

KEY LEGISLATION

Judiciary Act, 1789:

- Set the foundation for our judicial system; established federal court system
- Permitted mandamus cases to come to the Supreme Court in its original jurisdiction. This part of the act was famously struck down by John Marshall in *Marbury v. Madison*.

Pendleton Act, 1881:

- Overhauled federal bureaucracy by replacing the spoils system with the merit system
- Began Civil Service Commission to screen applicants.

Hatch Act, 1939:

Limits political activities of civil service employees.

Equal Pay Act, 1963:

- Made it illegal to base an employee's salary on race, gender, religion, or national origin.
- Significant to women's movement and struggle for black civil rights.

Gulf of Tonkin Resolution, 1964:

- Gave president (Johnson) power to send unlimited number of troops for unlimited time.
- Later limited by War Powers Act.
- Enormous boost to "imperial presidency."

Civil Rights Act of 1964:

Title II bans discrimination in public places on basis of race, color, national origin, or religion.

Title VII:

- Prohibits employment discrimination on basis of all of the above plus sex. Allows employers to give racial preferences in hiring.
- Executive Order #11246 required federal contractors to adopt affirmative action programs.
- Allowed class action suits.
- Enforced by EEOC.

Voting Rights Act of 1965:

- Suspended literacy tests.
- Empowered federal officials to register voters.
- Empowered federal officials to ensure that citizens could vote.
- Empowered federal officials to count ballots.
- Prohibited states from changing voting procedures without federal permission.

Age Discrimination in Employment Act, 1967:

Bans age discrimination for jobs unless age is related to job performance.

Air Quality Act, 1967 and various Clean Air Acts, 1960s-1990s:

- Established emissions standards for cars and factories.
- Established minimum standards for states.

Federal Election Campaign Acts, 1971-1974:

- Created FEC.
- Required *disclosure* of contributions and expenditures.
- Provided *limitations* on contributions and presidential election expenditures.
- Provided *subsidies* for presidential candidates.

Title IX of Education Act of 1972:

- No institution of higher learning that receives federal funding may discriminate on the basis of gender.
- Schools forced to increase funding of women's programs, especially sports programs.

War Powers Act, 1973:

President could send troops overseas to an area where hostilities were imminent only if:

- He notified Congress within 48 hours.
- He withdrew troops within 60-90 days.
- He consulted with Congress if troops were to engage in combat.
- Congress can pass resolution to have troops withdrawn at any time.

Freedom of Information Act, 1974:

Allows public access to nonclassified federal documents.

Airline Deregulation Act, 1978:

- Gave airlines the power to set whatever fares the market could bear
- Allowed them to service any cities they wanted
- Resulted in lower fares, greater choice of routes, and a few mergers and bankruptcies
- Example of deregulation of private industry by federal agencies.

Budget and Impoundment Control Act, 1979:

- Established congressional budget committees.
- Established Congressional Budget Office (CBO).
- Extended budget process by three months.
- Allows either house to override temporary impoundment (deferral).
- Automatically voids permanent impoundment (rescission) unless both houses approve within 45 days.

Gun-Free School Zones Act, 1980:

- Using the commerce clause, Congress ordered schools free from guns.
- Declared unconstitutional in *Lopez v. US* as an unreasonable application of commerce clause.
- Example of Conservative court unwilling to infringe upon state discretionary power.

Voting Rights Act of 1982:

- Required states to create majority-minority congressional districts (some of which were declared unconstitutional and modified by *Shaw* and *Miller* cases.)
- Number of minorities in House of Representatives when up.

Gramm-Rudman-Hollings Bill, 1985:

- Set gradual budget reduction targets to lead to a balanced budget.
- Across-the-board budget cuts (sequestering of funds) to kick in if targets not met.
- Loopholes >> abandonment in late 80s.
- Was not successful because Congress failed to spend within limits.

Americans with Disabilities Act, 1990:

- Bans job discrimination against disabled if "reasonable accommodation" can be made.
- Requires access to facilities for handicapped.

Brady Act, 1993:

- Gun control act. Limited types of guns that could be purchased.
- The provision of this law in which Congress required local law enforcement officers to do background checks on gun buyers was declared unconstitutional in 1997 - it interfered with the discretionary powers of the states.

National Voter Registration Bill ("Motor Voter Act"), 1993:

Requires states to allow people to register to vote when applying for driver's licenses applications or completing license renewal forms.

Religious Freedom Restoration Act, 1993:

- The court's attempt to re-establish the compelling interest test to determine extent of free exercise clause.
- Allowed the practice of religion unless the state had a compelling interest to restrict it
- Struck down as unconstitutional by the Supreme Court in 1997.

Unfunded Mandates Reform Act of 1995:

- Requires CBO to analyze impact of unfunded mandates on states.
- Requires separate congressional vote on bills that impose unfunded mandates.

Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Act of 1996):

- Ended federal entitlement status of welfare.
- In its place, federal government gave block grants to states to administer welfare.
- "Strings" attached to these grants:
 1. Recipients must work within 2 years.
 2. Recipients cannot receive benefits for more than 5 years.

Communications Decency Act (CDA), 1997:

Prohibited circulation of "indecent" material on internet to minors. Struck down by Supreme Court.

No Child Left Behind Act, 2001:

- States must adopt education accountability standards.
- States must annually test students.
- Sanctions against schools that fail to meet adequate yearly progress.

USA Patriot Act, 2001:

Strengthens the federal government's power to conduct surveillance, perform searches and detain individuals in order to combat terrorism.

McCain-Feingold Bill (Campaign Finance Reform Act), 2002:

- Raised hard money limits to \$2000.
- Banned soft money contributions to national political parties.