

## Jurisdictional History of Committee and Subcommittees

### F. James Sensenbrenner Jr., Wisconsin, Chairman

Henry J. Hyde, Illinois	John Conyers, Jr., Michigan, <i>Ranking Member</i>
Howard Coble, North Carolina	Howard L. Berman, California
Lamar S. Smith, Texas	Rick Boucher, Virginia
Elton Gallegly, California	Jerrold Nadler, New York
Bob Goodlatte, Virginia	Robert C. Scott, Virginia
Steve Chabot, Ohio	Melvin L. Watt, North Carolina
Daniel E. Lungren, California	Zoe Lofgren, California
William L. Jenkins, Tennessee	Sheila Jackson Lee, Texas
Chris Cannon, Utah	Maxine Waters, California
Spencer Bachus, Alabama	Martin T. Meehan, Massachusetts
Bob Inglis, South Carolina	William D. Delahunt, Massachusetts
John N. Hostettler, Indiana	Robert Wexler, Florida
Mark Green, Wisconsin	Anthony D. Weiner, New York
Ric Keller, Florida	Adam B. Schiff, California
Darrell E. Issa, California	Linda T. Sánchez, California
Jeff Flake, Arizona	Chris Van Hollen, Maryland
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J. Randy Forbes, Virginia	
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As one of the oldest standing Committees in the House of Representatives, the Judiciary Committee was originally established in 1813 for the precise purpose of considering matters pertaining to judicial proceedings. As directed by the resolution establishing the panel, the terms of which were subsequently incorporated into House Rule No. 53, the Judiciary Committee was “to take into consideration all such petitions and matters or things touching judicial proceedings as shall be presented or may come in question.” Today, the Judiciary Committee handles a broad and far-reaching range of legislative matters — its jurisdiction has expanded to include such issues as immigration, the Internet, terrorism, commercial law, and intellectual property, and it also serves an oversight function for the Department of Homeland Security.

The first substantive change in the jurisdiction of the Committee occurred in January of 1880, when a revision of what had become House Rule No. 83 granted authority to the

Committee to consider “subjects relating to . . . judicial proceedings, civil and criminal law.” The new Rule XI, Clause 4, subsequently remained unaltered until 1946, when it became section 4 of House Rule XI, pursuant to the Legislative Reorganization Act of 1946. The Act abolished a number of standing Committees—the Committees on Patents, Immigration and Naturalization, Claims, War Claims, and Revision of the Laws were all eliminated, and much of their prior jurisdiction was folded into that of the Judiciary Committee. Its jurisdiction was again broadened in January of 1975, when House Resolution 5 of the 94th Congress was adopted, which eliminated the Committee on Internal Security and transferred jurisdiction over subversive activities affecting the internal security of the United States to the Judiciary Committee. Similarly, in 1979, Speaker of the House Tip O’Neill transferred the responsibility for identifying court proceedings of vital interest to the Congress to the Judiciary Committee from the Select Committee on Congressional Operations.

Today, the specific jurisdiction of the Judiciary Committee is outlined by Rule X of the Rules of the House of Representatives, which identifies the jurisdiction of the Committee as including the following:

- (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.

Though not specifically enumerated in the aforementioned list of responsibilities, the Judiciary Committee is responsible for oversight and investigations of several other matters. The impeachment investigation and hearings of, most notably, Presidents Andrew Johnson, Richard Nixon, and William Clinton, and also that of several federal judges, have been handled by the Judiciary Committee. Also, pursuant to the 25th Amendment to the United States Constitution, the Committee conducted investigations into the nominations of Gerald Ford and Nelson Rockefeller to be Vice President. Oversight and legislative function for refugee matters and international law are also handled by the Judiciary Committee.

The Judiciary Committee also uniquely serves the function of authorizing funds for the Department of Justice, which was created by Congress in 1870. Though what is now clause 2 of Rule XXI of the Rules of the House of Representatives has, since 1837, included the provision that “no appropriation shall be reported in any general appropriation bill, or be in order as an amendment there to, for any expenditure not previously offered by law,” the Department of Justice never had to appear before the Committee for authorization of its appropriation until 1978. After Congress enacted Public Law 94–503 in 1976, consideration of appropriation authorization for the Department of Justice became the province of the Judiciary Committee.

The Judiciary Committee of the 109th Congress now includes five subcommittees, each with jurisdictions specified in rules of the Committee. The subcommittees are as follows: Subcommittee on Courts, the Internet, and Intellectual Property; Subcommittee on the Constitution; Subcommittee on Crime, Terrorism, and Homeland Security; Subcommittee on Commercial and Administrative Law; and Subcommittee on Immigration, Border Security, and Claims. The Judiciary Committee of the 109th Congress has also established a Task Force on Telecom and Antitrust, which was created by a Judiciary Committee Resolution adopted on March 15, 2006. The Task Force was authorized to conduct hearings and investigations relating to the Committee’s jurisdiction under clause 1(k)(16) of House Rule X (which assigns the Judiciary Committee responsibility for the protection of trade and commerce against unlawful restraints and monopolies), and other related matters as directed by the Chairman. The Task Force was in effect until October 1, 2006. During the 109th Congress, the Judiciary Committee addressed a broad range of issues that included everything from National Security Agency wiretapping and substantial immigration law reform to internet accessibility legislation and the USA PATRIOT Act.

## **The Subcommittee on Courts, the Internet, and Intellectual Property**

### **Lamar S. Smith, Texas, Chairman**

Henry J. Hyde, Illinois

Elton Gallegly, California

Bob Goodlatte, Virginia

William L. Jenkins, Tennessee

Spencer Bachus, Alabama

Bob Inglis, South Carolina

Ric Keller, Florida

Darrell E. Issa, California

Chris Cannon, Utah

Mike Pence, Indiana

J. Randy Forbes, Virginia

Howard L. Berman, California, *Ranking Member*

John Conyers, Jr., Michigan

Rick Boucher, Virginia

Zoe Lofgren, California

Maxine Waters, California

Martin T. Meehan, Massachusetts

Robert Wexler, Florida

Anthony D. Weiner, New York

Adam B. Schiff, California

Linda T. Sánchez, California

The work of this subcommittee has its roots in two standing Committees with long histories. On September 15, 1837, during the first session of the 25th Congress, a Committee on Patents was established. In the second session of the 46th Congress, the House added to this Committee's jurisdiction copyrights and trademarks.

On July 25, 1868, a Committee on Revision of Laws was created by the House. That panel was charged with overseeing "the revision and codification of the statutes of the United States."

As a part of the implementation of the 1946 Legislative Reorganization Act, the jurisdictions of the two Committees, Patents and Revision of Laws, were consolidated into the Judiciary Committee. The subcommittee began to take shape during the chairmanship of Emanuel Celler of New York, who ran the Judiciary Committee from the 81st Congress (1949–1951) to the 92nd Congress (1971–1973). He structured five unnamed subcommittees that, while not having permanent jurisdictions, did have "special jurisdiction" over areas. Subcommittee No. 3 had such special jurisdiction over patents, trademarks, copyright and revision of the laws.

In June of 1973, the subcommittee received its first name, the Subcommittee on Courts, Civil Liberties and the Administration of Justice. The subcommittee had jurisdiction over the courts, U.S. attorneys, U.S. marshals, corrections, parole, amnesty, judicial ethics and recompense, legal services, patents, trademarks, copyright, and oversight of the National Legal Services Corporation, the Federal Bureau of Prisons, the U.S. Copyright Office, the U.S. Patent Commission and the Administrative Office of the U.S. Courts.

The core of what the subcommittee considers has largely remained the same in the years since 1973: the courts and copyright, trademarks and patents. The name of the subcommittee has changed frequently, going from the Subcommittee on Courts, Civil Liberties and the Administration of Justice in the 98th Congress to Courts, Intellectual Property and Administration of Justice in the 101st Congress. At that time, parole as a

subject was dropped from the subcommittee's jurisdiction. The name changed again in the 103rd Congress to the Subcommittee on Intellectual Property and Judicial Administration. The Racketeer Influenced and Corrupt Organizations Act (RICO) statute was added to the subcommittee's jurisdiction. Again in the 104th Congress, the name changed to the Subcommittee on Courts and Intellectual Property. Prisons and RICO were given to the Crime Subcommittee at this time. In the 106th Congress, the subcommittee acquired jurisdiction over information technology and the name of the subcommittee was changed to Courts, the Internet and Intellectual Property, a name which has continued through the 109th Congress.

The subcommittee's jurisdiction in the 109th Congress is: copyright, patent and trademark law, information technology, administration of U.S. Courts, Federal Rules of Evidence, civil and appellate procedure, judicial ethics, other appropriate matters as referred by the Chairman, and relevant oversight. During recent Congresses, the subcommittee has considered legislation to create a 12th circuit for the federal courts; to determine copyright royalty rates and the distribution of related royalties under various compulsory licenses; to require the Federal Bureau of Investigation to create a deterrence program that prevents online piracy and facilitates the sharing of information concerning piracy among law enforcement agencies, Internet service providers, and copyright owners; and to create a new patent and trademark fee schedule to generate greater revenue for the U.S. Patent and Trademark Office.

### **The Subcommittee on Immigration, Border Security, and Claims**

**John N. Hostettler, Indiana, Chairman**

Steve King, Iowa

Louie Gohmert, Texas

Lamar S. Smith, Texas

Elton Gallegly, California

Bob Goodlatte, Virginia

Daniel E. Lungren, California

Jeff Flake, Arizona

Bob Inglis, South Carolina

Darrell E. Issa, California

Sheila Jackson Lee, Texas, *Ranking Member*

Howard L. Berman, California

Zoe Lofgren, California

Linda T. Sánchez, California

Maxine Waters, California

Martin T. Meehan, Massachusetts

Prior to the 1946 Legislative Reorganization Act, jurisdiction over immigration matters was divided. The Committee on Immigration and Naturalization, which was organized as a standing Committee in 1893, had general, though not exclusive, jurisdiction over immigration matters. Bills on immigration were also referred to the Judiciary Committee. In 1906, the Committee on Immigration and Naturalization received exclusive jurisdiction over immigration, until the 1946 Act, when immigration was transferred to the Judiciary Committee and the Committee on Immigration and Naturalization was abolished.

Under Chairman Celler, Subcommittee No. 1 was the panel responsible for immigration matters. In 1973, it was named the Subcommittee on Immigration, Citizenship and International Law. The subcommittee's jurisdiction included: immigration and naturalization, deportation, extradition and crimes committed outside the United States, passports, travel, and international compacts and organizations, admiralty matters, treaties, offshore mineral rights, grand jury matters, and oversight of the Immigration and Naturalization Service.

The core matters handled by the subcommittee remained largely consistent through the 109th Congress, though its name changed several times. From the 96th Congress to the 102nd Congress, it became the Subcommittee on Immigration, Refugees and International Law, to acknowledge the work done by the panel on significant refugee issues during this period. In the 103rd Congress, its name was changed to the Subcommittee on International Law, Immigration and Refugees. From the 104th Congress through the 107th Congress, its name was the Subcommittee on Immigration and Claims, and in the 108th Congress, the name became the Subcommittee on Immigration, Border Security, and Claims, a name it retained in the 109th Congress.

In the 100th Congress, the subcommittee's jurisdiction did not include admiralty issues, and in the 103rd Congress, the subcommittee added foreign sovereign immunity to its jurisdiction, followed by claims against the U.S. in the 104th Congress. In the 109th Congress, the subcommittee became responsible for non-border enforcement of immigration laws.

In the 109th Congress, the Subcommittee on Immigration, Border Security, and Claims has jurisdiction over: 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. During recent Congresses, the subcommittee held hearings on whether Congress should raise the H-1B visa cap; on local law enforcement and violence along the southern border; and on immigration removal procedures implemented in the aftermath of the September 11th attacks. The subcommittee has also considered legislation to eliminate the immigration lottery.

## **The Subcommittee on Commercial and Administrative Law**

### **Chris Cannon, Utah, Chairman**

Howard Coble, North Carolina

Trent Franks, Arizona

Steve Chabot, Ohio

Mark Green, Wisconsin

J. Randy Forbes, Virginia

Louie Gohmert, Texas

Melvin L. Watt, North Carolina,

*Ranking Member*

William D. Delahunt, Massachusetts

Chris Van Hollen, Maryland

Jerrold Nadler, New York

Debbie Wasserman Schultz, Florida

In the 1973 organization, the panel was named the Subcommittee on Monopolies and Commercial Law. Its jurisdiction included antitrust, monopolies, judgeships, and oversight of the Antitrust Division of the Justice Department. In 1981, this subcommittee received jurisdiction over bankruptcy from the Subcommittee on Civil and Constitutional Rights. In the 104th Congress, this subcommittee received administrative law, state taxation affecting interstate commerce, and interstate compacts, when the subcommittee dealing with those issues was reorganized out of existence (the Subcommittee on Administrative Law and Governmental Relations).

From the 97th Congress through the 100th Congress, the panel was named the Subcommittee on Monopolies and Commercial Law, reflecting the emphasis placed on oversight of commercial and economic activities. In the 101st Congress, it became the Subcommittee on Economic and Commercial Law, a name it retained until the end of the 103rd Congress. In the 104th Congress, the name was changed to the Subcommittee on Commercial and Administrative Law, a name it retained through the 109th Congress.

In the 109th Congress, the Subcommittee on Commercial and Administrative Law has jurisdiction over the following subject matters: bankruptcy and commercial law, bankruptcy judgeships, administrative law, independent counsel, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight. During recent Congresses, the subcommittee has held hearings on: the 10th anniversary of the Congressional Review Act; the Administrative Law, Process and Procedure Project; implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005; and Economic Development and the Dormant Commerce Clause: the Lessons of *Cuno v. Daimler Chrysler* and its effect on state taxation affecting Interstate Commerce. The Subcommittee has considered legislation to overhaul the bankruptcy system, clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement, and to prevent certain State and local taxation of interstate natural gas pipeline property.

## **The Subcommittee on Crime, Terrorism, and Homeland Security**

### **Howard Coble, North Carolina, Chairman**

Daniel E. Lungren, California

Mark Green, Wisconsin

Tom Feeney, Florida

Steve Chabot, Ohio

Ric Keller, Florida

Jeff Flake, Arizona

Mike Pence, Indiana

J. Randy Forbes, Virginia

Louie Gohmert, Texas

Robert C. Scott, Virginia, *Ranking Member*

Sheila Jackson Lee, Texas

Maxine Waters, California

Martin T. Meehan, Massachusetts

William D. Delahunt, Massachusetts

Anthony D. Weiner, New York

In 1973, the Subcommittee on Crime was created. Its jurisdiction included gun control and firearms legislation, juvenile delinquency, and oversight of the Law Enforcement Assistance Administration of the Justice Department. Under an agreement reached with the Energy and Commerce Committee in the 96th Congress, the subcommittee assumed jurisdiction over criminal law enforcement of the Controlled Substances Act and the oversight of the Drug Enforcement Administration (DEA) at the Justice Department. By the 97th Congress, the subcommittee also assumed jurisdiction over new federal crimes, including child pornography, and over other topics, such as the office of special prosecutor, U.S. Attorneys, federal rules of civil procedure (from the Courts, Civil Liberties and the Administration of Justice Subcommittee), and grand juries (from the Immigration Subcommittee).

The 97th Congress (1981–1982) also had a Subcommittee on Criminal Justice, which had the other portions of crime-related jurisdiction, such as victims of crime legislation, revisions to the U.S. criminal code, Federal Rules of Evidence and Criminal Procedures, bail, and oversight of the criminal justice division of the Justice Department. These two subcommittees merged in the 102nd Congress, under the name the Subcommittee on Crime and Criminal Justice. At the same time, pre-trial services were added to the subcommittee's jurisdiction. In the 104th Congress, the subcommittee received jurisdiction over prisons and RICO from the Subcommittee on Courts, the Internet and Intellectual Property.

From the 104th Congress through the 106th Congress, the subcommittee was known as the Subcommittee on Crime. During the 107th Congress, following the events of September 11, 2001, the subcommittee's name became the Subcommittee on Crime, Terrorism, and Homeland Security and the panel became responsible for various aspects of homeland security and the anti-terrorism effort.

In the 109th Congress, the Subcommittee has jurisdiction over the Federal Criminal Code, drug enforcement, sentencing, parole and pardons, internal and homeland security, Federal Rules of Criminal Procedure, prisons, criminal law enforcement, other appropriate matters as referred by the Chairman, and relevant oversight. During recent Congresses,



the subcommittee has held hearings on: the reauthorization and implementation of the USA PATRIOT anti-terrorism law; the Department of Homeland Security, to examine the security of the nation's seaports and the cargo entering those ports; responding to organized crimes against manufacturers and retailers; and protecting children from sexual predators and violent criminals. The subcommittee considered legislation to: stop counterfeiting in manufactured goods; provide safe access to drug treatment; and deter gang violence and protect communities.

## **The Subcommittee on the Constitution**

### **Steve Chabot, Ohio, Chairman**

Trent Franks, Arizona

William L. Jenkins, Tennessee

Spencer Bachus, Alabama

John N. Hostettler, Indiana

Mark Green, Wisconsin

Steve King, Iowa

Tom Feeney, Florida

Jerrold Nadler, New York, *Ranking Member*

John Conyers, Jr., Michigan

Robert C. Scott, Virginia

Melvin L. Watt, North Carolina

Chris Van Hollen, Maryland

The Subcommittee on the Constitution grew out of the Subcommittee on Civil and Constitutional Rights in the 97th Congress (1981–1982), which before 1973 had been Subcommittee No. 4. In 1973, the subcommittee had jurisdiction over: constitutional amendments, civil rights, privacy matters, District of Columbia home rule, the separation of powers, bankruptcy, oversight of the Civil Rights Division of the Justice Department, and oversight of the Federal Bureau of Investigation at the Justice Department. Beginning with the 97th Congress, bankruptcy became part of the jurisdiction of the Subcommittee on Monopolies and Commercial Law (later the Subcommittee on Commercial and Administrative Law).

The jurisdiction of the Subcommittee on Civil and Constitutional Rights remained largely the same during the following years. In the 104th Congress, the name became the Subcommittee on the Constitution, to reflect a change in emphasis, but the jurisdiction remained intact.

In the 109th Congress, the subcommittee has jurisdiction over constitutional amendments, constitutional rights, federal civil rights, ethics in government, other appropriate matters as referred by the Chairman, and relevant oversight. During recent Congresses, the subcommittee has held hearings on: the impact and effectiveness of the Voting Rights Act as a part of hearings on reauthorizing the act for 25 years; the U.S. Department of Justice Civil Rights Division; the Supreme Court's decision *Kelo v. New London* (04–108) 268 Conn. 1, 843A. 2d. 500, (affirmed). and potential congressional responses; and the Constitution and proposals for a line item veto. The subcommittee also has considered legislation that would make it a crime to transport a minor girl across state

lines for an abortion in a state that does not have parental consent or notification laws; and legislation making it a federal crime to cause the death of, or bodily injury to, a child who is in utero.

### **Chronology of Changes in the Size of the Committee on the Judiciary**

When the House Judiciary Committee was first created on June 3, 1813, during the 13th Congress, it was composed of seven Members. At that time and until 1975, the House set size limitations in its rules for the numbers of Members of the standing Committees. The Committee Reform Amendments of 1974 abolished the size specifications for Committees. House Rules have not fixed the size of Committees, but have assigned to the party organizations the duty of determining the size of each Committee.

The size of the Judiciary Committee has fluctuated over the years, ranging from seven Members in the 13th Congress to a high of 40 Members during the 109th Congress. The first change in the size of the Committee came during the 23rd Congress, on December 5, 1833, when the rule that fixed the number and size of House Committees was amended to permit those Committees consisting of seven members to increase to nine members. The Judiciary Committee had nine members until the 44th Congress (1875–1877), when it had 11 members.

Eleven members continued to serve on the Committee until the 46th Congress (1879–1881), when it had 15 members. The next change in the Committee's size occurred in the 53rd Congress (1891–1893)

### **The Room History of the House Committee on the Judiciary**

On June 3, 1813, a standing Committee on the Judiciary was established by the House of Representatives to consider legislation relating to judicial proceedings. However, several years elapsed before the Committee would have a dedicated room to conduct business.

In 1877, the Judiciary Committee occupied Room 41 in the Capitol, which was located in the lackluster attic story. To accommodate the growing needs of the Committee, the members moved in 1881 to an equally uninspiring, but larger location, Room 29, in the south corridor of the gallery floor of the Capitol. However, in 1908, Judiciary Committee Chairman John J. Jenkins (WI), agreed to vacate the south corridor, and to take in lieu the Speaker's private room and an adjoining one, Rooms 39 and 40, located on the west corridor. The Committee occupied this high profile space for over 40 years. In the 1950s, the Judiciary Committee moved to the newly constructed Cannon House Office Building, settling in Room 463. The Committee occupied rooms on several floors of the Cannon House Office Building during the 1950s before making its final move to the Rayburn House Office Building in the late 1960s when it settled into the space it still retains today.

Today, the main Committee hearing room is located on the first floor of the Rayburn House Office Building Room 2141. However, over the years, the Committee has grown substantially, as has the space allotted to it. Today, the Committee rooms house five subcommittees, three minority staff offices, three hearing rooms (including the main room, 2141 Rayburn), a computer systems office, a publication and printing office, and a library. These rooms are spread throughout the Rayburn, the Cannon, and the Ford House Office Buildings.