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## AMENDMENTS TO FEDERAL RULES OF EVIDENCE

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The following amendments to the Federal Rules of Evidence were prescribed by the Supreme Court of the United States on April 22, 1993, pursuant to 28 U.S.C. §2072, and were reported to Congress by THE CHIEF JUSTICE on the same date. For the letter of transmittal, see *post*, p. 1188. The Judicial Conference report referred to in that letter is not reproduced herein.

Note that under 28 U.S.C. §2074, such amendments shall take effect no earlier than December 1 of the year in which they are transmitted to Congress unless otherwise provided by law.

For earlier reference to the Federal Rules of Evidence, see 409 U.S. 1132. For earlier publication of the Federal Rules of Evidence, and amendments thereto, see 441 U.S. 1005, 480 U.S. 1023, 485 U.S. 1049, 493 U.S. 1173, and 500 U.S. 1001.

## LETTER OF TRANSMITTAL

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SUPREME COURT OF THE UNITED STATES  
WASHINGTON, D. C.

APRIL 22, 1993

*To the Senate and House of Representatives of the United  
States of America in Congress Assembled:*

By direction of the Supreme Court of the United States, I have the honor to submit to the Congress amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court pursuant to Section 2072 of Title 28, United States Code. While the Court is satisfied that the required procedures have been observed, this transmittal does not necessarily indicate that the Court itself would have proposed these amendments in the form submitted.

Accompanying these rules are excerpts from the report of the Judicial Conference of the United States containing the Advisory Committee Notes submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code.

Sincerely,

(Signed) WILLIAM H. REHNQUIST  
*Chief Justice of the United States*

SUPREME COURT OF THE UNITED STATES

APRIL 22, 1993

ORDERED:

1. That the Federal Rules of Evidence for the United States District Courts be, and they hereby are, amended by including therein amendments to Evidence Rules 101, 705, and 1101.

[See *infra*, pp. 1191–1192.]

2. That the foregoing amendments to the Federal Rules of Evidence shall take effect on December 1, 1993, and shall govern in all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. That THE CHIEF JUSTICE be, and he hereby is, authorized to transmit to the Congress the foregoing amendments to the Federal Rules of Evidence in accordance with the provisions of Section 2072 of Title 28, United States Code.

## AMENDMENTS TO THE FEDERAL RULES OF EVIDENCE

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### *Rule 101. Scope.*

These rules govern proceedings in the courts of the United States and before the United States bankruptcy judges and United States magistrate judges, to the extent and with the exceptions stated in rule 1101.

### *Rule 705. Disclosure of facts or data underlying expert opinion.*

The expert may testify in terms of opinion or inference and give reasons therefor without first testifying to the underlying facts or data, unless the court requires otherwise. The expert may in any event be required to disclose the underlying facts or data on cross-examination.

### *Rule 1101. Applicability of rules.*

(a) *Courts and judges.*—These rules apply to the United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the District Court for the Northern Mariana Islands, the United States courts of appeals, the United States Claims Court, and to United States bankruptcy judges and United States magistrate judges, in the actions, cases, and proceedings and to the extent herein-after set forth. The terms “judge” and “court” in these rules include United States bankruptcy judges and United States magistrate judges.

(e) *Rules applicable in part.*—In the following proceedings these rules apply to the extent that matters of evidence are not provided for in the statutes which govern procedure therein or in other rules prescribed by the Supreme Court pursuant to statutory authority: the trial of misdemeanors

and other petty offenses before United States magistrate  
judges;

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