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Activities and Summary Report on the House Committee on Judiciary: 113th Congress, First Session

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Union Calendar No. 219

113TH CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES

{ REPORT
{ 113-301

ACTIVITY REPORT
OF THE
COMMITTEE ON THE JUDICIARY
OF THE
UNITED STATES HOUSE OF REPRESENTATIVES
FOR THE PERIOD
JANUARY 3, 2013 THROUGH DECEMBER 15, 2013



DECEMBER 20, 2013.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

39-006

WASHINGTON : 2013

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 20, 2013.

Hon. KAREN HAAS,
Clerk, U.S. House of Representatives,
Washington, DC.

DEAR MS. HAAS: Pursuant to clause 1(d) of rule XI of the Rules of the House of Representatives, I am transmitting the report on the activities of the Committee on the Judiciary of the U.S. House of Representatives in the first session of the 113th Congress.

Sincerely,

BOB GOODLATTE,
Chairman.

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COMMITTEE MEMBERSHIP

ONE HUNDRED THIRTEENTH CONGRESS

COMMITTEE ON THE JUDICIARY¹

BOB GOODLATTE, Virginia, *Chairman*²

| | |
|---|--|
| F. JAMES SENSENBRENNER, JR., Wisconsin | JOHN CONYERS, JR., Michigan ³ |
| HOWARD COBLE, North Carolina | JERROLD NADLER, New York |
| LAMAR SMITH, Texas | ROBERT C. "BOBBY" SCOTT, Virginia |
| STEVEN CHABOT, Ohio | MELVIN L. WATT, North Carolina |
| SPENCER BACHUS, Alabama | ZOE LOFGREN, California |
| DARRELL E. ISSA, California | SHEILA JACKSON LEE, Texas |
| J. RANDY FORBES, Virginia | STEVE COHEN, Tennessee |
| STEVE KING, Iowa | HENRY C. "HANK" JOHNSON, JR., Georgia |
| TRENT FRANKS, Arizona | PEDRO R. PIERLUISI, Puerto Rico |
| LOUIE GOHMERT, Texas | JUDY CHU, California |
| JIM JORDAN, Ohio | THEODORE E. DEUTCH, Florida |
| TED POE, Texas | LUIS V. GUTIERREZ, Illinois ⁴ |
| JASON CHAFFETZ, Utah | KAREN BASS, California |
| TOM MARINO, Pennsylvania | CEDRIC L. RICHMOND, Louisiana |
| TREY GOWDY, South Carolina | SUZAN K. DELBENE, Washington |
| RAUL R. LABRADOR, Idaho | JOE GARCIA, Florida |
| BLAKE FARENTHOLD, Texas | HAKEEM S. JEFFRIES, New York |
| GEORGE HOLDING, North Carolina | |
| DOUG COLLINS, Georgia | |
| RON DeSANTIS, Florida | |
| JASON T. SMITH, Missouri ⁵ | |
| VACANCY ⁶ | |

¹Membership of Committee current through date of this report. Except as otherwise provided in the notes, *infra*, Republican members were elected to the Committee pursuant to H. Res. 17, approved January 4, 2013; Democratic Members were elected to the Committee pursuant to H. Res. 7, approved January 3, 2013.

²Elected to the Committee as chairman pursuant to H. Res. 6, approved January 3, 2013.

³Elected to the Committee as ranking minority member pursuant to H. Res. 7, approved January 3, 2013.

⁴Mike Quigley of Illinois resigned from the Committee as of January 14, 2013. The vacancy was filled by Luis V. Gutierrez of Illinois pursuant to H. Res. 22, approved January 14, 2013.

⁵Keith J. Rothfus of Pennsylvania resigned from the Committee as of April 16, 2013. The vacancy was filled by Jason T. Smith of Missouri pursuant to H. Res. 257, approved June 12, 2013.

⁶Mark E. Amodei of Nevada resigned from the Committee as of December 9, 2013. The Committee had not filled the vacancy at the time of this report.

Union Calendar No. 219

113TH CONGRESS }
1st Session } HOUSE OF REPRESENTATIVES { REPORT
113-301

ACTIVITY REPORT OF THE COMMITTEE ON THE JUDICIARY DURING THE 113TH CONGRESS

DECEMBER 20, 2013.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GOODLATTE, from the Committee on the Judiciary,
submitted the following

R E P O R T

JURISDICTION OF THE COMMITTEE

The jurisdiction of the Committee on the Judiciary is set forth in clause 1(l) of rule X of the Rules of the House of Representatives for the 113th Congress, which reads:

RULE X—ORGANIZATION OF COMMITTEES

COMMITTEES AND THEIR LEGISLATIVE JURISDICTIONS

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

- (1) Committee on the Judiciary.
 - (1) The judiciary and judicial proceedings, civil and criminal.
 - (2) Administrative practice and procedure.
 - (3) Apportionment of Representatives.
 - (4) Bankruptcy, mutiny, espionage, and counterfeiting.
 - (5) Civil liberties.
 - (6) Constitutional amendments.
 - (7) Criminal law enforcement.
 - (8) Federal courts and judges, and local courts in the Territories and possessions.
 - (9) Immigration policy and non-border enforcement.
 - (10) Interstate compacts generally.

- (11) Claims against the United States.
 (12) Meetings of Congress; attendance of Members, Delegates, and the Resident Commissioner; and their acceptance of incompatible offices.
 (13) National penitentiaries.
 (14) Patents, the Patent and Trademark Office, copyrights, and trademarks.
 (15) Presidential succession.
 (16) Protection of trade and commerce against unlawful restraints and monopolies.
 (17) Revision and codification of the Statutes of the United States.
 (18) State and territorial boundary lines.
 (19) Subversive activities affecting the internal security of the United States.

COMMITTEE ACTIVITY ⁷

Tabulation of Activity

| BILLS AND RESOLUTIONS REFERRED TO THE COMMITTEE | |
|---|-----|
| Public Legislation: | |
| House bills | 570 |
| House joint resolutions | 59 |
| House concurrent resolutions | 11 |
| House resolutions | 32 |
| Senate bills | 4 |
| Senate joint resolutions | 0 |
| Senate concurrent resolutions | 1 |
| Subtotal | 677 |
| Private Legislation: | |
| House bills (claims) | 1 |
| House bills (copyrights) | 0 |
| House bills (immigration) | 21 |
| House resolutions (claims) | 0 |
| Senate bills (claims) | 0 |
| Senate bills (immigration) | 0 |
| Subtotal | 22 |
| Total | 699 |
| HEARINGS | |
| Full Committee | 16 |
| Subcommittee on the Constitution and Civil Justice | 7 |
| Subcommittee on Courts, Intellectual Property, and the Internet | 11 |
| Subcommittee on Crime, Terrorism, Homeland Security, and Investigations | 7 |
| Subcommittee on Immigration and Border Security | 7 |
| Subcommittee on Regulatory Reform, Commercial and Antitrust Law | 12 |
| Over-Criminalization Task Force of 2013 | 4 |
| Total | 64 |
| BILLS AND RESOLUTIONS MARKED UP | |
| Full Committee | 26 |
| Subcommittee on the Constitution and Civil Justice | 3 |
| Subcommittee on Courts, Intellectual Property, and the Internet | 0 |
| Subcommittee on Crime, Terrorism, Homeland Security, and Investigations | 0 |

⁷Through December 13, 2013.

| | |
|---|-------|
| Subcommittee on Immigration and Border Security | 4 |
| Subcommittee on Regulatory Reform, Commercial and Antitrust Law | 5 |
| | <hr/> |
| Total | 38 |

BILLS AND RESOLUTIONS REPORTED TO THE HOUSE

| | |
|------------------------------------|-------|
| House bills | 17 |
| House joint resolutions | 0 |
| House concurrent resolutions | 0 |
| House resolutions | 1 |
| Senate bills and resolutions | 0 |
| | <hr/> |
| Total | 18 |

BILLS AND RESOLUTIONS (REFERRED) PASSING THE HOUSE

| | |
|------------------------------------|-------|
| House bills | 25 |
| House joint resolutions | 0 |
| House concurrent resolutions | 1 |
| House resolutions | 1 |
| Senate bills and resolutions | 1 |
| | <hr/> |
| Total | 28 |

PUBLIC LAWS

- Pub. L. No. 113–12. Stolen Valor Act of 2013. [H.R. 258] (Signed June 3, 2013)
- Pub. L. No. 113–42. To extend the period during which Iraqis who were employed by the United States Government in Iraq may be granted special immigrant status and to temporarily increase the fee or surcharge for processing machine-readable nonimmigrant visas. [H.R. 3233] (Signed October 4, 2013)
- Pub. L. No. 113–47. United States Parole Commission Extension Act of 2013. [H.R. 3190] (Signed October 31, 2013)
- Pub. L. No. 113–51. HIV Organ Policy Equity Act. [S. 330] (Signed November 21, 2013)
- Pub. L. No. 113–57. To extend the Undetectable Firearms Act of 1988 for 10 years. [H.R. 3626] (Signed December 9, 2013)

Printed Hearings

| Date | Hearing Title | Forum | Serial Number |
|-------------------------|--|--|---------------|
| February 5, 2013 | America's Immigration System: Opportunities for Legal Immigration and Enforcement of Laws Against Illegal Immigration. | Full Committee | 113–1 |
| February 27, 2013 | Drones and the War on Terror: When Can the U.S. Target Alleged American Terrorists Overseas?. | Full Committee | 113–2 |
| February 26, 2013 | Agricultural Labor: From H–2A to a Workable Agricultural Guestworker Program. | Subcommittee on Immigration and Border Security. | 113–3 |
| February 27, 2013 | How E-Verify Works and How It Benefits American Employers and Workers. | Subcommittee on Immigration and Border Security. | 113–4 |
| March 19, 2013 | The Release of Criminal Detainees by U.S. Immigration and Customs Enforcement: Policy or Politics?. | Full Committee | 113–5 |
| May 7, 2013 | DOJ's Quid Pro Quo with St. Paul: A Whistleblower's Perspective. | Subcommittee on the Constitution and Civil Justice and Subcommittee on Economic Growth, Job Creation and Regulatory Affairs of the Committee on Oversight and Government Reform. | 113–6 |
| March 5, 2013 | Excessive Litigation's Impact on America's Global Competitiveness. | Subcommittee on the Constitution and Civil Justice. | 113–7 |
| March 13, 2013 | Examination of Litigation Abuses | Subcommittee on the Constitution and Civil Justice. | 113–8 |
| March 14, 2013 | Separation of Nuclear Families Under U.S. Immigration Law. | Subcommittee on Immigration and Border Security. | 113–9 |

| Date | Hearing Title | Forum | Serial Number |
|-------------------|---|--|---------------|
| April 16, 2013 | Mismanagement at the Civil Rights Division of the Department of Justice. | Full Committee | 113-10 |
| May 16, 2013 | H.R. 1772, the "Legal Workforce Act" | Subcommittee on Immigration and Border Security. | 113-11 |
| May 16, 2013 | H.R. 1773, the "Agricultural Guestworker Act". | Subcommittee on Immigration and Border Security. | 113-12 |
| March 14, 2013 | Abusive Patent Litigation: The Impact on American Innovation & Jobs, and Potential Solutions. | Subcommittee on Courts, Intellectual Property, and the Internet. | 113-13 |
| March 13, 2013 | Investigating and Prosecuting 21st Century Cyber Threats. | Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. | 113-14 |
| March 5, 2013 | Enhancing American Competitiveness Through Skilled Immigration. | Subcommittee on Immigration and Border Security. | 113-15 |
| March 19, 2013 | ECPA (Part I): Lawful Access to Stored Content. | Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. | 113-16 |
| April 18, 2013 | H.R. _____, the "Private Property Rights Protection Act of 2013" (The bill, H.R. 1944, was not introduced prior to the hearing). | Subcommittee on the Constitution and Civil Justice. | 113-17 |
| April 25, 2013 | H. J. Res. 40, the "Victims' Rights Amendment". | Subcommittee on the Constitution and Civil Justice. | 113-18 |
| May 23, 2013 | H.R. 1797, the "District of Columbia Pain-Capable Unborn Child Protection Act". | Subcommittee on the Constitution and Civil Justice. | 113-19 |
| March 20, 2013 | The Register's Call for Updates to U.S. Copyright Law. | Subcommittee on Courts, Intellectual Property, and the Internet. | 113-20 |
| May 22, 2013 | Protecting U.S. Citizens' Constitutional Rights During the War on Terror. | Full Committee | 113-21 |
| February 26, 2013 | Competition and Bankruptcy in the Airline Industry: The Proposed Merger of American Airlines and US Airways. | Subcommittee on Regulatory Reform, Commercial and Antitrust Law. | 113-22 |
| April 10, 2013 | Luxury Jets and Empty Prisons: Wasteful and Duplicative Spending at the Department of Justice. | Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. | 113-23 |
| April 16, 2013 | Abusive Patent Litigation: The Issues Impacting American Competitiveness and Job Creation at the International Trade Commission and Beyond. | Subcommittee on Courts, Intellectual Property, and the Internet. | 113-24 |
| April 25, 2013 | An Examination of the Judicial Conduct and Disability System. | Subcommittee on Courts, Intellectual Property, and the Internet. | 113-25 |
| March 5, 2013 | H.R. 367, the "REINS Act of 2013": Promoting Jobs, Growth and American Competitiveness. | Subcommittee on Regulatory Reform, Commercial and Antitrust Law. | 113-26 |
| June 6, 2013 | H.R. 1123, the "Unlocking Consumer Choice and Wireless Competition Act". | Subcommittee on Courts, Intellectual Property, and the Internet. | 113-27 |
| June 5, 2013 | H.R. 1493, the "Sunshine for Regulatory Decrees and Settlements Act of 2013". | Subcommittee on Regulatory Reform, Commercial and Antitrust Law. | 113-28 |
| June 28, 2013 | H.R. 2542, the "Regulatory Flexibility Improvements Act of 2013". | Subcommittee on Regulatory Reform, Commercial and Antitrust Law. | 113-29 |
| May 22, 2013 | S. 744 and the Immigration Reform and Control Act of 1986: Lessons Learned or Mistakes Repeated? | Full Committee | 113-30 |
| May 16, 2013 | A Case Study for Consensus Building: The Copyright Principles Project. | Subcommittee on Courts, Intellectual Property, and the Internet. | 113-31 |
| June 13, 2013 | Oversight of the Federal Bureau of Investigation. | Full Committee | 113-32 |
| July 23, 2013 | Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children. | Subcommittee on Immigration and Border Security. | 113-33 |
| April 25, 2013 | Electronic Communications Privacy Act (ECPA) (Part II): Geolocation Privacy and Surveillance. | Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. | 113-34 |

| Date | Hearing Title | Forum | Serial Number |
|-------------------|---|--|---------------|
| July 18, 2013 | Voting Rights Act After the Supreme Court's Decision in Shelby County. | Subcommittee on the Constitution and Civil Justice. | 113-35 |
| June 13, 2013 | H.R. 2278, the "Strengthen and Fortify Enforcement (SAFE) Act". | Full Committee | 113-36 |
| July 9, 2013 | H.R. 2122, the "Regulatory Accountability Act of 2013". | Subcommittee on Regulatory Reform, Commercial and Antitrust Law. | 113-37 |
| February 28, 2013 | The Obama Administration's Regulatory War on Jobs, the Economy, and America's Global Competitiveness. | Subcommittee on Regulatory Reform, Commercial and Antitrust Law. | 113-38 |
| March 13, 2013 | H.R. 982, the "Furthering Asbestos Claim Transparency (FACT) Act of 2013". | Subcommittee on Regulatory Reform, Commercial and Antitrust Law. | 113-39 |
| May 17, 2013 | Eyes in the Sky: The Domestic Use of Unmanned Aerial Systems. | Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. | 113-40 |
| June 4, 2013 | Department of Justice's Handling of Known or Suspected Terrorists Admitted Into the Federal Witness Security Program. | Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. | 113-41 |
| July 11, 2013 | H.R. 2641, the "Responsibly And Professionally Invigorating Development (RAPID) Act of 2013". | Subcommittee on Regulatory Reform, Commercial and Antitrust Law. | 113-42 |
| May 15, 2013 | Oversight of the United States Department of Justice. | Full Committee | 113-43 |
| June 14, 2013 | Defining the Problem and Scope of Over-criminalization and Over-federalization. | Over-Criminalization Task Force | 113-44 |
| July 17, 2013 | Oversight of the Administration's Use of FISA Authorities. | Full Committee | 113-45 |
| July 19, 2013 | Mens Rea: The Need for a Meaningful Intent Requirement in Federal Criminal Law. | Over-Criminalization Task Force | 113-46 |

Activities Conducted Pursuant to Clauses 2(n), (o), or (p) of House Rule XI

Clause 2 of rule XI of the House charges the Committee to hold regular hearings on the topic of waste, fraud, abuse, or mismanagement in Government programs which that committee may authorize. The Committee fulfilled its responsibilities under rule XI by conducting the following oversight activities. Each of these activities is discussed in more detail in later sections of this report:

- America's Immigration System: Opportunities for Legal Immigration and Enforcement of Laws Against Illegal Immigration (*Serial No. 113-1*)
 - Drones and the War On Terror: When Can the U.S. Target Alleged American Terrorists Overseas? (*Serial No. 113-2*)
 - Agricultural Labor: From H-2A to a Workable Agricultural Guestworker Program (*Serial No. 113-3*)
 - The Release of Criminal Detainees by U.S. Immigration and Customs Enforcement: Policy or Politics? (*Serial No. 113-5*)
 - DOJ's Quid Pro Quo with St. Paul: A Whistleblower's Perspective (*Serial No. 113-6*)
 - Mismanagement at the Civil Rights Division of the Department of Justice (*Serial No. 113-10*)
 - Protecting U.S. Citizens' Constitutional Rights During the War on Terror (*Serial No. 113-21*)
 - Luxury Jets and Empty Prisons: Wasteful and Duplicative Spending at the Department of Justice (*Serial No. 113-23*)

- An Examination of the Judicial Conduct and Disability System (Serial No. 113–25)
- Oversight of the Federal Bureau of Investigation (Serial No. 113–32)
- The Obama Administration’s Regulatory War on Jobs, the Economy, and America’s Global Competitiveness (Serial No. 113–38)
- Eyes in the Sky: The Domestic Use of Unmanned Aerial Systems (Serial No. 113–40)
- The Department of Justice’s Handling of Known or Suspected Terrorists Admitted Into the Federal Witness Security Program (Serial No. 113–41)
- Oversight of the Department of Justice (Serial No. 113–43)
- Oversight of the Administration’s Use of FISA Authorities (Serial No. 113–45)
- Oversight of the Administration’s Use of FISA Authorities (Classified)
- Oversight of the Federal Bureau of Prisons (not yet printed)
- The Patient Protection & Affordable Care Act, Consolidation, and the Consequent Impact on Competition in Healthcare (not yet printed)
- The Office of Information and Regulatory Affairs: Federal Regulations and Regulatory Reform (not yet printed)
- Are More Judges Always the Answer? (not yet printed)
- Implementation of an Entry-Exit System: Still Waiting After All These Years (not yet printed)
- Oversight of the Antitrust Enforcement Agencies (not yet printed)
- The President’s Constitutional Duty to Faithfully Execute the Laws (not yet printed)
- Asylum Abuse: Is it Overwhelming Our Borders? (not yet printed)

Committee Oversight Plan

Adopted February 14, 2013

In accordance with rule X of the House of Representatives, the Committee on the Judiciary is responsible for determining whether the laws and programs within its jurisdiction are implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, eliminated, or enhanced. Accordingly, in the 113th Congress the Committee will review all laws and programs within its jurisdiction to assess their application, administration, execution, and effectiveness. The Committee will also review the organization and operation of Federal agencies and entities within its jurisdiction for the administration and execution of laws and programs within its jurisdiction.

The Committee will review all agencies and programs within its jurisdiction to identify wasteful, inefficient, or duplicative programs that should be streamlined or eliminated, as well as those that could be enhanced. The Committee will also review the mission and operations of all agencies, including component organizations, within its jurisdiction. Through such oversight, the Committee seeks to determine how these agencies and entities can achieve more impactful and effective programs with an eye toward improving the

efficiency and effectiveness of Federal programs and agencies. The Committee also seeks to eliminate fraud, abuse, and mismanagement. As a result of this oversight, the Committee anticipates streamlining and eliminating spending on agencies and programs within its jurisdiction, if appropriate.

This document outlines the current plans of the Committee on the Judiciary for oversight activities in the 113th Congress. The Committee's oversight and investigative activities will be coordinated between the full Committee and the Subcommittees in order to facilitate comprehensive and strategic oversight of the programs and agencies within its jurisdiction. Oversight activities will include hearings, briefings, correspondence, reports, and public statements.

Full Committee

U.S. Department of Justice. In conjunction with the Subcommittees, the Committee will conduct oversight of the U.S. Department of Justice, including all Department components and agencies.

Budget Oversight and Management Performance. The Committee will conduct oversight and identify U.S. Department of Justice grant programs that should be streamlined or eliminated, as well as those that could be enhanced. The Committee will also conduct oversight of all agencies and programs within its jurisdiction to uncover waste, fraud, or abuse and to identify programs that are inefficient, duplicative, or outdated, or that are more appropriately administered by State or local governments. The Committee will also consider the extent to which federally funded or administered agencies and activities can more efficiently handle certain tasks on a national level and whether they save, reduce, or render more effective State or local government expenditures or activities. In addition, the Committee will consider whether any federal programs within its jurisdiction should be enhanced, concomitant with cuts to or the elimination of less effective programs.

SUBCOMMITTEE ON CRIME, TERRORISM, HOMELAND SECURITY AND INVESTIGATIONS

U.S. Department of Justice: The Subcommittee will conduct oversight of the law enforcement agencies of the U.S. Department of Justice.

- *The Federal Bureau of Investigation (FBI):* The Subcommittee will conduct oversight of the FBI. In addition to its traditional criminal investigatory jurisdiction, the Subcommittee will also conduct oversight of the FBI's counter-terrorism and counter-intelligence authorities.
- *Drug Enforcement Administration (DEA):* The Subcommittee will review the operations of the DEA, including domestic and international drug enforcement, money laundering and narco-terrorism investigations.
- *Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF):* The Subcommittee will review the mission and operations of the ATF, including federal firearms enforcement, explosives investigations, and tobacco and alcohol trafficking operations.
- *U.S. Marshals Service (USMS)/Office of the Federal Detention Trustee:* The Subcommittee will review the mission and

operations of the USMS, including fugitive apprehensions, court and witness security, and its responsibilities under the Sex Offender Registration and Notification Act (SORNA). The Subcommittee will also conduct oversight on the operations of OFDT.

The Federal Bureau of Prisons (BOP): The Subcommittee will review the mission and operation of the federal prison system, including prisoner rehabilitation, reentry programs, and management of a growing offender population.

- *Federal Prison Industries:* The Subcommittee will also conduct oversight of the Federal Prison Industries (FPI), a government corporation that employs offenders incarcerated in federal prisons and provides job training opportunities to prisoners by producing goods and services for federal agencies.

Criminal Division: The Subcommittee will conduct oversight of the Justice Department's Criminal Division.

National Security Division: The Subcommittee will conduct oversight of the Justice Department's National Security Division.

Office of Justice Programs (OJP): The Subcommittee will review the mission and operations of OJP and its component organizations and the administration of law enforcement assistance grants in order to identify programs that should be streamlined or eliminated, and those that could be enhanced.

Office on Violence against Women (OVW): The Subcommittee will review the mission and operations of OVW and the administration of Violence against Women Act (VAWA) grants.

Community Oriented Policing Services Office (COPS): The Subcommittee will review the mission and operations of COPS and the administration of community policing grants.

Executive Office of U.S. Attorneys (EOUSA): The Subcommittee will conduct oversight on the operations of EOUSA.

U.S. Department of Homeland Security (DHS): The Subcommittee will conduct oversight of DHS law enforcement components, including the U.S. Secret Service, U.S. Immigration and Customs Enforcement, the Bureau of Customs and Border Protection, the U.S. Coast Guard, and the Federal Air Marshals Service.

U.S. Sentencing Commission: The Subcommittee will review the mission and operations of the U.S. Sentencing Commission with particular attention to the role of the Commission following the Supreme Court's decision in *U.S. v. Booker*, 543 U.S. 220 (2005) and its progeny. The Subcommittee will also examine the extent to which federal courts are imposing sentences that diverge from those recommended by the sentencing guidelines.

National Security: The Subcommittee will review the use of Foreign Intelligence Surveillance Act (FISA) and U.S. PATRIOT Act authorities by Intelligence Community (IC) agencies.

Domestic/Home-Grown Terrorism: The Subcommittee will review the threat to our national security from home-grown terrorists including the recruitment and training or self-radicalization of home-grown terrorists and the federal government's efforts to preempt, investigate, and prosecute domestic terrorism.

Protection of U.S. Citizens' Constitutional Rights: The Subcommittee along with the Subcommittee on the Constitution and Civil Justice will examine the adequacy of current protections for

U.S. citizens' Constitutional rights vis-&-vis law enforcement and national security efforts.

Trial of Suspected Terrorists: The Subcommittee will conduct oversight on matters related to the prosecution of suspected terrorists.

Electronic Communications Privacy Act: The Subcommittee will examine whether this decades-old statute requires modernization in light of the digital revolution that has taken place since the statute's enactment.

Cybersecurity: The Subcommittee will review the laws and law enforcement tools designed to combat and prevent cybersecurity attacks.

Firearms: The Subcommittee will conduct oversight on the reauthorization of the NICS Amendments Improvement Act and will examine ways to reduce firearms-related violence, including examining current federal law and state compliance with requirements to post information to the NICS database.

Criminal Code: The Subcommittee will examine whether all criminal statutes in the U.S. Code should be consolidated and/or listed in Title 18.

Over-criminalization: The Subcommittee will conduct oversight on the increase in the volume and scope of federal criminal laws and whether more of these matters should be handled by state criminal laws.

Economic Espionage: The Subcommittee will examine the threat posed by economic espionage and federal efforts to investigate and prosecute these crimes.

Crimes against Children: The Subcommittee will review laws and law enforcement tools designed to combat child exploitation, including reauthorization of the Adam Walsh Act, and the proliferation of child pornography on the Internet.

Criminal Street Gangs: The Subcommittee may consider enforcement and prevention issues concerning criminal street gangs, and the issue of how gang affiliations may be broken to reduce the number of both street and prison gangs.

Crime Prevention: The Subcommittee may examine the extent to which federal policies and funding are adequate to support crime prevention strategies at the Federal, State, local, and tribal levels.

International and Domestic Human Trafficking: The Subcommittee will review law enforcement and other activities within its jurisdiction that address international and domestic trafficking in human beings.

Subcommittee on the Constitution and Civil Justice

Protection of U.S. Citizens' Constitutional and Civil Rights: In general, the Subcommittee will examine the adequacy of current protections for U.S. citizens' constitutional and civil rights.

Civil Rights Division, U.S. Department of Justice: The Subcommittee will examine the enforcement record and priorities of the Civil Rights Division. The Subcommittee will focus on the Division's activities in the areas of education, employment, credit, fair housing, public accommodations, law enforcement practices, voting rights and the integrity of federal elections, and federally funded and conducted programs.

Fiscal Responsibility: The Subcommittee will examine constitutional reforms to address government spending.

Federalism/Congressional Authority: The Subcommittee plans to examine the proper balance between the finite powers allocated to the federal government in the U.S. Constitution and the powers reserved to the states.

Exercise of Constitutional Authority: The Subcommittee will conduct oversight of the exercise of constitutional authority by the legislative, judicial, and executive branches.

Civil Justice: The Subcommittee will review the policies and practices of the civil justice system and the need for its reform.

Community Relations Service: The Subcommittee will conduct oversight of the operations of the Community Relations Service.

Office of Government Ethics: The Subcommittee will consider the priorities and operation of the Office of Government Ethics.

Property Rights: The Subcommittee will consider whether there is a need to address existing protections for citizens' private property rights.

Religious Liberty: The Subcommittee will consider the federal role in the protection of Americans' rights under the Free Exercise and Establishment Clauses.

Abortion: The Subcommittee will examine the constitutionality and enforcement of federal and state statutes that relate to abortion.

Marriage: The Subcommittee will examine constitutional issues concerning marriage.

War on Terrorism: The Subcommittee will consider constitutional issues associated with the War on Terrorism.

Detention of Suspected Terrorists: The Subcommittee will conduct oversight on matters related to the long-term detention of suspected terrorists, including the protection of the related constitutional rights of U.S. citizens.

United States Commission on Civil Rights: The Subcommittee will review the work of the Commission, its management, and its implementation.

Subcommittee on Immigration and Border Security

Budgetary Resources: The Subcommittee expects to conduct oversight of the sufficiency of budgetary resources with regard to immigration functions at U.S. Citizenship and Immigration Services ("CIS") and U.S. Immigration and Customs Enforcement ("ICE").

U.S. Department of Homeland Security (DHS): The Subcommittee will conduct oversight of the components within DHS that are responsible for enforcing and ensuring the integrity of United States immigration laws, including U.S. Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services.

Legal Immigration: The Subcommittee expects to conduct oversight over our current legal immigration laws and programs, including whether relevant federal agencies are efficiently administering and enforcing these laws and programs, issues relating to backlogs, family reunification, whether excessive regulations are stifling the use of these programs, the impact on U.S. citizens, comparisons with our global competitors, and related issues.

Illegal Immigration: The Subcommittee will conduct oversight of the causes and methods of illegal immigration and how to better prevent it in the future.

Fiscal Impacts of Immigration: The Subcommittee expects to conduct hearings on the fiscal effects of legal and illegal immigration, including their impact on the Social Security system and other federal programs.

Immigration Enforcement: The Subcommittee intends to examine the sufficiency of current immigration enforcement laws and programs, including whether relevant federal agencies' policies and enforcement records are sufficient and consistent with current federal statutes, the level of cooperation with other countries, and the proper roles for the federal government, states and localities in enforcing our immigration laws.

Fraud: The Subcommittee expects to conduct hearings on fraud associated with petitions for visas and other immigration benefits. The Subcommittee also intends to conduct oversight of identity fraud and identity theft in the immigration context.

Adjudication of Immigration Cases: The Subcommittee will conduct oversight of the Department of Justice's adjudication of immigration cases.

Criminal Issues: The Subcommittee expects to conduct hearings on trends in gang violence among immigrant communities, as well as the sufficiency of efforts to remove violent criminals.

Subcommittee on Courts, Intellectual Property, and the Internet

U.S. Patent and Trademark Office: The Subcommittee will conduct oversight of the USPTO, including the status of pending patent and trademark applications and developments with patent and trademark quality. The Subcommittee will also continue to exercise oversight to ensure that the USPTO has full access to the fees it collects from applicants and appropriately exercises its new fee-setting authority.

Implementation of the America Invents Act: The Subcommittee will conduct oversight on the implementation of the America Invents Act that contained numerous changes to our nation's patent system.

Patent Litigation: The Subcommittee will examine patent litigation practices to determine whether legislation is needed to reduce frivolous, abusive, or anti-competitive patent litigation that discourages innovation in America.

The U.S. Copyright Office: The Subcommittee will conduct oversight of the Copyright Office as it completes its transition to a digital environment. Oversight will include review of its recordation system and public access to its registration records.

Copyright Law and Policy: The Subcommittee may examine potential revisions to the Copyright Act to update the law to better address challenges faced by copyright owners, users, and consumers in the digital environment.

Technology Issues: The Subcommittee will examine developments in technology and the Internet affecting public policy, including issues surrounding Internet governance.

Satellite Television Extension and Localism Act: The Subcommittee will examine the application of the Satellite Television Extension and Localism Act in light of technological and market-

place changes in advance of the potential reauthorization of the legislation.

International Intellectual Property Laws: The Subcommittee will conduct oversight of the impact of international intellectual property laws, regulations, and policies upon American interests. In addition, the Subcommittee will conduct oversight of international trade agreements and their negotiations.

Federal Judiciary: The Subcommittee will conduct oversight of the federal judiciary, including evidence issues and civil and appellate procedures. In addition, the Subcommittee will examine the resources available to Article III courts, including judicial salaries and security for federal judges.

State Justice Institute: The State Justice Institute (SJI) provides matching grants to state courts that allow them to develop methods to work more efficiently and productively. The Subcommittee intends to review SJI operations.

Subcommittee on Regulatory Reform, Commercial and Antitrust Law

Administrative Process and Procedure: The Subcommittee will conduct oversight on the topic of regulatory reform in general, including examining specific regulations, as well as issues related to the Administrative Procedure Act, the Congressional Review Act, the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, the overall costs and benefits of federal regulation in general and their impact on specific communities, the extent to which agencies compete for policymaking primacy with the Legislative Branch, and the role that the Office of Information and Regulatory Affairs within the Office of Management and Budget plays in the federal rulemaking process. In addition, the Subcommittee will examine regulatory litigation and enforcement.

Bankruptcy: The Subcommittee expects to conduct oversight of the Bankruptcy Code and bankruptcy system, including their responsiveness to the needs of financially troubled businesses, individuals and municipalities. The Subcommittee may conduct oversight of bankruptcy judgeship needs.

State Taxation Affecting Interstate Commerce: The Subcommittee will conduct oversight of issues related to state taxation that affect interstate commerce.

Agencies: The Subcommittee will conduct oversight of the Justice Department's Civil Division, Environment and Natural Resources Division, Antitrust Division, Tax Division, Executive Office for United States Trustees, and Office of the Solicitor General. It will also conduct oversight of the Department's compliance with the Freedom of Information Act and the Office of Management and Budget's Office of Information and Regulatory Affairs.

Administrative Conference of the United States: The Subcommittee will conduct oversight on the Administrative Conference of the United States.

Arbitration: The Subcommittee may conduct oversight of issues arising under the Federal Arbitration Act.

Legal Services Corporation: The Subcommittee will review the mission and operations of the Legal Services Corporation.

Interstate Compacts: The Subcommittee may conduct oversight to determine the extent of compliance with the constitutional process

by which States seek Congressional approval of interstate compacts.

Divergence in U.S. Merger Review and Enforcement: The Subcommittee may examine disparities in the tools available to the Federal Trade Commission and the Department of Justice with regard to mergers and whether these disparities result in different substantive standards.

International Divergence in Antitrust Enforcement: The Subcommittee may conduct oversight of international competition laws.

Antitrust Exemptions: The Subcommittee may conduct oversight of industry antitrust exemptions to determine whether such exemptions continue to serve the public interest.

Activities Conducted Pursuant to Committee Oversight Plan

The following hearings were held pursuant to the Committee's Oversight Plan. These hearings, as well as other hearings and markups of legislation, are described in more detail in a later section of this report.

Full Committee

1. America's Immigration System: Opportunities for Legal Immigration and Enforcement of Laws Against Illegal Immigration (*Serial No. 113-1*)

2. Drones and the War On Terror: When Can the U.S. Target Alleged American Terrorists Overseas? (*Serial No. 113-2*)

3. The Release of Criminal Detainees by U.S. Immigration and Customs Enforcement: Policy or Politics? (*Serial No. 113-5*)

4. Mismanagement at the Civil Rights Division of the Department of Justice (*Serial No. 113-10*)

5. Protecting U.S. Citizens' Constitutional Rights During the War on Terror (*Serial No. 113-21*)

6. Oversight of the Federal Bureau of Investigation (*Serial No. 113-32*)

7. Oversight of the Department of Justice (*Serial No. 113-43*)

8. Oversight of the Administration's Use of FISA Authorities (*Serial No. 113-45*)

9. Oversight of the Administration's Use of FISA Authorities (*Classified*)

10. Are More Judges Always the Answer? (*not yet printed*)

11. Implementation of an Entry-Exit System: Still Waiting After All These Years (*not yet printed*)

12. The President's Constitutional Duty to Faithfully Execute the Laws (*not yet printed*)

13. Asylum Abuse: Is it Overwhelming Our Borders? (*not yet printed*)

Subcommittee on the Constitution and Civil Justice

1. DOJ's Quid Pro Quo with St. Paul: A Whistleblower's Perspective (*Serial No. 113-6*)

2. Excessive Litigation's Impact on America's Global Competitiveness (*Serial No. 113-7*)

3. Examination of Litigation Abuses (*Serial No. 113-8*)

4. The Voting Rights Act after the Supreme Court's Decision in Shelby County (*Serial No. 113-35*)

Subcommittee on Courts, Intellectual Property, and the Internet

1. Abusive Patent Litigation: The Impact on American Innovation & Jobs, and Potential Solutions (*Serial No. 113-13*)
2. The Register's Call for Updates to the U.S. Copyright Law (*Serial No. 113-20*)
3. Abusive Patent Litigation: The Issues Impacting American Competitiveness and Job Creation at the International Trade Commission and Beyond (*Serial No. 113-24*)
4. An Examination of the Judicial Conduct and Disability System (*Serial No. 113-25*)
5. A Case Study for Consensus Building: The Copyright Principles Project (*Serial No. 113-31*)
6. Innovation in America (Part I): The Role of Copyrights (*not yet printed*)
7. Innovation in America (Part II): The Role of Technology (*not yet printed*)
8. Satellite Television Laws in Title 17 (*not yet printed*)
9. The Role of Voluntary Agreements in the U.S. Intellectual Property System (*not yet printed*)
10. The Rise of Innovative Business Models: Content Delivery Methods in the Digital Age (*not yet printed*)

Subcommittee on Crime, Terrorism, Homeland Security, and Investigations

1. Investigating and Prosecuting 21st Century Cyber Threats (*Serial No. 113-14*)
2. ECPA (Part 1): Lawful Access to Stored Content (*Serial No. 113-16*)
3. Luxury Jets and Empty Prisons: Wasteful and Duplicative Spending at the Department of Justice (*Serial No. 113-23*)
4. The Electronic Communications Privacy Act (ECPA) (Part 2): Geolocation Privacy and Surveillance (*Serial No. 113-34*)
5. Eyes in the Sky: The Domestic Use of Unmanned Aerial Systems (*Serial No. 113-40*)
6. The Department of Justice's Handling of Known or Suspected Terrorists Admitted Into the Federal Witness Security Program (*Serial No. 113-41*)
7. Oversight of the Federal Bureau of Prisons (*not yet printed*)

Subcommittee on Immigration and Border Security

1. Agricultural Labor: From H-2A to a Workable Agricultural Guestworker Program (*Serial No. 113-3*)
2. How E-Verify Works and How It Benefits American Employers (*Serial No. 113-4*)
3. The Separation of Nuclear Families Under U.S. Immigration Law (*Serial No. 113-9*)
4. Enhancing American Competitiveness Through Skilled Immigration (*Serial No. 113-15*)
5. Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children (*Serial No. 113-33*)

Subcommittee on Regulatory Reform, Commercial and Antitrust Law

1. Competition and Bankruptcy in the Airline Industry: The Proposed Merger of American Airlines and US Airways (*Serial No. 113-22*)

2. The Obama Administration's Regulatory War on Jobs, the Economy, and America's Global Competitiveness (*Serial No. 113-38*)

3. The Patient Protection & Affordable Care Act, Consolidation, and the Consequent Impact on Competition in Healthcare (*not yet printed*)

4. The Office of Information and Regulatory Affairs: Federal Regulations and Regulatory Reform (*not yet printed*)

5. Oversight of the Antitrust Enforcement Agencies (*not yet printed*)

6. Bankruptcy Code and Financial Institution Insolvencies (*not yet printed*)

Over-Criminalization Task Force Resolution of 2013

1. Defining the Problem and Scope of Over-criminalization and Over-federalization (*Serial No. 113-44*)

2. Mens Rea: The Need for a Meaningful Intent Requirement in Federal Criminal Law (*Serial No. 113-46*)

3. Regulatory Crime: Identifying the Scope of the Problem (*not yet printed*)

4. Regulatory Crime: Solutions (*not yet printed*)

FULL COMMITTEE

JURISDICTION

The full Committee has jurisdiction over such matters as determined by the Chairman.

LEGISLATIVE ACTIVITIES

• *Committee Organizational Meeting*

On January 23, 2013, the Committee met for the first time to organize and adopt its rules and ratify the Subcommittee chairmanships and memberships.

• *H.R. 45, To repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010*

H.R. 45 repeals the Patient Protection and Affordable Care Act, effective as of its enactment and restores provisions of law amended by such Act.

Ms. Michelle Bachmann introduced the bill on January 3, 2013. The bill was referred to the Committee. The House considered the bill pursuant to the provisions of H. Res. 215 and the bill passed the House by a roll call vote of 229 ayes to 195 nays on May 16, 2013.

• *H.R. 180, the "National Blue Alert Act of 2013"*

H.R. 180 directs the formation of a national Blue Alert communications network within the Department of Justice (DOJ) to dis-

seminate information when a law enforcement officer is seriously injured or killed in the line of duty and a suspect has not been apprehended. An existing DOJ officer shall act as the national coordinator of the Blue Alert communications network who shall (1) encourage states and local governments to develop additional Blue Alert plans, (2) establish voluntary guidelines for states and local governments to use in developing such plans, (3) develop protocols for efforts to apprehend suspects, and (4) establish an advisory group to assist states, local governments, law enforcement agencies, and other entities in initiating, facilitating, and promoting Blue Alert plans.

Mr. Michael G. Grimm introduced the bill on January 4, 2013. The bill was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. On May 7, 2013, the full Committee considered the bill and ordered it reported favorably to the House by voice vote. The bill was accompanied by H. Rept. 113–54, filed on May 14, 2013. Under suspension of the rules, the bill passed the House, as amended, by a roll call vote of 406 ayes to 2 nays on May 14, 2013, two-thirds majority required.

- *H.R. 258, the “Stolen Valor Act of 2013”*

H.R. 258 amends the federal criminal code to narrow the scope of the current prohibition on falsely holding oneself out to be a recipient of certain military decorations. Specifically, H.R. 258 amends the current statute to only subject those who, with intent to obtain money, property, or other tangible benefit, fraudulently hold themselves out to be a recipient of certain military decorations to a fine or up to one year in prison. The bill limits the application of this penalty to fraudulent claims related to only the Congressional Medal of Honor and those decorations or medals listed in subsection (d) of section 704 of title 18. The bill amends subsection (a) of 704 to remove the term “wears” and amends subsection (d) of 704 to add “combat badges” and a definition of such term to the list of decorations and medals.

Mr. Joseph J. Heck introduced the bill on January 15, 2013. The bill was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. On March 14, 2013, the full Committee considered the bill and ordered it reported favorably to the House by voice vote. The bill was accompanied by H. Rept. 113–84, filed on May 20, 2013. Under suspension of the rules, the bill passed the House by a roll call vote of 390 ayes to 3 nays on May 20, 2013, two-thirds majority required. The Senate passed H.R. 258 on May 22, 2013. The bill was signed into law on June 3, 2013, becoming Public Law 113–12.

- *H.R. 338, the “Stop Tobacco Smuggling in the Territories Act of 2013”*

H.R. 338 amends the federal criminal code to include American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam in the definition of “state” for purposes of provisions prohibiting trafficking in contraband cigarettes and smokeless tobacco.

Mr. Eni F. H. Faleomavaega introduced the bill on January 22, 2013. The bill was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. Under suspension

of the rules, the bill passed the House by a roll call vote of 421 ayes to 5 nays on March 5, 2013, two-thirds majority required.

- *H.R. 367, the “Regulations From the Executive in Need of Scrutiny (REINS) Act of 2013”*

H.R. 367 amends the Congressional Review Act of 1996 (CRA). The CRA was adopted to increase the accountability of Federal regulatory agencies and the Congress by creating a fast-track legislative process for Congress to disapprove a final Federal regulation within 60 days of the rule’s publication in the Federal Register. In the seventeen years since the CRA was adopted, Congress has overturned only one regulation using the CRA disapproval process. The number of major regulations, moreover, has increased in recent years. The REINS Act amends the CRA, insofar as the CRA applies to major regulations. The REINS Act would require Congress to pass within 60 days, and the President to sign, a joint resolution approving a new major regulation issued by a regulatory agency before the regulation could take effect.

Mr. Todd C. Young introduced the bill on January 23, 2013. The bill was referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law. On April 11, 2013, the full Committee considered the bill and ordered it reported favorably, as amended, to the House by a roll call vote of 20 ayes to 9 nays. The bill was accompanied by H. Rept. 113–160, Part I, filed on July 19, 2013. The House considered the bill pursuant to the provisions of H. Res. 322 on August 1, 2013, which passed the House, as amended, on August 2, 2013 by a roll call vote of 232 ayes to 183 nays.

- *H.R. 761, the “National Strategic and Critical Minerals Production Act of 2013”*

H.R. 761 would require the Secretary of the Interior and the Secretary of Agriculture to develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness.

Mr. Mark E. Amodei introduced the bill on February 15, 2013. The bill was referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law. The House considered the bill pursuant to the provisions of H. Res. 347 and H. Res. 761 and the bill passed the House, as amended, by a roll call vote of 246 ayes to 178 nays on September 18, 2013.

- *H.R. 803, the “SKILLS Act”*

H.R. 803 amends the Workforce Investment act of 1988 to revise requirements and reauthorize appropriations for workforce investment systems for job training and employment service and adult education and family literacy education programs.

Ms. Virginia Foxx introduced the bill on February 25, 2013. The bill was referred to the Committee. The House considered the bill pursuant to the provisions of H. Res. 113 and the bill passed the House, as amended, by a roll call vote of 215 ayes to 202 nays on March 15, 2013.

- *H.R. 850, the “Nuclear Iran Prevention Act of 2013”*

H.R. 850 imposes additional human rights and economic and financial sanctions with respect to Iran, and for other purposes.

Mr. Edward R. Royce introduced the bill on February 27, 2013. The bill was referred to the Subcommittee on Immigration and Border Security. Under suspension of the rules, the bill passed the House, as amended, by a roll call vote of 400 ayes to 20 nays and 1 present on July 31, 2013, two-thirds majority required.

- *H.R. 982, the “Furthering Asbestos Claim Transparency (FACT) Act of 2013”*

H.R. 982 adds a paragraph to subsection (g) of section 524 of title 11 of the United States Code to require a trust established pursuant to that subsection to file, each quarter, a public report with the bankruptcy court listing the names and exposure histories of those who have filed claims with such trust and any payments made to claimants and the basis for such payments. The bill specifically prohibits the disclosure of confidential medical records and full Social Security numbers of claimants. It further requires each such trust to provide, upon written request, information related to payment from, and demands for payment from, such trust to any party in an action involving liability for asbestos exposure. An asbestos trust may require the requesting party to pay for the reasonable costs associated with such a request for information.

Mr. Blake Farenthold introduced the bill on March 6, 2013. The bill was referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law. On May 21, 2013, the full Committee considered the bill and ordered it reported favorably to the House by a roll call vote of 17 ayes to 14 nays. The bill was accompanied by H. Rept. 113–254, filed on October 30, 2013. A supplemental report was filed by the Committee on November 12, 2013 as H. Rept. 113–254, Part II. The House considered the bill pursuant to the provisions of H. Res. 403 and the bill passed the House by a roll call vote of 221 ayes to 199 nays on November 13, 2013.

- *H.R. 1067, To make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.*

H.R. 1067 makes revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements. The bill was prepared by the Office of the Law Revision Counsel of the House of Representatives as part of its responsibility under section 205(c) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C. 285b), to prepare and submit periodically to the Committee on the Judiciary proposed bills to maintain titles of the United States Code that have been enacted into positive law.

Chairman Bob Goodlatte introduced the bill on March 12, 2013. The full Committee considered the bill on March 14, 2013 and ordered it reported favorably to the House by voice vote. The bill was accompanied by H. Rept. 113–43, filed on April 19, 2013. Under suspension of the rules, the bill passed the House by a roll call vote of 409 ayes to 0 nays on April 23, 2013, two-thirds majority required.

- *H.R. 1068, To enact title 54, United States Code, “National Park Service and Related Programs”, as positive law.*

H.R. 1068 gathers provisions relating to the National Park Service and related programs and restates these provisions as a new positive law title of the United States Code. The new title replaces the former provisions, which are repealed by the bill.

Chairman Bob Goodlatte introduced the bill on March 12, 2013. The full Committee considered the bill on March 14, 2013 and ordered it reported favorably to the House by voice vote. The bill was accompanied by H. Rept. 113–44, filed on April 19, 2013. Under suspension of the rules, the bill passed the House by a roll call vote of 409 ayes to 0 nays on April 23, 2013, two-thirds majority required.

- *H.R. 1073, the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2013”*

H.R. 1073 implements certain provisions of four multilateral counterterrorism treaties. These treaties are important tools in the fight against terrorism and each one builds on an existing treaty to which the United States is a party. This implementing legislation enhances U.S. national security by modernizing and strengthening the international counterterrorism and counter proliferation legal framework and improving multilateral efforts to combat terrorism and nuclear proliferation. This legislation and the underlying treaties also complement important United States priorities such as the Global Initiative to Combat Nuclear Terrorism, the Washington Nuclear Security Summit, and the Proliferation Security Initiative.

Mr. F. James Sensenbrenner, Jr. introduced the bill on March 12, 2013. The bill was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. On March 14, 2013, the full Committee considered the bill and ordered it reported favorably to the House by voice vote. The bill was accompanied by H. Rept. 113–85, filed on May 20, 2013. Under suspension of the rules, the bill passed the House by a roll call vote of 390 ayes to 3 nays on May 20, 2013, two-thirds majority required.

- *H.R. 1123, the “Unlocking Consumer Choice and Wireless Competition Act”*

H.R. 1123 repeals a Library of Congress (LOC) rulemaking determination, made upon the recommendation of the Register of Copyrights, regarding the circumvention of technological measures controlling access to copyrighted software on wireless telephone handsets (mobile telephones) for the purpose of connecting to different wireless telecommunications networks (a practice commonly referred to as “unlocking” such devices). The bill reestablishes, as an exemption to provisions of the Digital Millennium Copyright Act (DMCA) prohibiting such circumvention, a previous LOC rule permitting the use of computer programs, in the form of firmware or software, that enable used wireless telephone handsets to connect to a wireless telecommunications network, when circumvention is initiated by the owner of the copy of such computer program solely to connect to such a network and access to the network is authorized by the network operator, thus permitting unlocked phones.

H.R. 1123 also directs the Librarian of Congress, upon the recommendation of the Register, to determine whether to extend such exemption to include any other category of wireless devices in addition to wireless telephone handsets (e.g., tablets and other mobile broadband-enabled devices).

Chairman Bob Goodlatte introduced the bill on March 13, 2013. The bill was referred to the Subcommittee on Courts, Intellectual Property, and the Internet. On July 31, 2013, the full Committee considered the bill and ordered it reported favorably to the House, as amended, by voice vote.

- *H.R. 1447, the “Death in Custody Reporting Act of 2013”*

H.R. 1447 reauthorizes the Death in Custody Reporting Act that expired in 2006. This legislation requires the submission of death statistics at the federal, state and local levels. It also provides for reductions of up to ten percent of federal Byrne JAG grant funds at the discretion of the Attorney General, in the event of a state’s non-compliance with the reporting requirements. H.R. 1447 also requires a study and report of information on deaths in custody.

Mr. Robert C. “Bobby” Scott introduced the bill on April 9, 2013. The bill was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. On December 4, 2013, the full Committee considered the bill and ordered it reported favorably to the House by voice vote. The bill was accompanied by H. Rept. 113–285, filed on December 9, 2013. Under suspension of the rules, the bill passed the House by voice vote on December 12, 2013, two-thirds majority required.

- *H.R. 1493, the “Sunshine for Regulatory Decrees and Settlements Act of 2013”*

H.R. 1493 amends procedures for the consideration and entry of consent decrees and settlement agreements that require new federal regulations. The bill includes procedures to allow greater opportunities for affected regulated entities and co-regulators to intervene in civil litigation concerning regulatory action and provide public comment on proposed consent decrees and settlement agreements, expand judicial review of proposed decrees and settlements, and require review by the Attorney General and agency heads of certain proposed decrees and settlements.

Mr. Doug Collins introduced the bill on April 11, 2013. The bill was referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law. On July 24, 2013, the full Committee considered the bill and ordered it reported favorably to the House by a roll call vote 17 ayes to 12 nays. The bill was accompanied by H. Rept. 113–230, filed on September 26, 2013.

- *H.R. 1772, the “Legal Workforce Act”*

H.R. 1772 reforms the employment eligibility verification process and requires all employers hiring or employing individuals in the United States to use the E-Verify system to check the employment eligibility of their new hires.

Mr. Lamar Smith introduced the bill on April 26, 2013. The bill was referred to the Subcommittee on Immigration and Border Security. On June 26, 2013, the full Committee considered the bill

and ordered it reported favorably, as amended, to the House by a roll call vote of 22 ayes to 9 nays.

- *H.R. 1773, the “Agricultural Guestworker Act”*

H.R. 1773 amends the Immigration and Nationality Act to establish a new nonimmigrant visa for an alien having a residence in a foreign country which he or she has no intention of abandoning and who is coming temporarily to the United States to perform agricultural labor or services. This new “H-2C” program replaces the current H-2A agricultural temporary worker program. H.R. 1773 expands the definition of “agricultural labor or services” (relative to its meaning under the existing agricultural guestworker program) to include temporary, seasonal, and year-round agricultural or aquacultural work as well as the handling, packing, and processing of raw agricultural or aquacultural products.

Chairman Bob Goodlatte introduced the bill on April 26, 2013. The bill was referred to the Subcommittee on Immigration and Border Security. On June 19, 2013, the full Committee considered the bill and ordered it reported favorably, as amended, to the House by a roll call vote of 20 ayes to 16 nays.

- *H.R. 1797, the “Pain-Capable Unborn Child Protection Act”*

H.R. 1797 would generally prohibit abortions of unborn children after 20 weeks post-fertilization, with limited exceptions.

Mr. Trent Franks introduced the bill on April 26, 2013. It was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations and to the Subcommittee on the Constitution and Civil Justice. On June 12, 2013, the full Committee considered the bill and ordered it reported favorably, as amended, to the House by a roll call vote of 20 ayes to 12 nays. The bill was accompanied by H. Rept. 113–109, Part I, filed on June 14, 2013. The House considered the bill pursuant to the provisions of H. Res. 266 and the bill passed the House by a roll call vote of 228 ayes to 196 nays on June 18, 2013.

- *H.R. 1944, the “Private Property Rights Protection Act of 2013”*

H.R. 1944 prohibits state and local governments that receive federal economic development funds from using eminent domain to transfer property from one private owner to another for the purpose of economic development in response to the Supreme Court’s decision in *Kelo v. City of New London*. If a state, or political subdivision of a state, uses its eminent domain power to take property for private economic development, the state is ineligible to receive federal economic development funds for two fiscal years following a judicial determination that the law has been violated. Additionally, the bill prohibits the federal government from using eminent domain for economic development purposes. The bill’s provisions are enforceable through a private right of action or through an action brought by the Attorney General of the United States.

Mr. F. James Sensenbrenner, Jr. introduced the bill on May 9, 2013. The bill was referred to the Subcommittee on the Constitution and Civil Justice. On June 12, 2013, the full Committee considered the bill and ordered it reported favorably to the House by voice vote.

- *H.R. 1896, the “International Child Support Recovery Improvement Act of 2013”*

H.R. 1896 would implement the Hague Convention on International Recovery of Child Support and Other Forms of Family Maintenance. This multilateral treaty, to which the Senate provided its consent in 2010, provides for the structured exchange of information and consistent enforcement of international cases of child support. The Act authorizes access to the Federal Parent Locator Service by an entity designated as a Central Authority for child support enforcement in a foreign reciprocating country or a foreign treaty country so that foreign reciprocating countries will be notified of the state of residence of individuals sought for support enforcement. The Act also increases from 24 to 48 months the length of time information entered into the data base maintained by the National Directory of New Hires shall remain before being deleted, and imposes a penalty of a fine or imprisonment up to five years for the willful unauthorized disclosure of certain personal identifiers.

Mr. David G. Reichert introduced the bill on May 8, 2013. The bill was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. Under suspension of the rules, the House passed the bill by a roll call vote of 394 ayes to 27 nays on June 18, 2013, two-thirds majority required.

- *H.R. 1947, the “Federal Agriculture Reform and Risk Management Act of 2013”*

H.R. 1947 repeals and reforms government programs and achieves deficit reduction following a multi-year process that included the auditing for effectiveness and efficiency of all policies under the jurisdiction of the House Committee on Agriculture.

Mr. Frank Lucas introduced the bill on May 13, 2013. On May 29, 2013, the bill was referred sequentially to the Committee for a period not ending later than June 7, 2013 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the Committee pursuant to clause 1(1) of rule X. On June 5, 2013, the full Committee considered the bill and ordered it reported without recommendation, as amended, to the House by voice vote. The bill was accompanied by H. Rept. 113–92, Part II, filed on June 10, 2013. On June 18, 2013, the House considered the bill pursuant to the provisions of H. Res. 266, which provided for one hour of debate. On June 19, 2013, the House considered the bill pursuant to the provisions of H. Res. 271, which provided for the consideration of amendments. On June 20, 2013, the bill was defeated in the House by a roll call vote of 195 ayes to 234 nays.

- *H.R. 1965, the “Federal Lands Jobs and Energy Security Act of 2013”*

H.R. 1965 would require the Bureau of Land Management (BLM) to establish certain fees for activities related to the development of oil and gas on federal lands. A portion of those amounts along with a portion of fees from renewable energy projects on federal lands would be available to the agency, subject to appropriation, to cover the costs of activities aimed at increasing energy development on federal lands. The bill also would exempt lawsuits related to energy

production on federal lands from the Equal Access to Justice Act (EAJA).

Mr. Doug Lamborn introduced the bill on May 14, 2013. The bill was referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law. The House considered the bill pursuant to the provisions of H.R. 419 and the bill passed the House, as amended, by a roll call vote of 228 ayes to 192 nays on November 20, 2013.

- *H.R. 2122, the “Regulatory Accountability Act of 2013”*

H.R. 2122 amends the federal regulatory process by making a series of changes and adding requirements to the rulemaking process outlined in the Administrative Procedure Act (APA). These changes and additions include new notice and cost-benefit analysis requirements and expanded review by the Office of Information and Regulatory Affairs, as well as expanded judicial review, among other things.

Chairman Bob Goodlatte introduced the bill on May 23, 2013. The bill was referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law. On July 24, 2013, the full Committee considered the bill and ordered it reported favorably to the House by a roll call vote of 13 ayes to 9 nays. The bill was accompanied by H. Rept. 113–237, filed on September 28, 2013.

- *H.R. 2131, the “SKILLS Visa Act”*

H.R. 2131 increases the priority given to highly skilled immigrants and to certain nuclear family members in the issuance of immigrant visas, creates an immigrant pathway for entrepreneurs, reforms our temporary work visa programs to increase the availability of highly-skilled foreign workers to American employers while strengthening protections for American workers and students, and eliminates the diversity visa and sibling visa programs.

Mr. Darrell E. Issa introduced the bill on May 23, 2013. The bill was referred to the Subcommittee on Immigration and Border Security. On June 27, 2013, the full Committee considered the bill and ordered it reported favorably, as amended, to the House by a roll call vote of 20 ayes to 14 nays.

- *H.R. 2278, the “SAFE Act”*

H.R. 2278 grants states and localities the authority to enforce federal immigration laws and their own immigration laws; makes it more difficult for foreign nationals who pose a national security risk to enter and remain in the U.S.; makes unlawful presence a crime; and expands access to federal lands near the border to Border Patrol agents. The bill makes changes to removal procedures concerning aliens with criminal convictions, including sex offenders and drunk driving, and persons who are or were associated with criminal gangs. H.R. 2278 expands the Visa Security Program to additional high risk posts and provides additional resources and authorities to U.S. Immigration and Customs Enforcement officers.

Mr. Trey Gowdy introduced the bill on June 6, 2013. The bill was referred to the Subcommittee on Immigration and Border Security.

On June 13, 2013, the full Committee held a hearing on H.R. 2278. The hearing consisted of one panel of the following witnesses: (1) the Honorable Paul Babeu, Sheriff of Pinal County, Florence,

Arizona; (2) Mr. Chris Crane, President, National Immigration and Customs Enforcement Council 118, American Federation of Government Employees; (3) the Honorable Sam S. Page, Sheriff of Rockingham County, Wentworth, North Carolina; (4) Mr. Jamiel Shaw, Sr., Jamiel's Law, Los Angeles, California; (5) the Honorable Randy C. Krantz, Commonwealth's Attorney, Bedford, Virginia; (6) Ms. Sabine Durden, mother of Dominic Durden, Moreno Valley, California; (7) Ms. Karen Tumlin, Managing Attorney, National Immigration Law Center; and (8) Ms. Clarissa Martinez De Castro, Director of Civic Engagement and Immigration, National Council of La Raza.

On June 18, 2013, the full Committee considered the bill and ordered it reported favorably, as amended, to the House by a roll call vote of 20 ayes to 15 nays.

- *H.R. 2542, the "Regulatory Flexibility Improvements Act of 2013"*

H.R. 2542 amends the Regulatory Flexibility Act of 1980 (RFA) and the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). The RFA and SBREFA attempted to require agencies to account better for the impacts of proposed regulations on small businesses and other small entities and to tailor final regulations to minimize adverse impacts on these entities, but have not commanded full agency compliance. This bill further amends the RFA and SBREFA to require agencies to perform additional and more detailed regulatory analyses, expands the use of small business review panels, broadens judicial review, and amends requirements for periodic retrospective review of existing regulations.

Mr. Spencer Bachus introduced the bill on June 27, 2013. The bill was referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law. On July 31, 2013, the full Committee considered the bill and ordered it reported favorably to the House by a roll call vote of 15 ayes to 9 nays. The bill was accompanied by H. Rept. 113-288, Part I, filed on December 11, 2013.

- *H.R. 2641, the "RAPID Act"*

H.R. 2641 amends the Administrative Procedure Act to add provisions addressing and revising the federal environmental review and permitting process for certain construction projects. The legislation expands earlier, more limited steps to streamline the environmental review and permitting process and responds to the call of the President's Council on Jobs and Competitiveness to streamline permitting further.

Mr. Tom Marino introduced the bill on July 10, 2013. The bill was referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law. On July 31, 2013, the full Committee considered the bill and ordered it reported favorably to the House by a roll call vote of 18 ayes to 9 nays.

- *H.R. 2655, the "Lawsuit Abuse Reduction Act of 2013"*

H.R. 2655 would (1) restore mandatory sanctions for filing lawsuits in violation of Rule 11, (2) remove Rule 11's "safe harbor" provisions that currently allows parties to avoid sanctions by withdrawing potentially frivolous claims and (3) require monetary sanctions, including attorneys' fees and compensatory costs, against any party making a frivolous claim.

Mr. Lamar Smith introduced the bill on July 11, 2013. The bill was referred to the Subcommittee on the Constitution and Civil Justice. On September 11, 2013, the full Committee considered the bill and ordered it reported favorably to the House by a roll call vote of 17 ayes to 10 nays. The bill was accompanied by H. Rept. 113–255, filed on October 30, 2013. The House considered the bill pursuant to the provisions of H. Res. 403 and the bill passed the House by a roll call vote of 228 ayes to 195 nays on November 14, 2013.

- *H.R. 2871, To amend title 28, United States Code, to modify the composition of the southern judicial district of Mississippi to improve judicial efficiency, and for other purposes.*

The purpose of H.R. 2871 is to increase efficiency and better serve the public by reorganizing the southern judicial district of Mississippi in recognition of the Judicial Conference of the United States' decision to close an underutilized court facility.

Mr. Howard Coble introduced the bill on July 31, 2013. The bill was referred to the Subcommittee on Courts, Intellectual Property, and the Internet. On September 11, 2013, the full Committee considered the bill and ordered it reported favorably to the House by voice vote. The bill was accompanied by H. Rept. 113–258, filed on November 12, 2013. Under suspension of the rules, the bill passed the House by a roll call vote of 401 ayes to 0 nays on November 12, 2013, two-thirds majority required. On December 10, 2013, the Senate passed the bill by unanimous consent.

- *H.R. 2879, the "Stop Government Abuse Act"*

H.R. 2879 generally prohibits the payment of certain discretionary monetary payments or performance awards to federal employees during any period of sequestration. The bill sets forth investigative leave requirements for certain federal employees accused of misconduct, neglect of duty, malfeasance or misappropriation of funds. H.R. 2879 also grants individuals who are the target of enforcement actions by executive agency employees the right to record in-person and telephonic interactions and requires the federal government to provide written and online notice in certain circumstances.

Ms. Lynn Jenkins introduced the bill on July 31, 2013. The bill was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. The House considered the bill pursuant to the provisions of H. Res. 322 and the bill passed the House by a roll call vote of 239 ayes to 176 nays on August 1, 2013.

- *H.R. 2922, To extend the authority of the Supreme Court Police to protect court officials away from the Supreme Court grounds.*

H.R. 2922 extends until December 29, 2019 the long-standing authority of the Supreme Court Police to provide appropriate protection for the safety of Justices, Court employees and official guests of the Court.

Mr. George Holding introduced the bill on August 1, 2013. The bill was referred to the Subcommittee on Courts, Intellectual Property, and the Internet. On September 11, 2013, the full Committee considered the bill and ordered it reported favorably to the House by voice vote. The bill was accompanied by H. Rept. 113–259, filed

on November 12, 2013. Under suspension of the rules, the bill passed the House by a roll call vote of 399 ayes to 3 nays on November 12, 2013, two-thirds majority required. On December 10, 2013, the Senate passed the bill by unanimous consent.

- *H.R. 3190, the “United States Parole Commission Extension Act of 2013”*

H.R. 3190 amends federal law (18 U.S.C. § 3551 note) to reauthorize the United States Parole Commission for an additional five years, until November 2018. The bill contained two reporting requirements. The first reporting requirement compels the Commission to provide, on an annual basis, a variety of information relating to each category of offenders under the Commission’s jurisdiction, which will help track the number of individuals under the Commission’s jurisdiction, and estimate the date on which no federal offenders will remain under the Commission’s jurisdiction. The second reporting requirement compels the Commission to provide information on the parole failure rate among D.C. offenders.

Mr. Steve Chabot introduced the bill on September 26, 2013. The bill was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. The bill was discharged by the Committee and agreed to in the House by unanimous consent on October 14, 2013. On October 30, 2013, the bill passed the Senate by unanimous consent. The bill was signed into law on October 31, 2013, becoming Public Law 113–47.

- *H.R. 3233, To extend the period during which Iraqis who were employed by the United States Government in Iraq may be granted special immigrant status and to temporarily increase the fee or surcharge for possessing machine-readable non-immigrant visas.*

H.R. 3233 amends the National Defense Authorization Act for Fiscal Year 2008 to provide that the total number of aliens eligible for special immigrant status (Iraqis who were employed by or on behalf of the U.S. government in Iraq) during the first three months of FY2014 shall be the sum of: (1) the number of such aliens whose applications were pending on September 30, 2013, and (2) 2,000. The bill imposes a deadline of December 15, 2013, for applications for special immigrant status. It directs the Secretary of State to increase the fee or surcharge authorized under the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 by \$1 for processing machine-readable nonimmigrant visas and machine-readable combined border crossing identification cards and nonimmigrant visas; and requires amounts collected as a result of the fee increase to be deposited in the general fund of the Treasury.

Mr. Earl Blumenauer introduced the bill on October 2, 2013. The bill was discharged by the Committee and agreed to in the House by unanimous consent on October 2, 2013. The bill passed the Senate on October 3, 2013. The bill was signed into law on October 4, 2013, becoming Public Law 113–42.

- *H.R. 3309, the “Innovation Act”*

H.R. 3309 makes changes to the nation’s patent laws that are intended to curb abuses of patent litigation and correct several tech-

nical problems that have become apparent during the course of the implementation of the America Invents Act.

Chairman Bob Goodlatte introduced the bill on October 23, 2013. On October 29, 2013, the full Committee held a hearing on H.R. 3309. The hearing consisted of one panel of the following witnesses: (1) Mr. Krish Gupta, Senior Vice President and Deputy General Counsel, EMC Corporation; (2) Mr. Kevin Kramer, Vice President and Deputy General Counsel for Intellectual Property, Yahoo! Inc.; (3) Mr. David J. Kappos, Former Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office; and (4) Mr. Robert A. Armitage, Former General Counsel, Eli Lilly & Co.

On November 20, 2013, the full Committee considered the bill and ordered it reported favorably, as amended, to the House by a roll call vote of 33 ayes to 5 nays. The bill was accompanied by H. Rept. 113–279, filed on December 2, 2013. The House considered the bill pursuant to the provisions of H. Res. 429 and the bill passed the House by a roll call vote of 325 ayes to 91 nays on December 5, 2013.

- *H.R. 3626, To extend the Undetectable Firearms Act of 1988 for 10 years.*

H.R. 3626 extends the Undetectable Firearms Act of 1988 for 10 years.

Mr. Howard Coble introduced the bill on December 2, 2013. The bill was referred to the Committee. Under suspension of the rules, the bill passed the House by voice vote on December 3, 2013. The bill passed the Senate by unanimous consent on December 9, 2013. The bill was signed into law on December 9, 2013, becoming Public Law 113–57.

- *H.R. 3627, the “Kilah Davenport Child Protection Act of 2013”*

H.R. 3627 requires the Department of Justice to issue a report with 180 days of enactment, and again three years thereafter, regarding the penalties for violations of laws prohibiting child abuse in the 50 states, the District of Columbia, and the U.S. territories, including whether they provide enhanced penalties when the victim has suffered serious bodily injury, or permanent or protracted loss or impairment of any mental or emotional function. To address the problem of child abuse in areas where the federal government has increased responsibility for criminal justice, including in Indian Country and the special maritime and territorial jurisdiction, the bill also amends 18 U.S.C. §117 to allow prior convictions for assault, acts of sexual abuse, or serious violent felonies against a child of the person or in the person’s care to be used as prior convictions that trigger this offense in these areas.

Mr. Robert Pittenger introduced the bill on December 2, 2013. On December 4, 2013, the full Committee considered the bill and ordered it reported favorably to the House by voice vote. The bill was accompanied by H. Rept. 113–286, filed on December 9, 2013. Under suspension of the rules, the bill passed the House by voice vote on December 9, 2013.

- *S. 330, the “HIV Organ Policy Equity Act”*

S. 330 amends the Public Health Service Act to repeal the requirement that the Organ Procurement and Transplantation Network adopt and use standards of quality for the acquisition and transportation of donated organs that include standards for preventing acquisition of organs infected with the etiologic agent for acquired immune deficiency syndrome (AIDS). The bill replaces this requirement with authorization for the Network to adopt and use such standards with respect to organs infected with human immunodeficiency virus (HIV), provided that any such standards ensure that organs infected with HIV may be transplanted only into individuals who are: (1) infected with such virus before receiving such an organ; and (2) participating in clinical research approved by an institutional review board under the criteria, standards, and regulations regarding organs infected with HIV developed under this Act or, if participation in such research is no longer warranted, receiving a transplant under such standards and regulations.

S. 330 amends the federal criminal code to declare that an organ donation does not violate the prohibition against a knowing organ donation by an HIV-infected individual if the donation is made in accordance with this Act.

Senator Barbara Boxer introduced the bill on February 14, 2013. The bill passed the Senate, as amended, by unanimous consent on June 17, 2013. On June 18, 2013, S. 330 was referred to the Committee. The bill was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. Under suspension of the rules, the bill passed the House, as amended by the Senate, by a voice vote on November 12, 2013. The bill was signed into law on November 21, 2013, becoming Public Law 113–51.

- *S. 744 and the Immigration Reform and Control Act of 1986: Lessons Learned or Mistakes Repeated?*

On May 22, 2013, the Committee held a legislative hearing on S. 744 and how it compares to the Immigration Reform and Control Act of 1986 (IRCA). The hearing specifically focused on the degree to which the U.S. government enforced immigration laws after the passage of IRCA and the ways in which S. 744 are similar and different to IRCA.

The hearing consisted of one panel of the following witnesses: (1) Ms. Julie Myers Wood, President, Compliance, Federal Practice and Software Solutions, Guidepost Solutions LLC; (2) Mr. Chris Crane, President, National Immigration and Customs Enforcement Council 118 American Federation of Government Employees; and (3) Mr. David V. Aguilar, Partner, Global Security & Intelligence Strategies.

- *H. Res. 196, Supporting the Sixth Amendment to the United States Constitution, the right to counsel.*

H. Res. 196 states the House of Representatives’ support of the Sixth Amendment to the United States Constitution, and the right to counsel.

Mr. Theodore E. Deutch introduced the resolution on May 3, 2013. The full Committee considered the resolution and ordered it reported favorably to the House by voice vote on May 7, 2013. The resolution was accompanied by H. Rept. 113–260, filed on Novem-

ber 12, 2013. Under suspension of the rules, the resolution was agreed to in the House, as amended, by voice vote on November 13, 2013.

- *H. Con. Res. 58, Expressing the sense of Congress regarding the need for the continued availability of religious services to members of the Armed Forces and their families during a lapse in appropriations.*

H. Con. Res. 58 expresses the sense of Congress that the provision and availability of religious services and clergy is important to the morale and wellbeing of many members of the Armed Forces and their families. The measure also expresses hope that the Secretary of Defense (DOD) is able to determine that contractor clergy provide necessary support to military personnel, and would therefore be covered under the appropriations made available under the Pay Our Military Act (P.L. 113–39).

Mr. Doug Collins introduced the resolution on October 5, 2013. The resolution was referred to the Committee. Under suspension of the rules, the resolution passed the House by a roll call vote of 400 ayes to 1 nay on October 5, 2013, two-thirds majority required. The resolution passed the Senate, as amended, by unanimous consent on October 10, 2013. The House agreed to the Senate amendments by unanimous consent on October 16, 2013.

OVERSIGHT ACTIVITIES

- *America’s Immigration System: Opportunities for Legal Immigration and Enforcement of Laws against Illegal Immigration (Serial No. 113–1)*

On February 5, 2013, the Committee held a hearing to explore aspects of our current legal immigration system that can be improved and to look at lessons that can be learned from the effectiveness of past enforcement of our immigration laws.

The hearing consisted of two panels. The first panel consisted of the following witnesses: (1) Mr. Vivek Wadhwa, Director of Research, Pratt School of Engineering, Duke University; (2) Mr. Michael Teitelbaum, Senior Advisor, Alfred P. Sloan Foundation and Wertheim Fellow, Harvard Law School; (3) Dr. Puneet S. Arora, Vice President, Immigration Voice; and (4) the Honorable Julian Castro, Mayor, San Antonio, Texas. The second panel consisted of the following witnesses: (1) Ms. Julie Myers Wood, President, Compliance, Federal Practice, and Software Solutions, Guidepost Solutions LLC; (2) Mr. Chris Crane, President, National Immigration and Customs Enforcement Council 118, of the American Federation of Government Employees; (3) Ms. Jessica Vaughan, Director of Policy Studies, Center for Immigration Studies; and (4) Mr. Muzaffar Chishti, Director of the Migration Policy Institute’s office at New York University Law School.

- *Drones and the War On Terror: When Can the U.S. Target Alleged American Terrorists Overseas? (Serial No. 113–2)*

On February 27, 2013, the Committee held a hearing to gather information and discuss the targeted killing of American citizens by the Obama Administration. The hearing discussed the constitutional justification for such killings during armed conflict, whether

drone attacks on military targets are preferable to the detainment and interrogation of terrorists, and whether the administration is correct in withholding from the Judiciary Committee the memos from the Justice Department's Office of Legal Counsel that provide the constitutional justification of the killings of U.S. citizens during wartime.

The hearing consisted of the following witnesses: (1) Mr. John B. Bellinger, III, Partner, Arnold & Porter LLP; (2) Mr. Robert Chesney, Charles I. Francis Professor in Law, Associate Dean for Academic Affairs, University of Texas School of Law; (3) Mr. Benjamin Wittes, Senior Fellow, Brookings Institution; and (4) Mr. Stephen I. Vladeck, Professor of Law, Associate Dean for Scholarship, Washington College of Law.

- *The Release of Criminal Detainees by U.S. Immigration and Customs Enforcement: Policy or Politics? (Serial No. 113-5)*

On March 19, 2013, the Committee held a hearing to gather information and address Immigration and Customs Enforcement's release of certain aliens from detention; whether such an action was necessitated by automatic spending cuts as a result of sequestration; whether ICE's actions jeopardized public safety; and whether alternative measures could have been taken.

The hearing consisted of the following witness: the Honorable John Morton, Director, U.S. Immigration and Customs Enforcement.

- *Mismanagement at the Civil Rights Division of the Department of Justice (Serial No. 113-10)*

On April 16, 2013, the Committee held a hearing to conduct oversight on the Civil Rights Division of the Department of Justice. The hearing focused primarily on a recent report released by the Inspector General entitled, "A Review of the Operations of the Voting Section of the Civil Rights Division."

The hearing consisted of the following witnesses: (1) Mr. Hans A. von Spankowsky, Senior Legal Fellow, the Heritage Foundation; (2) Mr. Harry Mihet, Senior Litigation Counsel, Liberty Counsel; (3) Mr. Samuel Bagenstos, Professor, the University of Michigan Law School; and (4) Mr. J. Christian Adams, Attorney, Election Law Center.

- *Classified Review of Justice Department Documents*

On April 24 and 25, 2013, the Committee provided Members the opportunity to review certain classified Justice Department documents.

- *Oversight of the United States Department of Justice (Serial No. 113-43)*

On May 15, 2013, the Committee held a hearing to conduct oversight over the Department of Justice.

The hearing consisted of the following witness: the Honorable Eric H. Holder, Jr., Attorney General, United States Department of Justice.

- *Protecting U.S. Citizens' Constitutional Rights During the War on Terror (Serial No. 113–21)*

On May 22, 2013, the Committee held a hearing to gather information and discuss the status of U.S. citizens' Constitutional rights during the War on Terror with particular focus on whether the government may detain U.S. citizens as enemy combatants.

The hearing consisted of the following witnesses: (1) Mr. Robert M. Chesney, Charles I. Francis Professor of Law, the University of Texas School of Law; (2) Mr. Benjamin Wittes, Senior Fellow and Research Director in Public Law, the Brookings Institution; (3) Mr. Steven A. Engel, Partner, Dechert, LLP; and (4) Ms. Mary Ellen O'Connell, Professor of Law, University of Notre Dame Law School.

- *Oversight of the Federal Bureau of Investigation (Serial No. 113–32)*

On June 13, 2013, the Committee held a hearing to conduct oversight over the Federal Bureau of Investigation.

The hearing consisted of the following witness: the Honorable Robert S. Mueller, III, Director, Federal Bureau of Investigation.

- *Oversight of the Administration's Use of FISA Authorities (Serial No. 113–45)*

On July 17, 2013, the Committee held a hearing to conduct oversight on the Administration's use of FISA Authorities.

The hearing consisted of two panels. The first panel consisted of the following witnesses: (1) Mr. James Cole, Deputy Director, United States Department of Justice; (2) Mr. John C. Inglis, Deputy Director, National Security Agency; (3) Mr. Robert S. Litt, General Counsel, Office of Director of National Intelligence; and (4) Ms. Stephanie Douglas, Executive Assistant Director, National Security Branch, Federal Bureau of Investigation. The second panel consisted of the following witnesses: (1) Mr. Stewart Baker, Steptoe & Johnson, LLP; (2) Mr. Steven G. Bradbury, Dechert, LLP; (3) Mr. Jameel Jaffar, Deputy Legal Director, American Civil Liberties Union; and (4) Ms. Kate Martin, Center for National Security Studies.

- *Oversight of the Administration's Use of FISA Authorities (CLASSIFIED)*

On September 18, 2013, the Committee held a classified hearing on the Administration's use of FISA Authorities.

The hearing consisted of the following witnesses: (1) Mr. James M. Cole, United States Department of Justice; (2) Mr. Robert S. Litt, Office of Director of National Intelligence; (3) Mr. John C. Inglis, National Security Agency; and (4) Mr. Andrew G. McCabe, Federal Bureau of Investigation.

- *Are More Judges Always the Answer? (not yet printed)*

On October 29, 2013, the Committee held a hearing to examine the workload of the U.S. Court of Appeals for the D.C. Circuit and whether it justified confirmation of three nominees submitted by the President.

The hearing consisted of the following witnesses: (1) the Honorable Charles E. Grassley, Ranking Member of the Senate Committee on the Judiciary, United States Senator; (2) Ambassador C.

Boyden Gray, former White House Counsel, President George W. Bush, Boyden Gray & Associates; (3) Ms. Nan Aron, President, Alliance for Justice; and (4) Ms. Carrie Severino, Chief Counsel and Policy Director, Judicial Crisis Network.

- *Bipartisan Classified Briefing*

On October 29, 2013, the Committee held a classified briefing for Committee members regarding the apprehension and transfer to the U.S. for prosecution of Nazih Abdul-Hamed Nabih al-Ruqai'I, aka Abu Anas al-Liby.

- *Implementation of an Entry-Exit System: Still Waiting After All These Years (not yet printed)*

On November 13, 2013, the Committee held a hearing on the delay of implementation of a biometric exit control system at ports of entry to track visa overstayers, 17 years after the first congressional mandate to do so.

The hearing consisted of the following witnesses: (1) Ms. Janice Kephart, Former Special Counsel at U.S. Senate Committee on the Judiciary, Former Counsel to the 9/11 Commission; (2) Mr. James Albers, Senior Vice President, Washington Operations, MorphoTrust USA; (3) Ms. Julie Myers Wood, President, Compliance, Federal Practice and Software Solutions, Guidepost Solutions LLC; and (4) Mr. David Heyman, Assistant Secretary for Policy, Department of Homeland Security.

- *The President's Duty to Faithfully Execute the Laws (not yet printed)*

On December 3, 2013, the Committee held a hearing on the President's constitutional duty to "take care that the laws be faithfully executed."

The hearing consisted of the following witnesses: (1) Mr. Jonathan Turley, Professor, George Washington University Law School; (2) Mr. Nicholas Quinn Rosenkranz, Professor, Georgetown University Law Center; (3) Mr. Simon Lazarus, Senior Counsel, Constitutional Accountability Center; and (4) Mr. Michael Cannon, Director of Health Policy Studies, Cato Institute.

- *Bipartisan Classified Briefing*

On December 4, 2013, the Committee held a classified briefing for members only to attend regarding the Foreign Intelligence Surveillance Act (FISA).

- *Asylum Abuse: Is it Overwhelming our Borders? (not yet printed)*

On December 12, 2013, the Committee held a hearing to gather information and address a recent increase in foreign nationals claiming "credible fear," at and between U.S. ports of entry and whether changes to current policies are necessary to prevent fraud in the system.

The hearing consisted of the following witnesses: (1) Mr. Michael J. Fisher, Chief of the U.S. Border Patrol, Customs and Border Patrol; (2) Mr. Daniel H. Ragsdale, Deputy Director, Immigration and Customs Enforcement; (3) Ms. Lori Scialabba, Deputy Director, U.S. Citizenship and Immigration Services; and (4) Ms. Ruth Wasem, Congressional Research Service.

SUBCOMMITTEE ON THE CONSTITUTION AND CIVIL JUSTICE

TRENT FRANKS, Arizona, *Chairman*
JIM JORDAN, Ohio, *Vice-Chairman*

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|---------------------------------------|-----------------------------------|
| STEVE CHABOT, Ohio | JERROLD NADLER, New York |
| J. RANDY FORBES, Virginia | JOHN CONYERS, Jr., Michigan |
| STEVE KING, Iowa | ROBERT C. "BOBBY" SCOTT, Virginia |
| LOUIE GOHMERT, Texas | STEVE COHEN, Tennessee |
| RON DeSANTIS, Florida | THEODORE E. DEUTCH, Florida |
| JASON T. SMITH, Missouri ⁸ | |

⁸Keith J. Rothfus of Pennsylvania resigned from the Subcommittee in April 2013. Jason T. Smith of Missouri was added to the Subcommittee effective June 2013.

JURISDICTION

The Subcommittee on the Constitution and Civil Justice shall have jurisdiction over the following subject matters: constitutional amendments, constitutional rights, Federal civil rights, ethics in government, tort liability, including medical malpractice and product liability, legal reform generally, other appropriate matters as referred by the Chairman, and relevant oversight.

LEGISLATIVE ACTIVITIES

- *H.R. 1797, the "Pain-Capable Unborn Child Protection Act"*

H.R. 1797 would generally prohibit abortions of unborn children after 20 weeks post-fertilization, with limited exceptions.

Chairman Trent Franks introduced the bill on April 26, 2013. The Subcommittee held a hearing on H.R. 1797 on May 23, 2013. The hearing consisted of the following witnesses: (1) Dr. Anthony Levatino, Obstetrics and Gynecology, Las Cruces, New Mexico; (2) Dr. Maureen Condic, Department of Neurobiology and Anatomy, University of Utah, School of Medicine; (3) Ms. Christy Zink, Washington, D.C.; and (4) Ms. Jill Stanek, RN, Mokena, Illinois.

On June 4, 2013, the Subcommittee considered the bill and ordered it reported favorably to the full Committee, as amended, by a roll call vote of 6 ayes to 4 nays.

- *H.R. 1944, the "Private Property Rights Protection Act"*

H.R. 1944 prohibits state and local governments that receive federal economic development funds from using eminent domain to transfer private property from one private owner to another for the purpose of economic development.

Mr. F. James Sensenbrenner, Jr. introduced the bill on May 9, 2013. The Subcommittee held a hearing on H.R. 1944 on April 18, 2013. The hearing consisted of the following witnesses: (1) Ms. Susette Kelo, New London, Connecticut; (2) Dr. David Beito, Uni-

versity of Alabama; (3) Ms. Julia Trigg Crawford, Sumner, Texas; and (4) Mr. Scott Bullock, Institute for Justice.

On June 4, 2013, the Subcommittee considered the bill and ordered it reported favorably to the full Committee by a roll call vote of 5 ayes to 3 nays.

- *H.R. 2655, the “Lawsuit Abuse Reduction Act of 2013”*

H.R. 2655 would (1) restore mandatory sanctions for filing lawsuits in violation of Rule 11, (2) remove Rule 11’s “safe harbor” provision that currently allows parties to avoid sanctions by withdrawing potentially frivolous claims and (3) require monetary sanctions, including attorneys’ fees and compensatory costs, against any party making a frivolous claim.

Mr. Lamar Smith introduced the bill on July 11, 2013. On July 17, 2013, the Subcommittee considered the bill and ordered it reported favorably to the full Committee by a roll call vote of 6 ayes to 2 nays.

- *H.J. Res. 40, the “Victims’ Rights Amendment”*

H.J. Res. 40 proposes an amendment to the Constitution of the United States to protect the procedural rights of crime victims.

Chairman Trent Franks introduced the bill on April 23, 2013. The Subcommittee held a hearing on H.J. Res. 40 on April 25, 2013. The hearing consisted of the following witnesses: (1) Mr. Bill Montgomery, Maricopa County Attorney’s Office; (2) Mr. John Gillis, Maricopa County Attorney’s Office’s Victim Services Division; (3) Professor Robert Mosteller, University of North Carolina School of Law; and (4) Professor Doug Beloof, Lewis and Clark Law School.

OVERSIGHT ACTIVITIES

- *Excessive Litigation’s Impact on America’s Global Competitiveness (Serial No. 113–7)*

On March 5, 2013, the Subcommittee held a hearing to examine the economic impact of our litigation system.

The hearing consisted of the following witnesses: (1) Mr. Paul Hinton, Vice President, NERA Economic Consulting; (2) Mr. Rocky Flick, former President and CEO of Blitz USA; (3) Mr. Neil Vidmar, Russell M. Robinson II Professor of Law and Professor of Psychology at Duke Law School; and (4) Mr. Henry Butler, George Mason University Foundation Professor of Law and Executive Director of the Law & Economics Center at George Mason University School of Law.

- *Examination of Litigation Abuses (Serial No. 113–8)*

On March 13, 2013, the Subcommittee held a hearing to examine alleged abuses occurring in America’s litigation system, including forum shopping, *cy pres* awards, and contracting with outside counsel to enforce public rights.

The hearing consisted of the following witnesses: (1) Mr. John Beisner, co-chair of the Mass Torts and Insurance Litigation group at Skadden, Arps, Slate, Meagher & Flom LLP; (2) Ms. Elizabeth Milito, Senior Executive Counsel, National Federation of Inde-

pendent Small Business Legal Center; (3) Ms. Joanne Doroshow, Executive Director of the Center for Justice and Democracy at New York Law School; and (4) Mr. Theodore Frank, founder of the Center for Class Action Fairness.

- *DOJ's Quid Pro Quo with St. Paul: A Whistleblower's Perspective* (Serial No. 113-6)

On May 7, 2013, the Subcommittee held a joint hearing with the House Committee on Oversight and Government Reform's Subcommittee on Economic Growth, Job Creation & Regulatory Affairs. The hearing examined a False Claims Act case that was declined by the Department of Justice.

The hearing consisted of three panels. The first panel consisted of the following witnesses: (1) the Honorable Charles E. Grassley, United States Senator; and (2) the Honorable Johnny Isakson, United States Senator. The second panel consisted of the following witness: Mr. Fredrick Newell, St. Paul, Minnesota. The third panel consisted of the following witness: Ms. Shelley R. Slade, Vogel, Slade & Goldstein LLP.

- *The Voting Rights Act after the Supreme Court's Decision in Shelby County* (Serial No. 113-35)

On July 18, 2013, the Subcommittee held a hearing on the Voting Rights Act after the Supreme Court's Decision in *Shelby County v. Holder*.

The hearing consisted of the following witnesses: (1) Mr. Hons von Spakovsky, Senior Legal Fellow, The Heritage Foundation; (2) Mr. J. Christian Adams, Attorney, Election Law Center, PLLC; (3) Mr. Robert Kengle, the Lawyers' Committee for Civil Rights Under Law; and (4) Professor Spencer Overton, George Washington University Law School.

SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY, AND THE INTERNET

HOWARD COBLE, North Carolina, *Chairman*

TOM MARINO, Pennsylvania, *Vice-Chairman*

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| STEVE CHABOT, Ohio | HENRY C. "HANK" JOHNSON, JR., Georgia |
| DARRELL ISSA, California | JUDY CHU, California |
| TED POE, Texas | THEODORE E. DEUTCH, Florida |
| JASON CHAFFETZ, Utah | KAREN BASS, California |
| BLAKE FARENTHOLD, Texas | CEDRIC L. RICHMOND, Louisiana |
| GEORGE HOLDING, North Carolina | SUZAN K. DELBENE, Washington |
| DOUG COLLINS, Georgia | HAKEEM S. JEFFRIES, New York |
| RON DeSANTIS, Florida | JERROLD NADLER, New York |
| JASON T. SMITH, Missouri ⁹ | ZOE LOFGREN, California |
| VACANCY ¹⁰ | SHEILA JACKSON LEE, Texas |

⁹Keith J. Rothfus of Pennsylvania resigned from the Subcommittee in April 2013. Jason T. Smith of Missouri was added to the Subcommittee effective June 2013.

¹⁰Mark E. Amodei of Nevada resigned from the Subcommittee in December 2013. The Subcommittee had not filled the vacancy at the time of this report.

JURISDICTION

The Subcommittee on Courts, Intellectual Property, and the Internet shall have jurisdiction over the following subject matters: Administration of U.S. Courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, copyright, patent, trademark law, information technology, and other appropriate matters as referred by the Chairman, and relevant oversight.

LEGISLATIVE ACTIVITIES

- *H.R. 1123, the "Unlocking Consumer Choice and Wireless Competition Act"*

H.R. 1123 repeals a Library of Congress (LOC) rulemaking determination, made upon the recommendation of the Register of Copyrights, regarding the circumvention of technological measures controlling access to copyrighted software on wireless telephone handsets (mobile telephones) for the purpose of connecting to different wireless telecommunications networks (a practice commonly referred to as "unlocking" such devices). The bill reestablishes, as an exemption to provisions of the Digital Millennium Copyright Act (DMCA) prohibiting such circumvention, a previous LOC rule permitting the use of computer programs, in the form of firmware or software, that enable used wireless telephone handsets to connect to a wireless telecommunications network, when circumvention is initiated by the owner of the copy of such computer program solely to connect to such a network and access to the network is authorized by the network operator, thus permitting unlocked phones.

On June 6, 2013, the Subcommittee held a hearing on H.R. 1123. The hearing consisted of the following witnesses: (1) Mr. Steven K. Berry, President and Chief Executive Officer, Competitive Carriers Association; (2) Mr. Michael Altschul, Senior Vice President and General Counsel, CTIA-The Wireless Association; (3) Mr. George Slover, Senior Policy Counsel, Consumers Union; and (4) Mr. Steven J. Metalitz, Partner, Mitchell Silberberg & Knupp LLP.

OVERSIGHT ACTIVITIES

- *Abusive Patent Litigation: The Impact on American Innovation & Jobs, and Potential Solutions (Serial No. 113-13)*

On March 14, 2013, the Subcommittee held a hearing that focused on the impact of abusive patent litigation on the economy and specific legislative solutions and ideas to deal with this growing problem. The hearing built on hearings from previous Congresses that examined patent reform issues.

The hearing consisted of the following witnesses: (1) Mr. Mark Chandler, Senior Vice President, General Counsel and Secretary, Cisco Systems, Inc.; (2) Ms. Janet L. Dhillon, Executive Vice President, General Counsel and Secretary, J.C. Penney Company, Inc.; (3) Mr. John G. Boswell, Senior Vice President, Chief Legal Officer and Corporate Secretary, SAS Institute, Inc.; (4) Mr. C. Graham Gerst, Partner, Global IP Law Group, LLC; (5) Mr. Philip S. Johnson, Senior Vice President and Chief Intellectual Property Counsel, Johnson & Johnson; and (6) Mr. Dana Rao, Vice President and Associate General Counsel for Intellectual Property Litigation, Adobe Systems, Inc.

- *The Register's Call for Updates to U.S. Copyright Law (Serial No. 113-20)*

On March 20, 2013, the Subcommittee held an oversight hearing to consider the recent recommendations by the Register of Copyrights to update U.S. copyright law.

The hearing consisted of the following witness: the Honorable Maria Pallante, Register of Copyrights, United States Copyright Office.

- *Abusive Patent Litigation: The Issues Impacting American Competitiveness and Job Creation at the International Trade Commission and Beyond (Serial No. 113-24)*

On April 16, 2013, the Subcommittee held a hearing to build on the March 14, 2013 hearing regarding abusive patent litigation and the July 18, 2012 hearing on patent disputes before the International Trade Commission.

The hearing consisted of the following witnesses: (1) Mr. Kevin H. Rhodes, Vice President and Chief Intellectual Property Counsel, 3M Innovative Properties Company; (2) Mr. Jonathan W. Dudas, Former Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office; (3) Professor Colleen V. Chien, Santa Clara University School of Law; (4) Mr. Russell W. Binns, Jr., Associate General Counsel, IP Law and Litigation, Avaya, Inc.; (5) Ms. Deanna Tanner Okun, Former Chairman, International Trade Commission, Partner, Adduci,

Mastriani and Schaumberg, LLP; and (6) Mr. F. David Foster, Chairman, Legislative Committee, U.S. International Trade Commission, Trial Lawyers Association.

- *An Examination of the Judicial Conduct and Disability System (Serial No. 113–25)*

On April 25, 2013, the Subcommittee held an oversight hearing to examine the Federal Judicial Conduct and Disability Process and related issues.

The hearing consisted of the following witnesses: (1) the Honorable Anthony J. Scirica, Senior Judge, United States Court of Appeals for the Third Circuit; (2) the Honorable David B. Sentelle, Senior Judge, United States Court of Appeals for the District of Columbia Circuit; (3) Professor Arthur D. Hellman, Sally Ann Semenko Endowed Chair, University of Pittsburgh School of Law; and (4) Mr. Russell Wheeler, Visiting Fellow, Governance Studies Program, the Brookings Institution.

- *A Case Study for Consensus Building: The Copyright Principles Project (Serial No. 113–31)*

On May 16, 2013, the Subcommittee held an oversight hearing to begin undertaking a comprehensive review of American copyright law.

The hearing consisted of the following witnesses: (1) Mr. Jon Baumgarten, Former General Counsel Copyright Office (1976–1979); (2) Professor Laura Gasaway, University of North Carolina School of Law; (3) Professor Daniel J. Gervais, Vanderbilt University School of Law; (4) Professor Pamela Samuelson, University of California Berkeley School of Law; and (5) Mr. Jule Sigall, Assistant General Counsel for Copyright, Microsoft Corporation.

- *Innovation in America (Part I): The Role of Copyrights (not yet printed)*

On July 25, 2013, the Subcommittee held a hearing to examine the impact of the copyright industry upon U.S. innovation and the economy.

The hearing consisted of the following witnesses: (1) Ms. Sandra Aistars, Executive Director, Copyright Alliance; (2) Mr. Eugene Mopsik, Executive Director, American Society of Media Photographers; (3) Mr. Tor Hansen, Co-Founder, Yep Roc Records/Red Eye Distribution; (4) Mr. John Lapham, General Counsel, Getty Images; and (5) Mr. William Sherak, President, Stereo D.

- *Innovation in America (Part II): The Role of Technology (not yet printed)*

On August 1, 2013, the Subcommittee held a hearing to examine the impact of the technology industry upon U.S. innovation and the economy.

The hearing consisted of the following witnesses: (1) Ms. Danae Ringelmann, Founder & Chief Customer Officer, Indiegogo; (2) Mr. Jim Fruchterman, President and CEO, Benetech; (3) Mr. Nathan Seidle, CEO, SparkFun Electronics, Inc.; (4) Mr. Rakesh Agrawal, Founder and CEO, SnapStream Media; and (5) Mr. Van Lindberg, Vice President, Intellectual Property, Rackspace.

- *Satellite Television Laws in Title 17 (not yet printed)*

On September 10, 2013, the Subcommittee held a hearing to examine satellite television laws in title 17.

The hearing consisted of the following witnesses: (1) Mr. James Campbell, Vice President for Regulatory Affairs, CenturyLink, Inc.; (2) Mr. R. Stanton Dodge, Executive Vice President, General Counsel and Secretary, DISH Network, LLC; (3) Mr. Paul Donato, Executive Vice President and Chief Research Officer, the Nielsen Company; (4) Mr. Robert Garrett, Partner, Arnold and Porter, LLP on behalf of the Major League Baseball; (5) Mr. Earle MacKenzie, Executive Vice President and Chief Operating Officer, Shentel Cable on behalf of the American Cable Association; (5) Mr. Preston Padden, Former President, ABC Television Network and Former Executive Vice President, the Walt Disney Company (Testifying on his own behalf); and (6) Mr. Gerald J. Waldron, Partner, Covington & Burling LLP on behalf of the National Association of Broadcasters.

- *The Role of Voluntary Agreements in the U.S. Intellectual Property System (not yet printed)*

On September 18, 2013, the Subcommittee held a hearing to examine the role of voluntary agreements in the U.S. intellectual property system.

The hearing consisted of the following witnesses: (1) Ms. Jill Lesser, Executive Director, Center for Copyright Information; (2) Mr. Cary Sherman, Chairman and Chief Executive Officer, Recording Industry Association of America; (3) Mr. Randall Rothenberg, President and Chief Executive Officer, Interactive Advertising Bureau; (4) Mr. Gabriel Levitt, Vice President, PharmacyChecker.com; and (5) Mr. Robert Barchiesi, President, International AntiCounterfeiting Coalition.

- *The Rise of Innovative Business Models: Content Delivery Methods in the Digital Age (not yet printed)*

On November 19, 2013, the Subcommittee held a hearing to examine new business models and related consumer expectations in the digital age.

The hearing consisted of the following witnesses: (1) Mr. Paul Misener, Vice President, Global Public Policy, Amazon.com; (2) Mr. John S. McCoskey, Executive Vice President and Chief Technology Officer, Motion Picture Association of America; (3) Mr. Sebastian Holst, Executive Vice President and Chief Strategy Officer, Pre-Emptive Solutions; and (4) Mr. David Sohn, General Counsel and Director of CDT's Project on Copyright and Technology, Center for Democracy and Technology.

SUBCOMMITTEE ON CRIME, TERRORISM, HOMELAND SECURITY AND INVESTIGATIONS

F. JAMES SENSENBRENNER, Jr., Wisconsin, *Chairman*
LOUIE GOHMERT, Texas, *Vice-Chairman*

HOWARD COBLE, North Carolina
SPENCER BACHUS, Alabama
J. RANDY FORBES, Virginia
TRENT FRANKS, Arizona
JASON CHAFFETZ, Utah
TREY GOWDY, South Carolina
RAÚL R. LABRADOR, Idaho

ROBERT C. "BOBBY" SCOTT, Virginia
PEDRO R. PIERLUISI, Puerto Rico
JUDY CHU, California
LUIS V. GUTIERREZ, Illinois
KAREN BASS, California
CEDRIC L. RICHMOND, Louisiana

JURISDICTION

The Subcommittee on Crime, Terrorism, Homeland Security, and Investigations shall have jurisdiction over the following subject matters: Federal Criminal Code, drug enforcement, sentencing, parole and pardons, internal and homeland security, Federal Rules of Criminal Procedure, prisons, criminal law enforcement, and other appropriate matters as referred by the Chairman, and relevant oversight.

OVERSIGHT ACTIVITIES

- *Investigating and Prosecuting 21st Century Cyber Threats (Serial No. 113–14)*

On March 13, 2013, the Subcommittee held a hearing to highlight the importance of cyber security and potential legislative solutions to ensure greater security in both the private and public sectors.

The hearing consisted of the following witnesses: (1) Ms. Jenny Durkan, Department of Justice; (2) Mr. John Boles, Federal Bureau of Investigation; (3) Mr. Robert Holleyman, BSA, The Software Alliance; and (4) Mr. Orin Kerr, George Washington University Law School.

- *ECPA (Part I): Lawful Access to Stored Content (Serial No. 113–16)*

On March 19, 2013, the Subcommittee held the first hearing in a series held by the Subcommittee to examine how far the gap between technology and the law has come and if reforms are necessary to keep the law current with constantly evolving technology. This hearing focused on issues related to the lawful interception of stored communications, also known as "content." Access to the stored content of emails is governed by the Stored Communications Act portion of ECPA. The Stored Communications Act governs the privacy of, and government access to, the content of electronic communications and to related records. ECPA was enacted over 25

years ago and, with the evolution of technology, many of the requirements and safeguards were reexamined at this hearing.

The hearing consisted of the following witnesses: (1) Ms. Elana Tyrangiel, Department of Justice; (2) Mr. Richard Littlehale, Tennessee Bureau of Investigation; (3) Mr. Orin Kerr, George Washington University School of Law; and (4) Mr. Richard P. Salgado, Google, Inc.

- *Luxury Jets and Empty Prisons: Wasteful and Duplicative Spending at the Department of Justice (Serial No. 113–23)*

On April 10, 2013, the Subcommittee held an oversight hearing on spending and potential duplication in the Department of Justice.

The hearing consisted of two panels. The first panel consisted of the following witness: the Honorable Tom A. Coburn, United States Senator. The second panel consisted of the following witnesses: (1) Mr. Lee J. Lofthus, Assistant Attorney General for Administration, U.S. Department of Justice; (2) the Honorable Michael E. Horowitz, Inspector General, U.S. Department of Justice; (3) Mr. David C. Maurer, Director, Homeland Security and Justice, U.S. Government and Accountability Office; (4) Mr. Tom Schatz, President, Citizens Against Government Waste; and (5) Mr. Richard W. Stanek, Sheriff, Hennepin County, Minnesota.

- *The Electronic Communications Privacy Act (ECPA) (Part II): Geolocation Privacy and Surveillance (Serial No. 113–34)*

On April 25, 2013, the Subcommittee held a hearing to examine geolocation privacy and surveillance and issues related to the use of various geolocational technologies, including last year's United States Supreme Court case addressing police use of GPS technology, *United States v. Jones*, 132 S. Ct. 945 (2012).

The hearing consisted of the following witnesses: (1) Mr. Mark Eckenwiler, Perkins Coie; (2) Mr. Peter A. Modafferi, International Association of Chiefs of Police; (3) Ms. Catherine Crump, American Civil Liberties Union; and (4) Mr. Matt Blaze, University of Pennsylvania.

- *Eyes in the Sky: The Domestic Use of Unmanned Aerial Systems (Serial No. 113–40)*

On May 17, 2013, the Subcommittee held a hearing to gather information and discuss unmanned aerial systems (UAS), as they relate to law enforcement, government agencies and private individuals. This hearing examined the technology and capabilities of UAS, and focused on whether privacy laws adequately cover such technology.

The hearing consisted of the following witnesses: (1) Mr. John Villasenor, Brookings Institution; (2) Mr. Gregory S. McNeal, Pepperdine University School of Law; (3) Mr. Tracey Maclin, Boston University School of Law; and (4) Mr. Chris Calabrese, American Civil Liberties Union.

- *The Department of Justice's Handling of Known or Suspected Terrorists Admitted into the Federal Witness Security Program (Serial No. 113-41)*

On June 4, 2013, the Subcommittee held a hearing on the recent interim report from the U.S. Department of Justice Inspector General ("IG") on the Department of Justice's handling of known or suspected terrorists admitted into the federal witness security program ("WITSEC").

The hearing consisted of the following witnesses: (1) the Honorable Michael Horowitz, Inspector General, U.S. Department of Justice; (2) Mr. David Harlow, Assistant Director, U.S. Marshals Service, U.S. Department of Justice; and (3) Mr. Paul O'Brien, Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice.

- *Oversight of the Federal Bureau of Prisons (not yet printed)*

On September 19, 2013, the Subcommittee held an oversight hearing of the Federal Bureau of Prisons.

The hearing consisted of the following witness: Mr. Charles E. Samuels, Jr., Director, Federal Bureau of Prisons.

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

TREY GOWDY, South Carolina, *Chairman*
TED POE, Texas, *Vice-Chairman*

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| LAMAR SMITH, Texas | ZOE LOFGREN, California |
| STEVE KING, Iowa | SHEILA JACKSON LEE, Texas |
| JIM JORDAN, Ohio | LUIS V. GUTIERREZ, Illinois |
| RAÚL R. LABRADOR, Idaho | JOE GARCIA, Florida |
| GEORGE HOLDING, North Carolina | PEDRO R. PIERLUISI, Puerto Rico |
| VACANCY ¹¹ | |

¹¹Mark E. Amodei of Nevada resigned from the Subcommittee in December 2013. The Subcommittee had not filled the vacancy at the time of the report.

JURISDICTION

The Subcommittee on Immigration and Border Security shall have jurisdiction over the following subject matters: immigration and naturalization, border security, admission of refugees, treaties, conventions and international agreements, claims against the United States, Federal charters of incorporation, private immigration and claims bills, non-border immigration enforcement, other appropriate matters as referred by the Chairman, and relevant oversight.

LEGISLATIVE ACTIVITIES

- *Meeting to Adopt Rules of Procedure and Statement of Policy for Private Immigration Bills, Rules of Procedure for Private Claims Bills, and Statement of Policy on Federal Charters*

On March 14, 2013, the Subcommittee met to approve rules of procedure and statement of policy for private immigration bills, rules of procedure for private claims bill, and a statement of policy on federal charters. All were approved by voice vote.

- *Meeting to Request Department of Homeland Security Departmental Records on the Beneficiaries of H.R. 306, for the relief of Corina De Chalup Turcinovic; H.R. 977, for the relief of Esther Njeri Karinge; H.R. 1023, for the Relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas; and, H.R. 1207, For the Relief of Allan Bolor Kelley.*

On May 16, 2013, the Subcommittee agreed by voice vote to uphold the motion to request a departmental report on the beneficiaries. On May 29, 2013, the Subcommittee sent a letter to Director John Morton and officially requested that ICE provide the requested departmental reports.

- *H.R. 1772, the “Legal Workforce Act”*

H.R. 1772 reforms the employment eligibility verification process and requires all employers hiring or employing individuals in the

United States to use the E-Verify system to check the employment eligibility of their new hires.

On May 16, 2013, the Subcommittee held a legislative hearing on H.R. 1772. The hearing consisted of the following witnesses: (1) Mr. Angelo Amador, Vice President, Labor and Workforce Policy, National Restaurant Association; (2) Ms. Jill Blitstein, International Employment Manager, Human Resources, North Carolina State University; (3) Ms. Julie Myers Wood, President, Compliance, Federal Practice and Software Solutions, Guidepost Solutions LLC; and (4) Mr. Dominick Mondini, Executive Director, New Jersey Nursery and Landscape Association.

- *H.R. 1773, the “Agricultural Guestworker Act”*

H.R. 1773 amends the Immigration and Nationality Act to establish a new nonimmigrant visa for an alien having a residence in a foreign country which he or she has no intention of abandoning and who is coming temporarily to the United States to perform agricultural labor or services. This new “H-2C” guestworker program replaces the current H-2A agricultural temporary worker program. H.R. 1773 expands the definition of “agricultural labor or services” (relative to its meaning under the existing agricultural guestworker program) to include temporary, seasonal, and year-round agricultural or aquacultural work as well as the handling, packing, and processing of raw agricultural or aquacultural products.

On May 16, 2013, the Subcommittee held a legislative hearing on H.R. 1773. The hearing consisted of the following witnesses: (1) Mr. Lee Wicker, Deputy Director, North Carolina Growers Association; (2) Mr. Christopher Gaddis, Head of Human Resources, JBS, USA Holdings, Inc.; (3) Mr. John Graham, President, Graham and Rollins, Inc., Hampton, Virginia; and (4) Mr. Arturo Rodriguez, President, United Farms Workers.

OVERSIGHT ACTIVITIES

- *Agricultural Labor: From H-2A to a Workable Agricultural Guestworker Program (Serial No. 113-3)*

On February 26, 2013, the Subcommittee held a hearing to discuss the overall effectiveness of the current “H-2A” temporary agricultural guestworker program established under the Immigration Reform and Control Act of 1986.

The hearing consisted of the following witnesses: (1) Mr. Bob Stallman, President of American Farm Bureau Federation; (2) Mr. Chalmers Carr, President and CEO of Titan Farms, Ridge Spring, South Carolina; (3) Mr. Michael J. Brown, President of National Chicken Council; and (4) Mr. Giev Kashkooli, Political/Legislative Director, 3rd Vice President, United Farm Workers.

- *How E-Verify Works and How it Benefits American Employers and Workers (Serial No. 113-4)*

On February 27, 2013, the Subcommittee held a hearing to discuss the feasibility and effectiveness of implementing a national mandatory electronic verification system to determine worker eligibility for employment.

The hearing consisted of the following witnesses: (1) Ms. Soraya Correa, Associate Director, Enterprise Services Directorate, U.S. Citizenship and Immigration Services; (2) Mr. Chris Gamvroulas, President, Ivory Homes; (3) Mr. Randel K. Johnson, Senior Vice President for Labor, Immigration and Employee Benefits, U.S. Chamber of Commerce; and (4) Ms. Emily Tulli, Policy Attorney, National Immigration Law Center.

- *Enhancing American Competitiveness through Skilled Immigration (Serial No. 113–15)*

On March 5, 2013, the Subcommittee held a hearing to assess the overall impact of skilled immigration on our economy; whether the current allocation numbers of various visa categories is appropriate given the United States' economic needs; whether a readjustment of visa numbers, specifically increasing the number of visas available for graduates of U.S. universities in STEM fields and other skilled workers, could make the United States more competitive in the global marketplace; and whether adding more high skilled visas could halt the current movement of U.S. university graduates to global competitors.

The hearing consisted of the following witnesses: (1) Mr. Bruce A. Morrison, Chairman, Morrison Public Affairs Group testifying on behalf of IEEE; (2) Mr. Dean Garfield, President and CEO, Information Technology Industry Council; (3) Mr. Deepak Kamra, General Partner, Canaan Partner; and (4) Mr. Benjamin Johnson, Executive Director, American Immigration Council.

- *The Separation of Nuclear Families under U.S. Immigration Law (Serial No. 113–9)*

On March 14, 2013, the Subcommittee held a hearing on the separation of nuclear family members under U.S. immigration law; how the current limits on family-sponsored green cards for spouses and children of lawful permanent residents; and how best to solve the problem of family separation due to backlogs.

The hearing consisted of the following witnesses: (1) Mr. Randall Emery, President, American Families United; (2) Mr. Mathi Mugilan Paguth Arivalan, Lawful Permanent Resident; (3) Mr. Demetrios Papdemetriou, President, Migration Policy Institute; and (4) Ms. Clarissa Martinez De Castro, Director, Immigration and National Campaigns, National Council of La Raza.

- *Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children (Serial No. 113–33)*

On July 23, 2013, the Subcommittee held a hearing to address the immigration status of aliens not lawfully present in the United States who were brought to the United States as minors by their parents. Further, the Committee discussed several pieces of legislation that have been introduced since 2001 to address the immigration status of these individuals, what requirements should exist prior to obtaining a legal status, and what the best course of action for dealing with these immigrants' status might be.

The hearing consisted of two panels. The first panel consisted of the following witnesses: (1) the Honorable Mike Coffman, United States House of Representatives; (2) the Honorable Jeff Denham,

United States House of Representatives; (3) the Honorable Cory Gardner, United States House of Representatives; and (4) the Honorable Luis V. Gutiérrez, United States House of Representatives. The second panel consisted of the following witnesses: (1) Dr. Barrett Duke, the Ethics & Religious Liberty Commission of the Southern Baptist Convention; (2) Ms. Margie McHugh, Migration Policy Institute; (3) Ms. Pamela Rivera, Washington, D.C.; and (4) Ms. Rosa Velazquez, Arkansas Coalition for DREAM.

SUBCOMMITTEE ON REGULATORY REFORM, COMMERCIAL AND ANTITRUST LAW

SPENCER BACHUS, Alabama, *Chairman*
BLAKE FARENTHOLD, Texas, *Vice-Chairman*

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| DARRELL E. ISSA, California | STEVE COHEN, Tennessee |
| TOM MARINO, Pennsylvania | HENRY C. "HANK" JOHNSON, JR., Georgia |
| GEORGE HOLDING, North Carolina | SUZAN K. DELBENE, Washington |
| DOUG COLLINS, Georgia | JOE GARCIA, Florida |
| JASON T. SMITH, Missouri ¹² | HAKEEM S. JEFFRIES, New York |

¹²Keith J. Rothfus of Pennsylvania resigned from the Subcommittee in April 2013. Jason T. Smith from Missouri was added to the Subcommittee effective June 2013.

JURISDICTION

The Subcommittee on Regulatory Reform, Commercial and Antitrust Law shall have jurisdiction over the following subject matters: bankruptcy and commercial law, bankruptcy judgeships, administrative law, independent counsel, state taxation affecting interstate commerce, interstate compacts, antitrust matters, other appropriate matters as referred by the Chairman, and relevant oversight.

LEGISLATIVE ACTIVITIES

- *H.R. 367, the "Regulations From the Executive in Need of Scrutiny Act of 2013"*

H.R. 367 amends the Congressional Review Act to require a vote in Congress to approve any new major regulation before that regulation may become effective. The Act defines "major rule" as any rule, including an interim final rule, which has resulted in or is likely to result in: (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or U.S. competitiveness.

Mr. Todd C. Young introduced the bill on January 23, 2013. The Subcommittee held a hearing on the bill on March 5, 2013. The hearing consisted of the following witnesses: (1) Mr. James L. Gattuso, Senior Research Fellow in Regulatory Policy, the Heritage Foundation; (2) Professor Eric Claeys, George Mason University Law School; and (3) Professor Ronald M. Levin, William R. Orthwein Distinguished Professor of Law, Washington University School of Law.

On March 20, 2013, the Subcommittee considered the bill and ordered it reported favorably to the full Committee by a roll call vote of 6 ayes to 3 nays.

- *H.R. 982, the “Furthering Asbestos Claim Transparency (FACT) Act of 2013”*

H.R. 982 provides for a quarterly reporting requirement for asbestos bankruptcy trusts. The bill also requires each such trust to provide, upon written request, information related to payments from, and demands for payment from, such trust to any party in action involving liability for asbestos exposure. An asbestos trust may require the requesting party to pay for the reasonable costs associated with such a request for information.

Mr. Blake Farenthold introduced the bill on March 6, 2013. The Subcommittee held a hearing on H.R. 982 on March 13, 2013. The hearing consisted of the following witnesses: (1) Professor Todd Brown, Professor of Law, SUNY Buffalo Law School; (2) the Honorable Peggy L. Ableman, Special Counsel, McCarter and English LLP; (3) Mr. Elihu Inselbach, Caplin and Drysdale; and (4) Mr. Marc Scarcella, Bates White Economic Consulting.

- *H.R. 1493, the “Sunshine for Regulatory Decrees and Settlements Act of 2013”*

H.R. 1493 amends procedures for the consideration and entry of consent decrees and settlement agreements that require new federal regulations. The bill includes procedures to allow greater opportunities for affected regulated entities and co-regulators to intervene in civil litigation concerning regulatory action and provide public comment on proposed consent decrees and settlement agreements, expand judicial review of proposed decrees and settlements, and require review by the Attorney General and agency heads of certain proposed decrees and settlements.

Mr. Doug Collins introduced the bill on April 11, 2013. The Subcommittee held a hearing on H.R. 1493 on June 5, 2013. The hearing consisted of the following witnesses: (1) Mr. Thomas W. Easterly, Commissioner, Indiana Department of Environmental Management; (2) Mr. William L. Kovacs, Senior Vice President, Environment, Technology and Regulatory Affairs, U.S. Chamber of Commerce; (3) Mr. Allen Puckett III, President, Columbus Brick Company; and (4) Mr. John D. Walke, Director, Climate and Clean Air Program, Natural Resources Defense Council.

On July 10, 2013, the Subcommittee considered the bill and ordered it reported favorably to the full Committee by voice vote.

- *H.R. 2122, the “Regulatory Accountability Act of 2013”*

H.R. 2122 amends the federal regulatory process by making a series of changes and adding requirements to the rulemaking process outlined in the Administrative Procedure Act (APA). These changes and additions include new notice and cost-benefit analysis requirements and expanded review by the Office of Information and Regulatory Affairs, as well as expanded judicial review, among other things.

Chairman Bob Goodlatte introduced the bill on May 23, 2013. The Subcommittee held a hearing on H.R. 2122 on July 9, 2013. The hearing consisted of the following witnesses: (1) Mr. Jeffrey A. Rosen, Partner, Kirkland & Ellis LLP; (2) Mr. Keith Hall, Mercatus Center at George Mason University; (3) Ms. Diana Thomas, Department of Economics and Finance, Huntsman School of Business,

Utah State University; (4) Mr. Robert A. Sells, President, Titan America Mid-Atlantic Business Division; and (5) Mr. Ronald M. Levin, William R. Orthwein Distinguished Professor of Law, Washington University School of Law.

On July 18, 2013, the Subcommittee considered the bill and ordered it reported favorably to the full Committee by voice vote.

- *H.R. 2542, the “Regulatory Flexibility Improvements Act of 2013”*

H.R. 2542 amends the Regulatory Flexibility Act of 1980 (RFA) and the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). The bill revises the RFA and SBREFA to require agencies to perform additional and more detailed regulatory analyses, expands the use of small business review panels, broadens judicial review, and amends requirements for periodic retrospective review of existing regulations.

Mr. Spencer Bachus introduced the bill on June 27, 2013. The Subcommittee held a hearing on the bill on June 28, 2013. The hearing consisted of the following witnesses: (1) Ms. Karen R. Harned, Executive Director, National Federation of Independent Business; (2) Mr. Carl Harris, Vice President and General Manager, Carl Harris Co., Inc.; (3) Mr. Amit Narang, Regulatory Policy Advocate, Public Citizen; and (4) Mr. Rosario Palmieri, Vice President, Infrastructure, Legal and Regulatory Policy, National Association of Manufacturers.

On July 10, 2013, the Subcommittee considered the bill and ordered it reported favorably to the full Committee by voice vote.

- *H.R. 2641, the “Responsibly And Professionally Invigorating Development Act of 2013”*

H.R. 2641 amends the Administrative Procedure Act to add provisions addressing and revising the federal environmental review and permitting process for construction projects. The legislation expands earlier, more limited steps to streamline the environmental review and permitting process and responds to the call of the President’s Council on Jobs and Competitiveness to streamline permitting further.

Mr. Tom Marino introduced the bill on July 10, 2013. The Subcommittee held a hearing on the bill on July 11, 2013. The hearing consisted of the following witnesses: (1) Mr. William Kovacs, Senior Vice President, Environment, Technology and Regulatory Affairs, U.S. Chamber of Commerce; (2) Mr. Dennis Duffy, Vice President, Regulatory Affairs, Energy Management, Inc.; (3) Mr. Nick Ivanoff, First Vice Chairman, American Road and Transportation Builders Association; and (4) Mr. Scott Slesinger, Legislative Director, Natural Resources Defense Council.

On July 18, 2013, the Subcommittee considered the bill and ordered it reported favorably to the full Committee by voice vote.

OVERSIGHT ACTIVITIES

- *Competition and Bankruptcy in the Airline Industry: The Proposed Merger of American Airlines and US Airways (Serial No. 113–22)*

On February 26, 2013, the Subcommittee held a hearing on the proposed merger between American Airlines and US Airways. The airline proposed to result from the merger was to be called American Airlines and was projected to be the largest domestic carrier, with 24% of the market and a combined equity value of \$11 billion. The hearing examined the proposed merger and related antitrust and competitive issues related to the proposed merger.

The hearing consisted of the following witnesses: (1) Mr. Stephen Johnson, Executive Vice President for Corporate & Government Affairs, US Airways; (2) Mr. Gary Kennedy, Senior Vice President & General Counsel, American Airlines; (3) Mr. Kevin Mitchell, Chairman, Business Travel Coalition, Inc.; (4) Professor Christopher L. Sagers, Cleveland-Marshall College of Law; and (5) Dr. Clifford Winston, Ph.D., Senior Fellow, Economic Studies, the Brookings Institution.

- *The Obama Administration’s Regulatory War on Jobs, the Economy, and America’s Global Competitiveness (Serial No. 113–38)*

On February 28, 2013, the Subcommittee held a hearing to renew the Committee’s regulatory oversight efforts in the new Congress, update the record on the extent of the Administration’s regulatory activity, and highlight new research on the economic impacts of regulation.

The hearing consisted of the following witnesses: (1) Mr. Robert L. Glicksman, J.B. and Maurice C. Shapiro Professor of Environmental Law; (2) Mr. Drew Greenblatt, CEO, Marlin Steel; (3) Mr. Rob James, Avon Lake City Council; (4) Dr. Douglas Holtz-Eakin, President, American Action Forum; (5) Mr. William Kovacs, Senior Vice President, Environment, Technology & Regulatory Affairs, U.S. Chamber of Commerce; and (6) Mr. Rob Weissman, President, Public Citizen.

- *The Patient Protection and Affordable Care Act, Consolidation, and the Consequent Impact on Competition in Health Care (not yet printed)*

On September 19, 2013, the Subcommittee held a hearing to provide the subcommittee with information regarding consolidation in the health care marketplace and the present and future effects of the Patient Protection and Affordable Care Act on consolidation, and to discuss the potential impacts of such consolidation on competition in the health care industry. The hearing detailed how certain sectors of the health care industry have become consolidated, the potential factors that have motivated or exacerbated the consolidation, and any competitive harms that may have resulted from the consolidation.

The hearing consisted of the following witnesses: (1) Professor Barak D. Richman, Edgar P. and Elizabeth C. Bartlett Professor of Law, Duke University School of Law; (2) Mr. Thomas P. Miller, Resident Fellow, American Enterprise Institute for Public Policy

and Research; (3) Ms. Sharis A. Pozen, Partner, Skadden, Arps, Slate Meagher and Flom LLP, representing the American Hospital Association; (4) Mr. Joseph Miller, General Counsel, America's Health Insurance Plans; (5) Professor Thomas L. Greaney, Chester A. Myers Professor of Law, Saint Louis University School of Law; and (6) Mr. David A. Balto, Law Office of David Balto.

- *The Office of Information and Regulatory Affairs: Federal Regulations and Regulatory Reform (not yet printed)*

On September 30, 2013, the Subcommittee held an oversight hearing on the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA). This office oversees and coordinates regulatory activities across the Executive Branch.

The hearing consisted of two panels. The first panel consisted of the following witness: the Honorable Howard A. Shelanski, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget. The second panel consisted of the following witnesses: (1) Mr. C. Boyden Gray, Partner, Boyden Gray and Associates and former regulatory advisor to President Reagan; (2) Mr. John F. Morrall, III, Affiliated Senior Scholar, Mercatus Center at George Mason University and former OIRA Acting Deputy Administrator; (3) Ms. Nicole Riley, Virginia State Director, National Federation of Independent Business; and (4) Ms. Sally Katzen, Visiting Professor, New York University School of Law and former OIRA Administrator.

- *Oversight of the Antitrust Enforcement Agencies (not yet printed)*

On November 15, 2013, the Subcommittee held a hearing with the U.S. Department of Justice's Antitrust Division and the Federal Trade Commission to perform oversight of these antitrust enforcement agencies' current enforcement efforts, areas of antitrust enforcement that merit Congressional attention, and the interaction between the two agencies.

The hearing consisted of the following witnesses: (1) the Honorable William J. Baer, Assistant Attorney General, Antitrust Division, United States Department of Justice; and (2) the Honorable Edith Ramirez, Chairwoman, Federal Trade Commission.

- *The Bankruptcy Code and Financial Institution Insolvencies (not yet printed)*

On December 3, 2013, the Subcommittee held an oversight hearing to hear testimony regarding issues related to the orderly resolution of distressed financial institutions through the bankruptcy process, and to examine whether the Bankruptcy Code could be better equipped to facilitate resolution proceedings for financial companies of all sizes.

The hearing consisted of the following witnesses: (1) the Honorable Jeffrey Lacker, President, Federal Reserve Bank of Richmond; (2) Mr. Donald S. Bernstein, Davis Polk & Wardwell LLP; and (3) Professor Mark J. Roe, David Berg Professor of Law, Harvard University.

OVER-CRIMINALIZATION TASK FORCE RESOLUTION OF
2013¹³

| | |
|---|-----------------------------------|
| F. JAMES SENSENBRENNER, Jr., Wisconsin, <i>Chairman</i> | |
| SPENCER BACHUS, Alabama | ROBERT C. "BOBBY" SCOTT, Virginia |
| LOUIE GOHMERT, Texas | JERROLD NADLER, New York |
| RAÚL R. LABRADOR, Idaho | STEVE COHEN, Tennessee |
| GEORGE HOLDING, North Carolina | KAREN BASS, California |
| | HAKEEM S. JEFFRIES, New York |

¹³On May 7, 2013, the full Committee approved a resolution to create an Over-Criminalization Task Force of 2013.

JURISDICTION

The Over-Criminalization Task Force shall conduct hearings and investigations relating to over-criminalization issues within the Committee on the Judiciary's Rule X jurisdiction, and may issue reports to the Committee detailing its findings and recommendations.

OVERSIGHT ACTIVITIES

- *Defining the Problem and Scope of Over-Criminalization and Over-Federalization* (Serial No. 113–44)

On June 14, 2013, the Task Force held an introductory hearing to define the problem and scope of over-criminalization and over-federalization and identify topics the Task Force may wish to address as part of its investigation.

The meeting consisted of the following witnesses: (1) Mr. George Terwilliger, III, Partner, Morgan, Lewis & Bockius, LLP; (2) Mr. John Malcolm, Rule of Law Programs Policy Director, Heritage Foundation; (3) Mr. William N. Shepherd, American Bar Association; and (4) Mr. Steven D. Benjamin, President, National Association of Criminal Defense Lawyers.

- *Mens Rea: The Need for a Meaningful Intent Requirement in Federal Criminal Law* (Serial No. 113–46)

On July 19, 2013, the Task Force held its second hearing and addressed the need for a criminal intent requirement for federal crimes.

The hearing consisted of the following two witnesses: (1) Professor John S. Baker, Jr., Ph.D., a Visiting Professor at Georgetown Law School, Visiting Fellow at Oriel College, Oxford, and Professor Emeritus at LSU Law School; and (2) Mr. Norman L. Reimer, Executive Director of the National Association of Criminal Defense Lawyers.

- *Regulatory Crime: Identifying the Scope of the Problem* (not yet printed)

On October 30, 2013, the Task Force held its third hearing. This hearing was the first of two planned hearings on regulatory crime and identified the scope of regulatory crimes currently in effect and discussed the issues relating to regulatory crime.

The hearing consisted of a single panel of experts and victims: (1) Mr. Reed D. Rubinstein, Partner, Dinsmore & Shohl LLP; (2) Ms. Rachel Barkow, Segal Family Professor of Regulatory Law and Policy, New York University School of Law; (3) Mr. Lawrence Lewis, Bowie, Maryland; and (4) Mr. Steven and Mrs. Joyce Kinder, Grand Rivers, Kentucky.

- *Regulatory Crime: Solutions* (not yet printed)

On November 14, 2013, the Task Force held its fourth hearing and the second of two on regulatory crime. The hearing identified and considered solutions to the problems posed by agency regulations carrying criminal penalties.

The hearing consisted of a single panel of two experts: (1) Mr. John S. Baker, Jr., Ph.D., a Visiting Professor at Georgetown Law School, Visiting Fellow at Oriel College, Oxford, and Professor Emeritus at LSU Law School; and (2) Mr. Lucian E. Dervan, an Assistant Professor of Law at the Southern Illinois University School of Law.

