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ORGANIZATIONAL MEETING

Wednesday, January 23, 2013

House of Representatives,

Committee on the Judiciary,

Washington, D.C.

Committee Hearings

of the

U.S. HOUSE OF REPRESENTATIVES



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Committee on the Judiciary

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6 Committee on the Judiciary,

7 Washington, D.C.

8 The committee met, pursuant to call, at 11:20 a.m., in
9 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
10 [chairman of the committee] presiding.

11 Present: Representatives Goodlatte, Sensenbrenner,
12 Coble, Smith, Chabot, Bachus, Issa, Forbes, King, Franks,
13 Poe, Chaffetz, Marino, Gowdy, Amodei, Labrador, Farenthold,
14 Holding, Collins, DeSantis, Rothfus, Conyers, Scott, Watt,
15 Jackson Lee, Cohen, Pierluisi, Chu, Deutch, Gutierrez,
16 Richmond, DelBene, and Garcia.

17 Staff Present: Shelley Husband, Staff Director and
18 General Counsel; Alli Halataei, General Counsel and
19 Parliamentarian; Kelsey Deterding, Clerk; Perry Apelbaum,
20 Minority Staff Director; and Danielle Brown, Parliamentarian.

21 | Chairman GOODLATTE. The committee will come to order.
22 | The clerk will call the roll to establish a quorum.
23 | Ms. DETERDING. Mr. Goodlatte.
24 | Chairman GOODLATTE. Present.
25 | Ms. DETERDING. Mr. Sensenbrenner.
26 | [No response.]
27 | Ms. DETERDING. Mr. Coble.
28 | [No response.]
29 | Ms. DETERDING. Mr. Smith.
30 | Mr. SMITH. Present.
31 | Ms. DETERDING. Mr. Chabot.
32 | Mr. CHABOT. Present.
33 | Ms. DETERDING. Mr. Bachus.
34 | Mr. BACHUS. Here.
35 | Ms. DETERDING. Mr. Issa.
36 | [No response.]
37 | Ms. DETERDING. Mr. Forbes.
38 | Mr. FORBES. Here.
39 | Ms. DETERDING. Mr. King.
40 | [No response.]
41 | Ms. DETERDING. Mr. Franks.
42 | Mr. FRANKS. Here.
43 | Ms. DETERDING. Mr. Gohmert.
44 | [No response.]
45 | Ms. DETERDING. Mr. Jordan.

46 [No response.]
47 Ms. DETERDING. Mr. Poe?
48 Mr. POE. Present.
49 Ms. DETERDING. Mr. Chaffetz.
50 Mr. CHAFFETZ. Present.
51 Ms. DETERDING. Mr. Marino.
52 [No response.]
53 Ms. DETERDING. Mr. Gowdy.
54 Mr. GOWDY. Here.
55 Ms. DETERDING. Mr. Amodei.
56 Mr. AMODEI. Present.
57 Ms. DETERDING. Mr. Labrador.
58 [No response.]
59 Ms. DETERDING. Mr. Farenthold.
60 Mr. FARENTHOLD. Here.
61 Ms. DETERDING. Mr. Holding.
62 Mr. HOLDING. Present.
63 Ms. DETERDING. Mr. Collins.
64 Mr. COLLINS. Here.
65 Ms. DETERDING. Mr. DeSantis.
66 Mr. DESANTIS. Present.
67 Ms. DETERDING. Mr. Rothfus.
68 Mr. ROTHFUS. Present.
69 Ms. DETERDING. Mr. Conyers.
70 Mr. CONYERS. Present.

71 Ms. DETERDING. Mr. Nadler.
72 [No response.]
73 Ms. DETERDING. Mr. Scott.
74 Mr. SCOTT. Present.
75 Ms. DETERDING. Mr. Watt.
76 Mr. WATT. Present.
77 Ms. DETERDING. Ms. Lofgren.
78 [No response.]
79 Ms. DETERDING. Ms. Jackson Lee.
80 Ms. JACKSON LEE. Present.
81 Ms. DETERDING. Mr. Cohen.
82 [No response.]
83 Ms. DETERDING. Mr. Johnson.
84 [No response.]
85 Ms. DETERDING. Mr. Pierluisi.
86 Mr. PIERLUISI. Present.
87 Ms. DETERDING. Ms. Chu.
88 Ms. CHU. Present.
89 Ms. DETERDING. Mr. Deutch.
90 Mr. DEUTCH. Present.
91 Ms. DETERDING. Mr. Gutierrez.
92 Mr. GUTIERREZ. Here.
93 Ms. DETERDING. Ms. Bass.
94 [No response.]
95 Ms. DETERDING. Mr. Richmond?

96 [No response.]

97 Ms. DETERDING. Ms. DelBene.

98 Ms. DELBENE. Present.

99 Ms. DETERDING. Mr. Garcia.

100 [No response.]

101 Ms. DETERDING. Mr. Jeffries?

102 [No response.]

103 Chairman GOODLATTE. Are there additional members who
104 wish to record their presence?

105 The gentleman from California.

106 Mr. ISSA. Present.

107 Chairman GOODLATTE. The clerk will report.

108 Ms. DETERDING. Mr. Chairman, 26 members have responded
109 present.

110 Chairman GOODLATTE. And a working quorum is present.

111 Good morning to all of you. I would like to take this
112 opportunity to welcome all of our members to the Judiciary
113 Committee for the 113th Congress, and we have 11 new members
114 of the committee this Congress and two returning members.

115 [The information follows:]

116 ***** INSERT 1-1 *****

117 Chairman GOODLATTE. We have several housekeeping items
118 to take care of at our organizational meeting, including the
119 adoption of our committee rules and subcommittee assignments
120 for members, but first, I would like to take a moment and
121 introduce the new and returning members on my side of the
122 aisle before turning to the ranking member, Mr. Conyers, to
123 introduce the new members on his side.

124 First, we welcome back a veteran of the committee,
125 Spencer Bachus of Alabama. Mr. Bachus has been serving in
126 Congress since 1993. During his absence from the committee,
127 Congressman Bachus served as chairman of the Financial
128 Services Committee during the 112th Congress.

129 We are glad to have you back on the Judiciary Committee.

130 Next, I would like to welcome Congressman Raul Labrador
131 of Idaho, who is in his second term. His private sector
132 experiences as a successful attorney and small business owner
133 as well as his service in the Idaho House of Representatives
134 will be a valuable asset to the committee, and we welcome
135 him.

136 Congressman Blake Farenthold is also joining us in his
137 second term in the House. Congressman Farenthold has a
138 diverse career working as a radio contributor before devoting
139 7 years to the practice of law. He also founded Farenthold
140 Consulting LLC, a computer consulting and Web design firm.
141 Congressman Farenthold will bring much knowledge and

142 | experience to the Judiciary Committee.

143 | Next, we welcome George Holding of North Carolina. Like
144 | many of the new freshman members, Congressman Holding has
145 | extensive legal experience. Serving as United States
146 | Attorney for the Eastern District of North Carolina for 5
147 | years, he prosecuted criminals from drug traffickers to high
148 | profile corruption cases. He is also a former Assistant U.S.
149 | Attorney and a practicing lawyer in Raleigh.

150 | Congressman Doug Collins of Georgia is also joining us
151 | as a freshman. Before his election to Congress, he served as
152 | a chaplain in the United States Air Force Reserves,
153 | completing a combat tour in Iraq during the fall of 2008. He
154 | also served in Georgia's 27th House District and most
155 | recently served as managing partner at a law firm in
156 | Gainesville. We are pleased to welcome his diverse
157 | background, both in the public and private sector, to the
158 | committee.

159 | Joining us from Florida is Congressman Ron DeSantis.
160 | While studying at Harvard Law School, he earned a commission
161 | as a JAG officer in the United States Navy. He deployed to
162 | Iraq as an adviser to a U.S. Navy SEAL commander and also
163 | served as a Federal prosecutor and military prosecutor. In
164 | that role, he prosecuted a wide range of cases involving
165 | corruption, fraud, theft of sensitive military property, and
166 | notable cases concerning interference with military air

167 navigation. We welcome his experience as well to the
168 committee.

169 And finally, I would like to welcome Keith Rothfus of
170 Pennsylvania. He brings a wealth of experience in both the
171 private and public sectors. In addition to working in
172 private practice for much of his career, he also worked at
173 the Department of Homeland Security, where he created and
174 headed the office that worked with faith-based organizations
175 to disaster relief victims of natural disasters.

176 We are pleased to have you join us as well.

177 And I hope you will join me in welcoming this exemplary
178 group of members to our committee. Their collective
179 experience will be a tremendous asset to us this Congress,
180 but let's hold our applause until the ranking member
181 recognizes his new members as well.

182 [The statement of Chairman Goodlatte follows:]

183 ***** COMMITTEE INSERT *****

184 Mr. CONYERS. Thank you, Chairman Goodlatte.

185 And I want to begin by congratulating you on your
186 ascension to the leadership of the busiest committee in the
187 Congress. We have more work product than anybody, and I am
188 sure that will continue. My congratulations.

189 The five new members on our side of the aisle, and it is
190 ironic to think that Luis Gutierrez is a new member. He is
191 not. As a matter of fact, he served on the committee before.

192 I met him years ago, in Chicago, when Harold Washington and
193 all of us were acquainted. He was an alderman at that time,
194 but he is from the Fourth District of Chicago, a preeminent
195 leader on immigration law in his 10th term in Congress.

196 I am also pleased to present to our members Karen Bass
197 from California's 37th District. She has the reputation of
198 being the first female member of the--leader of the
199 California Assembly, where she served with great distinction
200 as a Speaker of the California State Assembly, and we are
201 very happy to have her on the Judiciary Committee.

202 Cedric Richmond is a distinguished New Orleanian Member
203 of Congress. He served for a decade in the Louisiana House
204 of Representatives. He has been a leader in the State
205 legislature, and we welcome him to this committee. This is a
206 committee that he wanted to get on even earlier than he did.

207 And we are glad that it is all worked out now, Cedric.

208 Our next new member is Suzan DelBene, who represents the

209 First Congressional District of the State of Washington.
210 Some of you may know of the great depth of experience that
211 she brings from the private sector as a technology
212 entrepreneur and a business leader. This is her first term
213 in the Congress, and we are delighted to have her on board.

214 Joe Garcia from Florida was, before his election, the
215 director of the Office of Minority Economic Impact for the
216 United States Department of Energy. What experience we are
217 bringing to the Judiciary Committee.

218 And last but not least is Hakeem Jeffries from New York,
219 the Eighth District, who, for 6 years, served in the New York
220 State Assembly.

221 We welcome all of our new members on this side of the
222 aisle as well as the new members on your side of the aisle.
223 I think that we have a team that will lead us to really make
224 some serious accomplishments on the very high priority issues
225 that fall within the jurisdiction of this committee.

226 Thank you very much.

227 [The statement of Mr. Conyers follows:]

228 ***** COMMITTEE INSERT *****

229 Chairman GOODLATTE. Well, thank you, Mr. Conyers, and I
230 appreciate your kind words, and I look forward to working
231 with you and all the members of the committee on both sides
232 of the aisle.

233 We have three former chairmen of this committee who are
234 serving on the committee now, so I am sure I will get lots of
235 good advice from Chairman Conyers and Chairman Sensenbrenner
236 and Chairman Smith, and we appreciate all of that experience
237 that is available to us.

238 But I also want to continue, as I have been doing to
239 members on both sides of the aisle, to reach out to you and
240 say that I want to find ways that we can work together.
241 There are many contentious issues that this committee has
242 jurisdiction over, but there are also many areas where we can
243 find common ground to work on, so I welcome the opportunity
244 to speak with each of you about your interests and what you
245 see as appropriate agenda items for the committee.

246 Pursuant to our notice, our next order of business is
247 the adoption--well, wait a minute, we forgot altogether,
248 giving all these new members a round of applause.

249 And I fully agree with you that it is an amazing group
250 of very experienced individuals on both sides of the aisle
251 that come to this committee.

252 So, pursuant to notice, our next order of business is
253 the adoption of the committee rules for the 113th Congress, a

254 | copy of which each of you have before you, and the clerk will
255 | report the rules.

256 | Ms. DETERDING. U.S. House of Representatives Committee
257 | on the Judiciary rules of procedure.

258 | Chairman GOODLATTE. Without objection, the rules will
259 | be considered as read.

260 | [The information follows:]

261 | ***** INSERT 1-2 *****

262 Chairman GOODLATTE. And I will begin by recognizing
263 myself and then the ranking member for an opening statement.

264 For the 113th Congress, I am proposing just a few
265 changes to the Committee on Judiciary's rules of procedure.

266 First, I have reconfigured the names and jurisdictions
267 of the subcommittees, which I will briefly summarize. The
268 Subcommittee on Constitution and Civil Justice will have
269 jurisdiction over constitutional and legal reform issues.
270 The Subcommittee on Courts, Intellectual Property, and the
271 Internet will have jurisdiction over the Federal courts,
272 copyright, patent, and trademark law. The Subcommittee on
273 Crime, Terrorism, Homeland Security, and Investigations will
274 have jurisdiction over criminal law matters as well as any
275 relevant investigations undertaken by the committee. The
276 Subcommittee on Immigration and Border Security will have
277 jurisdiction over immigration law and Federal claims.
278 Finally, the Subcommittee on Regulatory Reform, Commercial,
279 and Antitrust Law will have jurisdiction over commercial and
280 administrative law, bankruptcy, and antitrust law.

281 The committee rules before us will also conform our
282 notice rule for committee meetings or markups to more closely
283 mirror House Rule XI. Under the new rule, committee
284 members--committee meetings could not take place sooner than
285 the third day on which members have notice. I believe these
286 modest changes will improve the functioning of the committee

287 | and urge you to join me in supporting the adoption of the
288 | rules package.

289 | And I now recognize our ranking member, Mr. Conyers of
290 | Michigan, for his statement.

291 | Mr. CONYERS. Thank you, Chairman Goodlatte.

292 | And I appreciate the fact that your staff consulted with
293 | our staff about these changes, and as a whole, our committee
294 | rules continue to encourage transparency and protect the
295 | rights of the members.

296 | So what I would like to do is just comment briefly on
297 | the proposed change of notice requirements for markups and
298 | hope that informally we can even receive notice even ahead of
299 | the 2 days, from 3 to 2 days, that you have recommended. I
300 | think that can be worked out without any problem.

301 | The other matter that I would like for you to consider
302 | is the opportunity of members to sit on a subcommittee that
303 | they are not members of for the purpose of them to get the
304 | full force of the subject matter or witnesses that are there,
305 | and then, subject to the chairman's discretion and if there
306 | is sufficient time and if it is determined to be appropriate,
307 | that that member might be able to ask a question.

308 | And outside of that, I bring those two matters to your
309 | attention--and I will be talking with you about it in the
310 | future--I do support the rules as you have proposed them.

311 | Chairman GOODLATTE. I thank the gentleman.

312 And with regard to the notice requirement, which, under
313 these rules, would conform to the Rules of the House, it is
314 not my desire to surprise anyone, and the more notice we can
315 give, we will provide it.

316 In the past, in the last Congress, where we thought the
317 3 days that the House was adopting was a full 72 hours, it
318 required the committee to give notice on a Friday before a
319 following Wednesday markup. That meant that we noticed a lot
320 of bills that turned out on Monday to not be ready for a
321 markup, and so I think this may help to clarify things when a
322 bill is not ready, but we also want to make sure that we are
323 giving you as much notice as possible and all members because
324 this is of interest, obviously, to Republican members who
325 wish to offer amendments to legislation as well, but we want
326 to communicate as much as possible, and we want to make sure
327 that we are encouraging members to discuss the legislation
328 they wish to offer, the amendments they wish to offer, ahead
329 of time so that we can work together as much as possible, and
330 the fewer surprises on either side of the aisle, I think the
331 better we will be.

332 With regard to the request for members who are not
333 members of a subcommittee but are members of the full
334 committee to sit on the subcommittee, we want to examine the
335 House Rules and to work with you on finding a way to
336 accommodate that that doesn't overburden the subcommittees,

337 | that may have a lot of work to do and may suddenly find
338 | themselves with the whole committee showing up to be on the
339 | subcommittee, but if there is a way to accommodate that, we
340 | would like to do that, so we will look at the precedents of
341 | the committee and see if we can't find a way to be as
342 | accommodating as possible on that, recognizing that we do
343 | have subcommittees divided for the purpose of having members
344 | serving on those subcommittees able to take the lead and
345 | other members who have interest in the subcommittees but may
346 | not have the full opportunity to participate but would like
347 | to have some participation in the hearing process in the
348 | subcommittees.

349 | At this time, I would ask if there are any amendments to
350 | the rules. If not, the question is on adopting the rules of
351 | the Committee on the Judiciary for the 113th Congress.

352 | All in favor say aye.

353 | Opposed, no.

354 | The ayes have it, and the rules are adopted.

355 | I now recognize--our final order of business is the
356 | ratifying of the subcommittee assignments for the 113th
357 | Congress. Every member should have a copy on their desks,
358 | and the clerk will report the subcommittee assignments.

359 | Ms. DETERDING. U.S. House of Representatives Committee
360 | on the Judiciary. Subcommittee assignments.

361 | Chairman GOODLATTE. Without objection, the subcommittee

362 assignments are considered as read.

363 [The information follows:]

364 ***** INSERT 1-3 *****

365 Chairman GOODLATTE. And at this time, I will introduce
366 the subcommittee chairmen and vice chairmen and then
367 recognize Ranking Member Conyers to recognize the minority
368 ranking members.

369 At the Subcommittee on the Constitution and Civil
370 Justice, Congressman Trent Franks will be the chairman with
371 Congressman Jim Jordan serving as vice chairman. At the
372 Subcommittee on Courts, Intellectual Property, and the
373 Internet, veteran member Howard Coble will serve as chairman
374 and Congressman Tom Marino will be vice chairman. The
375 Subcommittee on Crime, Terrorism, and Homeland Security and
376 Investigations will be chaired by Chairman Emeritus
377 Sensenbrenner and Congressman Louie Gohmert will serve as
378 vice chairman. At the Subcommittee on Immigration and Border
379 Security, Congressman Trey Gowdy will chair and Congressman
380 Ted Poe will serve as the vice chairman. Finally, the
381 Subcommittee on Regulatory Reform, Commercial and Antitrust
382 Law will be chaired by returning member Spencer Bachus, with
383 Congressman Blake Farenthold serving as vice chairman.

384 And I now turn to the gentleman from Michigan.

385 Mr. CONYERS. Thank you.

386 We have four members who are returning to their previous
387 roles as lead Democrats on their respective subcommittees.
388 First is Congressman Jerry Nadler, who will serve as ranking
389 member on the Constitution Subcommittee. On the Subcommittee

390 on Crime, none other than Bobby Scott, who has been on that
391 committee and has previously served as its chairman. On
392 Immigration and Border Security, Zoe Lofgren has put in a
393 great deal of time on this subject and will continue as the
394 ranking member with the committee's approval. And then on
395 the Subcommittee on Courts, Intellectual Property, and
396 Internet, we will have Congressman Mel Watt of North Carolina
397 as the ranking member. Finally, Representative Steve Cohen
398 will serve as the ranking member of the newly renamed
399 Regulatory, Commercial, and Antitrust Law Subcommittee.

400 And these are our nominations for ranking members, and
401 we trust that they will be supported.

402 I yield back my time.

403 Chairman GOODLATTE. I thank the gentleman.

404 And I certainly support those recommendations.

405 And the question is on approving the appointments and
406 assignments for subcommittee chairs, vice chairs, ranking
407 members, and majority and minority members as shown on the
408 roster.

409 All in favor say aye.

410 All opposed say no.

411 The ayes have it, and the assignments are approved.

412 And that concludes our business for today.

413 Thanks to all of our members for attending, and the
414 meeting is adjourned.

415

[Whereupon, at 11:43 a.m., the committee was adjourned.]

 SPEAKER LISTING

AMODEI.	3						
BACHUS.	2						
CHABOT.	2						
CHAFFETZ.	3						
CHU.	4						
COLLINS.	3						
CONYERS.	3	9	14	18			
DELBENE.	5						
DESANTIS.	3						
DETERDING.	2	3	4	5	12	16	
DEUTCH.	4						
FARENTHOLD.	3						
FORBES.	2						
FRANKS.	2						
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	16	18	19				
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