

Chairman Peter Rodino 1973–1989

In the last seven years of the chairmanship of Peter Rodino, D-NJ, the Judiciary Committee was instrumental in the enactment of numerous laws, including those that aided victims of crime, revamped bankruptcy laws, adapted immigration laws to new circumstances, updated the Fair Housing Act, revised civil rights laws narrowed by Supreme Court decisions, amended firearms laws, expanded anti-drug laws, and provided reparations to Japanese-Americans.

Crime: Omnibus Legislation

The 97th Congress in its lame duck session, through a process of amendments between the Houses, passed an anti-crime measure that was a compilation of individual bills acted on during the Congress in one or both chambers. Among its provisions, the measure increased penalties for various drug offenses; created a successor agency and assistance program to the Law Enforcement Assistance Administration; established a new federal felony for tampering with drugs and foods; made it a federal crime to murder or assault certain federal intelligence personnel; permitted some repeat offenders to be tried in federal court; and created a new Cabinet-level “drug czar” with powers to direct actions by other Cabinet officers.¹ President Reagan vetoed the measure.

Legislation in the 98th Congress, however, culminated an 11-year effort to reform the federal criminal code, begun in 1973 with legislation based on the earlier report of the National Commission on Reform of Criminal Laws (the Brown Commission, named after the commission chair, then-California Governor Edmund G. Brown). The Judiciary Committee reported a number of individual bills that were incorporated into the Comprehensive Crime Control Act of 1984, which passed as an amendment to the Fiscal Year 1985 Continuing Appropriations Act.²

Some of the major provisions of this new law addressed federal sentencing procedures that had led to disparities in punishment for similar crimes; allowed pretrial detention of dangerous defendants; enhanced anti-drug laws; restricted the insanity defense; created a grants program for anti-crime projects, superseding the former Law Enforcement Assistance Administration; increased penalties for drug offenses and gave prosecutors new tools in seizing drug traffickers’ property; provided federal assistance for locating missing children; reauthorized the Office of Juvenile Justice and Delinquency Prevention; provided new authority for witness protection; created a Crime Victims Fund; and attacked various forms of counterfeiting and fraud.

Crime: Anti-Drug Legislation

In the 99th Congress, the omnibus Anti-Drug Abuse Act of 1986 passed by Congress and signed into law by President Reagan, grew out of the work of a number of House Committees in addition to the Judiciary Committee. The new law authorized hundreds of millions of dollars for a variety of anti-drug programs: drug interdiction, drug enforcement, grants to state and local law enforcement, rehabilitation and treatment, and drug abuse education and prevention. Among the Judiciary Committee's contributions to the new law were provisions to reduce the laundering of drug money through financial institutions, increase the drug enforcement authorization, levy stronger penalties for drug-related offenses, and provide new grants for state and local anti-drug enforcement.³

In the 100th Congress, the Judiciary Committee again considered and Congress passed major anti-drug legislation. The omnibus Anti-Drug Abuse Act of 1988 authorized \$2.7 billion for anti-drug programs. It also was again a measure considered by a number of House Committees. Related to the measure, the Judiciary Committee dealt with firearms controls, diversion of chemicals to create drugs, grants to state and local law enforcement, the death penalty for so-called drug kingpins, an expansion of the Drug Enforcement Administration, and creation of a drug czar, among other provisions. The measure also contained a reauthorization of the Juvenile Justice and Delinquency Prevention Act, addressed the problem of child pornography, and comprised other provisions.⁴

Crime: Firearms Legislation

Legislation affecting the availability of certain types of guns and bullets, and the use of firearms in criminal acts, was regularly debated in the Judiciary Committee in conjunction with anti-crime and anti-drug legislation. Some freestanding bills related to guns and bullets were also considered during the Rodino chairmanship.

In the 98th Congress, the Judiciary Committee reported legislation barring armor-piercing bullets. The measure was not considered by the House.⁵ In the 99th Congress, however, a similar measure was reported from the Judiciary Committee. It passed the House and Senate and was signed by the President. Certain bullets used for industrial purposes and for hunting were exempted.⁶

In the 100th Congress, the Judiciary Committee reported, the House and Senate passed and the President signed a measure to ban guns that could not be detected by metal detection equipment.⁷

Crime: Other Crime Legislation

Legislation affecting specific crimes and aspects of criminal justice was regularly debated in the Judiciary Committee in conjunction with anti-crime and anti-drug legislation. Some freestanding bills related to specific crimes and to criminal justice were also considered during the Rodino chairmanship.

The Judiciary Committee in the 97th Congress reported two measures that ultimately became law to increase the security of public officials. One measure created a federal offense for threats to kidnap the President, a former President, or another person entitled to Secret Service protection.⁸ A second measure made it a federal offense to kill, assault, or kidnap certain federal officials such as Cabinet officers, Supreme Court justices, and certain presidential aides.⁹

In the 97th Congress, the Judiciary Committee reported legislation that ultimately became law that made it a federal offense to produce or transfer false identification documents.¹⁰

The 97th Congress also passed and the President signed legislation to permit the federal government to help find missing children by encouraging the FBI's National Crime Information Center (NCIC) to accept specific physical and other information on missing persons that would be helpful in identifying children. The measure had been reported by the Judiciary Committee.¹¹

The 97th Congress also passed a measure to better protect witnesses and victims, and to authorize federal judges to order restitution for victims. The measure, passed by the Senate and then by the House after discharging the Judiciary Committee, made it a federal felony to intimidate witnesses or victims, among other provisions.¹²

Following the deaths of seven people who consumed Tylenol® capsules that had maliciously been laced with cyanide, the Judiciary Committee in the 98th Congress reported legislation that ultimately became law to strengthen federal anti-tampering laws to provide additional protection of food and drugs. Among the changes, tampering with certain consumer products or their labels was made a federal felony.¹³

The 98th Congress also passed legislation that was signed by the President to expand the reach of federal anti-pornography laws to protect children. The measure, reported from the Judiciary Committee, raised to 18 from 16 the age of children protected, dropped a requirement that sexually explicit material involving children be “obscene,” and prohibited noncommercial as well as commercial distribution of such pornography.¹⁴

The 99th Congress updated federal wiretap law with the Electronic Communications Privacy Act, to extend privacy protections to new technology such as cell phones, pagers, and e-mail.¹⁵

The House in the 100th Congress defeated a bill reported by the Judiciary Committee that would have delayed for nine months the implementation of federal sentencing guidelines drafted by the U.S. Sentencing Commission,¹⁶ as required by the Comprehensive Crime Control Act of 1984.

The 100th Congress passed and the President signed a measure reported from the Judiciary Committee to make it a federal crime to damage religious property or interfere with a person's exercise of religious freedom.¹⁷

In the 100th Congress, the Judiciary Committee also reported legislation that ultimately became law to implement the international genocide convention. The measure, called the Proxmire Act in honor of Senator William Proxmire's (D-WI) 20-year, nearly daily advocacy of the convention, made genocide a federal crime and created penalties for it.¹⁸

Special Prosecutor

During the Rodino chairmanship, Congress and the President twice reauthorized the independent special-counsel law for five years, in 1982 and 1987.²⁰ The law was originally enacted as a post-Watergate reform in 1978. Among its provisions, the 1982 reauthorization contained limitations that reduced the number of officials covered by the law and the number of years they were covered, and that tightened the criteria leading to the appointment of an independent counsel. The 1987 reauthorization, among its provisions, limited the attorney general's flexibility in seeking appointment of an independent counsel.

Immigration

In the 97th Congress, the Senate passed an immigration reform measure, and the House began debating, but did not finish action on, a related measure based on a bill reported by the House Judiciary Committee. The wide-ranging measure, among its provisions, dealt with the hiring of undocumented workers, avenues of legalization for undocumented workers, temporary agricultural workers, and procedures for asylum and other immigration cases.²¹

The 98th Congress once again tried to pass a wide-ranging immigration measure. While both the House and Senate passed immigration bills and sent them to conference, the conferees were unable to reach final agreement.²² Among its provisions, the House measure contained employer sanctions for hiring undocumented workers; avenues of legalization for undocumented aliens who proved they were in the United States before January 1, 1982; and revisions to the program for temporary agricultural workers.

Following five years of unsuccessful efforts, the 99th Congress passed and the President signed the Immigration Reform and Control Act of 1986.²³ This new law for the first time levied fines on employers who knowingly hired undocumented workers. The new law required an employer to verify the identity and employment eligibility of a person to be hired. The employer was also required to complete a verification form, and to retain an employee's form for at least three years, or until one year after employment ended, whichever was longer.

The new law provided avenues of legalization for undocumented workers who had resided continuously in the United States from before January 1, 1982. It also provided temporary resident status for certain foreign agricultural workers; those eligible could apply for regularization of status and eventually for full citizenship.

In the 100th Congress, the Judiciary Committee reported a measure to provide a seven-month extension of the legalization program contained in the 1986 law.²⁴ The Senate failed to invoke cloture on the House bill.

During the 100th Congress, the Judiciary Committee reported legislation that ultimately became law as the Immigration Amendments of 1988. The new law allowed 15,000 additional visas in each of Fiscal Years 1989 and 1990 for persons from countries that had few immigrants to the United States because of a 1965 immigration law. The changes benefited nationals of Ireland and other Western European and some African countries. The new law also provided 10,000 additional visas in each of Fiscal Years 1990 and 1991

for immigration from countries whose nationals had received less than 25 percent of the maximum immigrant visas available to them in Fiscal Year 1988. Other provisions of the new law were intended to mitigate a shortage of nurses in the United States.²⁵

Also in the 100th Congress, the House passed a bill reported by the Judiciary Committee to temporarily stay the deportation of Nicaraguans and Salvadorans who were in the United States without documents.²⁶ Subsequently, the Judiciary Committee reported a safe-haven bill, which the House passed, to allow foreign citizens to remain in the United States temporarily if certain circumstances prevailed in their home country.²⁷ The Senate did not consider the House safe-haven bill. Disputes between Congress and President Reagan over U.S. policy toward Nicaragua and El Salvador influenced the prospects of both of these measures.

Refugees

The Judiciary Committee reported a measure in the 98th Congress that passed the House but was not considered in the Senate to reauthorize refugee programs for two years. The programs had been established in a 1980 law establishing procedures for admitting refugees and their resettlement. The measure sought to provide incentives for refugees to take jobs rather than seek welfare.²⁸

The 99th Congress passed legislation reported by the Judiciary Committee, which the President signed, to reauthorize refugee programs for two years. As enacted, the measure continued refugees' social services programs, tightened accountability for social services agencies receiving funds under these programs, and changed the allocation to states that benefited states with large numbers of refugees.²⁹

Civil Rights

In the 97th Congress, Congress passed and President Reagan signed into law a 25-year extension of the Voting Rights Act. The new law allowed jurisdictions to demonstrate that they should be exempted from the operation of section 5 (pre-clearance of election law changes) of the Voting Rights Act, required only the result of discrimination and not an intent to discriminate to show a voting rights violation under section 2 of the Voting Rights Act, and extended requirements for bilingual voting materials to 1992.³⁰

The 98th Congress and President Reagan concluded a struggle over appointees to the U.S. Commission on Civil Rights, including the President's authority to fire commissioners, with the enactment of a measure reauthorizing the Commission. The measure reported from the Judiciary Committee, and passed by the House, was amended in the Senate to reflect a compromise between the President, Congress, and civil rights groups. The House agreed to the Senate's amendments. Among its provisions, the new law changed the Commission's composition to eight members, four appointed by the President and four by Congress, from six members appointed by the President.³¹

In the 98th Congress, the House also attempted to start the process to submit the Equal Rights Amendment to the states for a second time. The Judiciary Committee reported the

constitutional amendment to the House. The measure fell six votes short of the two-thirds vote required for constitutional amendments.³²

After attempting but failing to pass changes to antidiscrimination laws in the 98th and 99th Congresses,³³ the 100th Congress passed, and later overrode President Reagan's veto of, legislation that revised four civil rights laws that were affected by a narrow interpretation in a Supreme Court decision on Title IX of the Education Amendments of 1972. In *Grove City College v. Bell*, 465 U.S. 555 (1984), the court decided that antidiscrimination laws reached only a program or activity receiving federal assistance, not the entire institution where the program or activity took place. The Civil Rights Restoration Act of 1987 applied the antidiscrimination laws to the whole institution.³⁴

The 100th Congress also amended the Fair Housing Act to enable the Department of Housing and Urban Development (HUD) to penalize those who discriminated in the sale or rental of housing. HUD had previously been able to mediate claims of discrimination; other remedies were available to the Justice Department and individuals. The new law also prohibited discrimination in housing against the handicapped and families with young children.³⁵

Determined to make amends for a past wrong, the Judiciary Committee also considered and the 100th Congress passed a measure that the President signed to authorize \$1.25 billion of reparations to Japanese-Americans who had been interned during World War II as potential security threats to the war effort.³⁶

Legal Services Corporation

President Reagan recommended no funding for the Legal Services Corporation (LSC) in Fiscal Years 1982–1988. Congress, however, funded the agency annually through appropriations bills. For Fiscal Year 1989, the President requested funding, which was increased by Congress. During this time, the House Judiciary Committee in 1983³⁷ and 1985³⁸ reported three-year authorizations for the Legal Services Corporation. These measures, however, were not considered in the House.

Bankruptcy

The 97th Congress ended without Congress having addressed the Supreme Court decision in *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982), which invalidated the structure of the federal bankruptcy courts. The Supreme Court essentially found that, in the 1978 law giving the bankruptcy courts authority to decide ancillary civil matters, Congress gave the courts Article III-like powers without giving them Article III-required independence.

The Judiciary Committee in the 97th Congress reported legislation to give Article III independence to bankruptcy judges.³⁹ The bill was not considered in the House, and a related Senate bill, which created a bankruptcy division within the district courts, was not considered in the Senate.

The 98th Congress, however, was successful in seeing the enactment of the Bankruptcy Amendments and Federal Judgeship Act of 1984. The new law gave jurisdiction over most

bankruptcy proceedings to the federal district courts, and authorized federal appeals courts to appoint bankruptcy judges in the districts as adjuncts to the district courts. The new law elevated the standing of labor contracts vis-à-vis other creditors when companies sought bankruptcy relief, and made it more difficult for individuals to declare bankruptcy and escape their debts. This new law also authorized additional U.S. district and appeals courts judgeships.⁴⁰

In the 99th Congress, the Judiciary Committee reported legislation that ultimately became law to allow family farmers to reorganize under the more favorable terms of Chapter 13 of the bankruptcy laws, reducing the danger of losing a farm. The new law also created additional bankruptcy judgeships, expanded the Justice Department's pilot trustee program to oversee the administration of bankruptcy cases, and made other changes in bankruptcy law intended to increase the efficiency of bankruptcy proceedings.⁴¹

In the 100th Congress, a measure considered by the Judiciary Committee that passed the House and Senate and was signed into law by the President sought to protect retirees' health and life insurance benefits when their former employer sought a Chapter 11 reorganization in bankruptcy. A bankruptcy court could modify the benefits, but the reorganization plan approved by the bankruptcy court needed to provide for benefits.⁴²

Patent, Trademark, and Copyright

The 98th Congress passed and the President signed a wide-ranging pharmaceuticals bill that, among its provisions, encouraged bringing generic drugs into the market. The bill dealt with Food and Drug Administration (FDA) procedures and other matters within the jurisdiction of the Energy and Commerce Committee. The Judiciary Committee reported the bill after having voted on provisions related to patents. As enacted, the measure allowed one extension of a patent on a drug, medical device, or food additive. The extension was intended to compensate for the patent time consumed in testing and approval. The measure also allowed generic drug makers to begin testing of a patented drug before, rather than after, a patent expired.⁴³ This provision was intended to speed the availability of generics to the market. A related measure had passed the Senate but not the House in the 97th Congress.⁴⁴

The 98th Congress also for the first time extended copyright protections to semiconductor chips. The new law protected mask works, defined, in part, as the two- and three-dimensional features of shape, pattern, and configuration of the surface of the layers of a semiconductor chip. A copyright's duration was 10 years. The new law comprised other parts as well since Congress compiled freestanding measures into one measure. The new law created a test, related to the public distinguishing a specific product, for determining when a trademarked product had become generic, overturning an appeals court decision that had established a different test. The new law also created the State Justice Institute to improve state courts' administration, reformed expedited procedures for various civil cases under federal statutes, and clarified aspects of patent law.⁴⁵

Another measure enacted in the 98th Congress prohibited for five years the commercial rental of phonograph records in the absence of the copyright owner's permission to do so.⁴⁶

The 100th Congress passed and the President signed legislation considered by the Judiciary Committee to reauthorize the Patent and Trademark Office for three years and to clarify congressional intent on the issue of patent misuse. Patent misuse was a defense that could be used against a patent holder who accused another party of patent infringement. The new law said it was not a misuse of a patent to refuse to license use of something patented, or to require the purchase of a second item as a condition of using something patented.⁴⁷

The 100th Congress also sought to clarify two other areas of patent law. The House, but not the Senate, approved a bill reported from the Judiciary Committee that stated farmers could not be sued for patent infringement in their use or breeding of patented farm animals.⁴⁸ Another bill reported from the Judiciary Committee that was passed by the House but not by the Senate extended U.S. patent law to outer space. It protected patent holders from patent infringements that occurred in space, and allowed the patenting of inventions conceived in space.⁴⁹

The 100th Congress updated the Lanham Act, the trademark law enacted in 1946. Among its provisions, the new law allowed a company to register a trademark before its use in commerce, then granted the company six months to begin using the trademark. Time extensions were allowed. This measure also included among its provisions the text of a bill, the Satellite Home Viewer Act, that had previously been reported by the Judiciary Committee and passed by the House. These provisions allowed satellite carriers to retransmit to consumers the television signals of superstations and network stations, but required the satellite firms to pay royalties to the copyright owners.⁵⁰

The 100th Congress passed legislation that had been reported by the Judiciary Committee to implement the 100-year-old Berne Convention for the Protection of Literary and Artistic Works. The President signed the legislation into law. The treaty implemented by the legislation provided international copyright protection for writers and artists of signatory nations. As enacted, the new law did not explicitly address the “moral rights” of an artist under the treaty to protect a work’s integrity.⁵¹

Antitrust

The House, but not the Senate, passed a maritime antitrust bill in the 97th Congress to allow ocean common carriers to take action in shipping conferences or cartels to set prices and in other ways limit competition in international shipping.⁵² A measure with the same purpose, however, was enacted into law in the 98th Congress, after having been reported from the Judiciary Committee. The new law also tightened approval procedures by the Federal Maritime Commission to make the practices more transparent and less time-consuming.⁵³

The 98th Congress passed and the President signed a measure, reported by the Judiciary Committee, overturning the Supreme Court decision in *Community Communications Inc. v. City of Boulder*, 455 U.S. 40 (1982), that had left municipalities potentially subject to antitrust damage awards. The measure protected municipalities from antitrust damage awards but continued to allow courts to order injunctive relief against anti-competitive actions.⁵⁴

Also in the 98th Congress, the Judiciary Committee reported a measure that became law that clarified antitrust law to ensure that companies could form joint ventures to perform research and development. Among its provisions, the new law instructed courts to use a “rule of reason” to determine if a joint venture, challenged as anti-competitive, violated antitrust laws.⁵⁵

The number of corporate mergers in the mid-1980s prompted congressional interest in the issue, but neither the House nor the Senate passed bills on it. A Judiciary Committee subcommittee in the 99th Congress reported to the full Committee a clean bill to increase the federal government’s role in approving corporate mergers under antitrust laws, but the full Committee did not consider the measure.⁵⁶

In the 100th Congress, the Senate passed a corporate mergers bill that allowed the Justice Department and Federal Trade Commission to review proposed mergers of partnerships involving at least \$10 million in assets, gave more time to the two agencies to evaluate the impact of a proposed merger on competition, and barred interlocking directorates in companies worth at least \$10 million. The House Judiciary Committee did not act on the Senate bill or a related House bill.⁵⁷

While the House and Senate Judiciary Committees reported bills in the 100th Congress to undo Supreme Court antitrust decisions on vertical price fixing, only the House passed a measure. The court cases involved manufacturers who stopped supplying distributors that wished to discount the manufacturers’ products. Other distributors, who opposed the discounting, had complained to the manufacturers. While the Sherman Antitrust Act prohibited vertical price fixing, the court decisions changed the requirements for proving it. Both the House and Senate measures stated what evidence would be necessary for a decision to be made on whether vertical price fixing existed.⁵⁸

Federal Operations

The 99th Congress updated and strengthened the False Claims Act, which was originally enacted during the Civil War to combat fraudulent claims by military contractors against the U.S. government. The Judiciary Committee reported a measure that eventually became two laws, one aimed at large fraud cases, described here,⁵⁹ and one for small cases.⁶⁰ The new law increased fines for violations of the statute, required knowledge of fraud for the federal government to pursue a lawsuit, and increased the incentives for individuals to initiate fraud lawsuits. The measure also provided whistleblowers with added protections.

The 100th Congress followed up with criminal legislation reported by the Judiciary Committee to make it a federal crime to defraud or attempt to defraud the federal government in contracts of at least one million dollars’ value. The new law also gave some protections to persons who provided information leading to a conviction, and, in a change from existing law, limited legal expenses contractors could recover from the federal government when they had been accused of violating a Federal or State statute.⁶¹

In an unrelated matter in a decision affecting federal employees, *Westfall v. Erwin*, 484 U.S. 292 (1988), the Supreme Court added an additional requirement for immunity

from personal liability when a federal employee was sued in a personal capacity. Under the decision, federal employees not only must have acted within the scope of employment – the previous standard – but also must have exercised discretion in acting. The Federal Tort Claims Act, which provides for tort actions against the United States, had been the exclusive remedy for those allegedly injured by governmental negligence.

The Judiciary Committee reported legislation in the 100th Congress that became the Federal Employees Liability Reform and Tort Compensation Act of 1988. The new law provided that the exclusive remedy for a personal or property loss arising from the alleged wrongful act of a federal employee, acting within the scope of his or her employment, is a claim against the United States. This immunity did not extend to cases involving alleged constitutional torts or violations under statutes specifically authorizing suits against Federal employees.⁶²

The 100th Congress also passed and the President signed legislation reported by the Judiciary Committee to raise to \$40,000 from \$25,000 the amount the federal government may pay to settle a claim by a member of the armed forces or a federal employee for property loss resulting from government service.⁶³

Impeachment

The Judiciary Committee reported four articles of impeachment against U.S. District Court Judge Harry E. Claiborne in the 99th Congress. The House agreed to the Committee's recommendations and impeached Judge Claiborne.⁶⁴ On October 9, 1986, with Chairman Rodino as one of the House managers, the Senate convicted Judge Claiborne on the first three articles of impeachment and removed him from office. The Senate acquitted Judge Claiborne on the fourth article of impeachment. Judge Claiborne was the first Federal official to be impeached and removed from office in 50 years.

In the 100th Congress, the Judiciary Committee was again called on to consider impeachment of a federal judge. The Committee adopted 17 articles of impeachment against U.S. District Court Judge Alcee Hastings. The House agreed to the Committee's recommendations and impeached Judge Hastings.⁶⁵ The Senate trial was conducted in the 101st Congress, during the chairmanship of Jack Brooks.

The conviction in federal court of U.S. District Court Judge Walter L. Nixon Jr. also occurred during the 100th Congress, but the Judiciary Committee decided to wait to consider impeachment until there was a ruling on Judge Nixon's request for a new trial. The request was denied in December 1988, and the Committee reported impeachment articles in the 101st Congress, during the Brooks chairmanship.

Other Legislation

The Judiciary Committee reported legislation in the 97th Congress that became the basis for congressional passage and presidential approval of a measure to create the U.S. Court of Appeals for the Federal Circuit, combining the U.S. Court of Customs and Patent Appeals and the appellate division of the U.S. Court of Claims. The court's jurisdiction was

nationwide. The measure also created a U.S. Claims Court to replace the trial-level U.S. Court of Claims, among its provisions.⁶⁶

Two measures that the Judiciary Committee reported and became law in the 100th Congress were intended to better federal court operations. Among its provisions, one new law provided greater discretion to the Supreme Court in selecting cases to hear.⁶⁷ Among its provisions, a second new law increased to \$50,000 from \$10,000 the amount in dispute that would allow a federal court to exercise its so-called diversity jurisdiction to hear a case involving state laws between litigants from different states.⁶⁸

Also in the 97th Congress, a Judiciary Committee subcommittee considered a Senate-passed bill, which was subsequently passed amended by the House, that allowed companies that made or sold Tris-treated children's sleepwear to obtain reimbursement from the federal government for losses following the ban of Tris. Tris was used to make sleepwear flame-resistant, as required by federal regulation, but was later found by the Consumer Product Safety Commission to be a hazardous substance. The Senate agreed to the House amendments, and the President signed the measure.⁶⁹ The 95th Congress had passed a related bill, which President Carter vetoed.⁷⁰

The Judiciary Committee reported a bill in the 99th Congress, which was passed by the House and the Senate and signed by President Reagan, to permit individuals, small businesses, and local governments to seek reimbursement for attorneys' fees, under certain conditions, when they won a legal dispute with a federal agency.⁷¹ The President had pocket vetoed a related bill passed by the 98th Congress,⁷² but the new bill was changed to allow a federal agency to avoid payment by showing that its position was "substantially justified" in the adversarial proceeding, not at every step or stage of an adjudicatory process.

A bill reported by the Judiciary Committee in the 100th Congress that ultimately became law allowed certain non-profit gambling activities to advertise on radio and television and by mail, with the intention of giving charitable games-of-chance the ability to compete with activities such as state lotteries. The new law also allowed some additional advertising about commercial gambling and state lotteries.⁷³

In the 100th Congress, following Senate passage of a lobbying restrictions bill, the House Judiciary Committee reported legislation that passed the House and was reconciled, through an exchange of amendments, with the Senate measure. Once cleared, the measure was presented to President Reagan, who pocket vetoed it after Congress adjourned. As sent to the President, the measure would have increased the restrictions on lobbying by former executive branch officials, applied restrictions on lobbying by Members of Congress and certain congressional staff for the first time, and toughened penalties for violations of the law.⁷⁴

In the wake of a reporter having obtained a list of Judge Robert Bork's video rentals during hearings on the judge's nomination to the Supreme Court, the 100th Congress passed and the President signed a measure allowing a civil suit in federal court for an invasion of privacy related to a video store's release of customer information.⁷⁵

- ¹ H.R. 3963 was the vehicle for the anti-crime legislation. It had been reported earlier, with essentially one purpose, by the Judiciary Committee (H.Rept. 97–283). Other measures reported by the Judiciary Committee and included in the anti-crime legislation included H.R. 7140 (H.Rept. 97–883, Pt. 1) and H.R. 4481 (H.Rept. 97–293, Pts. 1 and 2).
- ² P.L. 98–473, title II; 98 Stat. 1837, 1976. Measures reported by the Judiciary Committee and passed by the House that were incorporated into the anti-crime measure included H.R. 4028 (H.Rept. 98–1008, Pt. 1); H.R. 4249 (H.Rept. 98–767, Pt. 1); H.R. 4307 (H.Rept. 98–764); H.R. 4901 (H.Rept. 98–845 (Pt. 1 (Judiciary Committee) and Pt. 2 (Ways and Means Committee))); H.R. 5526 (H.Rept. 98–902); H.R. 5616 (H.Rept. 98–894); H.R. 5656 (H.Rept. 98–835, Pt. 1); H.R. 5846 (H.Rept. 98–906); H.R. 5872 (H.Rept. 98–901); H.R. 5910 (H.Rept. 98–908); H.R. 5919 (H.Rept. 98–907); H.R. 6031 (H.Rept. 98–984, Pt. 1); and H.R. 6071 (H.Rept. 98–997).
- ³ P.L. 99–570; 100 Stat. 3207.
- ⁴ P.L. 100–690; 102 Stat. 4181.
- ⁵ H.R. 6067; H.Rept. 98–996.
- ⁶ P.L. 99–408; 100 Stat. 920.
- ⁷ P.L. 100–649; 102 Stat. 3816.
- ⁸ P.L. 97–297; 96 Stat. 1317.
- ⁹ P.L. 97–285; 96 Stat. 1219.
- ¹⁰ P.L. 97–398; 96 Stat. 2009.
- ¹¹ P.L. 97–292; 96 Stat. 1259.
- ¹² P.L. 97–291; 96 Stat. 1248.
- ¹³ P.L. 98–127; 97 Stat. 831.
- ¹⁴ P.L. 98–292; 98 Stat. 204.
- ¹⁵ P.L. 99–508; 100 Stat. 1848.
- ¹⁶ H.R. 3307; H.Rept. 100–336.
- ¹⁷ P.L. 100–346; 102 Stat. 644.
- ¹⁸ P.L. 100–606; 102 Stat. 3045.
- ¹⁹ P.L. 97–409; 96 Stat. 2039.
- ²⁰ P.L. 100–191; 101 Stat. 1293.
- ²¹ H.R. 7357; for earlier action see H.R. 6514; H.Rept. 97–890 (Pt. 1 (Judiciary Committee), and Pt. 2 (Education and Labor Committee)).
- ²² H.R. 1510; H.Rept. 98–115 (Pt. 1 (Judiciary Committee), Pt. 2 (Agriculture Committee), Pt. 3 (Energy and Commerce Committee), and Pt. 4 (Education and Labor Committee)).
- ²³ P.L. 99–603; 100 Stat. 3359.
- ²⁴ H.R. 4222; H.Rept. 100–569.
- ²⁵ P.L. 100–658; 102 Stat. 3908.
- ²⁶ H.R. 618; H.Rept. 100–212 (Pt. 1 (Judiciary Committee), and Pt. 2 (Rules Committee)).
- ²⁷ H.R. 4379; H.Rept. 100–627.
- ²⁸ H.R. 3729; H.Rept. 98–404.
- ²⁹ P.L. 99–605; 100 Stat. 3449.
- ³⁰ P.L. 97–205; 96 Stat. 131.
- ³¹ P.L. 98–183; 97 Stat. 1301.
- ³² H.J.Res. 1.
- ³³ 98th Congress: H.R. 5490; H.Rept. 98–829, Pt. 1 (Judiciary Committee) and Pt. 2 (Education and Labor Committee); and 99th Congress: H.R. 700; H.Rept. 99–963, Pt. 1 (Judiciary Committee) and Pt. 2 (Education and Labor Committee).
- ³⁴ P.L. 100–259; 102 Stat. 28.
- ³⁵ P.L. 100–430; 102 Stat. 1619.
- ³⁶ P.L. 100–383; 102 Stat. 903.
- ³⁷ H.R. 2909; H.Rept. 98–201.
- ³⁸ H.R. 2468; H.Rept. 99–448.
- ³⁹ H.R. 6978; H.Rept. 97–807, Pt. 1 (Judiciary Committee) and Pt. 2 (Appropriations Committee).
- ⁴⁰ P.L. 98–353; 98 Stat. 333.

- ⁴¹ P.L. 99–554; 100 Stat. 3088.
- ⁴² P.L. 100–334; 102 Stat. 610.
- ⁴³ P.L. 98–417; 98 Stat. 1585.
- ⁴⁴ H.R. 6444; H.Rept. 97–696.
- ⁴⁵ P.L. 98–620; 98 Stat. 3347.
- ⁴⁶ P.L. 98–450; 98 Stat. 1727.
- ⁴⁷ P.L. 100–703; 102 Stat. 4674.
- ⁴⁸ H.R. 4970; H.Rept. 100–888.
- ⁴⁹ H.R. 1510; H.Rept. 100–51 (Pt. 1 (Judiciary Committee) and Pt. 2 (Science, Space, and Technology Committee)).
- ⁵⁰ P.L. 100–667; 102 Stat. 3935.
- ⁵¹ P.L. 100–568; 102 Stat. 2853.
- ⁵² H.R. 4374; H.Rept. 97–611 (Pt. 1 (Merchant Marine and Fisheries Committee), and Pts. 2 and 3 (Judiciary Committee)).
- ⁵³ P.L. 98–237; 98 Stat. 67.
- ⁵⁴ P.L. 98–544; 98 Stat. 2750.
- ⁵⁵ P.L. 98–462; 98 Stat. 1815.
- ⁵⁶ H.R. 3639.
- ⁵⁷ H.R. 586.
- ⁵⁸ H.R. 585; H.Rept. 100–421.
- ⁵⁹ P.L. 99–562; 100 Stat. 3153.
- ⁶⁰ P.L. 99–509, title VI; 100 Stat. 1874, 1934.
- ⁶¹ P.L. 100–700; 102 Stat. 4631.
- ⁶² P.L. 100–694; 102 Stat. 4563.
- ⁶³ P.L. 100–565; 102 Stat. 2833.
- ⁶⁴ H.Res. 461; H.Rept. 99–688.
- ⁶⁵ H.Res. 499; H.Rept. 100–810.
- ⁶⁶ P.L. 97–164; 96 Stat. 25.
- ⁶⁷ P.L. 100–352; 102 Stat. 662.
- ⁶⁸ P.L. 100–702; 102 Stat. 4642.
- ⁶⁹ P.L. 97–395; 96 Stat. 2001.
- ⁷⁰ S. 1503; H.Rept. 95–1747.
- ⁷¹ P.L. 99–80; 99 Stat. 183.
- ⁷² H.R. 5479; H.Rept. 98–992. The enactment of a new measure was necessary if Congress and the President wished to reauthorize the Equal Access to Justice Act (P.L. 96–481), which expired Oct. 1, 1984.
- ⁷³ P.L. 100–625; 102 Stat. 3205.
- ⁷⁴ H.R. 5043; H.Rept. 100–1068.
- ⁷⁵ P.L. 100–618; 102 Stat. 3195.