

1 MORNINGSIDE PARTNERS, LLC

2 MARKUP OF: APPROVAL OF ASSIGNMENTS

3 TO SUBCOMMITTEE VACANCIES;

4 RESOLUTION ESTABLISHING THE

5 ANTITRUST TASK FORCE; AND

6 H.R. 1130, THE "JUDICIAL

7 DISCLOSURE RESPONSIBILITY ACT"

8 Wednesday, February 28, 2007

9 House of Representatives,

10 Committee on the Judiciary,

11 Washington, D.C.

12 The committee met, pursuant to call, at 10:23 a.m., in Room

13 2141, Rayburn House Office Building, Hon. John Conyers

14 [chairman of the committee] presiding.

15 Mr. Conyers. [Presiding.] Good morning. The committee
16 will come to order. Let's close the doors.

17 Thank you for joining us today. We have only three
18 items of business.

19 The first is to welcome back Tammy Baldwin of Madison,
20 Wisconsin, back to the committee, where she has been serving
21 with us for 6 years. She is the first woman elected to the
22 House from the state of Wisconsin.

23 And in her time with the committee and in Congress, she
24 has been a strong champion of civil rights, a firm believer
25 in critically evaluating proposals such as the Patriot Act,
26 and from unduly infringing on the rights and liberties of our
27 citizens.

28 Unfortunately, as we know, she and the rest of us were
29 not always entirely successful in that effort. But now we
30 think there are new opportunities.

31 She has also been a hard-working person for meaningful
32 legislation to bring affordable health care to all Americans.

33 Tammy Baldwin, we are happy to have you back. Looking
34 forward to working with you.

35 She has been selected by our caucus to join us yesterday
36 evening, and her formal ratification in the House will not
37 take place until the House convenes this morning. And so,
38 without objection, we will invite her to sit with us in this
39 position she will take shortly. And as soon as we can get

40 the word that her appointment is official, she can then begin
41 participating fully in our activities.

42 We welcome you back, Tammy Baldwin.

43 [Applause.]

44 Secondly, members, our consideration of subcommittee
45 assignments. Our first item of business is to ratify new
46 subcommittee appointments.

47 Through a mutual agreement with the ranking member, we
48 have invited Zoe Lofgren to join the Courts Subcommittee.

49 And the ranking member will announce his new member very
50 shortly.

51 Steve Cohen of Tennessee will join the Commercial and
52 Administrative Law Subcommittee.

53 And Tammy Baldwin will join the Crime Subcommittee,
54 subject to her official appointment.

55 Without objection, the chair is authorized to add their
56 names to the rosters of those subcommittees and for Tammy
57 Baldwin once she officially becomes a member of the committee
58 later this morning.

59 Did you want me to yield to you for any comment on that
60 at this point?

61 Mr. Smith. No.

62 Mr. Conyers. Okay.

63 Finally, ladies and gentlemen, our next and final—oh, we
64 have one more matter before the Anti Task Force resolution,

65 which I present to you now. You have a copy of the
66 resolution, as well as the roster of members.

67 And, without objection, the resolution will be
68 considered as read and open for amendment at any point.

69 [The resolution follows:]

70 ***** INSERT *****

71 Mr. Conyers. I recognize myself for a brief description
72 of the resolution.

73 It is designed to facilitate effective oversight of
74 important antitrust and competition policy matters. The
75 committee adopted the same resolution in the last Congress.

76 Competition, as we all know, brings consumers better
77 products, lower prices, wider choices and more innovation.
78 Antitrust laws are the chief protector of that competition.
79 The Supreme Court has called antitrust laws "the Magna Carta
80 of our free-enterprise system."

81 Vigorous antitrust enforcement is vital to maintain the
82 competitive marketplace that has helped us create the most
83 innovative, resilient economy in our history.

84 And we want to make sure that we are organized in the
85 most effective way to conduct meaningful oversight into
86 important antitrust issues that warrant our attention,
87 including oversight of the antitrust enforcement agencies
88 themselves as well as competition issues that arise regarding
89 specific industries, technologies, or market practices.

90 Like the previous task force, this is not another
91 subcommittee. Its function is limited to conducting
92 oversight, and any antitrust-related legislation will
93 originate in the full committee, in keeping with the past
94 practices of those of the previous chairman of this
95 committee.

96 In keeping with longstanding Judiciary Committee
97 practice, as far as we researched it, going back to the
98 enactment of the Sherman Antitrust Act of 1890, antitrust
99 matters continue to fall under the direct purview of the
100 committee chairman.

101 One modification we are making this time is to place
102 modest limits on the size of the task force to make it easier
103 to conduct efficient hearings. The size of the task force
104 falls squarely in the middle of the sizes of our
105 subcommittees.

106 And I appreciate that these limits mean we are not able
107 to immediately accommodate all the members who might like to
108 participate. And I must say that there was an enthusiastic
109 response from the members of the committee, in terms of
110 forming the task force.

111 Its lifespan is for 6 months, and we expect to have
112 another task force similar to this one extended subsequently,
113 when the time is appropriate.

114 And so, we thank you.

115 As a matter of fact, we are having our first hearing
116 this afternoon at 3 o'clock.

117 May I now turn to the gentleman from Texas, the ranking
118 minority member, Lamar Smith.

119 Mr. Smith. Thank you, Mr. Chairman. And I join you in
120 support of this resolution.

121 Vigorous, unimpeded competition sustains our economy and
122 keeps it strong. It leads to innovative products that better
123 our lives and keeps prices low. The antitrust laws ensure
124 that competition can continue without interference.

125 This committee has a long history of working in a
126 bipartisan fashion to support and maintain the antitrust
127 laws. And I am pleased that this tradition continues today
128 with the adoption of this resolution.

129 I appreciate the chairman's willingness to expand the
130 size of the task force so that most of those who wanted to be
131 on it could join. For those we weren't able to accommodate
132 this time, I would just note that we do expect the task force
133 to be reconstituted in 6 months, and we would expect that
134 other members would have an opportunity to serve at that
135 time.

136 This afternoon's hearing on competition in the future of
137 digital music shows the value of the task force. When I
138 chaired the Intellectual Property Subcommittee, I spent a
139 great deal of time on the topic of digital music, and I want
140 to make sure that competition remains healthy in that
141 industry. So I think today's hearing is an excellent first
142 step for the task force.

143 Mr. Chairman, I support this resolution, and I look
144 forward to working with you as we carry out the important
145 oversight work that the task force will do.

146 And I will yield back the balance of my time.

147 Mr. Conyers. I thank my friend, the ranking member, for
148 his comments.

149 And I ask the committee, are there any amendments?

150 If not, the question is on the adoption of the
151 resolution.

152 Will all those in favor signify by saying, "Aye"?

153 Any opposed by saying, "No"?

154 The ayes have it, and the resolution is adopted.

155 We now, pursuant to notice, call up our last item of
156 business today, House Resolution 1130, the "Judicial
157 Responsibility Act," for purposes of markup.

158 And I ask the clerk to read the bill.

159 The Clerk. "A bill to amend the Ethics in Government
160 Act of 1978, to extend the authority to withhold from public
161 availability a financial disclosure report filed by an
162 individual—"

163 Mr. Conyers. Without objection, the bill will be
164 considered as read and open for amendment at any point.

165 [The bill follows:]

166 ***** INSERT *****

167 Mr. Conyers. And I recognize the chair of the
168 Commercial and Administrative Law Subcommittee, the
169 gentlelady from California, Linda Sanchez, for a statement
170 describing the bill.

171 Ms. Sanchez. Thank you, Mr. Chairman.

172 I urge support of H.R. 1130, the "Judicial Disclosure
173 Responsibility Act." The legislation would amend the Ethics
174 in Government Act by extending for an additional 4 years the
175 Judicial Conference's authority to redact information
176 necessary to protect judicial employees and their families.

177 In 1998, Congress recognized the potential threats
178 against individual judges and authorized the judicial branch
179 to redact, as circumstances require, information from
180 financial disclosure reports before they are released to the
181 public. Essentially, this act will allow the courts to
182 continue taking the steps necessary to protect judges, their
183 staffs and their families.

184 Past incidences of violence against judges and their
185 families demonstrate the need for this legislation.

186 In 1989, U.S. Circuit Court Judge Richard Vance was
187 killed by a letter bomb sent to his home because the judge
188 had written a reversal of a lower court's ruling to lift an
189 18-year desegregation order from the Duval County, Florida,
190 schools.

191 On April 6, 2003, a defendant was sentenced to 4 years

192 imprisonment for soliciting the murder of federal judge Joan
193 Lefkow. And 2 years later, that same judge returned to her
194 home one day and found her husband and her mother murdered by
195 a former litigant whose case Judge Lefkow dismissed.

196 We must extend the authority to redact to ensure
197 security and peace of mind to our judiciary.

198 The redaction authority has been used sparingly. In its
199 report to the Committee on Homeland Security and Governmental
200 Affairs, the Judicial Conference reported that, of the 3,942
201 federal judiciary employees required to file financial
202 disclosure reports in 2004, only 177 reports were partially
203 redacted before the release.

204 It is with the greatest care that these documents are
205 redacted to maintain the balance between protection of
206 judiciary employees and the public's right to know. This
207 legislation will protect the personal information of the
208 judicial branch while ensuring that the public retains its
209 right to access annual disclosure reports.

210 Again, I urge my colleagues to support this important
211 piece of legislation.

212 And I yield back the balance of my time.

213 Mr. Conyers. I thank the gentlelady.

214 I recognize now the gentleman from Texas, Mr. Lamar
215 Smith.

216 Mr. Smith. Thank you, Mr. Chairman.

217 H.R. 1130, the "Judicial Disclosure Responsibility Act
218 of 2007," amends the Ethics in Government Act to extend for 4
219 years the authority of federal judges and certain government
220 officials to redact sensitive and personal information from
221 financial disclosure reports for security reasons.

222 We are all familiar with the recent attacks and threats
223 against federal and state judges and their families, most
224 significantly the February 28, 2005, killing of Judge Joan
225 Lefkow's mother and husband by a disgruntled litigant.

226 The current authority to redact personal and sensitive
227 information from financial disclosure reports has expired.
228 The Judicial Conference has requested that Congress extend
229 such authority.

230 While I would favor providing judges and certain
231 government officials permanent authority to redact such
232 information, I understand that the Senate is only willing to
233 extend such authority for 4 years. And we need to turn this
234 bill around.

235 H.R. 1130 will extent the authority for 4 years, expand
236 the coverage to include immediate family members, and improve
237 the annual reporting requirements on the use of such
238 authority.

239 I urge my colleagues to support the bill.

240 And, Mr. Chairman, I yield my remaining time to Crime
241 Subcommittee Ranking Member Forbes for his comments.

242 Mr. Forbes. Thank you, Ranking Member Smith.

243 And H.R. 1130, the "Judicial Disclosure Responsibility
244 Act of 2007," is an important measure needed to protect
245 federal judges and certain public officials by extending the
246 authority of judges and officials to redact sensitive
247 personal information when deemed necessary by the United
248 States Marshals Service for security reasons.

249 I urge my colleagues to support the bill.

250 And I yield back the balance of my time to Ranking
251 Member Smith.

252 Mr. Smith. And, Mr. Chairman, I yield back the balance
253 of my time, as well.

254 Mr. Conyers. Thank you.

255 Are there any amendments?

256 Mr. Sensenbrenner. Mr. Chairman, I have an amendment at
257 the desk.

258 Mr. Conyers. All right. The gentleman from Wisconsin's
259 amendment will be read.

260 The Clerk. "Amendment to H.R. 1130 offered by Mr.
261 Sensenbrenner of Wisconsin. Page 2, line 11, strike
262 'extension' and insert 'permanent extension.' Page 2, strike
263 lines 13 and 14 and insert 'is amended by striking
264 subparagraph (E).'"

265 [The amendment by Mr. Sensenbrenner follows:]

266 ***** INSERT *****

267 Mr. Conyers. The gentleman from Wisconsin is recognized
268 for 5 minutes.

269 Mr. Sensenbrenner. Thank you, Mr. Chairman.

270 This amendment is very straightforward. It does make
271 this extension a permanent extension, rather than a 4-year
272 extension.

273 Most members of this committee who have been here in the
274 last Congress and in the Congress that sat in 2001, 2002,
275 supported a permanent extension of the redaction authority.
276 And I think all of us recognize that the redaction authority
277 is something that is going to be with us to stay.

278 In 2001, the House overwhelmingly passed a permanent
279 extension. The Senate called for a 4-year extension. They
280 said they needed that time to do oversight over how the
281 Marshals Service was discharging its responsibility under
282 this statute.

283 Well, guess what? Four years came and 4 years went, and
284 the Senate didn't do the oversight.

285 So when the 4 years were up, we again passed another
286 permanent extension. And the Senate said, "Nope, no way, we
287 are not going to deal with this; we need to do oversight."
288 And when the last Congress adjourned, the redaction authority
289 had expired.

290 I can understand why we have to extend this authority:
291 Because there is a convicted felon who is looking for his

292 probation officer's financial disclosure statement. And I
293 don't think that anybody on this committee, myself included,
294 wants that to happen.

295 But having said that, it seems to me that in the first
296 bill that we pass where there is a potential conflict with
297 the Senate, caving to the Senate is not going to set a very
298 good precedent when we start negotiating with them on things
299 that are of greater importance.

300 Now, I guess what, I think, the proper way to deal with
301 both of these problems are to pass an extension for 6 months
302 and a second bill with a permanent extension. And that way,
303 we can pressure the Senate to do the right thing.

304 I can guarantee you that, with a 4-year extension, they
305 are going to drop the ball on oversight, notwithstanding
306 their press releases, just like they did in the last 4 years.

307 So I am going to start now with a permanent extension.
308 I hope the committee will be consistent and send that over to
309 the Senate.

310 If we can't get a permanent extension, then I would ask
311 the chair to consider a short-term extension, which will take
312 care of the problem that I have described, and then pass a
313 second bill that would have a permanent extension, to keep
314 the heat on them.

315 I think we all know the way the other body operates. I
316 think we ought to call them to task for dropping the ball,

317 because that is why we have had short-term extensions that
318 have had to expire.

319 And I yield back the balance of my time.

320 Mr. Conyers. Does any other member seek recognition?

321 The chair recognizes the chairlady of the subcommittee,
322 the gentlelady from California, Ms. Sanchez.

323 Ms. Sanchez. Thank you, Mr. Chairman.

324 While I am certain that this amendment is offered with
325 the best of intentions, I am afraid this its ultimate effect
326 will produce more harm than good.

327 I say this primarily because H.R. 1130, in its current
328 form, is the byproduct of a careful series of bipartisan
329 negotiations, as evidenced by the half a dozen or so
330 Democratic and Republican original co-sponsors.

331 In drafting this legislation, we developed a delicate
332 system of checks and balances. We decided to expand the
333 redaction authority of the judges by allowing family members
334 of a judge to redact sensitive information when necessary to
335 protect their safety.

336 However, we also decided to include additional
337 safeguards to protect against potential acts of abuse. These
338 new safeguards were developed in the form of additional
339 reporting requirements, with the hope that they would allow
340 this committee to conduct effective oversight of the Judicial
341 Conference's use of this new authority and would enable this

342 body to make the necessary changes, if any, to this law when
343 it expired in 2009.

344 Unfortunately the gentleman from Wisconsin's amendments
345 threaten to disrupt this delicate balance. And this is a
346 change that I cannot, in good conscience, support.

347 I must also admit that my reluctance to support the
348 gentleman's amendment doesn't rest solely on policy concerns.
349 I am equally concerned that any effort to make this new
350 authority permanent would jeopardize the entire underlying
351 bill.

352 We witnessed such a sequence of events unfold back in
353 the 109th Congress when this chamber passed H.R. 4311 only to
354 see it strongly opposed by several key members in the Senate.
355 It is safe to say that the adoption of this new amendment
356 would produce similar results, leaving many judges and their
357 loved ones without any form of protection, let alone
358 permanent protection.

359 So I would encourage my colleagues to vote against this
360 amendment.

361 And I yield back the balance of my time.

362 Mr. Conyers. The chair thanks the gentlelady and
363 recognizes the gentleman from Texas, Mr. Smith.

364 Mr. Smith. Thank you, Mr. Chairman.

365 First of all, let me say that I am reluctantly going to
366 opposed this amendment, but before I explain why, I want to

367 thank the gentlewoman from California for her description of
368 the gentleman from Wisconsin as having the best of
369 intentions. That is a comment that is not always directed
370 his way, and I know that he appreciates it today.

371 [Laughter.]

372 Mr. Chairman, my reluctance to oppose this amendment
373 comes from the fact that I actually happen to agree with the
374 need for a permanent extension. And in the best of worlds,
375 that is what we would be doing. However, there are several
376 factors that, sort of, inveigh against that.

377 First of all, the 4 years that we are talking about now
378 is a compromise of sorts. There was some initial talk of a
379 6-month extension. I would like the permanent extension.
380 And the 4-year extension is something that the Senate has
381 agreed to.

382 Unfortunately, the redaction authority has already
383 expired. We have no time to spare. Lives may depend on it.
384 And so, we need to turn this bill around as quickly as
385 possible.

386 And it is my understanding that if we do approve the 4-
387 year redaction authority extension, that the Senate will be
388 able to turn this bill around by the April recess. And that
389 would be in our best interest and in the best interest of
390 federal judges and a number of other officials.

391 So, Mr. Chairman, I would urge all members to oppose

392 this amendment and support the underlying bill, which gives
393 us that 4-year extension. There are good reasons to do so.

394 And I yield back the balance of my time.

395 Mr. Conyers. Thank you.

396 I recognize the gentleman from Virginia, Mr. Bobby
397 Scott.

398 Mr. Scott. Thank you, Mr. Chairman.

399 Mr. Chairman, I rise in opposition to the amendment.

400 This ability to redact is extremely important. And it
401 is very limited. A judge's report may be redacted only if
402 the Judicial Conference and U.S. Marshals Service both find
403 that revealing personal and sensitive information could
404 endanger that particular judge; furthermore, can only be
405 redacted to the extent necessary to protect the judge and
406 only so long as the danger exists.

407 This authority has not been abused. Over 2,000 judges
408 filing reports in the year 2000; only 6 percent had their
409 reports redacted in any way.

410 It is also important, as has been pointed out, that we
411 need to do something quickly, because one report, as has
412 already been indicated, has been requested. And so, we have
413 an emergency situation and need the bill to pass as soon as
414 possible.

415 The bill also contains a provision that extends the
416 redaction to family members that also might have to file for

417 one reason or another. And so, it is important that we get
418 this extended redaction possibility passed.

419 We have passed this, as the gentleman from Wisconsin has
420 indicated, in different forms. But we—in regular order. We
421 are in an emergency situation now. And, as the gentlelady
422 from California has mentioned, this bill can be quickly taken
423 up in the Senate and passed. If we change it, we end up in a
424 conference committee, and no telling what might happen.

425 So, although I would probably support a permanent
426 extension in the future, I think it is important that we pass
427 this bill without amendment as quickly as possible.

428 I yield back.

429 Mr. Conyers. I thank the gentleman.

430 If there are no other members seeking recognition—

431 Mr. Issa. I am, Mr. Chairman.

432 Mr. Conyers. Who seeks—the gentleman from California is
433 recognized.

434 Mr. Issa. Thank you, Mr. Chairman.

435 I am willing to support the bill in its current form,
436 with one caveat. Would the chair agree that, in order to
437 bridge the difference between a compromise on an emergency
438 basis and the former chairman's concern that this would die
439 and it would be years before we got back to it, would the
440 chairman agree that if a new bill is dropped calling for
441 permanent, that he would in regular order bring up, both, if

442 necessary, through hearing and then through markup, an
443 additional bill?

444 Now, whether the Senate takes it up or not, I might
445 suggest that this committee does have an obligation to
446 consider a new, in regular order, a permanent bill and send
447 it to the Senate for their consideration notwithstanding
448 today's agreement.

449 I yield to the chairman.

450 Mr. Conyers. Well, I would say to my friend that that
451 has already been anticipated and is already in the bill that
452 is coming forward. So—

453 Mr. Issa. The permanent?

454 Mr. Conyers. The—yes. The gentleman from Virginia, Mr.
455 Scott, wants to make it permanent. And so, we will be moving
456 in that direction. So I, in some sense, do agree with the
457 gentleman and his inquiry.

458 Mr. Issa. I yield back.

459 Mr. Gohmert. Mr. Chairman?

460 Mr. Conyers. Mr. Gohmert?

461 Mr. Gohmert. I have only been here a couple of years,
462 but I have already seen times in the previous Congress we
463 were assured things would get moved by the Senate if we would
464 just pass it in a certain form, and then only to find out
465 that the Senate didn't pass it first, and now they are using
466 it as leverage against us, against what we have already

467 compromised.

468 I am just curious, how firm are the commitments that the
469 committee leadership has had or perhaps Mr. Scott has had to
470 assure us that it will be passed in this form and that we are
471 not already compromising against ourselves?

472 Mr. Conyers. Let me assure my friend, the judge, that
473 the Court Security Bill that comes from this committee has
474 the permanent feature in it that everyone is talking about.

475 Mr. Gohmert. No, but I am asking—as I understand it,
476 this is for 4 years. And there were assurances within the
477 Senate that they would pass a 4-year bill. And so that is
478 what I am asking: How firm are those assurances that it will
479 be passed in this form if we pass it, rather than taking it
480 up and then forcing us to compromise against ourselves?

481 Mr. Conyers. Well, let—

482 Mr. Gohmert. Everybody that knows—I mean, we have been
483 told the Senate will pass it, and that is a reason for not
484 voting for this amendment.

485 And let me say, Mr. Chairman, I really appreciate the
486 chairman and my friend from Virginia, Mr. Scott, bringing
487 this bill forward. I have been hearing from the federal
488 judges, and I have been encouraging this to get done myself.
489 And I appreciate the chairman being so open to it.

490 There are federal judges, as well as in the state—I was
491 threatened a number of times. So it is important to get this

492 done.

493 Mr. Conyers. Of course.

494 Mr. Gohmert. But are we beating against ourselves, or
495 do we have firm commitments the Senate will pass it as is?

496 Mr. Conyers. Well, let me yield just briefly to Mr.
497 Smith and Mr. Scott to assuage your genuine and legitimate
498 concerns.

499 Mr. Smith. And, Mr. Chairman, the gentleman from Texas
500 has asked two very good questions.

501 In regard to the first question and the Court Security
502 Bill that the chairman mentioned, even if the permanent
503 redaction authority is not in it, it seems to me that that
504 would be a good vehicle to amend so that we do have permanent
505 authority in it.

506 In regard to the second question, yes, it is my
507 understanding that the Senate—and I take them at their word
508 and assume that they are sincere—will, in fact, turn this
509 bill around before the April break. And that will enable us
510 to protect the judges and other officials.

511 Mr. Conyers. Yes.

512 Mr. Scott?

513 Mr. Scott. Yes, thank you, Mr. Chairman.

514 It is my understanding in conversations with the Senate
515 that they will take the bill up forthwith if we pass it as it
516 is.

517 In terms of future opportunities to make it permanent,
518 the Court Security Bill is—certainly there is an urgency to
519 pass that bill, and that would be an appropriate vehicle, if
520 not a freestanding bill. So there will be several
521 opportunities to do that.

522 And my sense is that the sentiment on this committee is
523 that a permanent extension is appropriate.

524 Mr. Gohmert. But—would the gentleman yield?

525 Mr. Conyers. Could I do this?

526 We have some pretty good assurances that we are going to
527 get cooperation on the 4-year extension.

528 And we believe that in the Courts Security Bill that
529 will be coming forward, there will be a strong impetus on
530 both sides of the Capitol to make it permanent. And I want
531 to assure you that myself and the ranking member will be
532 doing everything in our power—we have nothing against
533 permanizing this. The problem is that we have got to act now
534 in a timely fashion.

535 And that is the only reason that I am reluctant to give
536 the former chairman all the support that I used to give him.

537 Mr. Gohmert. Mr. Chairman?

538 Mr. Conyers. Yes, Mr. Gohmert?

539 Mr. Gohmert. I understand that. And we have heard from
540 both sides of the aisle and here that there have been very
541 good assurances from the other side of the Capitol. And if

542 you will pardon me reverting back to judicial days, I am
543 wondering about the credibility of the sources. There are
544 some senators that might carry more credibility if they made
545 that assurance than others.

546 And I am wondering, was this a staffer's? Was this a
547 senator with very little credibility or one with a great deal
548 of credibility? Was these assurances from someone we can
549 truly rely on?

550 Mr. Conyers. If I were to reveal that, I think we would
551 worsen our chances of permanizing the legislation.

552 [Laughter.]

553 Let me say this, Mr. Gohmert. This is the first time
554 that I have said this from this chair: Trust me.

555 [Laughter.]

556 Is there any further discussion?

557 If not, all those in favor of the Sensenbrenner
558 amendment, say, "Aye."

559 All those opposed, say, "No."

560 Obviously the noes have it. The noes have it, and the
561 amendment is not agreed to.

562 We now move to the adoption of the—

563 Mr. King. Mr. Chairman?

564 Mr. Conyers. For what purpose does the gentleman, Mr.
565 King—

566 Mr. King. I move to strike the last word.

567 Mr. Conyers. The gentleman is recognized.

568 Mr. King. I thank you, Mr. Chairman.

569 Before we move to adoption of this legislation that I do
570 see as having solid bipartisan support, I wanted to just make
571 a few remarks about some of the concerns that I discovered
572 as, over the last 2 years or so, after Mr. Feeney raised the
573 issue of judicial foreign travel and utilization of foreign
574 court decisions and opinions by, particularly, our Supreme
575 Court. Thought it was incumbent upon someone to look into
576 that foreign travel.

577 I did that, and we did an extensive survey, ended up
578 with two great big notebooks of stacks of documents. And as
579 I reviewed that, I thought I might see a pattern there that
580 showed a preference for a particular foreign law, like maybe
581 Jamaican law happens to show up.

582 I didn't actually see that that pattern existed that
583 could be identified to an individual country, but there was
584 significant foreign travel.

585 And as I looked through those documents and as I read
586 through this legislation where we allow the U.S. marshal to
587 grant the exceptions for specific risks to the safety of the
588 particular justice, it occurs to me that what seems to be the
589 standard practice is, as I recall, not a single exemption, at
590 least that I can recall, of a travelling companion was not
591 redacted in the reports that I read. And it occurs to me

592 that perhaps there is a blanket exemption that has been
593 issued by the U.S. marshal as opposed to specifically
594 addressing the case.

595 I raise it for discussion purposes so that we can take a
596 closer look at that.

597 And I would also point out that, under the financial
598 disclosures, Congress and the judicial branch have the
599 latitude to file our financial disclosure statements in
600 amounts that are in ranges. For example, I recall a range—
601 and this is actually on the legislative side—between \$5
602 million and \$25 million in assets.

603 That is not very close, if the idea is to ensure that
604 people have financial reporting that might indicate that
605 there is other incentives there for decisions that might be
606 made.

607 I cast no shadow or any aspersions on any of the
608 participants involved in this, but I suggest that this
609 Congress should look at reporting specific amounts so that it
610 is accessible to the public in a real-time, searchable,
611 sortable, downloadable format. And I appreciate—

612 Mr. Conyers. Would the gentleman yield?

613 Mr. King. I would be happy to yield to the chairman.

614 Mr. Conyers. I want to assure him that we want to look
615 at the comments of the gentleman in more detail when we take
616 up the permanent extension of the measure that is before us.

617 But I appreciate his remarks.

618 Mr. King. I thank the chairman and look forward to that
619 time.

620 And I would yield back the balance of my time.

621 Mr. Conyers. Thank you.

622 A reporting quorum is present.

623 Mr. Coble. Mr. Chairman?

624 Mr. Conyers. Who seeks recognition? Yes, Mr. Coble?

625 Mr. Coble. Move to strike the last word.

626 Mr. Conyers. Of course.

627 Mr. Coble. Mr. Chairman, I will not consume the 5
628 minutes. I just want to thank you and the distinguished
629 gentleman from Texas for having introduced H.R. 1130.

630 I supported the Sensenbrenner amendment, but I will vote
631 for final passage. Oftentimes we are not able to accommodate
632 some of the requests from the Judicial Conference, but I am
633 pleased to support this bill and urge the members to do
634 likewise.

635 And I yield back.

636 Mr. Conyers. I thank the gentleman.

637 A quorum is present. The question is now on the
638 reporting of the bill favorably to the House.

639 All in favor will signify by saying "aye."

640 Those opposed, "no"?

641 The ayes have it, and the bill, H.R. 1130, is ordered to

642 be reported favorably to the House.

643 There being no further business before the committee,
644 this meeting is hereby adjourned. Thank you for your
645 attendance.

646 [Whereupon, at 10:58 a.m., the committee was adjourned.]