

Transportation Librarians Roundtable
October 10, 2019
Transcript

Legislative Research: Part II
Jennifer Klang

There were amendments that he wanted to make to the piece of legislation, there is additional facts about the proposal, you can see if you are looking for something specific. For example if you want to find out how people lived in the area or the effects there may be. The local environment by turning this into a national effect that it has on protected migratory water, this is a great place to look at that.

As you can see right here, one of the reasons I pulled this piece of legislation, I was hoping someone with legislative history on the goal filing national seashore, one of the things that we were looking for is, whether or not Congress when they establish this, did they determine what recreational features or recreational services would be offered at the seashore?

Or they leaving it as an open-ended question?

This comes up from time to time in the national parks, the Park Service may see an opportunity to add additional services or recreational opportunities. The question will come up about whether or not the area was intended to be kept as a refuge type of thing, where you do not want people tromping through the woods and you do not want to add any extra trails. If you have canoeing you have people on the rivers and in lakes and there are cleanup issues with that.

That is something people will consider when they decide to add extra services or recreational opportunities to a park.

As you can see, in the section of congressional record they say the waters that the islands provide unlimited opportunities for camping, picnicking fishing, swimming, diving, waterskiing, boating, and hiking payment.

That tells us, Congress would be okay with offering camping for example, opportunities like rustic camping at the national seashore.

The seashore presents a prime recreational opportunity to 23 million people in the Region, it gives us an idea as well, how many people we connect back to the seashore. We have to think about when we turn it into a national seashore, what funding we may need for extra services?

Policing, cleanup and things like that.

Down here, we can see the cost establishment of the Gulf Islands estimated to cost \$3 million for the acquisition of land and the cost of development of the seashore is estimated to be about a little less than \$15 million.

That is something that may be useful if you're looking at the wrecker. -- Record.

As you can see there is extensive legislative history on this particular piece of legislation, you can scroll through all of this and take a look and you can see what parts are useful. It is all available electronically now, you can search which is really nice.

When I started at the library, a lot of the stuff is not available electronically and you had to do all of this manually, now it is a lot easier.

Also we talked a little about the bill strike, there was a question that came up about that. As you can see in the congressional record, they often include strike. They may be mentioned in here that they want to take out certain sections of the legislation. As you can see, this is on that page.

And here is additional legislative history, where they talk about specific pieces of legislation that they want to revise.

And then they have printed the actual final piece of legislation here in the congressional wrecker.

-- Record.

A great place to find the bills is in hearing, another place that you can look for pieces of legislation that have been read into the record is often the congressional wrecker. -- Record.

This has an extensive amount of background on the area, they go through all of the areas that are involved, what would be exactly included in the national seashore, if there are any particularly historic constructions or buildings in the area, it says they would include the lighthouse on the Pensacola air station, things they have to consider especially if some of them are on military property.

And here are additional floor debates.

Moving on to the handout that you got.

I briefly talk about presidential messages.

I added this on here because it is important to mention them with the legislative history, there is no presidential message for this particular piece of legislation. That that does not mean it is not important, it is just as it is written, presidential messages explained their reasons for suggesting, signing or veto of legislation and while that is only indirect evidence of congressional intent. They often provide helpful background information about the proposed legislation. Occasionally, presidential messages are sometimes printed as house or senate documents.

And I want to mention, those are available in a few different places. I will pull them out of pine online, a lot of them are also available from the GPO and we used to get the print copy, those are published in the weekly compilation of presidential documents and there is an index for that as well admit --

I want to mention a couple of things about signing statements. The first president to issue a signing statement was James Monroe.

Between his time in the 1980s only about a dozen signing statements were issued, and then in 1981, Ronald Reagan started an era of using signing statements more often by the president.

It depends on whether you count the number of statements made and the number of legislative statute challenge, it is safe to say that Ronald Reagan, HW Bush, Bill Clinton and George W. Bush have challenged about 100 statues of law that they have signed.

Barack Obama continue the tradition by issuing about 20 signing statement

Why do they issue signing statements?

They often use the statements to express intention not to enforce particular parts of legislation that they consider to be unconstitutional or otherwise provide interpretation of the law as executive branch agencies will be directed to enforce it.

You may be asking yourself, if the president says in the signing statement that part of the bill is unconstitutional, why doesn't he just veto the bill Q&A the answer to the question is, it will vary.

Often the president will argue the good of the bill outweighs the bad. One example is President Obama signing statement for the NDA a, the national Defense authorization act. He explained a few reasons why he chose to sign the bill for example authorizing funding for an important national defense program but then he went on to point out a few sections of the bill that he viewed is unconstitutional. He then stated and this is often what presidents will do, my administration will interpret the sections to avoid the constitutional conflict.

That is kind of one of the purpose of the signing statement, it also sometimes presidents issue signing statements just because they feel that the legislation that they are signing is super important. And very significant and historic and I believe that President Clinton issued signing statements related to the endangered species act. Not necessarily he felt parts were unconstitutional but because he felt it was a really important piece of legislation. And offered unique and important protections for wilderness for species.

And moving onto the next page of your handout, I did briefly want to talk about the steps to take in compiling legislative history, this is a review of all of the stuff that we have gone over. This is kind of the thing to take with you along with the chart on the following pages.

If the law has been enacted check to see if the legislative history has already been compiled. If no law has been enacted first locate the bill number, determine what significant actions were taken on the bill and then you can identify your citation to the report, the hearings and the floor actions like the debates. To presidential messages.

And then finally, pull the documents.

I mentioned when I first started last month, legislative history generally is kind of broken up at least we think of it here as pre-1970 and post 1970 and that is because the congressional information service index which is in ProQuest in the database, that is when they began was 1969.

When we Dupree -- pre-1969 history, the surgical will be history, you will be working on searching for your bill number, and you are going to search for the legislative history using the bill numbers with post

1970 let's let of history, you will use the CIF index in ProQuest they have gone to the effort to compile most of the material that goes into the legislative history.

Sometimes if you are trying to be extra thorough, we will double check and go back with the bill numbers and review to make sure we have not missed anything.

That is kind of how we think of it, three -- pre 1969 and post 1969, using the compiled list of documents in the index.

I have a paragraph on where the legislative history is and information about the library, this is the plug for the library treatment we are open to employees of the department and also other federal agencies and the public and you can visit us, give us a call or drop by. You can email us as well; the website information is on there I have a list. And you are welcome to contact us if there is ever anything that we can help you with legislation.

The next couple of pages -- and up on the screen right now I have a legislative history page for the Gulf Island national seashore, I pulled this from ProQuest, I mentioned earlier if you are fortunate to be pulling something from after 1969, you can use the compiled legislative history. This will give us a list of all of the documents that would go into the legislative history.

It will show us the reports that go in, the hearings that go in and the floor debate as well.

I always double check the floor debate because sometimes pages are missing. I use the bill number and actually look at the index for the congressional record as I showed you earlier, just to make sure that I am using the right bill and everything is in there that should be.

Moving on, I want to briefly talk about federal regulation. You can do a class on by itself, and I think you have this as a handout. But basically, I want to talk a little bit about doing what is sort of the equivalent of legislative history but with federal regulation but we are talking about the executive branch documents.

The federal regulation is a rule written by a federal agency or department to implement and administer the laws that Congress creates.

Sources of federal law our statues passed by Congress. Court opinions and administration regulation.

The progress how something goes from law into regulation is, Congress passes a law, the executive branch department proposes a rule to enforce the law. The proposed rule is published in the federal register. There is a comment period, comments are collected reviewed and considered. The final rule is published and then the regulation is codified and placed in the CFR or the Code of Federal Regulations.

Some people will come to us and they will say, I have this public law and I want to find out, they have done the legislative history, now they want to find out how they can take the public law and figure out if there are any executive branch regulations related to this?

How was the federal government going to implement this piece of legislation that has been enacted?

The answer is, there is a handy thing called the parallel table of authority. You can now access from the GPO, I have the access GPO on here, I think it is now government info, same place, GPO. Is a particular volume in the back of the index, the CFR index volume. You will go all the way to the back, and you can go by Public Law number, as you can see right here, you can also use that USC code section to locate the Reboulet CCFA parts -- CFR parts.

Moving to the USC section to the statute, you can use the US code annotated from the West publishing which we have, and I will show you in a few minutes that there is actually an additional resort which is up online. From the house which is great.

The use less that's US code annotated shows the history of the US code annotation.

I have pulled up the codification for the Gulf Islands national seashore act, as you saw last time we went over the public law and I showed you what the public law looks like. We found information from that and what this will tell us is, this is where the public law is codified. It basically means these are all of the sections of the US code that talk about how the federal government is going to implement the Gulf Islands national seashore act.

If you go down here, it will tell you section by section of the public law were those are codified and as you can see, each section of the public law goes to a different section of the 16 US CA 459.

Just to make a point, not all laws are codified, many are not.

It usually has to do with appropriation and there are probably other aspects as well which are very complicated in which I do not know [Laughter]

And in some cases, it is appropriation thing, funding is appropriated every year and so specific things are not codified.

Or it is possible it is not codified for other reasons like, there is not really specific that the government has to implement from the public law.

In the second page here, I pulled this from Westlaw, this is from the US code annotated, the USC is available up online from the GPO mother annotated code has additional notations at the end that can be useful. This will tell us that the enacting law that this came from, we look at this last time, it also shows not only the enacting or enabling law but any amendments to the law. It will tell us below not just the amendment to it but it will tell us what sections of the law were amended as well.

It can be useful if you're working with a large piece of legislation, looking with the Lacey act which goes all the way back to the 1920s, it is a pretty extensive piece of legislation that has been amended the number of times. Sometimes we are looking at a little section and we can use this amendment list to narrow down the specific section that we want to take a look at.

I mentioned earlier, I am sorry this is tilted.

There we go payment

The office of law the vision Council and the US House of Representatives, has is really great popular name tool up on the website which you should take a look at. Is similar to the West one that I showed earlier, you can click on it and it will tell you the enabling legislation and, in many cases, it will also give you the amendment. It is free, works really well.

They also have classification tables and some information about positive law codification. Which has been particularly important for us, because some of the titles for the interior have been re-codified, I am not sure if this is the correct term. They are creating new titles in the US code and some of this stuff has been moving around a little bit.

Some of the titles which have been added are positive law which means, the entire title of the US code is like one big public law rather than being made up of lots of little laws, it is passed as one piece of legislation.

Here we go. Parallel table of authorities and rules as mentioned earlier. I want to show you what it looks like.

Looking at the section, the Gulf Island national seashore is codified, it is 16 USC 459, as you can see it will give a parallel table to the CFR. If you want to find out -- basically the US code is kind of how codified law applies to you and I as a citizen, the CFR is how the executive branch or the government is going to implement the law.

You may want to go back and forth from the codified section of the code to the regulation implemented by the federal government. This is what this table of authority will allow you to do. It will show you the sections of the CFR relevant to the sections of US code.

You can also look up what sections of the CFR are relevant to the particular statute you are looking at, with this parallel table which is also in the back of the CFR index, I looked up 84 Stat and the sections, I have highlighted are part of the Gulf Island national seashore, a couple of them are --

You can see there is a codified section, to the CFR.

And this is an example that you can see, this is the national wilderness preservation system, for the wilderness act and I talk a little bit about that.

Using that as another example here, you can see, here is the US code, here is the public law and again, this is how it is codified.

And then we can see down here again the enacting law along with the amending law and this one also tells us which US code section is relevant to the public law.

And for this one, the wilderness act there is a lot of legislative history but I also pulled up this to show you, you can also go from statute to the CFR.

And I guess that is about it, the only thing I want to mention is in your handout, the last 3 pages. There are a couple of charts which hopefully you will find useful it is kind of telling you how to find things, if you have to locate the bill number it will tell you the resources to go to. If you want to determine the

significant actions that have been taken on the bill, it will tell you if you have this you can use this to find it.

Locating citation, the committee reports, finding hearings on a bill for citations to congressional debates and four presidential messages.

Hopefully if you do not remember everything I have mentioned to you today and last time that we met, you will have this chart to take with you, hopefully it will be a great reference resource, especially if you do not work with these very much, it is hard to remember everything involved and where to go to find all of these things.

Hopefully, this has been useful and I guess back to you Bob if there is anything else been

We do have time for questions and comments, I do not know if anyone has any questions.

[Indiscernible-static]

We are behind on getting things archived but I can send you a link that you can access immediately. I will email you right after this with a link.

There is a question.

Is there way to get an email [Indiscernible-static] to a database but [Indiscernible] is there is such mechanism with the advancements that they have made over the years?

That is a good question, the people who were here from Congress.gov said they were working on the alert service. One of my colleagues is here, she does a lot of legal reference

And they are working on the alert service, so that will be a great resource, if you have Westlaw or Lexis you can set up the alert. Congress.gov, you can take a look at that, I know they were set up in gov info before, some of the attorneys here that like to do that as well, they usually have the resources but if you do not and maybe you have reason you do not want to access that specifically, I think Congress.gov is a good resources, they are loading more stuff on there all the time. A were just here yesterday for a class and I cannot recall offhand but there is a couple of databases that they just added, correct?

[Indiscernible-low volume]

They are going further back on everything treatment they had a lot of recent stuff and it is free and terrific and you can cool things electronically but it did not go back super far, this is something that they are working on treatment

If you want to do the bill markup you have the option to pull up the bill from the hearings and do this manually from the congressional record.

I believe that this will be a great resource, thank you for your colleague as well Jennifer.

Thank you.

Any other questions or comments?

Again, as with last month, Jennifer, I appreciate you helping guide us through work and be at least for me, some confusing terrain and hoping to lead the way on what is available in terms of the resources and helping us to further advance our own understanding of where we can get the information and what it means once we get our hands on it.

I appreciate what you had to say early on in today's part of the presentation about, the congressional record. You made an important point, -- point that if you really want to keep track of how the bill has progressed or the development, the congressional record can help you make you on the right track, on a bill that was killed on Capitol Hill but one that actually made it through and went for the presidential signature.

And to be able to delve into what was discussed and that kind of thing, on the floor of Congress, this came to mind -- my civil rights history is a little rusty. I will not take up too much time, it is important how the congressional record can be, thinking back in 1954 Brown versus education, the Supreme Court decision Thurgood Marshall on the others who argued against segregated schools, at that time one of the things -- forgive me if I am messing up on some of the specifics. They had to really show the lawmakers from the Civil War reconstruction era, the intended for schools to be desegregated, it came down to somebody on the NCAA staff helping Thurgood Marshall and the others arguing in front of the Supreme Court, something from Pennsylvania [Indiscernible] Stevens and it was part of a floor debate in the Senate.

I think it was a part of the congressional record but anyway, Stephen's speech on the floor that indicated, it was indeed part of the intent for the 14th amendment at the time in terms of equal protection for everyone an equal rights for everyone. The most crucial thing that led to the Brown versus Board of Education, dealing with a significant one and this is what it took. The people on behalf of Thurgood Marshall what had been discussed and debated on the floor of Congress and the change history.

It is a five is what you have said.

Yes.

I agree, it is important, I think everyone thinks immediately of congressional committee reports and everything, but the record is so important as well, because it will tell you a lot about what sorts of conversations went on around a piece of legislation as well payment that's what people were complaining about and what aspects of it were controversial from a historical standpoint, it is pretty difficult to be sad before there was C-SPAN [Laughter]

Exactly, if you really want to take a look at what was going on.

Yes, the 1954 Supreme Court decision, it was a matter of trying to get to the heart of what exactly the Senators and the congressmen had and mine back nearly a century early and this is how they establish that and having the paper trail if you will, I appreciate you bringing that up.

Also, this is something I was not aware of, I am very much trying to get on after all these years, trying to get the learning curve when it comes to the learning sources for all of this online. I did not know about the popular name tool on the US House of Representatives site.

Yes, that is a great resources, it was in data for a long time and now they pretty much finalized it. It is great, I mean there was no free popular name table that I had found, it is great because not everybody has Westlaw.

It will make life so much easier, somebody tried to find a certain piece of legislation or a statute, it is not the precise name and so it is trying to figure out what they are referring to and it does facilitate the process, it is nice to know that they are thinking of the librarians and making life a little easier for us by having something like that.

Thank you for highlighting that.

I try to always include that when I do a federal resource class for people because it is free and it is not the kind of thing that you would necessarily come across when you're doing your research.

Very good.

We have a little bit more time for any questions or comments.

While we are waiting, I guess -- I do not want to monopolize the time, I have a couple of questions.

What for you has been the biggest surprise or revolution in terms of going through all of the resources, or specifically within the past 2 years. They have made some significant strides and making this easily available online, are there any particular surprises or revolutions about things that they have?

Anything that really maybe turned upside down on some of the expectations of what you may have had as far as what is available?

I have been very much impressed with how much effort the GPO has been putting into trying to digitize more and more of their collection. And making them available for free for the public, it is great because of course the paid database services have been in front of a lot of this. The search engines are good and they have been out for a while. It is really great to see that the GPO is kind of stepping up and the Congress as well, the librarian at Law Library of Congress stepping up to make sure that these things are available electronically. That there is good backup for them, they go back far enough for them to be useful for people.

I guess in terms of other aspects of -- I am surprised on how much material has been digitized in a short amount of time. It seems like it was a snowball rolling downhill, it was building momentum [Laughter]

It seems like more and more things are being digitized and it seems like eventually, it is going to be possible to find almost everything. We get more and more people, we are open to the public, we have more and more researchers coming in and we use [Indiscernible] quite a bit and other databases for research, when it comes of the government information, we use the ProQuest database quite a bit. More and more, we are using the GPO for things, we are using the Congress.gov.

It is interesting to see how much material is available, it makes it so much easier to search too, we do a lot of 19th century research because the department was founded in 1849, researching Native American issues, it was always so hard to dig through this stuff trying to find a certain word or a name or a place or something like that. It makes it so much easier; we had somebody in the other day and they were looking for research on a particular mine -- mine in Montana which is not existed for a long time, it was blocked off. We were able to find things in the number of databases just by searching on the name of the mine, I cannot imagine going to the congressional record and finding anything that way.

I guess there is that [Laughter]

You are right, how much is available online, which is wonderful I think about 20 years trying to look to do this kind of research, the federal legislative research, there is only so much available online at the time. Going further back when I used to work for somebody in the Maryland state legislator, having to actually go to places, particularly the law Library of Congress, trying to growth of the hard copies of everything, differently a different era and making things a lot easier, and more efficient.

It is mine staggering but also wonderful that there is so much available online.

Yes.

I think if you have had the same experience -- we often joke about the fact, all of the questions that we get now are hard because everybody can do the easy ones on their own [Laughter]

People only come to us with really complicated stuff [Laughter]

That is true been

-- It definitely keeps us employed; we are indispensable in our own ways.

Unless anybody else has any questions, unless you have any questions or comments, I do want to take the opportunity to thank Jennifer for the wonderful presentation both today's presentation and last month. As with the previous roundtable presentation on the web, you have made us a lot more knowledgeable than we were before about very important topics and resources.

Thank you, Jennifer.

People have been commenting and I echo this, for example they will refer to the presentation and the handouts often.

I agree, I have the same game plan.

Thank you for that.

And the questions are harder our more time concerning.

Thank you, Jennifer, and thank you for everyone here today who took the time to join us and I hope that you found the presentation equally worthwhile, again I appreciate the comments in the questions and the overall participation.

With that, we are at the top of the hour, Jennifer or if anybody has any questions, about all of this, I assume it is okay for them to follow up with you directly?

Absolutely, as I said people are welcome to give us a call or stop in, we have a really cool reading room, it is an ahistorical part of the building, if you want to tour, we give a lot of library and stores.

Outstanding.

I hope everyone has a good rest of their day and that hopefully a number of you have a holiday weekend coming up. The next Transportation Roundtable will take place next month on Thursday, November 14, stay tuned for further details about that.

In the meantime Sam and I hope that all of you stay safe, take care and keep on working hard.

Goodbye.

[Event Concluded]