

KEY POINTS

What Did Congress Intend When It Wrote This Law?

A Commentary on Our Condition

"Everyone is a prisoner of his own experiences. No one can eliminate prejudices—just recognize them."

Edward R. Murrow, broadcast journalist

Volume 10, Number 6
August/September 2008

Eileen Gonyeau, J.D., Editor
Thomson West
610 Opperman Dr.
Eagan, MN 55123-1396
(651) 687-5497

e-mail:

eileen.gonyeau@thomsonreuters.com

For search assistance,
call the West Reference Attorneys at
1-800-REF-ATTY (1-800-733-2889)

Although a federal law says what it says, the question still arises: What did Congress mean? Although legislative history is not held in good repute in some circles, it remains a useful source from which to determine what Congress intended when it wrote the law.

Federal legislative history research focuses on the procedures and documents of Congress. The most important documents are the reports of the congressional committees of each house and the reports of conference committees.

The Legislative History–U.S. Code, 1948 to Present database (LH) contains congressional committee reports as reprinted in the *U.S. Code Congressional and Administrative News*^{®*} (USCCAN) from 1948 to present. Beginning with 1990, LH includes all congressional committee reports on pending legislation regardless of whether a bill became law. The database also includes presidential signing statements reprinted in USCCAN from 1986 to present.

To retrieve documents related to a specific act, search for the popular name or the public law number* in the topic field (to). For example, to retrieve documents related to the Sarbanes-Oxley Act of 2002, Pub. L. No. 107-204, which affects how public companies are audited, access the LH database and type a Terms and Connectors query like one of the following:

to(sarbanes-oxley)

or

to(107-204)

Editor's note: In your result from the above search, notice the president's signing statement, which lays out how the executive branch will construe some sections of the Sarbanes-Oxley Act.

To retrieve specific reports relating to a subject, search for *house*, *senate*, or *conference* in the title field (ti) and add terms describing the subject, using numerical connectors, e.g.,

ti(conference) & air-craft /5 carrier

For more information on public laws and federal legislative history databases on Westlaw[®], including a table of the exclusive Arnold & Porter legislative history databases, see inside this issue.

* Recent reports may not yet have public law numbers.

Arnold & Porter Legislative History Databases

For comprehensive legislative history of these major federal acts, search Arnold & Porter legislative history databases. These databases include many documents that are unavailable online anywhere else and may predate contents in other Westlaw databases.

Name of Act	Database Identifier
Americans with Disabilities Act of 1990	ADA-LH
Bankruptcy Amendments and Federal Judgeship Act of 1984	BANKR84-LH
Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986	BANKR86-LH
Bankruptcy Reform Act of 1978	BANKR78-LH
Bankruptcy Reform Act of 1994	BANKR94-LH
Class Action Fairness Act of 2005	AP-CLASS-LH
Clean Air Act Amendments of 1977	CAA77-LH
Clean Air Act Amendments of 1990	CAA90-LH
Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)	CERCLA-LH
Do-Not-Call Implementation Act of 2003	DNCIA-LH
Employee Retirement Income Security Act of 1974 (ERISA)	ERISA-LH
Fair and Accurate Credit Transaction Act of 2003	AP-FAIRCR-LH
False Claims Amendments Act of 1986	FALSECLM-LH
Family and Medical Leave Act of 1993	FAMILV-LH
Federal Water Pollution Control Act Amendments of 1972	FWPCA72-LH
Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA)	FIRREA-LH
General Revision of Copyright Law, 1976	COPYREV76-LH
Government Securities Act of 1986	GOVSEC86-LH
Government Securities Reform Act of 1993	GOVSEC93-LH
Homeland Security Act of 2002	HOMESEC-LH
Insider and Securities Fraud Enforcement Trading Act of 1988	INSIDER-LH
Medicare Prescription Drug, Improvement, and Modernization Act of 2003	MEDPRES-LH
Multiemployer Pension Plan Amendments Act of 1980	MULTEMPL-LH
North American Free Trade Agreement Implementation Act	NAFTA-LH
Riegle Community Development and Regulatory Improvement Act of 1994	RIEGLE94-LH
Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994	BANK94-LH
Sarbanes-Oxley Act of 2002	SAROX-LH
Standards Development Organization Advancement Act of 2004 and Antitrust Criminal Penalty Enhancement and Reform Act of 2004	STDOAA-LH
Superfund Amendments and Reauthorization Act of 1986 (SARA)	SARA-LH
Telecommunications Competition and Deregulation Act of 1996	TELECOM-LH
USA PATRIOT Act of 2001	PATRIOT-LH

Selected Public Laws and Legislative History Databases

Database	Database Identifier	Coverage
U.S. Code Congressional and Administrative News	USCCAN	Contains documents published in <i>U.S. Code Congressional and Administrative News</i> (coverage varies by document type)
U.S. Code Congressional and Administrative News–Public Laws	USCCAN-PL	Contains the text of public laws as set forth in enrolled bills passed by both houses of Congress, beginning with the First Session of the 93rd Congress (1973) (includes documents from US-PL and US-PL-OLD).
U.S. Code Congressional and Administrative News–Legislative History Reports	USCCAN-REP	Contains all congressional committee reports, including reports on bills that did not become law, beginning with 1990. Also sets out the legislative history of public laws as reprinted in USCCAN from 1948 through 1989, as well as the legislative history of securities laws beginning with 1933.
U.S. Code Congressional and Administrative News–Legislative History Table	USCCAN-TABLE	Contains USCCAN Table 4, which lists each public law, its date of approval, <i>United States Statutes at Large</i> page number, Senate or House bill number, and other legislative history information, beginning with the Second Session of the 106th Congress (2000).
U.S. Code Congressional and Administrative News–Session Highlights	USCCAN-SESS	Contains monthly updating supplements to USCCAN that summarize new laws, pending legislation, presidential actions, and other highlights of a congressional session, beginning with the Second Session of the 106th Congress (2000).
United States Public Laws	US-PL	Contains the text of enrolled bills passed during the current Congress that have been signed into law by the president.
United States Public Laws 1973–2006	US-PL-OLD	Contains the text of public laws passed in previous sessions of Congress, beginning with the First Session of the 93rd Congress in 1973.
Legislative History–U.S. Code, 1948 to Present	LH	Contains all congressional committee reports, including reports on bills that did not become law, beginning with 1990. Also sets out the legislative history of public laws as reprinted in USCCAN from 1948 through 1989, as well as the legislative history of securities laws beginning with 1933. Includes presidential signing statements reprinted in USCCAN beginning with 1986.

ADVANCED SEARCH TIP

A Law by Another Name

Suppose you want to retrieve an Arizona statute known as the Last Call Bill. You've tried searching the Arizona Statutes–Annotated database (AZ-ST-ANN) using the phrase last call and found nada.

Where do you look now?

Laws frequently go by popular names. To find them, try the popular name tables available on Westlaw for all 50 states and the District of Columbia.

For example, to retrieve the Last Call Bill, access AZ-ST-ANN. Click **Pop. Name Table** at the top of the Search page. The popular name table is displayed.

Scroll down until you see *Last Call Bill, alcoholic beverages, hours of sale*. Click the statutory citation. The full text of the relevant section is displayed in the Link Viewer.

To retrieve federal laws using a popular name, e.g., NAGPRA (Native American Graves Protection and Repatriation Act), access the United States Code Annotated database (USCA) and click **Pop. Name Table** at the top of the Search page.

Click the letter **N**, then click the act's name.

Need More Copies of the KEY POINTS Newsletter?

Please send me _____ additional FREE copies of the KEY POINTS newsletter.

Name _____

Agency _____

Address _____

City _____

State _____ Zip _____

You can also receive KEY POINTS electronically. Just complete the subscription form found at west.thomson.com/signup/newsletters/4.aspx.

