

**House Judiciary Committee
Oversight Plan
110th Congress**

FULL COMMITTEE

- I. Consumer Protection. The Committee expects to review a number of issues, including the civil justice liability system and recent federal changes to it; the efforts of the Department of Justice, Federal Trade Commission, and State Attorneys General to implement and enforce anti-spam legislation passed in the 108th Congress; efforts by the Department of Justice and other agencies to combat computer crimes and enhance the nation's cyber security.
- II. Antitrust. The Committee expects to review a number of antitrust issues, including general oversight of the antitrust enforcement agencies; telecommunications (such as the need for “net neutrality” legislation, implementation of the Telecommunications Act of 1996 and the impact of Verizon v. Law Offices of Curtis Trinko 2004); international antitrust divergence; the final report of the Antitrust Modernization Commission; antitrust issues in various transportation industries; media consolidation; the implementation of the Standards Development Organization Advancement Act of 2004; health care antitrust issues; and antitrust issues concerning intellectual property (in conjunction with relevant Subcommittees.)
- III. Department of Justice Reauthorization. The Committee will concentrate on an overall review of the Department of Justice with the engagement by the Subcommittees with the Department components that are specifically under their jurisdiction.
- IV. Management Performance and Budgeting Oversight. The Committee may conduct oversight of the departments and agencies under the jurisdiction of the Committee, with emphasis on compliance with the Results Act.
- V. Election Reform. The Committee will continue examining implementation of the Help America Vote Act as well as allegations relating to voter intimidation and threats and allegations that were made in connection with the most recent election.
- VI. Executive Power. The Committee may look into a variety of concerns that have arisen regarding unilateral and other exercise of executive branch authority, particularly where it impacts individual rights and liberties, including the issue of presidential signing statements.
- VII. Privacy. The full Committee may conduct oversight concerning data security and privacy issues, as well as review the activities of the Privacy offices at the Department of Homeland Security and Justice Department as well as monitor the work of the Privacy and Civil Liberties Oversight Board in the Executive Office of the President (in conjunction with relevant subcommittees.)

SUBCOMMITTEE ON COMMERCIAL AND ADMINISTRATIVE LAW

- I. Administrative Process and Procedure. Oversight of the administrative process and procedure will continue to be an important aspect of the Subcommittee's oversight agenda during the 110th Congress. This is expected to include the Administrative Law, Process and Procedure Project for the 21st Century; administrative taxation; the Congressional Review Act; the Regulatory Flexibility Act; and the extent to which agencies compete for policymaking primacy with the legislative branch.
- II. Agencies. The Subcommittee anticipates continued oversight into the performance and progress of the Legal Services Corporation and its activities. It may also conduct oversight over the Executive Office for United States Attorneys; the Civil Division; the Environment and Natural Resources Division; the Executive Office for United States Trustees; and the Office of the Solicitor General.
- III. Interstate Compacts. The Subcommittee has reported favorably several bills approving compacts during the last four Congresses that were enacted into law and it expects to engage in oversight to determine whether the process whereby states seek Congressional approval is being observed.
- IV. Bankruptcy. It is anticipated that the Subcommittee will conduct oversight of bankruptcy legislation enacted in the 109th Congress, particularly its impact on consumers and others.
- V. Special Counsel Regulations. The Subcommittee may examine the Independent Counsel Act and the Department of Justice regulation requiring the appointment of outside special counsels.
- VI. Specific Statutory Oversight. The subcommittee may also conduct oversight concerning the Federal Debt Collection Procedures Act; the Contract Disputes Act; the Negotiated Rulemaking Act; the Administrative Dispute Resolution Act; the Administrative Procedure Act; the False Claims Act; and the Federal Arbitration Act.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES

- I. Civil Rights and Civil Liberties Issues. The Subcommittee expects to review a variety of civil rights and civil liberties issues, which may include: implementation of the Justice for All Act of 2004; oversight of the work of the U.S. Commission on Civil Rights; the enforcement record, priorities, and authorization request of the Civil Rights Division; the operation of the Community Relations Service; the doctrine of free exercise of religion in the wake of recent court decisions; constitutional issues associated with the war on terrorism; constitutional issues associated with the implementation of various DNA

- database programs; oversight of the enforcement of the FACE Act; gender discrimination; the Flag of the United States; marriage and civil unions; and protection of property rights.
- II. Office of Government Ethics and Lobby Disclosure. The Subcommittee plans to consider the priorities and operation of the Office of Government Ethics, including current financial disclosure requirements and the operation of the Lobby Disclosure Act.
 - III. Pigford v. Glickman. The Subcommittee expects to examine the status of the implementation of this civil rights settlement between the United States Department of Agriculture and certain Black farmers.
 - IV. Americans with Disabilities Act. The Subcommittee expects to examine the current state of the law and enforcement of it by governmental and non-governmental action.

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

- I. Department of Justice. The Subcommittee will conduct oversight examinations regarding various operations of the Department of Justice.
 - a. USA PATRIOT Act. The Subcommittee (along with the Constitution, Civil Rights, and Civil Liberties Subcommittee) expects to examine the Department of Justice's implementation of the USA PATRIOT Act.
 - b. The Federal Bureau of Investigation. As the largest federal law enforcement agency, the Federal Bureau of Investigation is expected to be the subject of oversight activities.
 - c. The United States Marshals Service. The Subcommittee plans to review the mission and operations of the United States Marshals Service.
 - d. Prisons. The Subcommittee expects to conduct extensive oversight of the management practices of the Bureau of Prisons and federal assistance programs for state prisons and jails.
- II. Department of Homeland Security. The Subcommittee will continue to conduct oversight on the Department of Homeland Security's role in securing the Nation against terrorism, including the operations of all law enforcement functions transferred to the Department and coordination with federal, state, and local law enforcement. These include the Secret Service; the Federal Air Marshal Service; the Federal Protective Service; the United States Coast Guard's law enforcement activities; and the Immigration and Customs Enforcement Offices of Investigations, Air and Marine Operations, and Intelligence with a specific focus on counter-narcotics efforts and counterfeit goods seizures.

- III. Law Enforcement and Crime Prevention. The Subcommittee will conduct oversight of federal, state and local law enforcement and crime prevention activities funded by the federal government, such as Federal Law Enforcement Information Sharing; Federal Assistance to State and Local Law Enforcement; and Law Enforcement Training.
- IV. Drugs. The Subcommittee expects to look into such issues as the extent to which our drug law enforcement efforts are focused on Major and International Drug Traffickers and Low- Level Street Traffickers; the Drug Enforcement Agency's Role in the Intelligence Community; the Department of State's Bureau of International Narcotics Law Enforcement and the International Law Enforcement Academies; effectiveness of drug treatment programs as alternatives to incarceration; DEA's drug scheduling and other regulatory authority; drug sales over the internet; and the abuse of prescription drugs, including fraudulent prescriptions.
- V. Domestic Terrorism. The Subcommittee will continue oversight regarding our national laws and strategy for combating domestic terrorism.
- VI. Sentencing Policies. The Subcommittee may examine the long-term impact of increased incarceration policies such as mandatory minimum sentencing, "truth-in-sentencing," "three strikes, you're out," "two strikes, you're out," etc., on crime reduction and other considerations. In light of the impact the Blakely and Booker/Fanfan Supreme Court decisions, the Subcommittee also expects to examine the state of the U.S. Sentencing Guidelines system.
- VII. Criminal Street Gangs. The Subcommittee may consider enforcement and prevention issues concerning criminal street gangs, including in immigrant communities.

SUBCOMMITTEE ON COURTS, THE INTERNET, AND INTELLECTUAL PROPERTY

- I. Patent and Trademark Office. The Subcommittee may conduct an oversight hearing on the operations of the U.S. Patent and Trademark Office, particularly based on recent complaints governing the quality of patents issued that may lead to infringement disputes and related litigation. The Subcommittee may also wish to explore the possibility of allowing the PTO to keep all of the revenue it collects in user fees rather than perpetuating the practice of requiring the agency to request funding back from congressional appropriators. In the past this has led to the diversion of PTO revenue to non-agency programs and endeavors.
- II. Copyright Office. The Copyright Office is updating its Madison Building facilities. The Subcommittee may review the progress being made to modernize the Madison facility.

- III. Patent. The Subcommittee will examine proposals to enact general patent law reform. The Subcommittee may want to examine the breadth of patent claims sought by the pharmaceutical and biotech industries on drugs and disease screening methods, and may examine the extent to which current patent law permits and contributes to the issuance of overbroad patents, as well as other patent law problems.
- IV. Copyright. The Subcommittee may review the music licensing schemes under sections 114 and 115 of the Copyright Act and examine how they are functioning in an age of digital music; university role in combating P2P piracy over campus networks (use of content filtering technologies for student networks); the extent to which new entertainment hardware will recognize content watermarks; the extent of piracy of copyrighted goods in foreign countries such as Mexico, France, Spain, Brazil, India, China, and Russia (including WTO accession) and what U.S. law enforcement can do to address it; the extent to which federal law enforcement has the necessary resources and legal authorities to enforce the criminal copyright laws; and orphan works. The Subcommittee may also explore the operation of the statutory licenses (sections 111, 119, and 122) concerning distribution of copyrighted television programming.
- V. Courts. The Subcommittee may want to examine the impact of two amendments to the Rules that went into effect on December 1, 2006 which require any party who challenges the constitutionality of a federal or state statute to notify the United States or relevant state attorney general of the challenge and require all companies to keep all electronic communications forever. The Subcommittee may also want to examine the disparate treatment of members of the military when seeking judicial review of courts martial. The Subcommittee may examine the issue of delinking the salaries of judges from those of members of Congress.
- VI. Judicial Misconduct. The Subcommittee may review whether the Judicial Conference is using the judicial misconduct and disability statute appropriately.

**SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES,
BORDER SECURITY, AND INTERNATIONAL LAW**

- I. Department of Homeland Security. The Subcommittee expects to examine the amount of resources and authority needed for U.S. Customs, Border Protection, the U.S. Immigration and Customs Enforcement, and the Citizenship and Immigration Services (CIS) to execute their responsibilities under the law. The Subcommittee will also examine technology at the Department of Homeland Security; whether US VISIT is being appropriately implemented; coordination between the Department and other federal departments and agencies; electronic passports and visas; and recent trends in alien smuggling and methods for the detection, apprehension, prosecution and punishment of smugglers. The Subcommittee will continue to examine whether CIS is adjudicating immigration petitions in a timely manner; the proposed fee structure for CIS; background

checks for immigration beneficiaries; the immigration detention process; and the process for removal of criminal aliens from the United States. The Subcommittee will also conduct oversight over U.S. refugee and asylum programs, as well as the Office of the Ombudsman.

- II. Department of Justice. The Subcommittee plans to examine immigration courts, including the Bureau of Immigration Appeals; the immigration review process; the Office of Immigration Litigation; and the role that the Federal Bureau of Investigation plays in processing name checks on immigration beneficiaries.
- III. Department of State. The Subcommittee will examine the Visa Waiver Program in light of a recent Administration proposal to expand and secure the program. The Subcommittee will also conduct oversight over the visa issuing process generally, as well as the U.S. refugee admissions program.
- IV. Department of Labor. The Subcommittee will examine the functions of the Department of Labor as they relate to the provision of information necessary to process immigration applications and enforcement of certain aspects of immigration law and the enforcement of wage and hour laws in industries with a high incidence of immigrant employment.
- V. Department of Health and Human Services. The Subcommittee will examine programs administered by the Office of Refugee Resettlement within the Department of Health and Human Services, especially with regard to the detention of unaccompanied alien children.
- VI. Comprehensive Immigration Reform. The Subcommittee will examine the need for reform in United States immigration law and practices in order to ensure secure borders and an end to illegal immigration; to enhance the economic, social and cultural well-being of the United States of America; to address the economic needs of America while protecting the interests of American workers; and to consider the desire of U.S. citizens and lawful permanent residents to be reunited with their families.
- VII. Implementation of the 9/11 Commission Recommendations and Recently Enacted Immigration Laws and Agreements. The Subcommittee will examine the implementation of the 9/11 Commission's recommendations as they relate to immigration and border security. The Subcommittee will also examine border security agreements between Mexico and Canada and various public laws enacted in the last two decades.
- VIII. The Energy Employees Occupational Illness Compensation Program Act. The Subcommittee will continue to examine the function of the claims process under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) and the structure of auditing of data and science used by the National Institute for Occupational Safety and Health in conducting their functions under EEOICPA.

- IX. Private Relief Legislation. The Subcommittee will review private relief legislation.
- X. International Law. The Subcommittee plans to conduct oversight of international treaties, conventions, and agreements within its jurisdiction.