

Public Law 94-149  
94th Congress

An Act

To make technical amendments to the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, and to related provisions of titles 18 and 28 of the United States Code.

Dec. 12, 1975  
[H.R. 9915]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Federal Rules of Evidence (Public Law 93-595; 88 Stat. 1926 et seq.) are amended as follows:

Federal Rules of Evidence and Criminal Procedure, amendments. 28 USC app.

(1) In the table of contents, in the item relating to rule 106, by striking out "on" and inserting "or" in lieu thereof.

(2) In the table of contents, in the item relating to rule 301, by inserting "in" immediately after "general".

(3) In the table of contents, in the item relating to rule 405(a), by inserting "or opinion" immediately after "Reputation" but before the period.

(4) In the table of contents, by amending the item relating to rule 410 to read as follows:

"Rule 410. Inadmissibility of pleas, offers of pleas, and related statements."

(5) In the table of contents in the item relating to rule 501, by striking out "General Rule." and inserting "General rule." in lieu thereof.

(6) In the table of contents, in the item relating to rule 608(a), by striking out "Reputation" and inserting "Opinion and reputation" in lieu thereof.

(7) In the table of contents, in the item relating to rule 901(b)(8), by striking out "compilations" and inserting "compilation" in lieu thereof.

(8) In the table of contents, in the item relating to rule 1101(c), by striking out "Rules" and inserting "Rule" in lieu thereof.

(9) By amending rule 410 to read as follows:

"Rule 410. Inadmissibility of Pleas, Offers of Pleas, and Related Statements

"Except as otherwise provided in this rule, evidence of a plea of guilty, later withdrawn, or a plea of nolo contendere, or of an offer to plead guilty or nolo contendere to the crime charged or any other crime, or of statements made in connection with, and relevant to, any of the foregoing pleas or offers, is not admissible in any civil or criminal proceeding against the person who made the plea or offer. However, evidence of a statement made in connection with, and relevant to, a plea of guilty, later withdrawn, a plea of nolo contendere, or an offer to plead guilty or nolo contendere to the crime charged or any other crime, is admissible in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record, and in the presence of counsel."

(10) In the final sentence of rule 606(b), by striking out "what" and inserting "which" in lieu thereof.

(11) In the catchline of rule 803(23) by inserting a comma immediately after "family".

(12) In the catchline of rule 804, by striking out the colon and inserting a semicolon in lieu thereof.

(13) In the final sentence of rule 804(b) (3), by striking out "admissible" and inserting "admissible" in lieu thereof.

(14) In rule 1101(e), by striking out "admiralty" and inserting "admiralty" in lieu thereof.

SEC. 2. Section 2076 (relating to rules of evidence) of title 28 of the United States Code is amended by inserting a period at the end thereof.

SEC. 3. Section 3491 (relating to authentication of foreign documents) of title 18 of the United States Code is amended by striking out "the requirements of section 1732 of title 28" and inserting "the authentication requirements of the Federal Rules of Evidence" in lieu thereof.

SEC. 4. Section 3492(a) (relating to authentication of foreign documents) of title 18 of the United States Code is amended by striking out "the requirements of section 1732 of title 28" and inserting "the authentication requirements of the Federal Rules of Evidence" in lieu thereof.

SEC. 5. The Federal Rules of Criminal Procedure (as amended by the Federal Rules of Criminal Procedure Amendments Act of 1975) are further amended by striking out paragraph (4) of rule 16(a) and paragraph (3) of rule 16(b); by changing the reference to rule 4(b) (1) in rule 9(b) (1) to rule 4(c) (1); and by changing the reference to rule 4(c) (1), (2), and (3) in rule 9(c) (1) to rule 4(d) (1), (2), and (3).

18 USC app.  
18 USC 3771  
note.

Approved December 12, 1975.

**LEGISLATIVE HISTORY:**

- HOUSE REPORT No. 94-599 (Comm. on the Judiciary).
- CONGRESSIONAL RECORD, Vol. 121 (1975):
  - Nov. 3, considered and passed House.
  - Nov. 13, considered and passed Senate, amended.
  - Dec. 1, House agreed to Senate amendment.