COMMITTEE ON THE JUDICIARY
OVERSIGHT PLAN FOR THE 113TH CONGRESS

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 & INVESTIGATIONS

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

A. 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.

B. 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.

C. 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.

D. 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-à-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.

Overcriminalization: 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 marketplace 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.