports, which are shorter than congressional committee reports, but which are clear and provide useful explanatory material; and L’Oeil summaries, which deserve special note because of the way in which they provide both clarity and context to actions and issues. The analyses of the staff of the House of Commons Library are similar in their scope and value.

The Parliament’s press service warrants special note. It is increasingly providing significant value added through its news stories which contain summaries of most major Parliamentary actions. These articles are clear, provide context, and incorporate links to other relevant sources in Parliament, such as the L’Oeil dossiers. Many legislative bodies cannot provide a service of this size, but the success of the Parliament’s operation does show the value that can be offered, especially when the focus is on the substance of the work and not on public relations activities.

There is no doubt that providing useful analyses that enhance clarity and offer context to the work of legislative bodies is expensive. Even given limited resources, however, there are less expensive options that could be considered. For example, with the growth of advocacy groups who make their positions known on the web, it could be valuable to provide links to some of these sources as a means for providing a range of opinion and explanatory material for users to consider.

Even if this approach proves too politically sensitive, there are an increasing number of sources within all governmental institutions that can provide explanatory and contextual material on major issues, and that are not currently integrated effectively into legislative information systems. Part 4 will consider some of these.

PART 4: PUTTING IT TOGETHER - INTEGRATION AND NAVIGATION

Parts 1-3 of this report have identified a substantial amount of information available on legislative proposals in both the European Parliament and the U.S. Congress. Much of this information has become available in just the last few years and was not accessible electronically when legislative systems were first designed.

For example, Congress' Thomas system was developed in late 1994, at a time when there was relatively little information available from committees in digital form. It took three years to make committee reports accessible and to link them to bills. It took several more years to link a proposed measure to the verbatim reports of the floor proceedings in the *Congressional Record*. Achieving this type of integration required close cooperation between the staffs of the U.S. Government Printing Office and the Library of Congress to develop a complex system for data exchange, data management, quality assurance, and error correction so that information could be shared and/or linked automatically and on a timely basis.

A similar effort was required to establish the reliable exchange of data among the Senate, the House, and the Library of Congress so that the Thomas system, hosted at the Library of Congress, would have the most authoritative and timely status information available from the official sources and could present it in an integrated fashion. The result of these efforts, as seen in Part 1, is that users of Thomas can link via one record for a bill directly to the status and the texts related to that bill without having to access separate systems maintained by different organizations.

This degree of integration has significant benefits for users because it means that they can obtain information more easily without having to know where it is located and how to find it. It requires, however, considerable coordination among the offices and agencies that produce that information and both the willingness and the ability to adjust technical processes when necessary. Even when there is a high level of cooperation, the burden of achieving the technical requirements can be significant. It often happens that one organization has to do much of the work to meet a particular technical requirement. This can be especially difficult when the work needed to meet a requirement falls most heavily on a producer of information, who may not place a high priority on that requirement for their particular organization.

The designers of Congress' Thomas system have faced a number of these challenges. For example, certain status steps are treated differently in the House and Senate and, as a consequence, are handled technically in a different way. At times the originators of this information have been able to adjust their input systems to accommodate the needs of the Thomas system; at other times they have not and the burden has fallen on the Thomas developers to create programs that process House and Senate data in different ways. There have been similar difficulties in linking debate in the *Congressional Record* to the bill text. The U.S. Government Printing Office, which is responsible for producing the *Record*, has not yet been able to adjust its data tagging schemes in such a way that it can achieve its primary requirement to produce the printed version by its legislated deadline and also provide more extensive tagging that can aid retrieval. It took Thomas programmers a significant amount of time to develop algorithms that could parse the text of the *Record* consistently enough to make reliable links.

Some of the changes that facilitated the integration of information in Thomas were made in conjunction with changes required to accommodate the year 2000. Since then, however, there have been fewer resources available to make additional changes.

These examples are cited to underscore the obstacles to achieving a high degree of integration of information. The challenges are significant for legislative information because of the number of players involved and the diversity of sources of information that are needed to present the most complete picture.

The simplest solution to this problem is a web portal that provides links to systems that contain the information, but not directly to the information elements themselves. The limitation of this approach is that the user has to know how to navigate and search the various systems, each of which has its own methods of finding, presenting, and even naming issues. (For example, will the user know to look for the Services Directive under the term “Free Movement” that is used on a Europa page on the internal market?)

However, the effort needed to achieve a more precise degree of integration (defined here as linking the user directly to the information element or document) has increased in the last few years. As noted, there is more information, in more systems, in more formats, and from more sources. Coordination must now occur among organizations that may not share the same objectives or that have different views of those objectives. In the U.S., for example, it took significant effort to integrate data within the legislative branch even when the House and Senate were controlled by the same party. Institutional differences can sometimes trump party allegiances. The difficulties will be even greater when trying to integrate information between the legislative and executive branches.

This problem has increased with the growth in the amount and type of online information about legislation that has become available in the last five years. As Parts 2 and 3 of this report illustrated, even within the Parliament and the Congress there is a substantial number of important sources that currently are not integrated. The next section considers some of these gaps.¹²⁰

¹²⁰ This underscores an additional value of the news service that the Parliament provides. One of its benefits is that it attempts to explain information from a wide range of sources within the Parliament and to present it in a digestible format. However, the user is still dependent on the decisions about coverage made by the news service.

Enhancing the Integration of Information within Parliament and Congress

Both Parliament and Congress have been able to provide more information with enhanced quality due in part to the effective application of existing technologies. The tracking systems described in Part 1 make excellent use of the linking capabilities of HTML. Committees have developed entire sites with tools that make it easy to create web pages and publish information on the Internet, including schedules and various documents. Floor/Plenary information systems take advantage of technology that allows real time update of information. EP live takes advantage of developments in webcasting. The EP Library and the Congressional Research Service are able to make background and policy analysis available through their web publishing software.

These advances are all based on the effective use of technology to meet the primary needs of the organization creating and publishing the information. What is not done yet, or is being done only in part, is the integration of these sources so that the user can readily locate the full complement of relevant information regarding the legislation. Examples:

- Both Thomas and L'Oeil provide the results of committee actions in their status steps or stages, but they do not link to the entire range of information, such as schedule, hearing, markup, discussion, or amendments that is now available on many committee websites.
- The committee websites usually do not link back to L'Oeil or Thomas for specific bills on which they are providing information.
- Agendas for plenary sessions published on *Séance en direct* (Parliament) link the user to the L'Oeil dossier, but L'Oeil does not link the user to the agenda. However, its *Forecast* section often identifies which plenary session it is scheduled for consideration. This requires the user, however, to find the time and date in *Séance*.
- Thomas links the user to the debate in the *Congressional Record* on a measure, but it does not link to the Clerk's real time floor reporting system. The Clerk's system, however, links to the Thomas information for the bill.
- Press articles on Europarl often link to L'Oeil, but L'Oeil does not link to these articles.

These examples are of sources that are within the domain of Congress and Parliament. The difficulties are magnified when considering the absence of links to background or current information available in other branches or institutions. An example already noted in Thomas is the absence of links to the Statement of Administration Policy prepared by the White House on specific legislation.

The result of this absence of effective integration of information is that it is much more difficult for the user to obtain a more complete understanding of the status and content of a legislative proposal. While it can be argued that a "complete" understanding is not attainable under any circumstances, the systems do not currently integrate all of the online information that is readily available. Each of the systems described here receives good marks on the criteria of accuracy and timeliness, but they could do more on the criterion of completeness, which in turn enhances clarity and context. As a result, the user currently is required to know which systems contain the different elements of information and the various documents that comprise the full picture. They also need to know how to navigate among and within these systems and how to effectively use their respective search engines.

What Should (and Should Not) Be Linked?

Raising the problem of the integration of information (or the lack of it) also raises the question of what should and should not be linked. As a beginning point, official documents of government bodies (legislative, executive, and judicial) related to the same proposal should be linked. That would include such things as:

- The proposal itself and officially gathered background information
- Committee documents pertaining to the proposal, such as schedules for consideration, hearings, reports, amendments, and any related information that may be required of the committee by the full chamber
- Plenary/Floor action, including schedule for consideration, amendments proposed, debate and statements made, votes, and results
- Video files of committee and plenary/floor sessions
- Explanatory or related material prepared by official bodies of the legislature, the executive and the judiciary
- Official actions taken by the legislature and other government entity

Beyond this information, however, the issue becomes a matter of judgment. For example, should there be links (assuming it is technically feasible) to documents, position papers, press releases, etc. prepared by political parties? By Members? By lobbyists? These are increasingly important questions because they affect the scope, design, and therefore the cost of building and maintaining legislative information systems. They also form the basis of some of the criteria for assessing the quality of those systems.

Who Can Put It Together

Some improvement in the integration of legislative information can only result when a decision is made that certain sources should be linked and the resources are allocated to enable this to happen technically. This can often require considerable time to implement, especially if the goal is to integrate data from systems that are designed to serve quite different purposes. This occurs often when trying to link an information system with a document management system or a printing and publication system. Despite the significant accomplishments to date, the work to improve the integration of the bills and committee reports published by the U.S. Government Printing Office with the legislative activity information in the Thomas system is an ongoing effort. This is due in part to the fact that these two systems continue to evolve, and they continue to serve both complementary and distinct requirements of the Congress. It takes the attention of both policy makers and technical managers to be sure that the necessary integration remains a priority as these systems develop to meet their most important operational demands. In such cases, integration can only occur when there is support at the highest level, there is adequate management oversight, and resources are allocated to ensure that it happens.

In other situations, linking depends on human intervention. In an example already noted, staff of the Library of Congress add links from floor actions in Thomas to the part of the *Congressional Record* in which that action is recorded. This can be to the verbatim debate or the text of an amendment. This is necessary because unlike other links that can be automatically generated, the systems currently do not allow this. While a project is underway to address this issue, the need for these links is important enough to commit resources to enable them to be manually created until they can be generated automatically.

The challenges are the same regarding the wide array of information that is not yet effectively integrated with the current systems of the Parliament and the Congress. Technical solutions are the most desirable, but also the longest to implement. In the meantime, for links that require some analysis and evaluation, staff of legislative libraries (given adequate resources) could provide the requisite skills and knowledge for improving integration. At a minimum, their experience in support of Members and staff gives them insight into what would be most valuable to link.

The Users' Perspectives

It is important to keep in mind that users look for legislative information from many different perspectives, with their own styles, and in their own words. Information systems tend in their early stages of development to reflect the nature of the material presented and the needs of those who create it. This is essential to ensure accuracy and authoritativeness.

As systems mature, however, it is important to understand how they are used, by what types of users, and for what purposes. The staff person who wants to know how someone voted on the key compromise amendment to the Services directive at first reading will approach the system in one way. The small businessman who wants to know if his business will be affected by the Services directive that he has heard Parliament is considering will approach it another way. And the lobbyist who needs to know when the Services directive will be discussed in committee will approach it yet another way.

These examples, all of which were raised in some form by users who were interviewed during this study, have at least two implications for the designers of legislative systems. The first is that they must know what their users are asking and how, and they must design their systems to be flexible enough to accommodate as wide a range of legitimate needs as possible. Second, they must expect that one question will often lead to another, and that the system must be complete enough to connect users as directly as possible to the answer to their next question. Meeting these criteria requires an active and credible program for systematically gathering and acting upon user feedback and usability testing. See further discussion in Part 5.

The Role of Search Engines

In the context of navigation and helping the user find information, it is appropriate to comment on the role of search engines. The importance of search engines in helping users find information is widely acknowledged. The capability and value of this kind of software has grown significantly in recent years, as the popularity of Google attests. A weak search engine or a search engine poorly applied can be a serious limitation on a system. The limits of the search engine used on the Europarl home page have already been noted. A number of users stated that they sometimes used Google to find material on the Parliament's website because the current search engine was so weak. This problem is being addressed, but unfortunately bad experiences with a poor search engine can affect a user's level of trust in a site.

System designers can enhance some search engines by assessing how they are used. For example, the designers of the Congress' intranet system (LIS) adjusted the algorithm used on the advanced search page when they observed that users often got far more hits than was useful, and that the most important hits were often buried far down in the list. This enhancement was made possible because the designers logged the terms entered by users (anonymously), and then reran those same searches using different algorithms until the most effective formula emerged.

Search engines cannot find or integrate information that is not there or that resides in a separate database outside its domain of indexing. A user of Thomas who wants to know what Congress has done about a particular issue will have to do separate searches in the bills file, the committee reports file, and the *Congressional Record* file. Similarly, a user who wanted to know what Parliament is doing about a particular issue could be well served by a system that could search the press articles and the L'Oeil dossiers together. Neither website currently offers these capabilities.

Arguments about the relative merits of search engines can sometimes obscure the fact that many of them have the same core functionality that is essential for most searching. Thus, the more

important issues often become ones of flexibility, support, and cost. Yet, it can be difficult to be certain that a search engine matches the marketing promises about its functionality. Unfortunately, some important limitations do not become apparent until later phases of development. For these reasons, one of the most effective options can be to have internal staff that can make adjustments to the engine to meet particular requirements.

As valuable and important as search engines are, however, it is important to note that users have a number of ways to find information about a measure. For example, Member's sites can alert constituents to proposals that are important to them. Lobbying groups can do the same. Committees and political groups also supply legislative information. Although search engines are essential to their proper operation, email alerting services are increasingly important for finding and tracking bills. The managers of L'Oeil report that the alerting service is one of the features used most frequently. Given these options and interdependencies, a good search engine will always be vital to a legislative system, as long as appropriate emphasis is placed on the quality and accessibility of the data.

PART 5: MAKING IT WORK: GOALS, AUTHORITY, RESPONSIBILITY

Parts 1-4 of this report looked in some detail at the information that is available on the websites of the Parliament and the Congress. Part 5 identifies the goals articulated for these sites and considers assignment of responsibility for achieving them.

In its early days, the web was a technical novelty. Its potential was not fully understood, and it often fell to interested ICT groups to launch and manage the first sites. As the value of the web became increasingly apparent more information became available from varied individuals and groups. Static web pages evolved into dynamic web systems. The emerging power of the web led to a shift in control away from technologists and toward operational groups. In the business world, this migration continued upward within the organization, and the web became a strategic tool for many companies. In the world of politics and public policy this migration often stopped short of the level that would have led to more complete integration of information. Systems developed that focussed on the requirements of particular groups without the coordination necessary to support the information needs of a broader audience.

As this situation became apparent to observers both within and outside the legislature, criticism arose that these websites were poorly designed, were not understandable, and were not informative. These concerns were expressed despite the growth in the number of sites and the amount of public policy and legislative information available. The strong commitment of legislative bodies such as the European Parliament to transparency resulted in more legislative documents being available to all EU citizens. However, the increase in access to documents did not necessarily provide greater understanding of the proposed policies.

Establishing Goals – Parliament’s Experience

The Parliament began to address this problem by establishing a set of goals for its website that focussed on the needs of citizens. These goals, which evolved from internal discussions, staff proposals, and committee reports over several years, were set forth in a series of articles that appeared at the launch of the Parliament’s new website in the fall of 2005. These articles quoted the President of the Parliament, Josep Borell-Fontana, on the objectives of this extensive effort. Because of their importance for the design and development of Parliament’s website, they are quoted here in some detail.

By nature, Europe is a vast and extremely complex subject. However, this does not mean that it is impossible to help people to understand Europe, its workings and its issues. This is an important task. It is difficult, but it is expected of us. Everyone could see the scale of the debates surrounding the draft constitution in the Member States. This demonstrated that people are interested in Europe and want to understand it.

Since it represents Europe’s citizens, the European Parliament has a duty to encourage this interest in Europe by providing access to all the views expressed within it.

*The first stage has already been completed with the current site, on which it is possible to consult all Parliament’s documents. However, although this is possible, it is not always easy, particularly for people who are unfamiliar with the technical vocabulary or with how our procedures are organised and how they operate. **The new site continues to make all the documents available but***

*also aims to make them accessible in both senses of the word: available and comprehensible. It does this by providing the best possible guidance to visitors to the site in their search for information.*¹²¹ (Emphasis added.)

The President also discussed the way in the site is intended to meet the needs of different types of users.

[We must] *take account of the different types of visitor to the site. To put it simply, we have, on the one hand, citizens, the wider public to whom we would like to give up-to-date, clear and comprehensible information. For these visitors, the site is intended to be a permanent source of relevant and reliable information.*

On the other hand, our site is also intended to be a valuable tool for those working on European issues: officials, specialised journalists, lobbyists, etc.

As you will understand, these two types of visitor to the site do not have the same expectations. That is why each of the five sections on the site is divided into three areas. This is the site's second division. The first area addresses citizens in their mother tongue and the type of language they are used to, i.e. as directly as possible. The second provides content which is more technical and exhaustive. The last area contains the archives for each section. For example, the archives for 'Members of the European Parliament' bring together information on all MEPs elected to Parliament since 1979.

*The objective is to allow the wider public, by means of a simple click, to move from content in their mother tongue and everyday language to content which is more technical and for which a minimum number of key terms will be explained. **There is no point in putting a report adopted in plenary online if no effort is made to explain it. What are the issues involved the problems, and the political positions? The areas given over to citizens are there to enable them to access the work carried out by MEPs.*** (Emphasis added.)

As discussed in Part 3, the articles provided by the press service are intended to play a major role in achieving the goal of making the activities and the documents of the Parliament understandable to EU citizens. The analysis of those articles in Part 3 indicated that they are, in fact, helping to meet this goal. Use statistics provided by the Press office show a continuing increase in accesses to the home page and the articles aimed at citizens. While it is important to note that this study did not entail interviews with the readers of these stories to assess their value, the growth in use statistics is a legitimate, albeit indirect, indicator.

Establishing Goals – Congress' Experience

The goal for the Thomas system as described on its home page "...is to make federal legislative information freely available to the public." This statement derives primarily from the vision articulated by Speaker Newt Gingrich in 1995 when he directed the Library of Congress to develop a system on the web to make legislative information widely accessible to citizens. At the official opening of the Thomas website, Speaker Gingrich said the following:¹²²

121 Josep Borrell Fontelles, President of the European Parliament, September 2005 http://www.europarl.europa.eu/news/public/focus_page/008-977-255-09-37-901-20050819FCS00976-12-09-2005-2005/default_en.htm

122 G. Lamolinara. *Congress on the Internet, New Web Server Organizes Online Information*. The Library of Congress Information Bulletin, an online companion to the Library's monthly magazine. January 23, 1995. <http://www.loc.gov/loc/lcib/9502/thomas.html>

...part of what [THOMAS] is going to do is get legislative information and legislative materials [to the public] beyond the cynicism of the elite. And you're going to see, I think, a dramatic expansion of an intellectual populism that Jefferson, I think, dreamed of but that has, for 200 years, not really grown up, of an informed populace that genuinely has access ... to the topics they care about. Not the topic the [newspaper] editor cares about, not the thing which is this week's fad, not the latest scandal, but the specific area [people] want to know about on their terms, at their convenience.

[THOMAS] is going to become available 24 hours a day, seven days a week, for literally everybody on the planet who wants to interface.

What this is going to do is, first, change the balance of power, because knowledge is power... If every citizen had the access to information that the Washington lobbyists have, we would have changed the balance of power in America [in favor of] the citizens and out of the Beltway. And this [THOMAS] program really is a major step in that direction.

Second, this is going to lead to a dramatic shift toward thinking and talking about ideas rather than personalities. Television naturally lends itself to a scandal-mongering and personality-oriented style. ... It's why you can have an M-TV kind of video effect. What we're now getting is the M-TV version of political coverage. ... What [THOMAS] is going to do is expand the [the ability of] Americans to pursue information and, frankly, we're going to find ... a remarkably large number tune into the substantive, factual and legislatively interesting parts [of the expanding information spectrum] and it's going to make for a dramatically healthier dialogue among Americans than does the current elite [news media] system.

The third fact is that I believe [THOMAS] allows us, for the first time in a mass democracy, to have genuine dialogues on a large scale. We're all faced with the fact that [each House member] represents over 600,000 people. ... The Founding Fathers invented a system which was breathtaking compared to Athenian democracy, but which has just been drowned by the sheer size of our population, the scale of the country, the complexity of the issues. [THOMAS] will allow us to begin to have electronic town hall meetings. ...

In parallel with the development of Thomas, the Congress also directed the Congressional Research Service (CRS) of the Library of Congress to work with the Secretary of the Senate and the Clerk of the House to develop an intranet website that served the legislative information needs of the Members themselves. This effort was initiated by the Senate Committee on Rules and Administration. The House joined this project at the direction of the Committee on House Administration, thereby making it a bicameral effort. This intranet site, which, as noted earlier, became known as the Legislative Information System (LIS), was built upon the same systems for information and document creation and management that served Thomas, thereby eliminating duplication of effort. Consequently, Thomas and the LIS evolved to meet the access needs of two different groups – Thomas for the public and LIS for the Congress.

CRS was further directed to develop a plan for the LIS, laying out its goals and objectives and to update this plan on an annual basis. While this requirement was not placed on those responsible for the Thomas interface, the managers of Thomas work closely with the LIS managers in an effort to have a more coordinated effort. The original goals and objectives for the LIS, which have been reaffirmed in every annual plan, are listed in Appendix 7.

Impact of Conflicting Goals

Legislative information systems must serve a variety of users who have multiple and sometimes conflicting requirements. One of the primary dividing points is often between the perceived needs of public users (which can include lobbyists, NGOs, other governmental entities, and individual citizens) and the needs of Members, staff, and others who are closely involved in the legislative process. It is a considerable challenge to the managers and developers of these systems to resolve such conflicts satisfactorily.

In the U.S. the approach taken was to develop an integrated system for information and document creation and management, and to provide two different interfaces – Thomas and the LIS – managed by two different groups for two different types of users. This approach has caused a number of problems, including conflicting development priorities, differences of opinion regarding the needs of novice users (whether they are users of Thomas or the LIS), and differences regarding interface design. Some congressional users have complained about differences between the interfaces designed for Congress versus their constituents. Some expert public users have complained about the focus on novice users in Thomas.

Parliament has also experienced some difficulties arising from the conflicting needs of different users. The quotes above from President Borell provide a clear statement of the goals of the EP website for meeting the needs of citizens. When the new site to meet these needs was inaugurated in 2005, it was met with approval by many people outside the Parliament. However, many of the users inside the Parliament, as well as knowledgeable users outside the Parliament, complained that the new interface made it more difficult to find many of the documents that were important and that had been found more readily before. These comments were confirmed in this study during interviews with users and also with those responsible for the development of the Europarl website.

The House of Commons website has had similar challenges.¹²³ The site has been revamped to meet the needs of public users, an effort that was greeted with some approval. Considerable technical resources are also in place and considerable effort is expended to ensure that Members receive the information they need on a daily basis. However, the site also has been criticized by some internal users for not meeting their needs adequately. And there is continuing pressure to improve the site for citizens. Part of the problem arises from the fact that the site is constructed on a “federated” rather than integrated basis. Recommendations by the Hansard Society Commission on the Communication of Parliamentary Democracy include the following:

- The parliamentary website should be radically improved. At a minimum, it should be consultative, interactive, and easily navigable.
- An improved website should engage the widest range of citizens, using well-designed publicity and targeted advertising to help people understand that there is a virtual route through which they have easy access to their Parliament.¹²⁴

The goals of legislative information systems, which are difficult enough to achieve because of the nature of the information and documents they provide, are made even more difficult by the different needs of their users. And they are further complicated by the need for authority over, and responsibility for, the management of the website.

123 These observations are based on interviews with staff of the House of Commons.

124 *Members Only? Parliament in the Public Eye. The Report of the Hansard Society Commission on the Communication of Parliamentary Democracy.* The Hansard Society, 2005. Published on behalf of the Hansard Society by Dod’s Parliamentary Communications, London, England.

Establishing Authority and Responsibility

It is challenging for legislative bodies to establish a broadly based, shared vision for their websites. It is equally challenging to create the appropriate mechanisms of authority and responsibility essential for implementing that vision. Legislative entities are composed of multiple and often competing organizations, each trying to meet the needs of its particular constituency. These can include Members, staff, the bureaucracy, and various public organizations. One result can be a legislative system that is more reflective of the existence of these multiple organizations than of a vision of an integrated system that artfully meets the needs of different users equally well.

Several problems exacerbate this challenge. One is not having a vision and set of goals that encompass the legitimate needs of the many different users of a legislative website. The problem here is that by focussing on one set of users, the needs of many other users often suffer. There can be several ways to address this problem, including separate inter- and intranet sites, or a single design that purposefully addresses the needs of diverse users.

A second problem is the absence of mechanisms for ensuring adequate authority and assigning appropriate responsibility. These mechanisms can vary and generally reflect the particular political environment in which they operate. They can take the form of formal organizational assignments with explicitly documented goals, authority and responsibility. Or, they may be based on informal procedures that result in agreement among the key decision makers and players for ensuring that goals are established, competing priorities resolved, tasks are assigned, and organizations held accountable.

The Dutch have put in place one model that appears to be operating successfully. They have established a governing board of the key stakeholders responsible for all aspects of their legislative system, including those who create information and documents and those who create the interface for their different users. The board is supported by a group of project managers each of whom is responsible for a particular subsystem. The board has overall responsibility for ensuring that the various subsystems are integrated and support each other, as well as for establishing the shared vision for the website. The ultimate success of their model will be tested as they complete a major development effort for a new system.

The Dutch approach is embodied in a formal organization. Other approaches are viable and, in some instances, more politically feasible. In the U.S., for example, for several reasons, including different constitutional responsibilities and different legislative procedures, it can be difficult for the House and Senate to have joint operating organizations. In this case, informal agreements and procedures among working groups have been the most effective approach. However, this approach has its limitations, especially when there is a need to resolve competing priorities.

The Value of Usability Testing

In addition to the need for organizational mechanisms for resolving conflicts, the techniques of the evolving field of usability testing can be helpful in determining how best to design a system to meet the needs of a variety of users. The experience of the Congress' intranet (the LIS) designers is instructive on this matter. Because there were often differences of opinion regarding interface design and information presentation among designers, information providers, expert users, and managers, the LIS team relied heavily on the techniques of human factor research and usability studies to test designs, navigation, search techniques, and site organization. The team never undertook a major redesign of any component of the site without extensive testing, including pre- and post- design changes to obtain user feedback and to ensure that the changes actually improved usability.

Discussions with the designers of the Europarl home page and of L'Oeil indicated that they do not employ usability testing as extensively as the LIS team. This may have been one reason that the Europarl redesign received good reviews for being more user friendly for citizens, but at the same time received negative reviews from experienced users, especially those inside the Parliament. The Dutch have made extensive and profitable use of this technique in the redesign of their intranet site and are applying it to their new internet site, which is under development.

Sometimes solutions to seemingly major interface problems can be relatively simple. For example, as note above, during the course of this study a number of users commented that it was difficult for them to find the page which they had previously used to locate committee documents. Toward the end of the study an icon appeared on the home page that linked users directly to the page discussed in Part 2 providing access to the most important documents for all committees. Because home page real estate is the most "expensive" and sought after, it is likely that this change involved much negotiation. However, it appears to have been highly beneficial in responding to the concerns of experienced users without negatively affecting the goals for meeting the needs of citizens.

A similar issue that confronted the Thomas design team was resolved in a less satisfactory manner. Many outside users made frequent use of a feature that allowed direct and immediate searching of the bill records that were described in Part 1. This is generally a more satisfactory way of searching because it looks at the summary of bills rather than the full text, and it returns results that link to all key information related to that bill. In an effort to simplify the design of the home page for new users (a worthwhile goal) the designers moved three clicks away this feature that experienced users frequently use. Unlike the designers of the Europarl home page who remedied the problem involving access to committee information described above, the designers of Thomas have yet to address a similar concern of their experienced users.

These examples illustrate the value of employing usability testing to resolve such issues. Even though this is a relatively young field, the benefits are significant. They provide a basis for design and change that is independent of political concerns and/or the personal preferences of a few key people. While these forces will always be a factor, usability testing can offer a way to resolve conflicting political or personal views, and when employed early in the design process, can result in a system well received by a large majority of its users. It is a powerful mechanism available to decision makers and designers in achieving the multiple goals typical of a legislative information system.

PART 6: BEYOND TRANSPARENCY

This report has suggested that to achieve the objectives of transparency, it is necessary for legislative bodies to go beyond the basic standard of making documents available to the public. As essential and often challenging as that standard is, legislatures now need to take steps to ensure that their information systems meet the criteria of accuracy, timeliness, completeness, clarity, and context. Transparency must be defined in terms of the ability of the users of those systems not only to have access to documents, but also to understand those documents and the actions behind them. Achieving this new standard of transparency will contribute to the need of democracies for knowledgeable decision makers and informed citizens. As the President of European Parliament has said, “*There is no point in putting a report adopted in plenary online if no effort is made to explain it.*”

One of the purposes of this report has been to compare the legislative information systems of the European Parliament and the Congress against these criteria to better understand the current state of these major systems. The findings reported here indicate that these two bodies are generally achieving the goals of accuracy and timeliness while working within the challenges of a distributed political and technical environment. Specific improvements can still be made (some of which, as noted in earlier Parts of this report are important), but the overall status is good. However, despite the substantial growth in the number and variety of information sources relevant to the legislative process, much remains to be done to improve on the standard of Completeness. Achieving greater integration of these sources is critical to accomplishing this goal. This, in turn, will affect positively the criteria of Clarity and Context. There are a number of ways in which the systems of the Congress and Parliament support these latter criteria, especially through explanatory material regarding the text of proposals. But more could be done to link to understandable resources about the legislative process itself.

The second purpose has been to identify best practices that are already in operation and that can advance the state of the art of legislative information systems. A number of good practices have been described in Parts 1-5 of this report. The objective of Part 6 is to highlight those deemed by this researcher to be most significant.

Best Practices

- 1. Summaries of proposals and activities.** The articles by the Parliament’s press service cover most of the major issues taken up in plenary session in a clear, concise, and objective style oriented to the public without sacrificing quality of content. While most legislative bodies could not offer this type of service, the manner in which it is done in the Parliament underscores the contribution to understanding that such a service can make. The summaries provided by the L’Oeil staff are also excellent because they provide context - both substantively and politically - as well as clarity. In addition they summarize items that can be difficult to obtain or that require extensive effort to pull together and understand. The analyses prepared by the staff of the House of Commons Library are also very good examples of the value of a clear summary and analysis that combines substance and politics. While resource constraints limit the capacity of the Library to update these reports after introduction, they set a high standard.
- 2. Integration of sources.** The Thomas system does an exceptional job of integrating a large number of relevant sources into a single HTML record for each bill. It provides “single click” access to many sources within the legislative branch that relate to a specific proposal. The benefit is substantial because it means that the most valuable information has been collected in a single place, and users can be assured that they do not have to search further to locate these specific items. At the same time, however, the number of sources has grown substantially in

the recent years, especially among committees and the executive branch of the U.S. (i.e., the Ministries). These sources are also important, and the Thomas developers need to look anew at how they can extend their current linking capacities to include these additional and important materials. Some can be linked automatically, but others will require manual effort to ensure reliability, validity, and judgment.

3. **Management mechanisms.** The establishment of effective mechanisms for setting policies, sorting out priorities, and ensuring an integrated and collaborative approach remains a challenge. Both the Congress and the European Parliament continue to look for better solutions. The Dutch have implemented one approach that holds promise, at least in their political environment. They have created a governing board of all the key stakeholders, each of whom has a part of the system, and each of whom must make his or her part work well with the others in order for the system to be a success. The approach is one of collaboration among peers. The success of their model will be tested in part by the success of the major development effort for a new public system currently underway.
4. **Usability testing.** Best practices in this important area are being carried out by the Dutch Parliament and Congress' LIS team. The techniques of usability testing are growing in value. The LIS team does not undertake major revisions to the system without usability testing to ensure that the revisions are actually an improvement, and that users see the benefit. It is challenging to implement usability testing in environments as large and diverse as those served by legislative information systems that are used by the public. But there are ways to address some of these difficulties, and the return on investment can be significant.

Why It Matters

Some may ask why any of this matters. They may argue that the most that can be done is to make legislative documents and the final actions on legislation publicly available. By doing so, parliaments will serve the legitimate needs of the public for access to this type of information, without expending additional resources attempting to do more. They can also point to the growing use of the web in politics and suggest that others are already providing an ample quantity of explanatory and contextual information. Such an argument asserts that the marketplace of public debate will serve the needs of citizens just as well as anything that legislative bodies can or should do.

However, as articulated by the leadership of the European Parliament and the U.S. Congress, it is the responsibility of national legislatures to make their activities both accessible and understandable to citizens. To accomplish this requires a commitment to go beyond distributing documents online, to providing information on proposed laws that is understandable and integrated. The participative web holds enormous potential for helping to revitalize the engagement of citizens in the democratic process. But there needs to be at least one unimpeachable source of legislative information that serves as the starting point - the touchstone - for discussions of public policy. It must be a source that presents the facts accurately, as timely and completely as possible, clearly, and in context. From that point, the debate can begin.

APPENDIX 1: L'Oeil Summary of Services Directive

Revised Commission Proposal

04/04/2006 - Commission: modified legislative proposal

The European Commission has presented its modified proposal on the "Services in the Internal Market Directive", taking account of Parliamentary amendments adopted at first reading.

The modified proposal, in summary and in chronological order, makes the following adjustments to its initial proposal:

Subject matter, Scope, Relationship with other provisions of Community law and Definitions (Articles 1-4) :

"Services of general interest" and "Services of general economic interest": the Commission accepts Parliamentary amendments specifying that "Services of general interest" will not fall under the scope of the Directive. "Services of economic interest" will, however, given that they are of an economic nature. In accordance with Parliamentary amendments, the Commission's modified proposal accepts that the Directive's provisions shall not provide for the liberalisation or privatisation of public entities responsible for providing such services. Further, Member States will be given the freedom to define, in conformity with Community law, their definition of a "service of general economic interest", how those services should be organised and financed, (in compliance with state aid rules), and what specific obligations they should be subject to.

Healthcare services: the European Commission has accepted Parliamentary amendments excluding both private and public healthcare services from the Directive. At the same time, it has confirmed its commitment to come forward with a specific initiative on health services at a later stage.

Provisions on social services: the Commission accepts the exclusion of the provision of social services from the Directive's scope. For the sake of clarity, and in order to avoid a divergence in Member States' interpretation of the Directive, the Commission has redrafted the definition in a new recital.

Other sectoral exclusions and the full exclusion of taxation: the following service industries will be exempted from the Directive's scope: temporary work agencies, security services, audiovisual services, gambling activities and professions connected with the exercise of official authority. On the basis that they are covered elsewhere in EU legislation, the provision of financial services, electronic communication services and transport services are also excluded. Similarly tax has been excluded from the provisions applying to this Directive. The Commission has not, however, accepted a Parliamentary amendment proposing the exclusion of legal services.

Labour law, cultural pluralism, linguistic provisions: amendments proposing that labour law be exempted from the Directive have been accepted by the Commission. Similarly, under the modified proposal, criminal law will be excluded from the Directive's provisions. On the question of cultural and linguistic diversity and media pluralism the Commission has accepted parliamentary amendments in their entirety.

Relationship to other legislation: in the event of a conflict with other Community instruments relating to the exercise of a services activity, the provisions of the specific Community legislation shall prevail. The Directive is without prejudice to private international law, in particular private international law governing contractual and non-contractual obligations.

Definitions: on the matter of "definitions" the Commission has accepted most Parliamentary amendments subject to some redrafting. Those amendments, not accepted relate to the definition of a "worker", "competent authorities", and "provider". Significantly, the Commission has not accepted an amendment, which would delete the exemplificative list of services covered by the Directive. The recital referring to this list has, therefore, been reinserted subject, again, to minor modifications in light of the Directive's revised scope.

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Administrative simplification (Articles 5-8) :

Simplification of procedures: for the sake of legal clarity the European Commission accepts, Parliamentary amendments transforming the Chapter on the right of establishment for service providers. In doing so, a distinctive new Chapter on "Administrative Simplification" has been endorsed. Provisions include, *inter alia*, the removal of overly burdensome elements which hinder the freedom of establishment as well as the simplification of procedures applicable to accessing and exercising a service activity.

Points of single contact: Parliamentary proposals for a "single electronic contact" are not accepted. Nor, have amendments requiring the Commission to co-ordinate points of single contact through the establishment of a "European point of single contact" and the completion of all procedures at these points. The Directive has, however, been modified in order to allow for the creation of points of single contact that are without prejudice to the allocation of functions and powers among authorities within national systems. Further a new time-table for the establishment of the points of single contact has been agreed.

Right to information: the Commission, in line with the work of the Council, accepts Parliamentary modifications under this heading. It has added that issues such as liability for incorrect or misleading information are for the Member States to determine.

Procedures by electronic means: the Commission stands by its original proposal that the completion of formalities be done electronically – even if original documentation is required. It has, on the other hand, accepted a revised time-table for the implementation of this provision. The Commission clarifies that the obligation to provide for procedures by electronic means does not prevent Member States from offering alternative means of application, additional too electronic applications.

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Freedom of establishment for providers: Articles 9-15

Authorisation schemes: accepted in their entirety are those amendments stating that authorisation schemes concern neither decisions by authorities to set up a public or private entity nor the conclusion of contracts.

Conditions for the granting of authorisations: the Commission has accepted amendments referring to the possibility that certain authorisations may be revoked when the conditions for granting them are no longer met. The Commission also accepts that Member States may take a number of public interest issues into account when applying their selection criteria.

Authorisation procedures: on the matter of "tacit authorisation", the Commission has decided to stick to its original proposal whereby, in the absence of a response within a set time-frame, the authorisation shall be deemed to be granted. A rewording of the recital seeks to clarify this issue.

Prohibited requirements: the Commission has accepted, in their entirety, most of the amendments relating to prohibited requirements. For the sake of clarity and consistency the Commission has modified some of the text.

Requirements to be evaluated: again the Commission has accepted most Parliamentary amendments relating to the requirements of evaluations, bar the deletion of the "notification obligations", which the Commission believes, would seriously water down the evaluation process.

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Freedom to provide services and derogations: Articles 16-19

Freedom to provide services: to recall, European Parliamentary amendments replaced the initially proposed "Country of origin" heading with the heading "Freedom to provide services". This amendment:

- allows service providers to offer their services in a Member State other than the one in which they are established.
- Member States, in whose territory the service is being provided, must guarantee free access to and free exercise of the service activity within its territory.
- Member States, where the service is provided, can not apply their own national requirements to service providers established in another Member State – unless these are justified on grounds of public policy, public security, public health or the protection of the environment. National requirements must be non-discriminatory, necessary and proportionate.
- Member States, acting in conformity with Community law will not be prevented from applying national employment conditions to service providers.

The Commission has accepted this amendment subject to minor drafting adjustments. In addition, the Commission has added further explanatory recitals, one referring to the jurisprudence of the ECJ on the right of Member States to take measures in order to prevent service providers from abusively taking advantage of the Internal Market principles. A further recital has been added which allows service providers to take equipment, integral to the provision of their service, when working in another Member State.

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Additional derogations from the freedom to provide services: the Commission has modified its initial proposal so that Article 17 has been renamed as well as stipulating that the Directive's provisions shall not apply to "Services of General Interest". Specifically this refers to activities such as postal services, electricity, gas and water distribution, water services and the treatment of waste. The Commission has also clarified, in a recital, that the derogation for postal services covers both activities reserved to the universal service provider and other postal services. On the other hand, the Commission has not included amendments referring to the activities of lawyers and notaries given that it has not accepted a general exclusion of the activities of lawyers or of notaries. Proposed derogations referring to the judicial recovery of debts have, however, been accepted.

Posting of workers (Articles 24-25) :

The Commission has accepted the deletion of provisions relating to the removal of administrative obstacles and concerning Member State co-operation vis-à-vis the posting of workers and the posting of third country nationals within the context of this Directive.

Quality of services (Articles 26-32) :

Under this heading the Commission has accepted that service providers must be obliged to offer recipients information on their legal status. The Commission has maintained provisions relating to after-sales guarantees. Similarly, the Commission has decided not to incorporate Parliamentary amendments which would have excluded multidisciplinary activities from the mutual evaluation process. According to the Commission, the obligation to evaluate and report on restrictions on multidisciplinary activities is an essential measure for facilitating access to and exercise of service activities.

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Administrative co-operation (Articles 34-38) :

The Commission has accepted most of the amendments relating to administrative co-operation. It recognises the need to set out, clearly, the tasks and obligations of the Member State of establishment and the Member State where the service is provided. Concerning the proposed "Alert Mechanism" whereby a Member State immediately informs the Commission of any circumstances that could cause serious damage to the health or safety of persons, the Commission has decided to include this in its modified proposal. The alert system serves a different purpose to the mutual assistance system. Similarly, the Commission has accepted amendments referring to information on the good repute of providers

Convergence programme and final provisions (Articles 39-48):

The Commission has incorporated amendments, both in the Directive's recitals as well as in the body of the text, which set out the drawing up of a "code of conduct". Professional bodies, organisations and associations will be responsible for preparing the codes of conduct. They must be complementary to Member States' legal requirements. Under the heading of "Additional harmonisation", the Commission specifies that an assessment concerning harmonisation for security services and the transport of cash and valuables, will be made one year after the date of the Directive's implementation.

Lastly, the Commission has opted for a two year deadline for the transposition of the Directive, as opposed to the three-year deadline, proposed by Parliament.

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FOLLOW UP FINANCIAL STATEMENT:

Estimates of the overall figures have been updated from the legislative financial statement which accompanied the original proposal in order to take account of changes made in the amended proposal. These changes take account of the establishment of an electronic Internal Market information system for the exchange of information between the Member States as well as the "alert mechanism". It also takes account of the need to establish a multi-annual programme in order to organise relevant exchanges of officials and training. Lastly the changes make note of the fact that two studies, initially foreseen, will no longer be carried out. Part of the costs of the electronic information system are already financed under the IDABC programme.

Budget lines and headings: 12 02 01 Implementation and development of the internal market; 12 01 04 01 Implementation and development of the internal market – Expenditure on administrative management.

Period of application : 2006 -2011;

Overall Figures:

Total allocation for action (operational expenditure): EUR 0.900 million in commitment appropriations, already covered by existing allocation under internal market policy area in the financial programming.

Overall multi-annual estimate of expenditure:

Technical and administrative assistance and support expenditure (in commitments):

- EUR 0.200 for 2007; EUR 0.250 for 2008 and 2009; EUR 0.100 for 2010 and 2011.

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Human resources:

- Overall financial impact of human resources and other administrative expenditure (commitment/appropriations): EUR 2.298 in total (EUR 0.016 for 2006; EUR 1.085 for 2007; EUR 1.089 for 2008; EUR 0.064 for 2009; EUR 0.064 for 2010).
- Total number of human resources: 10 permanent posts and 0.5 temporary posts.
- Types of posts: 6.5 type A; 2.5 type B; 05 temporary; 1 END.
- Tasks: because the Directive covers a wide range of services activities, specific knowledge is needed on a multitude of sectors such as distribution, regulated professions, construction, certification, craftsmen etc. Also included are questions such as administrative simplification.

Total of allocation for action plus total cost human resources and other administrative expenditure:
(EUR 0.900 + EUR 2.298) = **EUR 3.198.**

List of summaries

04/04/2006	Commission: modified legislative proposal
13/03/2006	Council's activities
16/02/2006	EP: legislative opinion, 1st reading or single reading
28/11/2005	Council's activities
22/11/2005	EP: decision of the committee responsible, 1st reading/single reading
06/06/2005	Council's activities
13/01/2004	Commission/Council: initial legislative document
13/01/2004	Document annexed to the procedure

APPENDIX 2: Thomas Summary of Enron Bill

The screenshot shows a Microsoft Internet Explorer browser window with the address bar displaying "Search Results - THOMAS (Library of Congress) - Microsoft Internet Explorer provided by Europea...". The browser's menu bar includes "File", "Edit", "View", "Favorites", "Tools", and "Help". The main content area displays the THOMAS website header, a breadcrumb trail, and search results for H.R. 3763.

The LIBRARY of CONGRESS THOMAS

The Library of Congress > THOMAS Home > Bills, Resolutions > Search Results

Item 1 of 1

PREVIOUS:SUMMARY | NEXT:SUMMARY
[NEW SEARCH](#) | [HOME](#) | [HELP](#) | [ABOUT SUMMARIES](#)

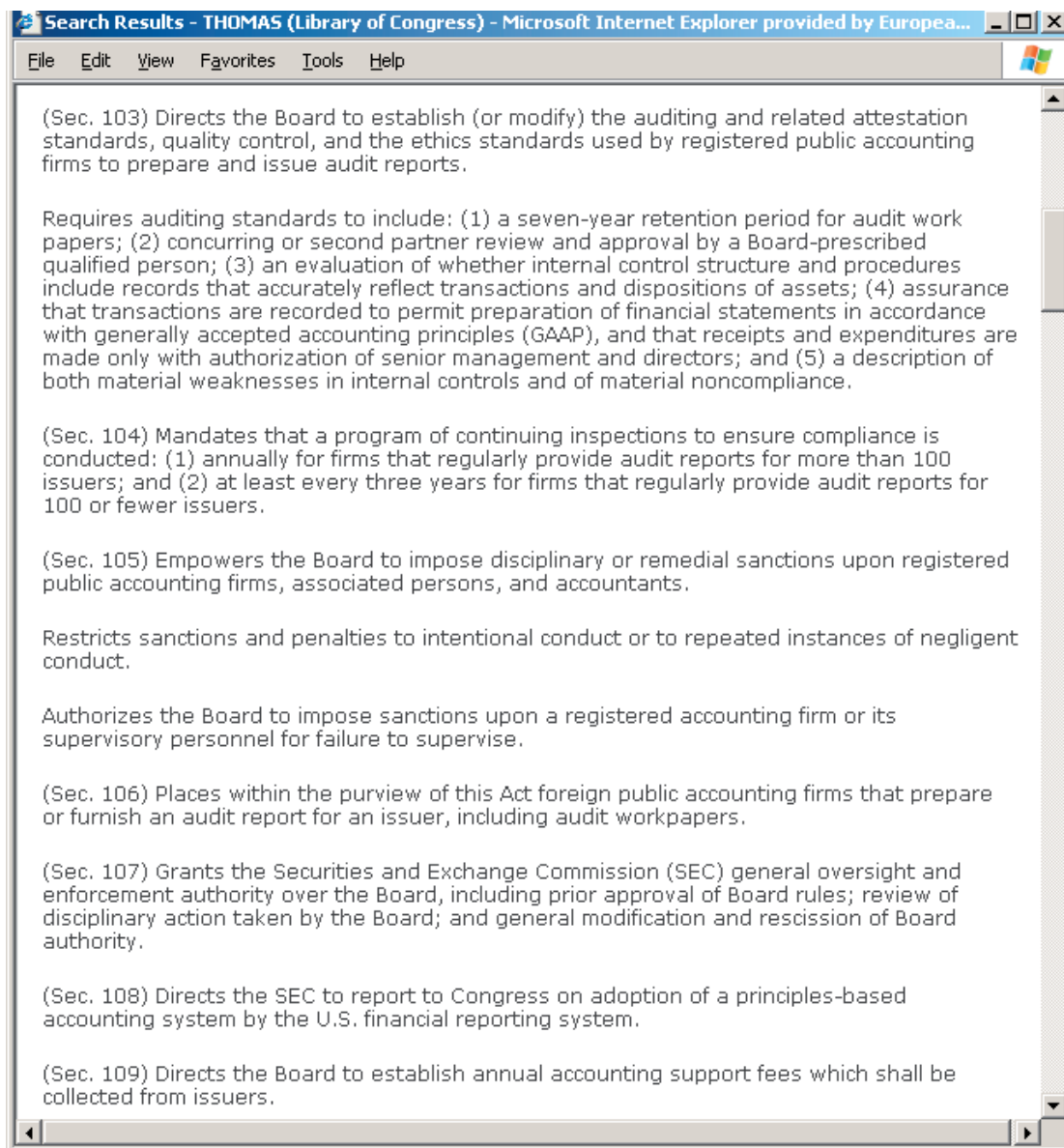
H.R.3763
Title: To protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes.
Sponsor: [Rep Oxley, Michael G.](#) [OH-4] (introduced 2/14/2002) [Cosponsors](#) (30)
Related Bills: [H.RES.395](#), [H.R.5070](#), [H.R.5118](#), [S.2673](#)
Latest Major Action: Became Public Law No: 107-204 [GPO: [Text](#), [PDF](#)]
House Reports: [107-414](#); **Latest Conference Report:** [107-610](#) (in Congressional Record [H5393-5411](#))

SUMMARY AS OF:
7/24/2002--Conference report filed in House. (There are 4 [other summaries](#))

Sarbanes-Oxley Act of 2002 - **Title I: Public Company Accounting Oversight Board** - Establishes the Public Company Accounting Oversight Board (Board) to: (1) oversee the audit of public companies that are subject to the securities laws; (2) establish audit report standards and rules; and (3) inspect, investigate, and enforce compliance on the part of registered public accounting firms, their associated persons, and certified public accountants.

(Sec. 101) Prohibits Board membership from including more than two certified public accountants.

(Sec. 102) Requires a public accounting firm that performs or participates in any audit report with respect to any issuer to register with the Board.



Search Results - THOMAS (Library of Congress) - Microsoft Internet Explorer provided by Europea...

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Title II: Auditor Independence - Amends the Securities Exchange Act of 1934 to prohibit an auditor from performing specified non-audit services contemporaneously with an audit (auditor independence). Requires preapproval by the audit committee of the issuer for those non-audit services that are not expressly forbidden by this Act.

(Sec. 202) Mandates: (1) preapproval by the audit committee of the issuer of all auditing and non-auditing services provided by an auditor; and (2) disclosure of such preapproval in periodic reports to investors.

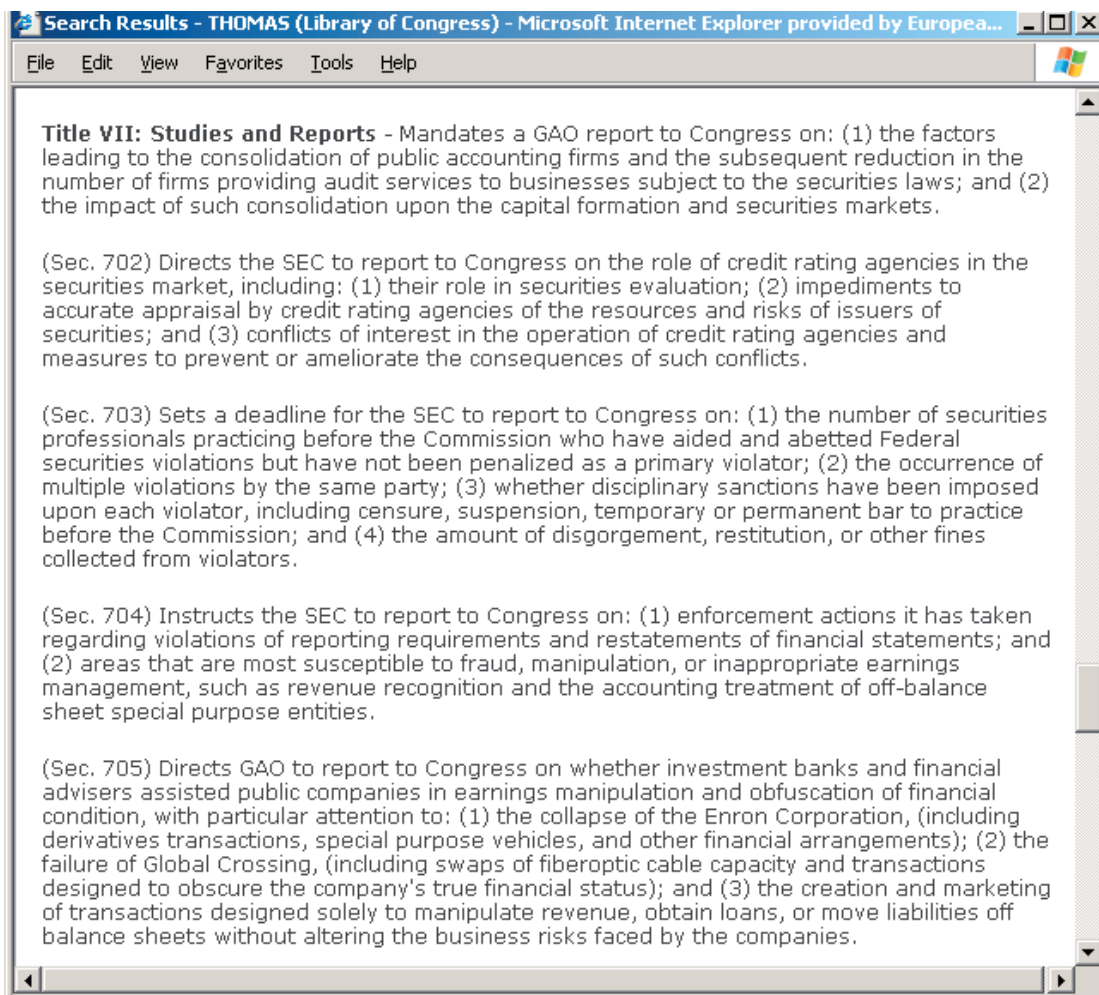
(Sec. 203) Mandates: (1) audit partner rotation on a five-year basis; and (2) auditor reports to audit committees of the issuer.

(Sec. 204) Requires an auditor to report timely to the audit committee: (1) critical accounting policies and practices used in the audit; (2) alternative treatments and their ramifications within generally accepted accounting principles that have been discussed with management officials; (3) the treatment preferred by the auditor; and (4) material written communications between the auditor and senior management.

(Sec. 206) Prohibits an auditor from performing audit services if the issuer's senior executives had been employed by such auditor and had participated in the audit of the issuer during the one-year period preceding the audit initiation date (conflict of interests).

(Sec. 207) Directs the Comptroller General (GAO) to report to Congress on the potential effects of mandatory rotation of registered public accounting firms (limiting the number of years such firms may remain auditor of record for a particular issuer).

(Sec. 209) Declares that State regulatory authorities should determine independently the standards for supervising nonregistered public accounting firms and consider the size and nature of their clients' businesses audit.



APPENDIX 3: Amendment 50 to the Food Labelling Directive

10.5.2006 A6-0122/50

AMENDMENT 50

by Adriana Poli Bortone, on behalf of the UEN Group, Guido Sacconi and Dorette Corbey, on behalf of the PSE Group, Renate Sommer, on behalf of the PPE-DE Group, Jules Maaten, on behalf of the ALDE Group, Kartika Tamara Liotard, on behalf of the GUE/NGL Group, Jill Evans and Hiltrud Breyer, on behalf of the Verts/ALE Group and Johannes Blokland

Recommendation for second reading

A6-0122/2006

Adriana Poli Bortone

Nutrition and health claims made on foods

Council common position (09858/3/2005 – C6-0018/2006 – 2003/0165(COD))

Council common position

Amendment by Parliament

Amendment 50

Recital 1

(1) An increasing number of foods labelled and advertised in the Community bear nutrition and health claims. In order to ensure a high level of protection for consumers and to facilitate their choice, products put on the market must be safe and adequately labelled.

(1) An increasing number of foods labelled and advertised in the Community bear nutrition and health claims. In order to ensure a high level of protection for consumers and to facilitate their choice, products, ***including imported ones***, put on the market must be safe and adequately labelled. ***A varied and balanced diet is a prerequisite for good health and single products have a relative importance in the context of the total diet.***

Or. en

Justification

This amendment is part of a compromise package in view of seeking a second reading agreement with the Council.

APPENDIX 4: Sample Voting Record - Europarl

13. Allégations nutritionnelles et de santé portant sur les denrées alimentaires

***II

Recommandation pour la deuxième

lecture:

(majorité qualifiée requise)

Adriana POLI

BORTONE

(A6-0122/2006)

Objet	Am. n°	Auteur	AN, etc.	Vote	Votes par AN/VE - observations
Bloc n° 1 - compromis	50-65 68-89	UEN, PSE, PPE-DE, ALDE, GUE/ NGL+ Verts/ ALE	AN	+	614,8,16
Bloc n° 2	1-16 19-46	commission		☐	
Article 1, § 1	91	IND/DEM	AN	-	135,490,14
Article 4, § 2	90	PPE-DE		-	
	66	UEN, PSE, PPE-DE, ALDE, GUE/ NGL+ Verts/ ALE	AN	+	513,85,43
	17	commission		☐	
Article 4, § 3	18	commission		-	
	67	UEN, PSE, PPE-DE, ALDE, GUE/ NGL+ Verts/ ALE	AN	+	602,24,16
	49	KLAß ea		☐	

Les amendements 47 et 48 ont été proclamés irrecevables conformément à l'article 151, paragraphe 1, du règlement.

Les amendements 74 et 75 ont été fusionnés.

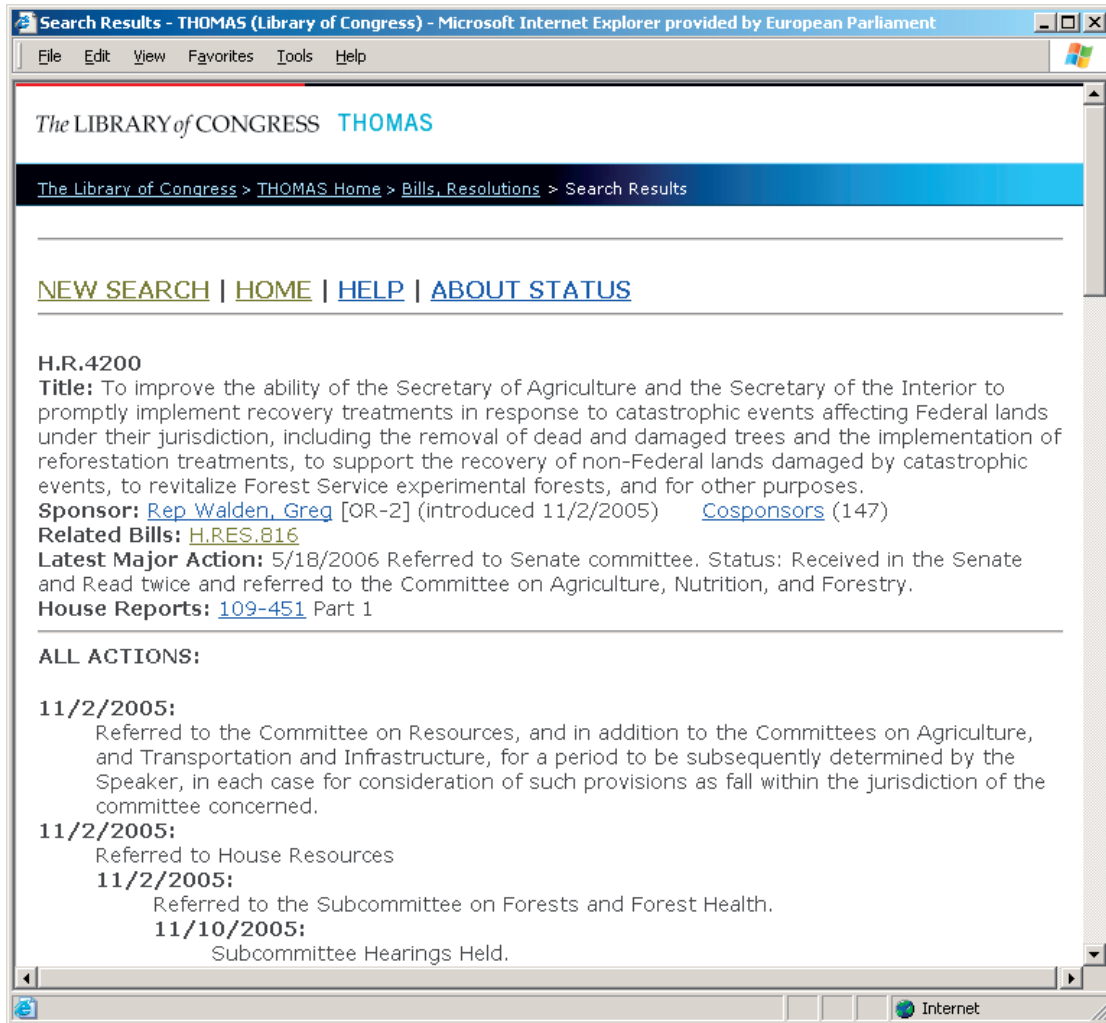
Demandes de votes par appel nominal:

UEN Bloc n° 1, ams 66 et 67

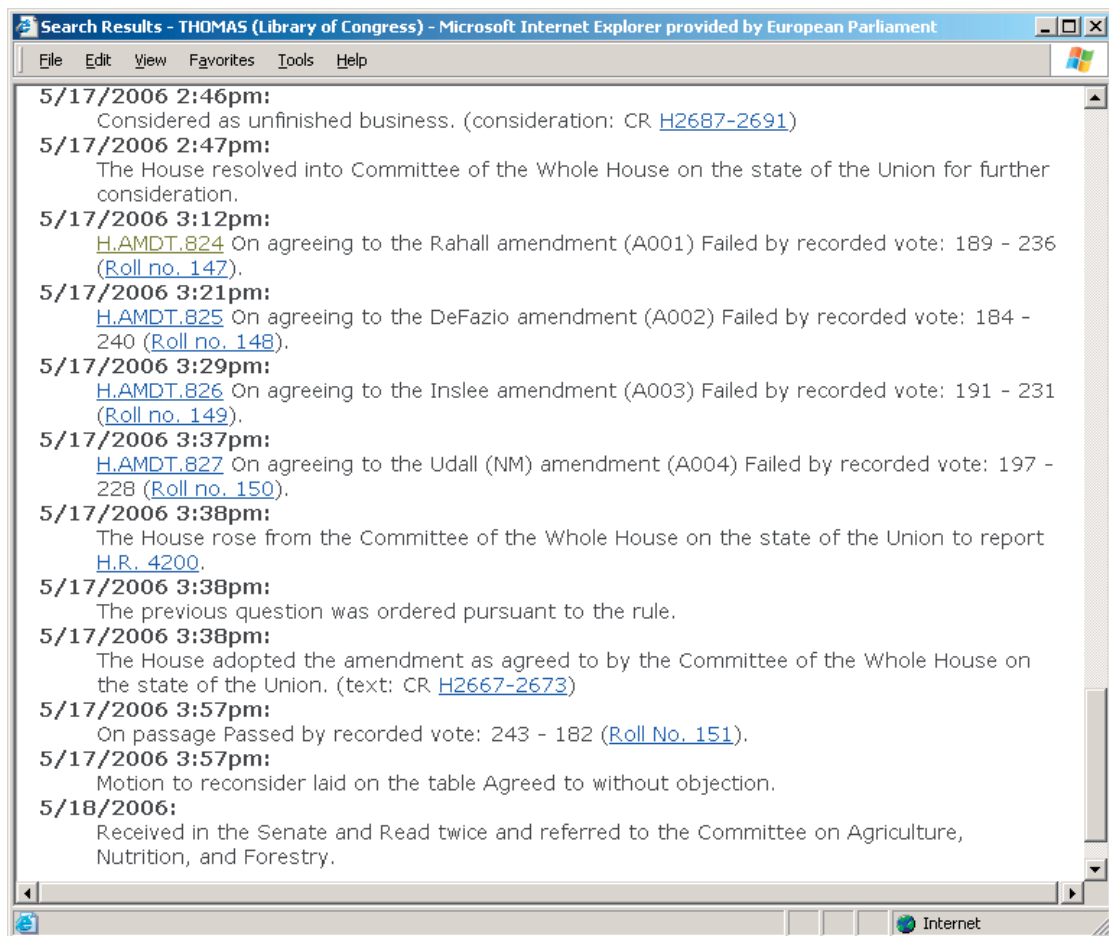
GUE/NGL bloc n° 1

IND/DEM am 91

APPENDIX 5: Samples of Floor Actions on HR 4200 Recorded in Thomas



Beginning of Base Record



HR 4200: All Actions with Amendments

Search Results - THOMAS (Library of Congress) - Microsoft Internet Explorer provided by European Parliament

The LIBRARY of CONGRESS THOMAS

The Library of Congress > THOMAS Home > Bills, Resolutions > Search Results

[NEW SEARCH](#) | [HOME](#) | [HELP](#)

H.AMDT.824 (A001)
Amends: [H.R.4200](#)
Sponsor: [Rep Rahall, Nick J., II](#) [WV-3] (offered 5/17/2006)

AMENDMENT DESCRIPTION:
Amendment sought to strike all waivers of existing conservation laws by removing the bill's exemptions from requirements of the National Historic Preservation Act, the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act (NEPA).

AMENDMENT PURPOSE:
An amendment numbered 1 printed in House Report 109-467 to strike all waivers of existing conservation laws by removing the bill's exemptions from requirements of the National Historic Preservation Act, the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act (NEPA). The amendment also specifically requires that the Secretary concerned comply with the NEPA in utilizing the authorities under [H.R. 4200](#).

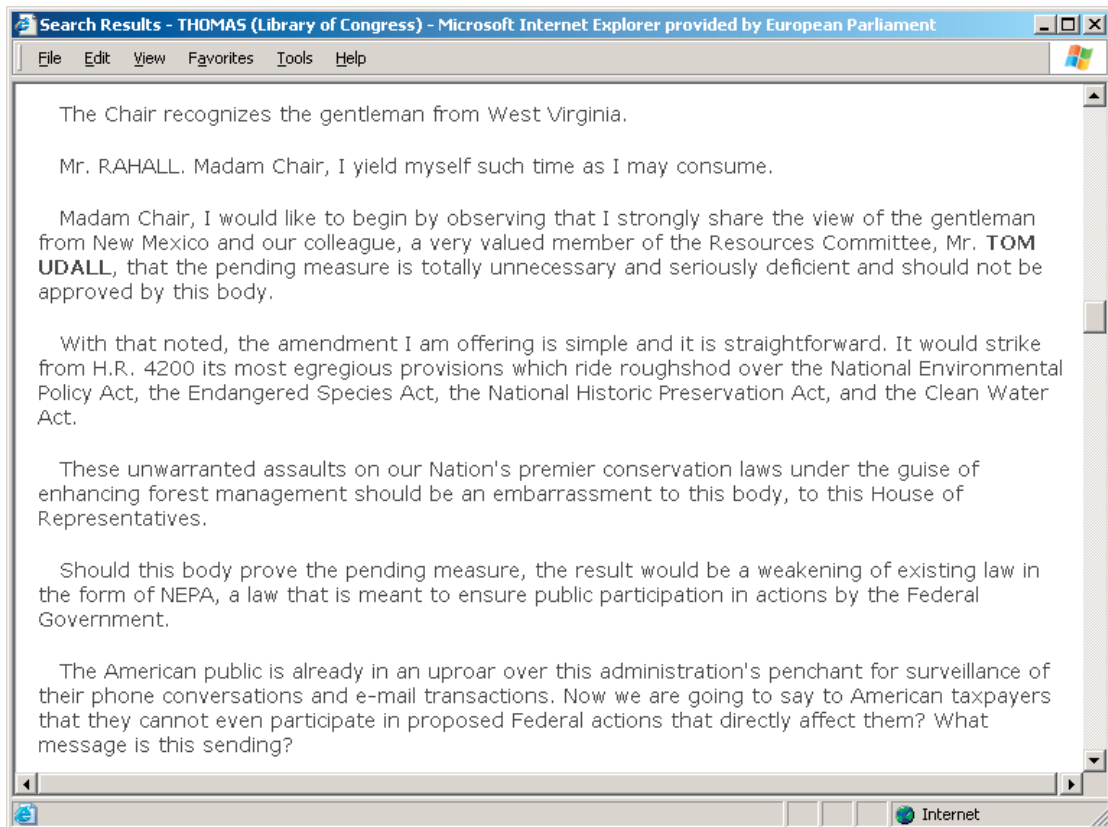
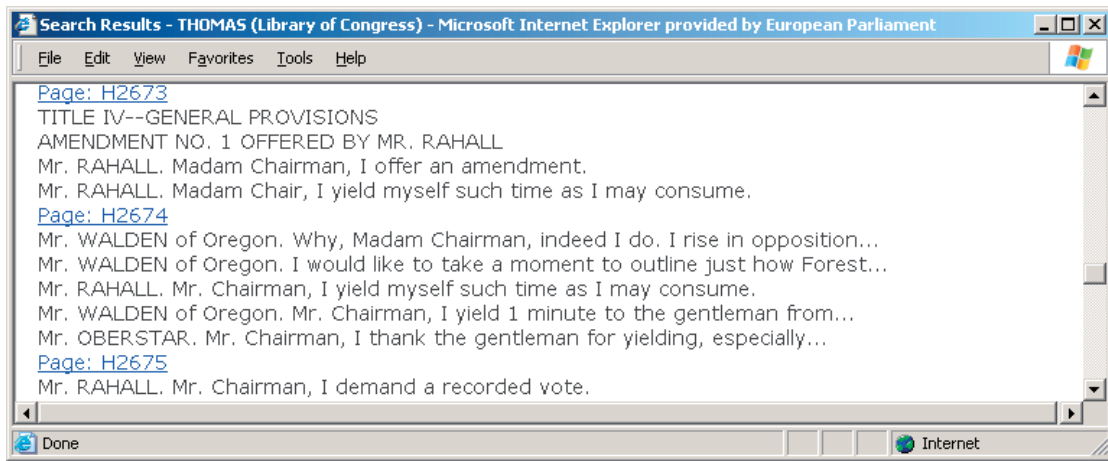
STATUS:

5/17/2006 12:54pm:
Amendment (A001) offered by Mr. Rahall. (consideration: CR [H2673-2675](#), [H2687-2688](#); text: CR 2673)

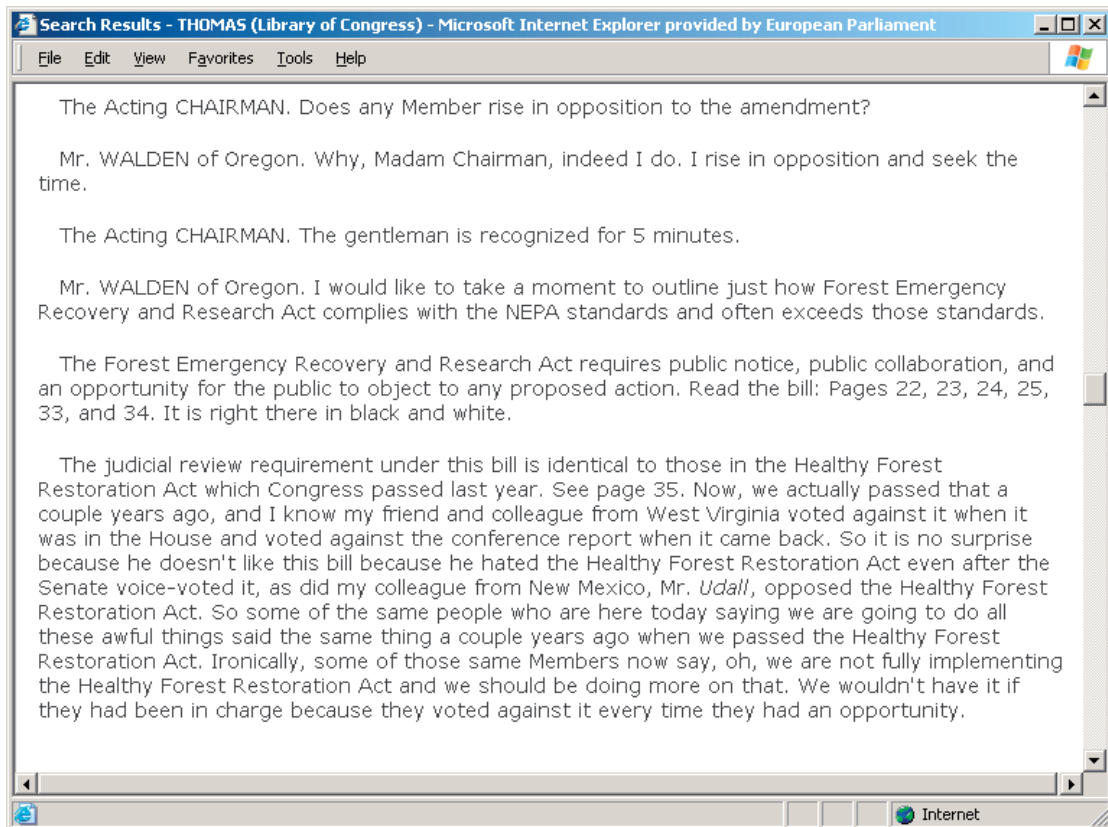
5/17/2006 3:12pm:
On agreeing to the Rahall amendment (A001) Failed by recorded vote: 189 - 236 ([Roll no. 147](#)).

Internet

HR 4200: Record for a Single Amendment



HR4200: Result of Links to Debate in *Congressional Record*



HR4200: Result of Links to Debate in *Congressional Record*
(continued)

Final Vote Results for Roll Call 151 - Microsoft Internet Explorer provided by European Parliament

File Edit View Favorites Tools Help

FINAL VOTE RESULTS FOR ROLL CALL 151

(Republicans in roman; Democrats in *italic*; Independents underlined)

HR 4200 RECORDED VOTE 17-May-2006 3:57 PM
QUESTION: On Passage
BILL TITLE: Forest Emergency Recovery and Research Act

	<u>AYES</u>	<u>NOES</u>	PRES	<u>NV</u>
REPUBLICAN	202	26		2
DEMOCRATIC	41	155		5
INDEPENDENT		1		
TOTALS	243	182		7

--- AYES 243 ---

Aderholt	Gallegly	Neugebauer
Akin	Garrett (NJ)	Ney
Alexander	Gibbons	Northrup
<i>Baca</i>	Gilchrest	Norwood
Bachus	Gillmor	Nunes
<i>Baird</i>	Gingrey	Nussle
Baker	Gohmert	<i>Oberstar</i>
Barrett (SC)	Goode	<i>Ortiz</i>
<i>Barrow</i>	Goodlatte	Osborne

Done Internet

HR4200: Final Vote on Bill in House

APPENDIX 6: Europarl Press Article on Food Labelling Measure

Source: http://www.europarl.europa.eu/news/expert/infopress_page/067-8214-136-05-20-911-20060512IPR08047-16-05-2006-2006-true/default_en.htm

The image shows two screenshots of the European Parliament website. The top screenshot displays a news article titled "Food safety: MEPs vote on health claims and additions to food". The article text states: "MEPs approved tougher rules for foods claiming to provide nutritional and health benefits. They want clear definitions for claims that foods are 'low energy', 'low fat', 'high fibre' or even 'reduce cholesterol'. The European Parliament also looked at harmonising national rules on the addition of vitamins and minerals to foods in order to improve consumer protection and the free circulation of goods within the EU." An accompanying image shows a man reading a food label in a supermarket, with the caption "MEPs get tough on food label claims". The bottom screenshot shows the "Agreement between Council and Parliament at second reading" section, detailing the deal between the EP and the Council, including the reinstatement of Article 4 and the role of the Commission and EFSA.

Food safety: MEPs vote on health claims and additions to food

MEPs approved tougher rules for foods claiming to provide nutritional and health benefits. They want clear definitions for claims that foods are "low energy", "low fat", "high fibre" or even "reduce cholesterol". The European Parliament also looked at harmonising national rules on the addition of vitamins and minerals to foods in order to improve consumer protection and the free circulation of goods within the EU.

MEPs get tough on food label claims

The first report aims to harmonise the provisions laid down by law, regulation or administrative act in Member States which relate to nutrition and health claims in order to ensure the effective functioning of the internal market whilst providing a high level of consumer protection.

The House adopted a legislative report by Adriana **POLI BORTONE** (UEN, IT) on nutrition and health claims made on foods. Agreement was reached between Parliament and the Austrian presidency food health and nutritional claims. The key idea of the regulation is that there should be clear definitions for claims such as "low energy", "low fat", "high fibre" or even "reduces cholesterol".

Agreement between Council and Parliament at second reading

The EP / Council deal reinstates Article 4. The compromise states that nutritional profiles - the appropriate ratios of salt, sugar and fat in any given product - will be laid down by the Commission in consultation with the food industry and consumer bodies on the basis of information provided by the European Food Safety Authority (EFSA)

A producer can make a claim concerning one of the three ingredients (fat, sugar, salt - known as "profiles") if the other two ingredients also comply with the regulation or if it is clearly stated that the product has a "high content" of these ingredients.

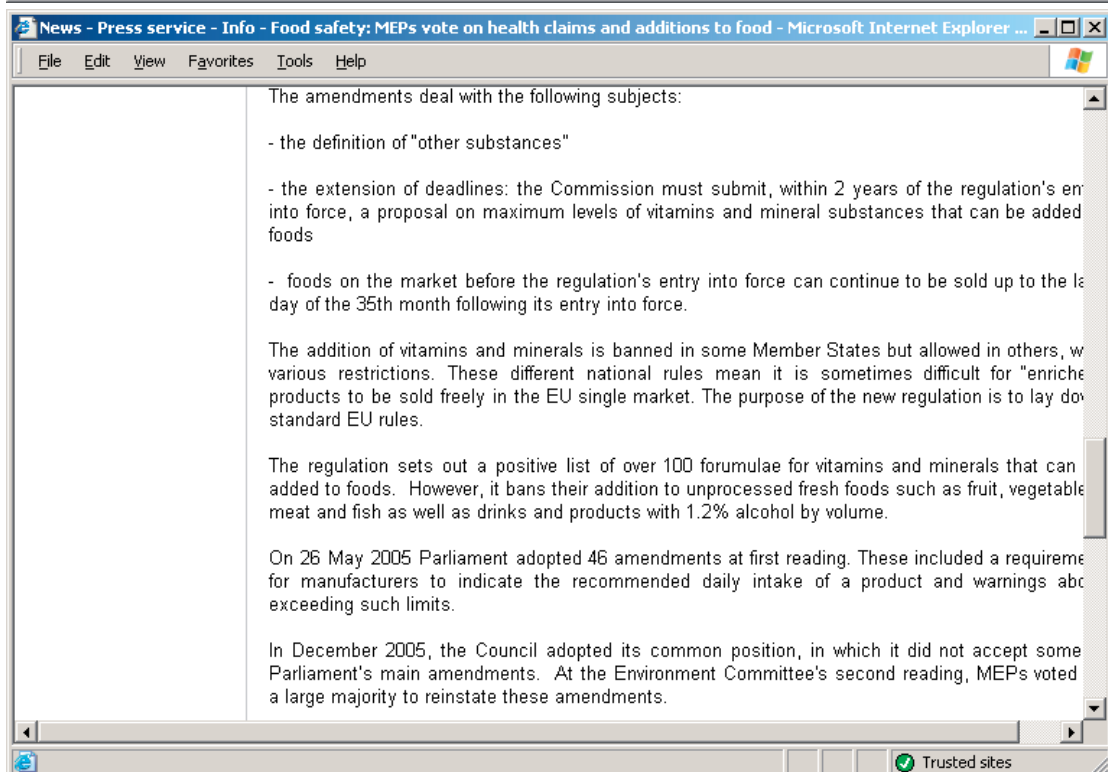
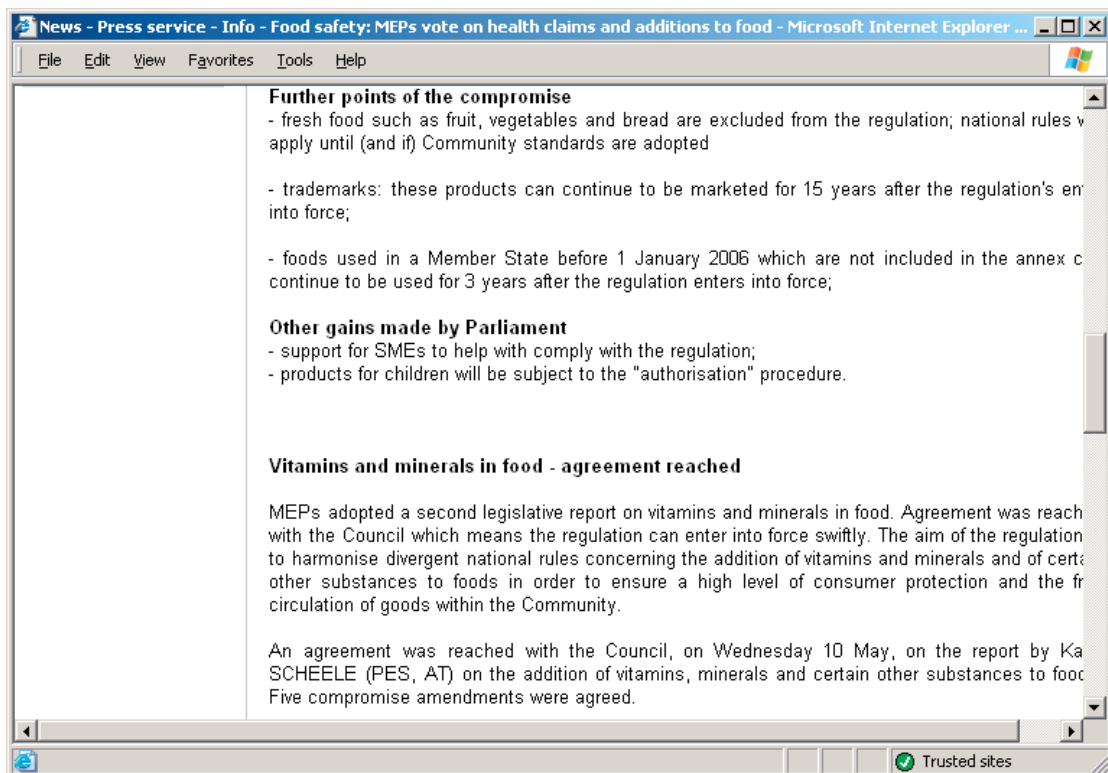
Drinks containing over 1.2% of alcohol may not give as their only health claim the description "reduction of energy content" or "low alcohol levels".

In the absence of specific Community rules regarding nutrition claims referring to "low alcohol level" or "the reduction or absence of alcohol" or "energy content", relevant national rules may apply.

Accelerated procedure

A register of health claims authorised so far is to be compiled, allowing manufacturers who wish to introduce a product with a particular health claim to simply consult the register in order to know the rules to be observed and not to have to go through the authorisation process itself.

When a producer lodges an application, EFSA must give its opinion within 5 months. If the Agency demands further information from the applicant, a further 2 months is allowed.



News - Press service - Info - Food safety: MEPs vote on health claims and additions to food - Microsoft Internet Explorer ...

File Edit View Favorites Tools Help

Karin Scheele's report stresses firstly that any vitamins and minerals added must be "bioavailable" in other words capable of being used by the body. Otherwise it would be misleading for the consumer and in extreme cases "could result in adverse effects on health". Although the Council has inserted a reference to the bio-availability of substances in the recitals (the preamble), it is still necessary to stipulate this in one of the articles of the legislation.

If absorbed in excessive amounts, vitamins and minerals can have damaging effects on health. Maximum safe levels therefore need to be laid down if they are to be added to food.

It is already planned that the food additives directive will lay down maximum levels but the relevant figures are not yet available. The report says that information for the consumer must be "easy to understand and useful". It must give all relevant details needed to prevent excessive amounts of vitamins and minerals being ingested. The Commission is therefore urged, before adding the figures, to consult those concerned, including the food industry and consumer groups.

REF.: 20060512IPR08047

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Further information:
[Foodstuffs: Nutrition or health claims used in labelling](#)
A6-0122/2006

Trusted sites

APPENDIX 7: Original Goals and Objectives for LIS

Goals	Objectives
1. Develop a coordinated retrieval system that meets the requirements of both houses of Congress as well as its legislative support agencies.	<p>A. Establish regular meetings, task groups, and other means of coordination with the House, Senate, and legislative support agencies to identify requirements and ensure coordination of effort.</p> <p>B. Document requirements as they arise from these coordination efforts and integrate them with overall Project Plan.</p>
2. Provide access to legislative information from the authoritative congressional source for that information as soon as it is made available.	<p>A. Design system to receive, or to access as directly as possible, data from the authoritative congressional source.</p> <p>B. Implement quality control procedures to ensure the accuracy of data received from other sources that must be indexed and displayed by the retrieval system.</p> <p>C. Design system to make data available as soon as possible after it is officially released.</p>
3. Provide a single, integrated system for locating the most important legislative information and the most useful analytic information available.	<p>A. Identify relevant legislative information created by Congress and other sources that is within the policy guidelines established for the retrieval system by the Senate Committee on Rules and Administration and the House Committee on House Oversight (now the Committee on House Administration).</p> <p>B. Integrate legislatively relevant information and analyses through the retrieval system so that the user can locate and display it as easily as possible.</p>
4. Provide a coordinated retrieval system that supports initiatives to reduce duplication of effort and improve efficiency in the legislative tracking systems supported by Congress.	<p>A. Identify the most authoritative congressional source for a given element of legislative information.</p> <p>B. Design the retrieval system to rely primarily upon the information provided by the authoritative congressional source whenever possible, thereby supporting efforts to reduce reduction.</p>

<p>5. To the extent possible, provide access to substantially the same legislative information and system functionality that exists in Congress' current legacy systems.</p>	<p>A. Identify the information available in the current legacy systems and replicate that data when possible in the new retrieval system.</p> <p>B. Identify the system functions available in current legacy systems and provide as much of that functionality as possible in the new retrieval system.</p>
<p>6. Provide the most useful new retrieval capabilities available based upon the ability of technical advances to support the primary purpose of the congressional legislative information retrieval system and/or to reduce the overall costs of operating the system.</p>	<p>A. Survey the market place on a regular basis to identify existing and emerging technologies that can support the objectives of the retrieval system.</p> <p>B. Evaluate, test, and implement new technologies when warranted.</p>
<p>7. Provide a reliable and secure technical environment for the retrieval system.</p>	<p>A. Implement procedures to ensure maximum system reliability and availability.</p> <p>B. Meet the requirements for security of the system and its data as established by Congress.</p>
<p>8. Establish systems and procedures to ensure long term availability of congressional legislative information, with particular attention to the requirements posed by a distributed technical environment.</p>	<p>A. Identify the issues and options for ensuring long term availability of congressional legislative data that is stored in distributed repositories.</p> <p>B. Develop standards and procedures for maintaining distributed repositories.</p> <p>C. Develop standards and procedures for moving distributed data to a central repository when required for long term access.</p>
<p>9. Support the requirements of new and occasional users and of expert users.</p>	<p>A. Establish both systematic and ad hoc methods for consulting with users.</p> <p>B. Implement a continuing program for evaluating and enhancing the effectiveness and usability of the retrieval system.</p>

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